Deserving citizenship?
Canadian immigration policy and ‘low-skilled’ Portuguese workers in Toronto

by

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Abstract

In this thesis I use the case study of Portuguese construction workers in Toronto to provide an assessment of how Canada’s skill-based immigrant selection policies treat workers with low human capital. Government rhetoric and much academic writing has presented skill-based immigration programs as responding effectively to the needs of the labour market, and as a progressive move away from the racist and particularistic exclusions present in previous policies. However, the case study presented in this thesis provides a less optimistic reading of the situation. A persistent labour shortage in manual trades, and a selection system that excludes ‘blue collar’ workers from permanent membership, suggest an immigration policy that is neither in synch with the needs of the labour market nor justly administered. Through a discursive policy analysis, I critique Canadian citizenship and immigration policy in two areas. First, policies have been built on flawed assumptions about how certain segments of the labour market function, leading them to place too high a premium on human capital. Second, workers with low human capital tend to be denied permanent membership and held on precarious legal statuses. In particular there has been a rise of Temporary Foreign Workers and undocumented migration. The result is a differential access to key social, civic and economic rights depending on a migrant’s skill category. An image of ‘fragmented citizenship’ therefore appears more realistic than writings proclaiming an expansion of universal rights and the emergence of a postnational mode of belonging. The new exclusions of skill-based selection systems have not gone unchallenged. In the case of Toronto’s Portuguese community, protests in 2006 surrounding the deportation of undocumented construction workers served to visibly challenge the state’s definition of what constitutes a ‘desirable citizen’. The protests generated wide public support by engaging a traditional logic of national citizenship, arguing that the Portuguese fit the bill as ‘good Canadians’, though this came at the cost of reinforcing the barriers to entry for other groups of migrants.
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List of abbreviations

CBSA ........................................... Canada Border Services Agency
CEC ........................................... Canadian Experience Class
CIC ........................................... Citizenship and Immigration Canada
CMA ........................................... Census Metropolitan Area
CREWS ..................................... Construction Recruitment External Workers Service
CSPC ........................................... Community Social Planning Council of Toronto
GTHBA-UDI ................................. Greater Toronto Home Builders’ Association-Urban Development Institute
GTA ........................................... Greater Toronto Area
HRSDC ....................................... Human Resources Social Development Canada
IMF ........................................... International Monetary Fund
IRPA .......................................... Immigration and Refugee Protection Act
LIUNA ......................................... Labourer’s International Union of North America
MP ............................................... Member of Parliament (Federal)
MLA ........................................... Member of Legislative Assembly (Provincial)
NGO ........................................... Non-Governmental Organization
NOC ........................................... National Occupation Classification
OHIP .......................................... Ontario Health Insurance Plan
PCNC .......................................... Portuguese Canadian National Congress
PNP ........................................... Provincial Nominee Program
TFW ........................................... Temporary Foreign Worker
UN ............................................. United Nations
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Chapter 1

Introduction: selecting citizens.

Despite talk of weakening state sovereignty in the face of globalization, states retain a keen desire to wrestle global flows of capital, commodities and labour to their own economic advantage. Nowhere is this more striking than in their attempts to shape the composition of immigrants they admit to their countries. Governments in the global north are especially keen to control migration on their own terms and for their own economic benefit (Hiebert and Ley 2006: 3). They face complex decisions about both the numbers, and the composition, of immigrants they admit to their countries.

While the desire of states to select which immigrants enter their country has been a central feature of immigration policies since the early twentieth century, the issue of immigrant selection has reached something of a crescendo in recent years. Declining birth rates and the rise of the ‘knowledge economy’ have led to increasing competition for highly skilled labour between developed countries. On the other side of the coin, growing global inequalities are driving the movement of large numbers of less educated migrants from the global south to the global north. Public reaction to increasing immigration in developed countries has generally been reticent, and at times very hostile. These movements have led developed countries to what Castles and Miller (2003: 94) term a “quest for control” over who crosses their borders. Most developed states are trying to balance the recruitment of wealthy and skilled migrants on the one hand, while trying to dissuade less wealthy and educated migrants on the other.

As well as economic concerns, the influx of migrants to the global north over the past sixty years has raised tough political questions over membership and exclusion within the modern nation-state. Growing numbers of people living outside their country of birth are seen to challenge an assumed stable link between citizen, nation, state and territory (Malkki 1992). While wealthy ‘elite’ migrants often take advantage of multiple passports as a strategy of accumulation, others are rendered less mobile or find themselves unable
to gain citizenship in their country of residence. Both migrants and governments increasingly use citizenship as a flexible tool in their search for gains in the global economy (Ong 1999, 2006).

Internationally, Canada has often been seen as a leader in developing systems to manage immigration. It has a long history of programs to encourage immigration and settlement, which it deems necessary to fill shortages in the labour market and to mitigate the effects of declining fertility rates and fiscal shortages. Permanent immigration to Canada stands at just under 0.8 per cent of the total population annually, over nineteen per cent of Canada’s population are foreign born, and there are also over half a million temporary residents currently living in the country (CIC 2006a, Hiebert 2006a). These figures are considerably higher than most other developed countries, and immigration garners much political energy. Canada is especially identified with its point-based selection system, which aims to maintain an inflow of skilled labour to the country. The point system is the main doorway into Canada for economic migrants entering on a permanent basis.

Unsurprisingly, assessment of the Canadian admissions system has generally focused on those skilled immigrants who actually enter Canada and how they fare in the labour market. These assessments have led to criticisms that the selection system is bringing in immigrants who are unable to find work commensurate with their skills, and that their human capital is therefore being wasted (Reitz 2001, Frannette and Morissette 2003, DeVoretz 1995). Popular discourse tends to reference ‘cab drivers with graduate degrees’ or ‘waiters with medical qualifications’ to make this point. By focusing their gaze on the performance of the immigrants that Canada lets into the country, such assessments of the selection system have often neglected to consider those who are not deemed worthy of permanent entry: namely the ‘low skilled’ and ‘manual skilled’ workers who are often unable to enter under the point system as economic migrants. However there have recently been a number of reports that suggest the immigration system is somewhat out of synch with the needs of the labour market regarding its exclusion of those willing to perform ‘low skilled’ and manual trades work. There have been reports of critical shortages of manual labour in several industries in the provinces of Ontario and British
Columbia, most notably in construction and landscaping, and the resource industries in the province of Alberta. Questions have subsequently been raised over the pathways available for such workers to enter the country (Construction Sector Council 2007, Globe and Mail 2006a, 2006b).

In Toronto the Portuguese community have become a touchstone for debates over immigration and ‘low skilled’ and manual trades work. There is a large presence of Portuguese workers in the construction industry and in low paid service sector jobs, and the community is well established in the city and in local trade unions. These debates came to a head in spring 2006 following a rise in the number of deportations of undocumented Portuguese workers from Canada. The deportations garnered a lot of media attention, which was generally supportive of the undocumented workers considering their place in the local labour market. Headlines in national and local papers urged *Don’t deport honest workers, builders firms already feeling pinch*¹ and *Don’t expel Toronto’s undocumented workers*². As one member of the Portuguese community in Toronto excitedly told me, “we even made it on to the Rick Mercer Report”³. As well as steady media coverage, a number of campaigns were mounted to draw attention to the deportations and to wider problems over the lack of pathways available for workers with low human capital to enter Canada. A petition was organized by one of Toronto’s federal MPs, rallies were held in Queen’s Park in downtown Toronto, the City Council issued a statement clarifying that City services were available to all residents regardless of immigration status, and the Portuguese foreign minister flew in to discuss the deportations with his Canadian counterpart.

The case of the Portuguese community in Toronto, and the flurry of attention surrounding the deportations in 2006 in particular, provide a useful lens on wider questions of how Canadian immigration and citizenship policy treats ‘low skilled’ and manual trades workers. It raises questions over the appropriateness of skill-based selection policies for fitting the needs of a particular area of Canada’s labour market: why does the selection system exclude workers needed by certain industries? It also raises important questions of political membership in the Canadian state: who deserves to belong in Canada? What is
needed to become a Canadian citizen? How does the skill-based selection system differentiate certain migrants as worthy of citizenship?

The remaining chapters respond to these questions. Chapter 2 reviews the academic literature and debates on immigration and citizenship in an age of globalization and neoliberal government policies. In it, I argue for a renewed focus on state-level processes of differentiation and exclusion, and for the importance of seeing the links between immigration policy, labour market policy and citizenship policy. I end the chapter by summarizing my study and methodology. Chapter 3 introduces the empirical context of my study, the Portuguese community in Toronto, focusing on their position in Toronto’s labour market and their levels of political participation. Chapter 4 analyzes Canadian immigration policy since 1945 in relation to its treatment of migrants with low human capital. It argues that Portuguese migration to Canada since the second world war can largely be read in relation to changes in who the Canadian government saw as a ‘desirable’ immigrant. An increasingly bifurcated approach to ‘skilled’ and ‘unskilled’ immigrants has restricted the means of permanent entry for many Portuguese immigrants to Toronto over the past twenty years. Chapter 5 considers the impact of these policy changes on the means of entry for Portuguese workers in the construction industry in Toronto. It argues that a strong pull for labour from the construction industry, coupled with restrictive immigration policies, has led to workers being held on an insecure legal status. It then identifies the problems associated with this. In chapter 6, I focus my attention on questions of citizenship. In particular, I compare how Canadian citizenship was conceptualized by different actors surrounding the protests in 2006. I question whether we should read such protests as a challenge to state-based citizenship and a forging of cosmopolitan rights, as some commentators have suggested. I conclude in chapter 7 with a discussion of how political belonging is being re-cast in an age where immigration and citizenship are increasingly managed according to neoliberal policies and market-based criteria. Previous research on the re-casting of citizenship under globalization has tended to focus on wealthy entrepreneurs and business immigrants. In *Flexible Citizenship*, Aihwa Ong examines a mobile Chinese elite shuttling across the Pacific as part of a complex accumulation strategy. Evidence from the case study
presented in this thesis suggests that we need to be sensitive to the other side of the immigration coin. Toronto’s ‘low skilled’ Portuguese workers, unable to gain citizenship in the country where they live and work, may be just as apt contemporary figures as Ong’s multiple passport-holding elite.
Chapter 2

Theoretical context: citizenship challenges

“We are building the country, why can’t we stay?” asked one construction worker facing deportation from Canada, “I have a bank account here. My children go to school and I work hard. The economy needs me.”

The influx of immigrants to the global north over the past sixty years has presented governments with difficult decisions over the place of newly arrived workers in society. Which immigrants will be granted temporary visas rather than permanent residency? How will this be determined? Who should be eligible for citizenship? It has also led to theoretical questions of how best to conceptualize citizenship and the role that the nation-state plays in regulating it. Is state sovereignty being challenged in an age of globalization? This chapter engages with recent debates and research over the changing meaning of citizenship, and the ideologies that influence who is seen as a worthy or desirable citizen. It then moves to a discussion of the role citizenship plays in regulating labour markets, arguing for a greater understanding of the links between government policies that deal with the areas of immigration, citizenship and labour. It concludes with an outline of my study and methodology.

1 Migration, citizenship and the nation-state

While the logic of citizenship can be traced back to the polis of Ancient Greece, national citizenship was most clearly articulated in the republican models of political membership that arose after the American and French Revolutions (Heater 1990). The Declaration of Independence and Declaration of the Rights of Man and Citizen were the birth of the principles at the centre of modern citizenship. Citizenship is the tool used to define who belongs in a nation-state. It is the highest form of association between individuals within the state and distinguishes ‘citizen’ from ‘alien’ (Jacobson 1996: 4). Citizenship is therefore intimately wrapped-up with questions of sovereignty, as it is the citizens that both give the state its legitimacy and who derive rights and benefits from it.
For the majority of the population in the world’s developed nation-states a ‘traditional’ model of citizenship still holds true - they enjoy a relatively uncomplicated link to a single territorial state and citizenship is granted at birth. However globalizing processes in the twentieth century have brought a host of challenges to this model. Most obvious have been the flows of people across international borders and the growth of human rights principles, both of which “complicate the link between the citizen and the nation-state” (Bloemraad 2004: 392). Questions are raised over the possibility of multiple citizenships; people not living in their country of citizenship; people unable to become citizens in their country of residence; what rights ‘non-citizens’ should be entitled to; loyalty to ‘host’ and ‘home’ states; and the erosion of a common cultural or ethnic identity being a component of citizenship.

While governments wrestle with the practical issues thrown-up by these challenges, theorists have tried to make sense of how inclusion and exclusion from the nation-state is changing in an age of global flows, and what this means for state sovereignty. A number of authors have interpreted the granting of rights to migrants who are not citizens5, the growth of international covenants and conventions on universal rights, and the development of supra-national organizations as a hollowing-out of state-based citizenship. This ‘post-national’ thesis argues that rights are no longer derived from being a citizen in a nation-state, but rather that rights are derived from international codes of human rights (Soysal 1994, Jacobson 1996, Sassen 1996). A new form of political membership has therefore emerged, one whose “organizing and legitimating principles are based on universal personhood rather than national belonging” (Soysal 1994: 1). Kant’s theory of a ‘cosmopolitan right’ has seen something of a revival in light of these views (Benhabib 2004). Post-national thinking fits into broader discussions over the erosion of the power of nation-states in an age of globalization (Carnoy and Castells 2001, Ohmae 1995).

These accounts underplay the central importance of state-based citizenship. In Arendt’s brilliant discussion of The Perplexities of the Rights of Man she traces the development of
‘inalienable’ individual rights and demonstrates how they cannot be separated from the development of a nation-state system of governance. Focusing her attention on Jews rendered stateless by Nazi Germany, she observes:

“the Rights of Man, after all, had been defined ‘inalienable’ because they were supposed to be independent of all governments; but it turned out that the moment human beings lacked their own government and had to fall back upon their minimum rights, no authority was left to protect them and no institution was willing to guarantee them” [Arendt 1968: 291-292].

It remains the case that almost all rights and protections are guaranteed through the nation-state. In Canada, access to political rights and to many state services are derived through citizenship status (Bloemraad 2006), and commitments to universal rights are written into and administered by the nation-state. The importance of being a member of a nation-state, of being a citizen, is therefore paramount, for it is only with citizenship that other rights and protections can be pursued. Arendt develops the notion of a “right to have rights”, the right of every human to belong to a political community, as it is only through political belonging that other rights such as freedom and justice can be pursued. As the protests of Portuguese workers in Toronto visibly demonstrate, the ideal of citizenship is not being devalued. It remains an important dream for those excluded from it. It is something worth fighting for.

While the claims of post-nationalism neglect the central importance of the nation-state, the assertion that citizenship has become more liberally administered holds true. It is hard to sustain the arguments of Wimmer (2002) and Carens (1987) that citizenship remains based on discriminatory ethno-nationalist criteria. Over the past half century, there has been a considerable liberalizing in immigration and citizenship policies, which now exclude on the basis of individual- rather than group-based criteria (Joppke 2005). Joppke (2005) notes that immigration and citizenship policies rarely exclude on the basis of race, national origin or ethnicity as they did in the past, but now revolve around universally applicable criteria such as skills and family ties. The arguments presented by liberal theorists such as Joppke in some way support post-nationalism’s central claim: that there has been a liberalizing of membership rights in developed states and a move away from particularistic nationalism. Where they differ from postnationalism is that they see this shift as being imposed by the states themselves, and not ascribed from above. They
therefore retain an important place for the nation-state in discussions of citizenship, seeing it as “a ‘liberal state’ that has self-limited its sovereign prerogatives by constitutional principles of equality and individual rights” (Joppke 2005: 43). Changes have come from within citizenship policy rather than replacing it. In Canada, the 1960s witnessed the removal of national origin as a condition of citizenship, ending a long history of racial exclusion. The birth of ‘multicultural’ citizenship under Prime Minister Pierre Trudeau signaled a shift away from citizenship as a privilege towards citizenship as a right that could be enjoyed by anyone fitting the required criteria (Bloemraad 2006: 25). For most economic migrants, the required criteria were codified in the introduction of a point-based admission system that selected on the basis of skill rather than country of origin.

While liberal and post-national theorists are right to celebrate the removal of group-based criteria from immigration and citizenship policies, their celebratory tone tends to mask new forms of exclusion that have arisen in state policies over the past thirty years. States across the global north have often responded to the pressure of managing international migration by diversifying migrant statuses and categories. There has been a growth of different statuses on which migrants can enter a country, each with its own patchwork of rights and access to services, leading some to talk of “civic stratification” (Kofman 2002, Morris 1997, 2001) instead of an extension of ‘universal’ rights. This work serves as an important reminder that migrants are not a homogenous group, and that access to rights and citizenship have been extended differently to migrants with different statuses. In particular, there has been a growth in the number of those on temporary statuses and the undocumented. This has led to investigations into how illegality and precarious immigration statuses have been produced by state policies and administrative practices (Calavita 1998, Goldring et al 2007), and how migrants often live ‘in limbo’ or in liminal spaces within the interstices of the law (Mountz et al 2002, Menjivar 2006). Castles and Davidson (2000: viii) state the problem most bluntly: “millions of people are disenfranchised because they cannot become citizens in their country of residence”. Growing concern over this problem recently led to the United Nations issuing a document clarifying “the rights of non-citizens” and calling for an end to the
“institutional and pervasive problems confronting non-citizens” in many countries (UNHCHR 2006: 5).

Despite ongoing debates about civic stratification amongst scholars in Europe, there is a much smaller body of research on the topic in Canada (Goldring et al 1997: 5). In the US similar debates occur but are characterized by a more dichotomous ‘legal/illegal’ assessment of the problem, bearing in mind their specific context of large numbers of undocumented Mexican migrants crossing the southern border. This project therefore responds to calls for a better understanding of how immigration and citizenship policies contribute to the production of migrants with a “less than full legal status” in Canada (Goldring et al 2007). Empirically it focuses on Portuguese immigrants working in Toronto’s residential construction industry, but it speaks to wider issues of how political-legal membership is becoming differentiated within the country.

In order to do this, I draw on four important recent developments in the migration studies literature. The first is a realization that state sovereignty is not receding in the face of global flows, but rather mutating and becoming more flexible (Ong 1999, 2006). Instead of an outright decline of sovereignty in the wake of global production systems, Ong argues that states willingly and strategically suspend or outsource their sovereignty in different times and places. The rules of the game have now changed, as in their pursuit of market gains states “are no longer interested in securing uniform regulatory authority over all their citizens” (Ong 1999: 217). The result of this is a complex geography to sovereignty and citizenship – where power, legal controls and protections are differentially deployed. This leads Ong (1999, 2006) to develop a concept of “zones of sovereignty”, where the state has suspended (or enhanced) its role. The result is that:

“citizens in zones that are differently articulated to global production and financial circuits are subjected to different kinds of surveillance and in practice enjoy different sets of civil, political and economic rights” [Ong 1999: 215].

While Ong deals with the more extreme examples of South East Asian authoritarian states and the exemptions they grant to encourage foreign investment, the parallels to the stratified rights of immigrants in the global north are clear and need to be better explored. Canada lures wealthy business immigrants with the prize of citizenship (Ley 2003),
whilst simultaneously keeping many low skilled workers on temporary work permits with restricted rights. Ong’s “zones of sovereignty” are embodied by migrants on different legal statuses.

The second development is a more sophisticated conceptualization of ‘the state’ in research on migration. The 1990s saw an explosion of work on ‘transnationalism’ that sought to develop an understanding of migration that wasn’t constrained by state borders and that was more sensitive to processes occurring ‘above’, ‘below’ and ‘beyond’ the scale of the state (Vertovec 1996, Smith and Guarnizo 1998, Portes 2003, Basch et al 1994). However in their desire to escape the previous pitfalls of “methodological nationalism” (Wimmer and Glick Schiller 2003), these studies underplayed the ability of states to shape the experiences and lives of immigrants. They were often agency-heavy and presupposed that individual migrants were the proper starting point of analysis, meaning they underplayed the role of other actors in shaping and explaining migration. By only focusing on migrant agency, “the power relations evident in every facet of transnational contact – between states, institutions and people – become lost” (Mitchell 1997: 109). Recent work has therefore tried to recapture the place of ‘the state’ in migration studies, but to do so in a way that does not treat states as the “monolithic containers” or “complete and circumscribed entities” of old (Mitchell 1997: 105). It also tries to leave a space for migrant agency. Ley (2003: 428) calls for an appreciation that “the state’s sovereignty is real but it is partial”, as its policies run-up against the competing actions and intentions of non-state actors, and hit uncontrollable external factors. Meanwhile Mitchell (1997) reminds us to see states for what they are: an often-competing set of institutional norms and practices. States are not uniform bodies, but are composed of a number of institutions with different aims and priorities operating at different scales. In a similar vein, Mountz (2003) has looked at how state institutions are ‘embodied’ with a variety of actors each with their own agendas and objectives. I believe that seeing transnational forces at work does not preclude seeing the state at work, as the state itself constantly engages with transnational forces and logics.
The third development is an appreciation of the inadequacy of modernist models of citizenship and the need for an approach that sees citizenship in its more substantive form. Modernist conceptions of citizenship view it as an abstract legal category held under the authority of a state, and are therefore built on a binary citizen/non-citizen divide (Isin and Turner 2002: 2). Such a model leaves little space for immigrants left ‘in between’ with partial rights and belonging in their host state. It has also formed the basis of ‘thin’ interpretations of citizenship that see it as little more than a political-legal category, as opposed to a vehicle for expanding rights claims and achieving social inclusion (Smith 1989). In reaction to these interpretations, there has been a growing interest in approaches to citizenship in a more substantive form. These approaches have built on the earlier work of Marshall (1950) who saw citizenship as composed of a number of elements, including civil rights, political rights and social rights. The latter include a right to access state services, equal economic rights, and the right to full and equal membership in society. Marshall concluded that without social rights it was often hard for people to effectively claim political and civil rights. Such an approach to citizenship is helpful because it places social inclusion at the heart of discussions about political membership. It also appreciates that the different elements of citizenship can be reconfigured at different times and in different places. It is possible to have some elements of citizenship without others. There is therefore a complex geography to how the different elements of citizenship are articulated for different people in different places at different scales (Painter and Philo 1995, Staehele 1994, Kofman 2008). In this light, my empirical study of what citizenship means to a particular group in a particular context is important, because it is only through such studies that the reconfiguring of citizenship can be rendered visible. Other work on substantive citizenship has called for an understanding of citizenship in more than its de jure form. Scholars have begun to look at the practice of rights, arguing that the implementation of rights and the ability to access them is often highly variable (Painter and Philo 1995, Isin and Turner 2002, Basok 2004). This can be especially true for immigrants, who despite being granted rights may struggle to actually access them due to lack of knowledge, information and language barriers. For those on a temporary permit the blocks to accessing rights can be much greater – including working and living in remote areas, being tied to a particular employer, and not
being in the country long enough to pursue a rights claim (Basok 2004, Bauder 2006). For undocumented migrants, pursuing rights often results in deportation from the state and it is therefore often impossible to practically claim any rights at all. A final strand of work on substantive citizenship has tried to move beyond a focus on rights claims to consider the de facto lived experiences of citizenship ‘on the ground.’ For these scholars, the real litmus test for inclusion within society comes through informal dealings with other members of that society, and not through dealings with the state. Sassen (2002) notes that some people with legal citizenship may remain marginalized in wider society, and some without legal citizenship may gain wider social recognition. In this project, I am mainly interested with substantive citizenship as a category that mediates an individual or a group’s relationship to the state. My focus is therefore on the form of rights certain migrants are granted, and how the state sometimes impinges on whether these rights can be effectively practiced. Despite my focus on citizenship in its political-legal form, it is important to remember that there are important and complex links between de jure citizenship and de facto social inclusion (Painter and Philo 1995, Smith 1995).

Fourth, a rise of social and cultural movements promoting the interests and agendas of particular groups, (for example on the basis of identity, culture, race, sexuality), has led to a “renewed interest in the politics of citizenship” (Roche 2002: 73). Common discourse often treats citizenship as an essential category: something that an individual either inherently possesses or doesn’t. This is because particular accounts of ‘who belongs’ within the political community become entrenched and normalized in everyday life, until they seem like commonsense (Mitchell 2004). In Being Political, Engin Isin challenges this essentialized view of citizenship by showing that throughout history citizenship has been struggled over, contested and redefined. It is not a fixed or inherent category. Resistance to dominant understandings of ‘who belongs’ occurs as outsiders try to recast themselves as politically legitimate members of society (McNevin 2006: 138). A glance back to the civil rights and feminist movements of the 1960s viscerally reminds us that citizenship is “a social process through which individuals and social groups engage in claiming, expanding or losing rights” (Isin and Turner 2002: 4, emphasis mine).
Recent increases in flows of international migrants, and the restrictive immigration policies that have accompanied them, have led to a wide range of struggles for political belonging. A number of protest groups such as France’s ‘Sans Papiers’ and the international ‘No One Is Illegal’ campaigns have sprung up, all seeking to challenge in one way or another dominant accounts of political belonging.

In this thesis, I explore the different understandings of political belonging used by a variety of actors as Toronto’s Portuguese community mobilized to stake their place in Canadian society. I identify and assess how traditional understandings of citizenship were used, contested and reshaped by groups on different sides of this struggle. Who is seen to deserve citizenship, and on what grounds? How are political claims asserted and legitimized? Of course, moving from citizenship as an issue of legal rights to citizenship as a social process also entails a move from the cleanly defined world of policy and law to the complex worlds of identity, culture and politics. Any discussion about citizenship is also a discussion about national identity and culture, and any struggle over citizenship involves coalitions of actors (churches, NGOs, community groups, political parties, media, labour unions) each working with their own agendas, assumptions and internal divisions. In a sociologically informed approach to citizenship, issues of culture and politics are never far away. Seeing citizenship as a negotiated and contested category also brings questions of how geography and space are significant in political relationships (McNevin 2006, Isin 2002, see also Brenner et al 2003). Most obvious are the spaces and boundaries of the nation-state, which actively constitute insiders and outsiders, both discursively and materially. But also important are the spaces that immigrants occupy in the economy, the city, and the community – since it is through these spaces that groups define their place in society and stake their claims to belong.

II Citizenship and neoliberalism

At the heart of many debates over citizenship are different ideas about what it takes to be included as a full member of the political community. Over time, different qualities and values have been identified as making an individual ‘worthy’ of citizenship. In The
*Human Condition*, Hannah Arendt traces the change in values at the heart of citizenship from ancient to modern times. In the Greek *polis*, the founding tradition for western citizenship, full membership and inclusion were granted to those who did not have to work simply to provide the necessities in life, to survive. Those that had to labour in order to live were not regarded as full members of the polity. Arendt goes on to note that in the modern age all traditions were seemingly reversed, including “the sudden, spectacular rise of labour from the lowest, most despised position to the highest rank, as the most esteemed of all human activities” (1958: 85). For Arendt, “the modern age has carried with it a theoretical glorification of labour and has resulted in a factual transformation of the whole society into a labouring society” (1958: 4). Thus the basis of inclusion in society for all the great modern thinkers ultimately stems from an individual’s ability to be productive: for Locke, Smith and Marx it was the ability to produce a surplus that distinguished human from animal, inclusion from exclusion.

Modernity can therefore be read as the putting of a person’s raw ability to labour at the very heart of their political existence. The idea of the worker-citizen “has been a foundational aspect of modern society” (Isin and Turner 2002: 8). With the ability to labour at the centre of political being, a new form of power and governance evolved which was “situated and exercised at the level of life, the species, the race, and the large-scale phenomenon of population” (Foucault 1978: 137). Such a power, (what Foucault termed ‘biopower’), seeks to optimize the productivity of both individuals and collective populations through systems of discipline and regulation. Thus population measurements, the recording of death rates, birth rates, life expectancy, measurements of health, and the introduction of passports all grew up around the same time as capitalist systems of production and modernist politics, since they enable the calculation of forces that can be extracted from the population (Foucault 1978). It is in this context that the state regulation of migratory movements grew, with the gradual development of border controls and travel documents as a means to regulate the economic gains from a specific population. It is also in this context that increasing emphasis was placed on individuals to become self-governing, to optimize their own ability to be productive (Rose 2002).
While a defining feature of modernity may have been placing the ability to labour at the heart of political membership, this has always been an uneven process, as some forms of labour are valued more than others. Governments are not undiscerning, they make decisions about the sorts of workers they want to attract and discourage. They create elaborate policies and frameworks with which to harness the global flows of migrants that are perceived as desirable to their needs. The sorts of migrants that are valued will depend on the economic pressures facing governments at particular times, and on the government’s wider ideological point of view. It is therefore important to understand the ideologies and ideas that influence government decisions, as this can shed light on a variety of state practices.

Since the 1970s a powerful set of ideas, which can loosely be labeled ‘neoliberalism’, have shaped the practices of governments across much of the global north. While the ideas of neoliberalism had been promoted by academics such as Von Hayek and Friedman since the late 1940s, it wasn’t until the election of Reagan in the USA, and Thatcher in the UK, that these arguments were adopted into common practices of governance (Harvey 2005: 2). As a political-economic practice, neoliberalism focuses on improving society by “liberating individual entrepreneurial freedoms and skills within an institutional framework characterized by strong private property rights, free markets, and free trade” (Harvey 2005: 2). Neoliberalism, as a mainstream political practice, can therefore be seen as a liberal counter-revolution to the Keynesian school of thought that had dominated political decision-making earlier in the twentieth century (Watts 2000: 547, Jessop et al 1988). Following a crisis of accumulation in the 1970s, advisers to Thatcher, Reagan and the chair of Federal Reserve Paul Volcker, all turned to the then relatively obscure ideas of neoliberalism to provide a solution. The neoliberal doctrines of deregulation, the creation of markets where there previously were none (education, water, social security, healthcare), the curbing of labour power, and the liberalization of finance were vigorously advanced by western administrations. This constructed a very different political economy from the Keynesian post-war years, with a glorification of minimal state intervention except to create and ensure the smooth running of markets. Neoliberalism essentially “seeks to bring all human action into the domain of the market”
(Harvey 2005: 4). With the expansion of softer forms of neoliberalism under the Third Way thinking of the Clinton and Blair years, and the aggressive exporting of this ideology to the developing world under the Washington Consensus, what began as a small intellectual movement has now become “a commonsense of the times” (Peck and Tickell 2002: 381).

Neoliberalism has had profound effects on the logics driving immigration and citizenship policies. One major impact has been the way in which certain individuals are ‘valued’. Treanor (2005) notes that ‘the entrepreneur’ is highly valued under neoliberalism. An entrepreneur is “a person whose profession is to respond to market forces”, and as a free market cannot operate without entrepreneurs they are afforded “a privileged social status” (Treanor 2005). As humans exist in the market, under neoliberal ideology it is employability and the ability to compete in a dynamic way in the labour market that distinguishes value. For northern states facing ageing populations, a reducing tax base and fiscal shortages, it is individuals that can accumulate capital who are seen to be desirable. Over the past thirty years, policies have been adapted to try and capture homo economicus, “the principal agent of the neoliberal global space of flows” (Ley 2003: 428). In Canada, as in other northern countries, a Business Immigration Program was established in the 1970s and 1980s in an attempt to capture the transnational capital held by wealthy migrants. The program essentially privileges the admittance of those immigrants who are able to manage, or invest money in, a Canadian business (Ley 2003, Harrison 1996). Of course a necessary feature of all value systems is that some things are valued less than others, and neoliberalism is no different. Those who are unable to be flexible in the market and to accumulate capital are seen as less valuable. Aihwa Ong’s recent survey of the “exceptions to neoliberalism” provides a detailed ethnographic account of those populations and places that have been excluded on the basis of “neoliberal calculations and choices” (2006: 4). She cites the example of domestic workers in Singapore who are held on temporary permits and thus excluded from citizenship (and the protections this brings), as they don’t fit with the government’s desire for entrepreneurial, market-driven immigrants. Similarly, Brenda Yeoh talks of Singapore’s “bifurcated labour market”, where “foreign talent” is granted permanent
inclusion, whereas “unskilled foreign workers” are kept on temporary contracts with strict regulations. She identifies a “differential politics of inclusion and exclusion” in which the “transience/permanence divide is predicated on ‘skill’” (Yeoh 2006: 26). In Canada, a market logic was even extended to the unlikely realm of refugee policy. In the late 1970s, Canada introduced categories of ‘designated classes’ that allowed the Canadian government to designate certain groups as fitting the needs of displaced and persecuted persons, while not necessarily qualifying under the universally accepted definition of refugee as defined in the 1951 International Convention Relating to the Status of Refugees (Nash 1996). The government was able to exercise bias in selecting those refugees it deemed would be economically successful, and effectively turned its humanitarian program into simply another immigration stream (Hiebert 1996: 256).

Neoliberalism has also had a profound effect on the broader links between states and their citizens, on the meaning of citizenship. The assumption that individuals and markets are best placed to provide social gains has led to a revised view of the relationship between civil society and the state. Since the neoliberal turn of the 1980s, political circles have privileged a ‘thin’ liberal reading of citizenship that signals little more than legal-political membership. This approach is built on a revised ‘social contract’ with minimal state involvement. Governments promote ‘active citizens’ who take individual responsibility rather than making claims on the state, emphasize obligations rather than entitlements and duties rather than rights (Smith 1989: 147). Self interest, hard work, flexibility, self-reliance, freedom of choice and private property have been promoted alongside a distrust of state bureaucracy and a withdrawal of welfare programs (Smith 1989). This recasts social problems in the realm of the market and individual choice, rather than as a concern for states. Neoliberalism has therefore been closely associated with the rise of forms of governance and power that seek to optimize an individual’s gains through self-governing and technocratic regulation, rather than direct political intervention (Ong 2006, Peck and Tickell 2002).

It can therefore be argued that the past thirty years have witnessed an insertion of market-driven truths into immigration and citizenship policies. This raises questions over how
membership within a state, (and the rights and benefits associated with it), is being re-cast according to neoliberal criteria such as ‘skill’, ‘expertise’ and ‘human capital’. In this project I examine how neoliberal ideology is put to work in Canadian policy governing the entrance of low-skilled migrant workers, how this leads to their partial exclusion, and the resultant resistance to these conceptions of citizenship. The project responds to a growing body of critical scholarship on neoliberalism, the state and citizenship in four areas. First, I follow Peck and Tickell’s (2002) characterization of current ‘Third Way’ neoliberal practices as no longer being about deconstructing Keynesian welfarist institutions, but about actively constructing and consolidating neoliberalized state forms. Sparke (2006: 154) also cautions that “despite the common-sense cant about ‘deregulation’ in neoliberal rhetoric, neoliberalism leads in practice to re-regulation”. States are still involved in creating the institutional framework to allow a ‘market logic’ to function. In this light it is possible to theorize neoliberalism not only as the articulation of free market governmental practices, but also as the “varied and often quite illiberal forms of social and political rule” that can accompany this (Sparke 2006: 153). Despite the constant talk of ‘free markets’, ‘open borders’, and ‘globalization’, immigration and citizenship remain some of the most highly regulated areas of state activity. The state retains strict control over which individuals are allowed entry to the labour market and the sorts of jobs they are allowed to perform.

Second, I believe it is important not to naturalize neoliberalism, but rather to see it as a concrete set of decisions and policies. Beck (2000) notes that neoliberal rhetoric often masks its political character. In both political and academic discourse, neoliberalism is often presented as an intangible, external force to which we must all respond, as opposed to an ideology governing political decisions. In this way it is similar to discourses of globalization, which tend to treat it as an abstract, pervasive and predominantly economic entity (Peck and Tickell 2002, Ley 2004). By reducing complex and intensely political phenomena such as globalization and neoliberalism to a meta-narrative of disembodied global, economic and apolitical processes, an important piece of the picture is written out of view. Such an approach misses a number of important factors such as human agency, culture, politics, and the voices of those actually experiencing these phenomena ‘on the
ground’ (Ley 2004). This in turn can lead to a sense that globalization and neoliberalism are “insidious and beyond resistance” (Ley 2004: 154). By keeping my focus on the nuts and bolts of government policies, and how these policies are received in a particular context, in this thesis I demonstrate how supposedly global forces are not ‘natural’, ‘apolitical’ or ‘all encompassing’.

Third, I aim to provide a situated empirical account of one particular area of policy influenced by neoliberalism. Neoliberal-speak often talks of the unitary logic of the market and of universal cures for economic problems, but in reality “it is much more variegated than such self-representations suggest” (Peck and Tickell 2002: 387). Since neoliberalism is a broad ideological process rather than a single entity, it takes different forms in different contexts. It is highly geographically variable, as specific institutional and local factors are important in shaping how its ideas are put into practice. Brenner and Theodore (2002) note it is therefore important to study “actually existing” neoliberalisms, as ideas manifest themselves in concrete but contingent ways. It is also important to undertake critical studies of neoliberalism in its “heartland” of the global north. While there has been a lot of work on how it has been exported to the global south, (for example through the IMF’s structural adjustment programs), we need to be sensitive to the ongoing and more subtle ways neoliberal governance shapes society ‘closer to home’ (Peck and Tickell 2002: 382).

Fourth, I believe government policies, laws, and regulations have often been underplayed in recent work on neoliberalism, which sees neoliberalism as a regulatory regime rather than focusing on older juridical-institutional forms of power. Studies have focused on the way in which subjects are encouraged to be self-governing and are created through diffuse regulatory power as opposed to legal regulations (see for example Ong 2003, 2006, Rose 1992). This work draws heavily on Foucault’s understanding of how a new form of ‘biopower’ developed alongside capitalism (Foucault 1978). Yet for Foucault, ‘techniques of the self’ were only one side of the biopolitical coin. He was also concerned with the juridical-legal techniques with which the state integrates the biological life of individuals into its very core. Governing through ‘freedom and self-management’ is by
no means the only way power operates. The inclusion of biological existence into the political realm means the analysis of biopolitical power cannot be separated from juridical-institutional power (Agamben 1995: 6). Sparke similarly warns against focusing on “the self-governing subject” at the cost of missing “the nitty-gritty activities of biopolitical production” that take place under “specific government practices” (2006: 157). The regulation of immigration and citizenship therefore remains an important example of biopower, as it is a form of regulating lives that is tightly linked to the economic calculations of national governments. Law and policy should not be excluded in an analysis of biopolitics.

A neoliberal logic can be seen at the heart of a number of governing strategies that define, evaluate, and protect certain categories of subjects and not others (Ong 2006: 16). Neoliberalism is therefore a political-economic theory that focuses on ‘the subject’ – including both subjectifying techniques and sovereign practices that seek to govern human life according to market knowledge (Ong 2006: 12). It has therefore had an important impact on immigration and citizenship selection policies, which by their very definition seek to value, select, exclude and regulate certain subjects. The sorts of inclusions and exclusions undertaken by Canadian immigration and citizenship policy have been influenced by neoliberal value systems. In this thesis I try to unearth this process at work by asking: who is excluded from permanent entry and on what grounds is this decision made? What implications does this have for the meaning of political membership in Canada? In order to answer these questions, it is first necessary to briefly review recent government thinking and academic research on the role immigration and citizenship play in the development and performance of labour markets.

III Immigration, citizenship and labour markets.

With governments in the global north facing declining birthrates, aging populations, reducing tax bases, and economic restructuring, many are turning to immigration as a potential remedy to their economic struggles. Immigration policy is therefore becoming ever closely wedded to economic policy, with elaborate selection policies being put in
place in an effort to select particular sorts of workers deemed desirable by the
government. Considerable interest surrounds the performance of immigrants in the labour
market, with complicated calculations being done to determine which immigrants are of
most economic ‘benefit’ to the state. In Canada, the declining earnings of immigrants in
relation to the native born over the past twenty years has generated much debate and
concern (Hiebert 2006a, Li 2003).

One strand of research has turned to neoclassical economic thinking in order to explain
the position of immigrants in the labour market. This work focuses on the level of human
capital an immigrant brings with them as a central determinant of their economic success.
It assumes that if an immigrant arrives with greater levels of education and training they
will fare better in the economy (McHale 2003, De Voretz 1995). Such thinking has been
behind recent changes to the immigrant selection system in Canada, which now
privileges migrants with high levels of human capital. However other strands of research
in the social sciences have sought to challenge this neoclassical approach, arguing that a
number of other factors influence the position of migrants in the labour market. For
example institutional blocks, such as a failure to recognize foreign credentials, can hinder
a migrant’s success regardless of how well qualified they are (Li 2003, Reitz 2001).
Similarly racist hiring practices, corporeal signifiers (such as dress and accent), the
networks of contacts immigrants have, intra-ethnic hiring practices, and the reception
immigrants receive in their new country can all influence how well they perform in the
labour market. It is therefore important to be aware of the social, cultural and institutional
processes that differentiate migrant workers and influence how they perform in certain
areas of the economy. Policies that do not take these factors into account can often fail to
achieve their objectives, since the explanatory models they hold about how and why
migrants perform as they do in the labour market are flawed (Castles 2004).

While this research focuses on the links between immigration and the labour market, it is
becoming apparent that a third element needs to be added to the equation. For political
issues of citizenship and legal status are also important in shaping how migrants perform
in the labour market. Harald Bauder (2006) has explored how legal status can channel
immigrants into certain jobs, and in turn the presence of migrants on different legal statuses can ‘act back’ and regulate labour markets. For example migrants on a temporary work permit are explicitly placed into certain sectors of the economy, and undocumented immigrants tend to cluster in particular trades. For Bauder, citizenship itself should be seen as a form of capital, since it greatly determines the sort of work an immigrant will do, and the returns they get for their labour. Citizenship status doesn’t just determine whether a migrant can participate in the labour market, but it can also determine how an immigrant can participate. Legal status and citizenship are sometimes used by states as a way to regulate which immigrants work in which sectors of the economy. Migrants are held on different legal statuses and tied to particular jobs. This has led Aihwa Ong to talk of citizenship as “an instrument of flexible accumulation for the nation-state” (Ong 1999: 130). Throughout this thesis I explore the way in which immigration, citizenship and labour policies are all tightly interlinked. Discussion of one area of policy cannot be divorced from discussion of the others.

IV The study

This thesis aims to critically assess Canadian citizenship and immigration policy in relation to its treatment of workers with low human capital, and to contribute to wider debates on how citizenship is changing in a context of global flows and neoliberal policy settings. Specifically, it aims to do this by examining how Canadian policies play out in a particular geographical context. Despite a long history of arguments for geographers to produce more policy-relevant studies (Harvey 1974, Peck 1999, Martin 2001, Dorling and Shaw 2002), human geographers remain largely absent from policy debates. This project responds to calls for geographers to pay more attention to issues of policy, both in terms of tracing the impacts of policies in particular contexts, and in terms of questioning the deeper assumptions and discourses on which they are based.

My research project was designed to reflect three premises. First, studies of national policy and globalization tend to be too abstract and miss the importance of context – of places, peoples, histories and geographies. While policies are developed at the national
(and increasingly inter-national) scale, the outcomes of policies remain “stubbornly slow, institutionally mediated and localized” (Peck 1999: 134). Despite the neoliberal talk of ‘fast policy’, ‘global policy exchange’, and ‘universals’, policy implementation and outcomes are actually highly contingent. It is therefore important to study how they play out in particular contexts, rather than simply discussing broad themes and theoretical arguments. In this light, recent developments of ‘global ethnography’ within anthropology are compelling, since they aim to ground discussions of large-scale processes in particular projects, programs and places (Tsing 2005). Aihwa Ong, for example, is very critical of Appadurai’s (1996) account of globalization, which she believes paints a homogenous picture of global flows and misses actually existing structures of power and situated processes:

“His accounts of cultural flows ignore class stratification linked to global systems of production. He makes no attempt to differentiate the power of mobile and nonmobile subjects. Indeed he ignores the political economy of time-space compression and gives the misleading impression that everyone can take equal advantage of mobility and modern communications and that transnationality has been liberatory, in both a spatial and a political sense, for all peoples” [Ong 1999: 11].

A focus on the abstract ‘big picture’ can therefore mask important insights that are only revealed when we look at how global and national processes ‘touch down’ in specific contexts. Geographers have long argued for a greater sensitivity of the links between different scales (Ley 2004, Swyngedouw 1997, Smith 2001). Criticisms of ‘meta-narratives’ include the fact they make no place for human agency and local difference, that they miss power structures behind large-scale processes, that they make processes and policies seem inevitable and beyond resistance, and that they ignore the fact that many processes and organizations operate at a wide number of scales and therefore the divide between ‘global’, ‘national’ and ‘local’ is often an artificial construction (Ley 2004). This project therefore focuses on the Portuguese in Toronto in order to provide an account of Canadian immigration and citizenship policy that is sensitive to the importance of context and that can trace the contingent nature of policy outcomes. I use this case study as an optic through which to view ‘bigger’ policy processes and debates as they play out in Toronto.
Second, there is a need for deep policy analysis that “questions the parameters, presumptions and premises of policies, rather than just their outcomes” (Peck 1999: 133). We shouldn’t simply examine what policies contain or what their impacts are, (though these are important questions and are the primary focus of chapters four and five), since this does not move us to question the official discourse on which they are built. We also need to investigate the wider assumptions that enable certain policies to be developed and others to be rejected in the first place. A number of authors have noted how the underlying conceptions and explanatory models that governments hold about migration and citizenship will greatly influence the policies they adopt (Castles 2004, Seifert 1997). Similarly, Feldman notes how many disparate policy practices are part of a larger “conversation” that normalizes certain knowledge and practice:

“we must ask how this conversation of sorts limits the possible policy constructions of who a migrant is and what makes it rational to define a migrant in one way and irrational in another” [Feldman 2008: 11].

My study therefore aims to build a picture of the wider discourses, assumptions, and taken-for-granted truths under which migration and citizenship policy operate. I do not solely focus on the texts of policies and reports, or on the stories of those involved in resisting them, but also on the wider discourses that animate these texts and narratives.

Third, I believe it is useful to study a moment of open conflict and contest, a disruptive moment in everyday practice, as this brings previously implicit ideologies and assumptions about citizenship into the open, making them easier to identify and analyze. In Crossing the neoliberal line, Katharyne Mitchell describes how an influx of Asian immigrants to Vancouver provoked conflicts over urban space, and demonstrates how these conflicts forced people to openly question ideas that had previously remained hidden and taken for granted. She explains:

“The ‘wrong’ bodies in the ‘wrong’ places forced the whole panoply of ideological apparatuses out into the open. They rendered visible and public, for a time, what had formerly remained implicit, private, and assumed” [Mitchell 2004: 5].

In designing this study, I used the protests over the deportation of undocumented workers in Toronto as a starting point to address wider questions of which migrants are seen to belong in the political community. This conflict forced people to consider the impacts of
policies more carefully, and wrenched previously held truths and received wisdoms about who ‘belongs’ in Canada into the open.

Having developed an object of study, four research questions were identified to help me achieve my wider aims:

1. How has the Canadian government’s approach to selecting immigrants with low human capital changed in the last fifty years, and what assumptions are driving these changes?

2. What has been the impact of these changes on the means of entry available to ‘low skilled’ and ‘manually skilled’ Portuguese workers in Toronto?

3. How does the Canadian state construct notions of ‘political belonging’ and ‘membership’ through its immigration and citizenship policies?

4. How were these notions of ‘political belonging’ contested in the protests surrounding the deportation of Portuguese workers in early 2006?

Addressing these research questions required a mixture of data sources to be used. Since policies are diffuse, involving many layers of government and having contingent outcomes, it was hard to know where to start focusing my gaze. Feldman (2008: 1) notes that a study of policy is difficult because it requires us “to capture empirical processes that cannot be reached through extended immersion in specific locations”. No amount of participant-observation in Toronto’s Little Portugal can reveal how ‘low skilled’ workers are created as a policy problem, or the assumptions and debates taking place within government that animate these policies. Yet neither can sitting in the offices of CIC fully reveal this discursive framework, to say nothing of how the policies are implemented and resisted. Focusing only on policy texts would also miss the historical and geographical contingencies behind policies, how they played out on the ground, and the wider discourses under which they were created and put into practice. My aim was therefore to gather narratives surrounding my topic of study from diverse perspectives through policy-analysis, media analysis, semi-structured interviews and documents provided by community organizations, NGOs and the construction industry. The aim was to build up
a picture of the debates taking place from many different angles, to immerse myself in the wider discourse.

My main information source was seventeen semi-structured interviews conducted in Toronto and Ottawa in the Fall of 2007. Interviews were held with people working in the following positions: policy analysts at CIC and the City of Toronto Council; officials at the Portuguese consulate; immigration consultants working in the Portuguese community; City of Toronto councillors; Federal politicians; members of campaign groups; Portuguese community organizations; NGOs working on issues of immigration and settlement; organizations representing the construction industry; and local academics familiar with the topic of this study. Most of the interviews were recorded and transcribed, and they were all held at locations convenient for the respondent, usually their place of work. Those invited to participate were deliberately chosen because of their position in relation to the topic, and were therefore not designed to be a random sample. Interviews generally lasted between thirty minutes and one hour, though some lasted longer, and questions were targeted to the respondent’s role. The majority of interviews started by addressing the protests in 2006, since this gave a specific handle on which to start the interview, and then moved on to discuss the wider policy problems surrounding immigrants with low human capital. While in Toronto I also attended events hosted in the Portuguese consulate and spent time in the Little Portugal area of the city. A second key information source was government policies and reports relating to immigration and citizenship, including laws, white papers, regulations and information presented on the websites of government departments. A large amount of academic literature was also used to help build a fuller picture of Canadian policy. A third key information source was media coverage of the deportations and immigration policy in national and local newspapers in 2006 and 2007. Articles related to the topic of this study were downloaded and printed using a bibliographic database, and were useful in positioning the wider public discourse surrounding the deportations and government policy. A fourth important source of data came from reports, studies and minutes of meetings conducted by local organizations including Portuguese community groups, NGOs serving immigrants and bodies representing different branches of the construction industry. A considerable
amount of local research and advocacy has been conducted by these groups, and their
different perspectives were very useful in building a picture of the conversations taking
place surrounding migration, citizenship and ‘low skilled’ immigrants in Toronto.

A large amount of textual data, from interview transcripts to policy reports, was then
coded and analyzed. Coding provided a useful means to analyze the texts in a systematic
way, and helped avoid simply selecting sections of texts that fitted my initial assumptions
(Jackson 2001: 202). By identifying common themes and grouping arguments together I
was able to ‘squeeze’ the data into an easier form to handle and interpret (Potter and
Wetherell 1987: 167). This necessarily came at the cost of placing a conceptual grid over
the texts which to some extent could deflect attention away from uncategorized activities
(Silverman 2003: 348). Postmodern approaches to what constitutes ‘valid knowledge’
have led to an understanding of texts as “utterly problematic”, since rather than
transmitting or representing ‘reality’ they are actually constitutive and productive of
meaning themselves (Barnes and Duncan 1992: 2-6). I therefore had to make abstractions
from the texts, identifying how different discourses interacted, what assumptions the texts
made about migration, citizenship and ‘skill’, and how these assumptions worked to
achieve particular effects. Such an approach inevitably relies on the interpretation and
judgment of the researcher.

In attempting to build a coherent narrative around the issue of the protests in 2006, and
around how Canadian policy treats ‘low skilled’ immigrants more generally, limitations
with my data sources became apparent. The main limitation was a lack of first-hand
interviews with those ‘low-skilled’ workers who are affected by the policies being
analyzed. This reflects a problem of gaining access to migrants who live on precarious
legal statuses, fearful of deportations that had been well publicized in the media.
Unfortunately I did not have enough time to establish the right contacts and level of trust
in the community that would have enabled me to speak to this important group of people.
Their stories, and the way in which policies affect them, were therefore gathered from
second-hand accounts provided by NGOs and community groups who have worked with
some of these individuals, as well as from interviews conducted and made public by a
local trade union and journalists. Another notable absence in my interviews was bureaucrats working for HRSDC, a key government body that provides Labour Market Opinions and is heavily involved with issues of labour and immigration. While official HRSDC policy was readily available in documents and on websites, it would have been helpful to speak to some of those involved in creating and implementing their policies, but my request for an interview was turned down. Finally, I only managed to interview one political official working at the Provincial level. In part, this reflects my focus on federal and city policies, but the Province of Ontario does have an important role to play in managing immigration, particularly through the Provincial Nominee Program, and it would have painted a more rounded picture to have spoken to more people involved at this level of government. The Provincial point of view had to be built up relying heavily on sources other than interviews.

It is also important to acknowledge the unavoidable issues of positionality and access that plague all qualitative fieldwork. My access to interview respondents was dependent on key ‘gatekeepers’ into the Portuguese community and government bureaucracy, and this inevitably determined which people participated in the project. Being a young educated male with an English accent certainly helped open some doors and closed others. During the course of my fieldwork I was both invited to socialize in the evenings with some respondents, and told I would find it hard to speak to others because I had “soft hands”. My foreign accent helpfully led respondents to explain many of their underlying assumptions about the Canadian immigration system that they would have assumed a Canadian-born researcher would take for granted, but at the same time it led to many people questioning why a foreigner was studying this issue. Balancing party politics, too, needed to be handled delicately, since researching a naturally politically divisive event meant I had to speak to a number of people who were members of different political parties, often with long histories of conflict. A key process throughout this research was therefore for me to be constantly self-questioning and reflexive of my position in relation to the participants and in relation to how data came to be collected. It is important to acknowledge that neutrality is never possible when research depends on the position and judgment of the researcher (Kobayashi 2001).
Chapter 3

The Portuguese in Toronto

“Men in a maze of wooden planks climb deep into the shattered light of blond wood. A man is an extension of hammer, drill, flame. […] The tar is spread. Bitumiers, bitumatori, tarrers, get onto their knees and lean their weight over the wooden block irons, which arc and sweep […]

“The articles and illustrations he found in the Riverdale Library depicted every detail about the soil, the wood, the weight of concrete, everything but information on those who actually built the bridge” [Ondaatje, In the skin of a lion]

Toronto has a long history of migrants filling dirty and dangerous jobs during times of economic development and urban expansion. Michael Ondaatje’s novel In the skin of a lion traces the lives of three migrants as they help to build Toronto in the early twentieth century, with the Bloor Street Viaduct its centre-piece of Victorian architectural finesse. Today Toronto continues to boom, leading Ontario’s Construction Sector Council to issue warnings over critical labour shortages and to call for increased immigration to fill these gaps⁶. The Portuguese, with large numbers working in manual trades, have been an important part of this fabric since the 1950s. For many, the Portuguese have become synonymous with debates over immigration and manual workers⁷.

This chapter presents the empirical context for my broader policy study by providing an overview of the Portuguese in Toronto. Analysis of citizenship and immigration policies cannot be divorced from the geographical context in which the policies are created and contested. A huge range of factors, from an immigrant’s emigration context to their position in the labour market, are crucial in understanding the assumptions driving policies, how the policies are applied, and how they are received ‘on the ground’.
I Migration context

Despite centuries of contact with Portuguese fishing vessels off the Newfoundland coast, Canada only became an important destination for Portuguese emigration after the second world war (Rocha-Trindade 2000: 19). Canadians in this post-war period were cautiously optimistic. While memories of the 1930s depression and rural underdevelopment loomed large, wartime full employment appeared to be holding, disposable incomes were rising, the Fordist ‘miracle’ was beginning. National GDP had overtaken that of Australia, and there was plenty of money still to be gained from primary resources and agriculture. It was a time of increased marriages and births, of expanding old industries and building new ones (Bothwell 2006: 363-5).

The view from Portugal in the post war period was very different. The Salazar dictatorship was in full swing, the agricultural based economy was stagnating, and there was chronic overpopulation. While the rest of western Europe experienced economic recovery during the 1950s and 1960s, Portugal “became one of the poorest countries on the continent” (Teixeira 1999: 1075). The Portuguese-owned Azores islands were particularly badly hit, as land distribution practices and natural disasters added to the political and economic woes of the region (Olivera 2000: 83). It was in this context that movements of people from Portugal to Canada began. The Portuguese government encouraged emigration to western Europe and North America in an attempt to address the employment needs of a rapidly increasing rural population. With an estimated four million people leaving their homeland during the last century in search of a better life abroad, emigration became a structural feature of Portuguese society (Teixeira 1999, Rocha-Trindade 2000). Until the 1950s, Brazil and the USA were the most popular destinations for Portuguese emigrants, but as both these countries moved to restrict immigration Canada became the destination of choice – itself actively recruiting labour to work in its booming agriculture and resource sectors (Anderson and Higgs 1976: 23). In chapter four I detail the Canadian immigration policies that have governed the movement of Portuguese immigrants since 1950, but it is important to remember that the political and economic structure of the country of origin, and the restrictions put in place by other
receiving countries, were also important factors in shaping Portuguese migration to Canada (Teixeira and Da Rosa 2000: 4).

Migration from Portugal to Canada initially got off to a slow start in the 1950s, as eyes were still firmly set on the USA as the land of possibility, and Canada was largely an unknown entity. During the 1960s “the trickle of Portuguese immigrants to Canada during the immediate post-war period became a steady stream” (Anderson 1974: 13). The accelerated movement of Portuguese in the 1960s and 1970s was largely due to family reunification and chain migration (Teixeira and Da Rosa 2000). From the late 1970s the number of Portuguese immigrants to Canada started to fall considerably. This was largely due to changes in Canadian immigration and citizenship policy, and it is these changes that are the focus of chapter four. However also important were changes in the wider political-economic context of migration. The ‘Revolution of Carnations’ ended Salazar’s dictatorship in 1974 and democracy was installed soon afterwards. Economic development had picked up by the time of Portugal’s entry to the European Union in 1986, and as the birthrate dropped the country itself became a nation of immigration. As we shall see, Canada’s own economic priorities also shifted during this period with the move to a ‘knowledge-based economy’. While the number of mainland Portuguese immigrants to Canada has dropped in the past twenty-five years, Canada remains a popular destination of choice for those from the Azores islands, mainly due to continuing underdevelopment and strong family ties with Azoreans already living in Canada (Teixeira and Da Rosa 2000: 6). Between sixty and eighty per cent of Canada’s Portuguese immigrants come from the Azores (PCNC 1998: 1). Table 9 details Portuguese immigration to Canada since 1950.

The Portuguese are a sizeable immigrant group in Canada, especially in Toronto where almost two thirds of all Portuguese immigrants to Canada live. Estimates on the number of Portuguese living in Canada vary, largely due to undocumented migration and under-reporting in the Canadian census. Teixeira (1999: 1078) estimates there are between 350,000 – 375,000 people of Portuguese ethnic origin living in Canada. The 2001 Canadian census calculated 171,545 people of Portuguese ethnic origin were living in the
Toronto CMA, making it the 9th largest ethnic group in the city, and the 8th largest immigrant group. Of all immigrants who arrived in the city before 1986, the Portuguese were the 3rd largest group, an indication of the significance of Portuguese immigration to Toronto in the 1960s and 1970s.

A lack of data means it is unclear to what extent there has been return migration to Portugal, though most research suggests it has been minimal (Olivera 2000, Januario and Marujo 2000). While many immigrants talk of saudade, a longing to return, this remains a myth for most. As so often for immigrants, their lives have become embedded in their new country, with growing numbers of second and third generation Portuguese being born in Canada and many immigrants now feeling out of place when they return to their country of birth. The result for most is a set of permanent but weak transnational ties rather than circular migration (Rocha-Trindade 2000: 28).

The Portuguese in Canada can therefore be described as “communities in transition” (Teixeira and Da Rosa 2000: 9). With the peak of immigration passed, they have increasingly become embedded in the wider Canadian social fabric. While many first generation Portuguese end up feeling “like immigrants forever” living between two countries (Olivera 2000: 93), a growing second and third generation describe themselves as “new Luso-Canadians” with a need “to be more visible, promote new identity and have a voice”.

II Settlement

On arrival to Canada in the 1950s, it was clear that isolated manual work on farms and railways did not live up to the dreams of the first wave of male Portuguese migrants, and many soon moved to the large cities where their families were later to join them. Like many other immigrant groups, a major characteristic of the Portuguese in Canada is their urban nature, with settlement concentrated in Toronto and Montreal, the two largest cities in the eastern half of the country (Teixeira and Da Rosa 2000: 7). Over sixty percent of all Portuguese immigrants to Canada have settled in Toronto (PCNC 1998: i). As well as
crossing an international border, Portuguese migration should therefore also be read as a rural-urban movement, as many families moved from the fields of northern Portugal and the Azores to large Canadian cities.

The settlement of Portuguese migrants in Toronto can be broken down into three phases, as shown in figure 1. First, initial settlement occurred on the edge of the central business district, around Kensington Market and Alexandra Park. These were generally “poor working-class neighbourhoods with run-down housing and were already a ‘port of entry’ for other immigrant groups” (Teixeira 1996: 185). The area provided affordable housing for rent and was close to job sites and transportation, essential for poor immigrants with few skills, little formal education and poor English. The Kensington Market area hosted the first Portuguese owned businesses, restaurants and social clubs, and the streets around Augusta Avenue and Nassau Street became the centre of affairs for Portuguese living in Toronto (Teixeira 2000: 208).

Second, during the 1960s and 1970s the Portuguese expanded west from Kensington Market into adjacent neighbourhoods. The majority of Portuguese arriving during this period were sponsored by family members already living in the city, and therefore ‘colonies’ with high proportions of Portuguese immigrants began to appear, as most new arrivals went to live near their families:

“the arrival of entire families due to chain migration helped to establish Portuguese immigrant communities in areas where ethnic businesses, cultural and religious institutions, and residences were clustered” (Teixeira 1996: 185).

This distinct spatial pattern of settlement in Toronto, with high levels of segregation, contributed to spatial and social isolation from wider Toronto society. The Portuguese community has a high degree of institutional completeness and a strong ethnic enclave economy (Teixeira 1996: 188). This period was also one of increasing home ownership, as buying a home was seen as both socially important and a secure economic investment for Portuguese immigrants (Anderson and Higgs 1976, Teixeira 2000). The area west of Kensington, known as ‘Little Portugal’, remains the heart of Toronto’s Portuguese community and still boasts large numbers of bakeries, pharmacies, travel agents, churches, cafes and cultural institutions operating mainly for Portuguese clientele.
Third, the last twenty-five years have witnessed the slow dispersal of the Portuguese in Toronto as wealthier immigrants have moved to the suburbs. Particularly important has been the neighbouring city of Mississauga. Wealthier, more established, and more mobile, these immigrants have been seeking the suburban dream of larger single-family dwellings and a safe environment in which to raise children (Teixeira 2000: 208). Despite this movement, residential integration does not seem to have taken place, as concentrated pockets of Portuguese have been reproduced in Mississauga. This is largely because those moving house rely heavily on ethnic realtors and other ‘Portuguese’ information sources, causing re-segregation within the suburbs (Teixeira 1996: 189-90).

Figure 1: Map of Portuguese settlement in Toronto (Source: Teixeira 2000).
III Education and employment

Education and employment are of huge significance to citizenship and immigration policy. The labour market is the central determinant of economic well-being, and education is an important factor in determining a person’s position in the workforce. Policies are often targeted to certain sorts of workers, or to migrants with particular skills and qualifications. Beyond the realm of policy too, employment is important, as it is often on their ability to work that immigrants’ stake their claim to belong in their new country.

Moving from underdeveloped rural areas, the main wave of Portuguese migrants arriving before the mid 1980s had little formal education or training. They were quintessential ‘low skilled’ migrants, often with lower levels of schooling than for aboriginal communities in Ontario, long the most disadvantaged ethnic group in the province (PCNC 1998: 8). Tables 1 and 2 use 2001 census data to profile the highest educational achievement of Portuguese living in Toronto. They also provide the figures for other European ethno-racial groups whose migration context was comparable to the Portuguese.\textsuperscript{11} The results have been provided for two age categories, as immigrants arriving at different times are likely to have different educational profiles, and the younger group will also include some second-generation Portuguese who completed their education in Canada. While census data invariably miss those who are undocumented or living in Canada on a temporary basis, the census is a useful tool for positioning the broader education context of the Portuguese in Toronto.

<table>
<thead>
<tr>
<th>Ethno-racial group</th>
<th>% not high school graduate</th>
<th>% high school graduate</th>
<th>% trade cert.</th>
<th>% college diploma/some university</th>
<th>% university graduate</th>
<th>% graduate degree</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>All European</td>
<td>22.2</td>
<td>22.6</td>
<td>9.2</td>
<td>21.8</td>
<td>16.7</td>
<td>7.2</td>
<td>100.0</td>
</tr>
<tr>
<td>Greeks</td>
<td>38.1</td>
<td>22.5</td>
<td>9.3</td>
<td>16.6</td>
<td>10.9</td>
<td>2.6</td>
<td>100.0</td>
</tr>
<tr>
<td>Italians</td>
<td>28.5</td>
<td>26.4</td>
<td>11.3</td>
<td>20.2</td>
<td>10.9</td>
<td>2.7</td>
<td>100.0</td>
</tr>
<tr>
<td>Portuguese</td>
<td>60.0</td>
<td>19.8</td>
<td>7.1</td>
<td>9.1</td>
<td>3.2</td>
<td>0.8</td>
<td>100.0</td>
</tr>
</tbody>
</table>

Source: adapted from Ornstein 2006.
Table 2: Highest level of education of persons age 25-34 by ethno-racial group, Toronto CMA, 2001.

<table>
<thead>
<tr>
<th>Ethno-racial group</th>
<th>% not high school graduate</th>
<th>% high school graduate</th>
<th>% trade cert.</th>
<th>% college diploma/some university</th>
<th>% university graduate</th>
<th>% graduate degree</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>All European</td>
<td>16.6</td>
<td>21.8</td>
<td>7.8</td>
<td>23</td>
<td>24.9</td>
<td>5.9</td>
<td>100.0</td>
</tr>
<tr>
<td>Greeks</td>
<td>15.6</td>
<td>21.0</td>
<td>8.0</td>
<td>25.8</td>
<td>24.6</td>
<td>4.9</td>
<td>100.0</td>
</tr>
<tr>
<td>Italians</td>
<td>15.8</td>
<td>23.8</td>
<td>10.9</td>
<td>25.3</td>
<td>21.3</td>
<td>2.8</td>
<td>100.0</td>
</tr>
<tr>
<td>Portuguese</td>
<td>33.0</td>
<td>26.3</td>
<td>8.6</td>
<td>20.4</td>
<td>10.3</td>
<td>1.3</td>
<td>100.0</td>
</tr>
</tbody>
</table>

Source: adapted from Ornstein 2006.

The low formal educational achievement of the Portuguese in Toronto is most marked for the 35 to 54 age category, with sixty per cent of respondents not having graduated from high school, almost three times the average number for all European groups. Only four percent of people in this age category completed a Bachelors degree, a sixth of the European total. While the 25 to 34 year olds show improvement in educational achievement from the older Portuguese age group, they still lag considerably behind other comparable ethno-racial groups. Compared to the other groups, twice as many Portuguese do not graduate from high school and less than half complete a university degree.

This trend of academic underachievement continues with Portuguese-Canadian youth living in Toronto, many of whom were educated in Canada. While it is premature to analyze the final educational achievements of those under the age of 25, as many are still in education, Table 3 shows that young Luso-Canadians still lag behind their contemporaries. The Portuguese have a low percentage of 18-24 year olds in full time schooling, a very high percentage not graduating from high school, and a very low percentage of university graduates. The percentage of Portuguese 18-24 year olds in full time schooling (37.9%) is well below that of Caribbean groups (50.2%) and little better than that of aboriginal groups (34.1%), giving them one of the highest school drop-out rates in the city (Ornstein 2006). A survey of Portuguese-Canadians conducted by the Portuguese Canadian National Congress noted that “the academic underachievement of Portuguese-Canadian youth” was the issue of biggest concern to the respondents when
asked about education, and there was considerable discussion of social reproduction as a
result of poor academic achievement being passed down generations (PCNC 1998: ii).
There is a gender divide in educational achievement, with females on average achieving
higher levels of education than males, especially in terms of university degrees (Ornstein
2006: 38). Luso-Canadians’ therefore display significantly lower levels of formal
education than the general Canadian population and other minority groups living in
Toronto.

Table 3: Schooling and education of persons age 18-24 by ethno-racial group, Toronto CMA, 2001

<table>
<thead>
<tr>
<th>Ethno-racial group</th>
<th>% in school full time</th>
<th>% not high school graduate</th>
<th>% high school graduate</th>
<th>% university graduate</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>All European</td>
<td>50.3</td>
<td>13.3</td>
<td>31.9</td>
<td>4.5</td>
<td>100.0</td>
</tr>
<tr>
<td>Greek</td>
<td>53.3</td>
<td>9.3</td>
<td>33.0</td>
<td>4.4</td>
<td>100.0</td>
</tr>
<tr>
<td>Italian</td>
<td>48.0</td>
<td>10.9</td>
<td>37.2</td>
<td>3.9</td>
<td>100.0</td>
</tr>
<tr>
<td>Portuguese</td>
<td>37.9</td>
<td>22.5</td>
<td>38.4</td>
<td>1.2</td>
<td>100.0</td>
</tr>
</tbody>
</table>

Source: adapted from Ornstein 2006.

While Tables 1 to 3 give an indication of the wider educational achievements for those of
Portuguese ethnic origin in Toronto, they do not differentiate between Portuguese
immigrants and those of Portuguese ethnic origin born in Canada. Table 4 therefore uses
Landed Immigrant Database Statistics (LIDS)\textsuperscript{12} to profile the educational achievements
of Portuguese permanent immigrants entering Canada between 1980 and 2005. Despite
changes in the immigration selection system privileging highly educated migrants during
this period, those entering Canada from Portugal since 1980 still have considerably lower
levels of education than other permanent immigrants. An incredibly high 81.8% of
Portuguese landed immigrants only have secondary education or less, and only 1.2%
come with university degrees, well behind the 21.8% average for all immigrants.
Table 4: Educational qualifications of Portuguese landed immigrants to Canada 1980-2005

<table>
<thead>
<tr>
<th>Highest level of education</th>
<th>Portuguese immigrants* (% distribution)</th>
<th>All immigrants (% distribution)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Information missing</td>
<td>14.0</td>
<td>12.6</td>
</tr>
<tr>
<td>Secondary or less</td>
<td>81.8</td>
<td>47.5</td>
</tr>
<tr>
<td>Formal trade cert. or apprenticeship</td>
<td>1.8</td>
<td>7.1</td>
</tr>
<tr>
<td>Non-university certificate or diploma</td>
<td>0.8</td>
<td>6.3</td>
</tr>
<tr>
<td>Some university – no degree</td>
<td>0.5</td>
<td>4.7</td>
</tr>
<tr>
<td>Bachelor’s degree</td>
<td>0.8</td>
<td>15.4</td>
</tr>
<tr>
<td>Some post grad education – no degree</td>
<td>0.1</td>
<td>1.0</td>
</tr>
<tr>
<td>Master’s degree</td>
<td>0.2</td>
<td>4.4</td>
</tr>
<tr>
<td>Doctorate</td>
<td>0.1</td>
<td>1.0</td>
</tr>
<tr>
<td>Total</td>
<td>100.0</td>
<td>100.0</td>
</tr>
</tbody>
</table>

Notes: * ‘Portuguese’ defined by place of birth only.  
Source: LIDS 2005

Another important determinant of success in the labour market, and one which immigration policies have actively tried to harness, is ability to speak one of Canada’s official languages. On this count, too, Portuguese immigrants fare worse than other groups. Table 5 shows that 73.1% of Portuguese immigrants to Canada between 1980 and 2005 spoke neither French nor English, compared to 43.3% for all immigrant groups. Significantly for my Toronto-based study, only 19.8% of Portuguese entering Canada could speak English.

Table 5: Canadian language ability of Portuguese immigrants to Canada 1980-2005

<table>
<thead>
<tr>
<th>Language ability</th>
<th>Portuguese immigrants* (% distribution)</th>
<th>All immigrants (% distribution)</th>
</tr>
</thead>
<tbody>
<tr>
<td>English</td>
<td>19.8</td>
<td>47.6</td>
</tr>
<tr>
<td>French</td>
<td>3.5</td>
<td>4.5</td>
</tr>
<tr>
<td>Both French and English</td>
<td>3.6</td>
<td>4.6</td>
</tr>
<tr>
<td>Neither</td>
<td>73.1</td>
<td>43.3</td>
</tr>
<tr>
<td>Total</td>
<td>100.0</td>
<td>100.0</td>
</tr>
</tbody>
</table>

Notes: * ‘Portuguese’ defined by place of birth only.  
Source: LIDS 2005

The emigration context, educational achievements and language ability of the Portuguese have deeply influenced their position in Toronto’s labour market. The first Portuguese immigrants to Canada were actively recruited to work as labourers in railway construction and in agriculture (Marques and Medeiros 1980). On arrival in Halifax, these first immigrants were given medical examinations and coloured tags to indicate which province they would be sent to, and farmers or companies came to select which
immigrants they would hire, leaving some to describe the experience as being treated like “slaves” or “cattle” (Olivera 2000: 88, Marques and Madeiros 1980: 28). A mixture of isolation, poor pay, seasonal work and an unemployment crisis in the late 1950s led to many of the first Portuguese immigrants moving to the cities to find work, as one of them explained:

“a guy gets much better pay for construction work than he does as a farm labourer. Most of the Portuguese left the farms just as soon as they realized there were possibilities of other kinds of employment” (cited in Marques and Madeiros 1980: 29).

Once in the cities, the Portuguese predominantly established themselves in manual trades work. Grace Anderson’s *Networks of contact* traced the position of Portuguese workers in Toronto in the 1960s and early 1970s, identifying that “for the most part the immigrants are blue-collar workers of relatively low educational and occupational skills”, with men concentrated in construction, janitorial services, and ethnic stores and women concentrated in the garment industry and cleaning services (Anderson 1974: 5). Stereotypes of the Portuguese as “hardworking persons who fit well into the majority of manual jobs” abounded (Anderson 1974: 3). Initial concentration in these particular industries can in part be explained by the low human capital the migrants brought, but more important were the social networks used by the immigrants when looking for work. Anderson’s (1974) survey demonstrated that the networks of contact a Portuguese immigrant had in Toronto were statistically far more important in determining what sort of work they found than either levels of education or the immigration class under which they entered Canada. As the Portuguese largely entered Canada through chain migration and family sponsorship, most immigrants relied on their existing contacts for information on finding work. A strong ethnic enclave economy therefore developed, mirroring the physical segregation of the community, where intra-ethnic trust, language and family membership were important for success (Teixeira 2006). As with many other low-earning immigrant groups, there was also evidence of diversifying income sources across family members. Women who had traditionally not undertaken paid employment in Portugal started to work, and children left school early to take-up jobs, in part explaining their low education levels (Anderson and Higgs 1976: 45). A considerable amount of informal economic activity also took place in the absence of well paying jobs, with ‘work parties’ being organized to help a family renovate their house and payment being given in food,
celebrations, and returning the favour of help at a later date (Anderson and Higgs 1976: 45).

There remains a disproportional concentration of Portuguese in blue-collar jobs today. Tables 6 and 7 use 2001 census data to describe the occupational distribution of Portuguese men and women in Toronto, and selected comparable ethno-racial groups. While there is inevitably some messiness in the census categories used, (for example between what counts as ‘managerial’ and ‘professional’, or ‘less skilled manual’ work and ‘skilled manual’ work), the concentration of Portuguese men in blue-collar jobs can be clearly seen. There are half as many Portuguese men in managerial jobs than the average for all European groups, and almost twice the percentage in both ‘less skilled’ and ‘skilled’ manual work. A similar pattern exists for women of Portuguese ethno-racial origin. They are under-represented in managerial and professional jobs, and over-represented in less skilled work.

Table 6: Occupational distribution (%) of men age 18-64 by ethno-racial group, Toronto CMA, 2001.

<table>
<thead>
<tr>
<th>Ethno-racial group</th>
<th>Manager</th>
<th>Professional</th>
<th>Skilled non-manual</th>
<th>Skilled manual</th>
<th>Less skilled non-manual</th>
<th>Less skilled manual</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>All European</td>
<td>18.0</td>
<td>18.9</td>
<td>15.3</td>
<td>14.3</td>
<td>18.1</td>
<td>15.4</td>
<td>100.0</td>
</tr>
<tr>
<td>Greek</td>
<td>17.9</td>
<td>12.5</td>
<td>16.2</td>
<td>15.9</td>
<td>24.4</td>
<td>13.0</td>
<td>100.0</td>
</tr>
<tr>
<td>Italian</td>
<td>17.9</td>
<td>11.8</td>
<td>15.2</td>
<td>20.7</td>
<td>18.0</td>
<td>16.4</td>
<td>100.0</td>
</tr>
<tr>
<td>Portuguese</td>
<td>9.6</td>
<td>5.2</td>
<td>10.3</td>
<td>27.6</td>
<td>19.0</td>
<td>28.3</td>
<td>100.0</td>
</tr>
</tbody>
</table>

Source: adapted from Ornstein 2006.

Table 7: Occupational distribution (%) of women age 18-64 by ethno-racial group, Toronto CMA, 2001.

<table>
<thead>
<tr>
<th>Ethno-racial group</th>
<th>Manager</th>
<th>Professional</th>
<th>Skilled non-manual</th>
<th>Skilled manual</th>
<th>Less skilled non-manual</th>
<th>Less skilled manual</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>All European</td>
<td>11.7</td>
<td>21.6</td>
<td>24.1</td>
<td>1.3</td>
<td>36.2</td>
<td>5.0</td>
<td>100.0</td>
</tr>
<tr>
<td>Greek</td>
<td>11.0</td>
<td>14.9</td>
<td>22.6</td>
<td>1.7</td>
<td>43.8</td>
<td>6.0</td>
<td>100.0</td>
</tr>
<tr>
<td>Italian</td>
<td>10.2</td>
<td>16.7</td>
<td>26.5</td>
<td>1.5</td>
<td>39.4</td>
<td>5.7</td>
<td>100.0</td>
</tr>
<tr>
<td>Portuguese</td>
<td>6.5</td>
<td>9.2</td>
<td>21.5</td>
<td>2.1</td>
<td>47.4</td>
<td>13.4</td>
<td>100.0</td>
</tr>
</tbody>
</table>

Source: adapted from Ornstein 2006.
The Portuguese are concentrated in certain occupations within these broader skill categories, suggesting further evidence of ethnic enclaves in particular jobs. Table 8 provides a more detailed breakdown of which industries the Portuguese are concentrated in. It provides data both for all those of Portuguese ethnic origin, and for immigrants of Portuguese ethnic origin. Clustering in certain trades is more pronounced for immigrants than for the wider ethnic group. It can be seen from Table 8 that Portuguese women are concentrated in travel and accommodation industries, clerical and administrative occupations, and manufacturing. Januario and Marujo (2000) note that many Portuguese women work in the service industries or in industrial homework, particularly textiles, because this work gives them greater flexibility while bringing-up a family. The principles of a gendered division of labour developed in Portugal remain intact in Canada, where “women continue to do the bulk of childcare and housework and change jobs to adjust to the family cycle” (Januario and Marujo 2000: 105). Portuguese men are concentrated in construction, occupations related to trades, travel and accommodation, and manufacturing. A relatively high percentage of Portuguese men are listed under ‘other management’, although it is hard to infer too much from this, as it is such a broad category it will probably include small ethnic businesses operated by Portuguese entrepreneurs. The clustering of Portuguese men in occupations related to manual trades is very pronounced. Recently, Portuguese workers have become powerful players in local trade unions related to these industries. A number of Portuguese have been elected to senior positions in the Labourer’s International Union of North America Local 183, part of the largest trade union in North America. The stereotype of the Portuguese construction worker was widely employed in all my interviews, for example one respondent commented:

“Well in our community it’s mainly the construction trades that we tend to talk about because most of the males are in construction. Most of the females are either in manufacturing or in the cleaning services, so I’m not saying most of the women but a large number. Cos we’re talking about a lot of people who have less than high-school, so obviously we’re not talking about brain surgeons here. Not to say that we don’t have a few [laugh] but by and large it’s the low skilled.”

<table>
<thead>
<tr>
<th>Occupation Category</th>
<th>Female</th>
<th>Portuguese immigrant</th>
<th>Female</th>
<th>Portuguese immigrant</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Portuguese</td>
<td></td>
<td>Portuguese</td>
<td></td>
</tr>
<tr>
<td></td>
<td>ethnic origin*</td>
<td>immigrants**</td>
<td>ethnic origin*</td>
<td>immigrants**</td>
</tr>
<tr>
<td>Senior management</td>
<td>0.26</td>
<td>0.15</td>
<td>0.94</td>
<td>1.04</td>
</tr>
<tr>
<td>Other management</td>
<td>5.48</td>
<td>5.3</td>
<td>8.57</td>
<td>9.28</td>
</tr>
<tr>
<td>Professional business and finance</td>
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<td>3.03</td>
<td>1.16</td>
<td>1.39</td>
</tr>
<tr>
<td>Financial, secretarial, administrative</td>
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<td>9.08</td>
<td>1.11</td>
<td>1.16</td>
</tr>
<tr>
<td>Clerical occupations/supervisors</td>
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<td>16.49</td>
<td>5.23</td>
<td>4.64</td>
</tr>
<tr>
<td>Natural and applied science</td>
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<td>1.82</td>
<td>5.14</td>
<td>3.71</td>
</tr>
<tr>
<td>Prof health, registered nurses, supervisors</td>
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<td>0.91</td>
<td>0.3</td>
<td>0.35</td>
</tr>
<tr>
<td>Technical, assisting, related health occs.</td>
<td>3.13</td>
<td>2.72</td>
<td>0.3</td>
<td>0.35</td>
</tr>
<tr>
<td>Social science, government, religion</td>
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<td>2.27</td>
<td>0.9</td>
<td>1.28</td>
</tr>
<tr>
<td>Teachers and professors</td>
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<td>0.23</td>
</tr>
<tr>
<td>Art, culture, recreation, sport</td>
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<td>2.42</td>
<td>1.46</td>
<td>0.93</td>
</tr>
<tr>
<td>Wholesale, technical, insurance, real estate</td>
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<td>1.66</td>
<td>1.93</td>
<td>1.39</td>
</tr>
<tr>
<td>Retail trade</td>
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<td>6.35</td>
<td>3.26</td>
<td>1.62</td>
</tr>
<tr>
<td>Chefs and cooks etc.</td>
<td>3.18</td>
<td>1.82</td>
<td>2.4</td>
<td>1.51</td>
</tr>
<tr>
<td>Protective services</td>
<td>0.42</td>
<td>0.45</td>
<td>0.94</td>
<td>0.81</td>
</tr>
<tr>
<td>Childcare and home support workers</td>
<td>2.14</td>
<td>2.72</td>
<td>0.21</td>
<td>0</td>
</tr>
<tr>
<td>Travel, accommodation, rec, sport</td>
<td>18.11</td>
<td>19.97</td>
<td>10.45</td>
<td>9.05</td>
</tr>
<tr>
<td>Trades and transportation</td>
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<td>0</td>
<td>2.83</td>
<td>4.06</td>
</tr>
<tr>
<td>Construction trades</td>
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<td>0.3</td>
<td>11.23</td>
<td>15.78</td>
</tr>
<tr>
<td>Other trades occupations</td>
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<td>1.21</td>
<td>10.5</td>
<td>10.21</td>
</tr>
<tr>
<td>Transport and equipment operators</td>
<td>0.21</td>
<td>0</td>
<td>5.27</td>
<td>5.45</td>
</tr>
<tr>
<td>Trades helpers, labourers, etc.</td>
<td>0.68</td>
<td>1.36</td>
<td>9.85</td>
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<tr>
<td>Occupations unique to primary industries</td>
<td>1.41</td>
<td>0.61</td>
<td>2.4</td>
<td>1.62</td>
</tr>
<tr>
<td>Manufacturing supervisors, operators</td>
<td>9.45</td>
<td>12.86</td>
<td>9</td>
<td>9.86</td>
</tr>
<tr>
<td>Manufacturing, utilities, etc. labourers</td>
<td>4.33</td>
<td>4.54</td>
<td>3.08</td>
<td>2.09</td>
</tr>
<tr>
<td>Total</td>
<td>100.0</td>
<td>100.0</td>
<td>100.0</td>
<td>100.0</td>
</tr>
</tbody>
</table>

Notes: *Census category: Portuguese single ethnic origin. ** Census category: Portuguese single ethnic origin who are also immigrants to Canada. The table uses 3% sample survey data.

The Portuguese Canadian National Congress has identified a host of economic concerns related to the position of Portuguese workers in Canada. These include poor job security, a lack of white-collar contacts crucial for job networking, workers not upgrading their skills, and Luso-Canadian youth entering the same economic roles that their parents currently occupy, perpetuating marginalization in the economy. They also identified disadvantageous labour laws in Ontario, (such as the repeal of pay-equity laws and curbing of union power, part of the wider roll-out of neoliberal policy in the 1990s), as a barrier to success (PCNC 1998: 34). All these contribute to “the fact that disproportionate
numbers of Portuguese are employed in jobs which afford them low salaries and a low social status” (PCNC 1998: 32).

Despite their low educational attainment and position in the labour market, the Portuguese as a group in Toronto are neither living in poverty nor out of work. Portuguese men between 18-64 have a similar participation rate in the labour force (87.3%) as the average for all Europeans (88.4%), and at 2.9% their unemployment rate is lower than the average of 4% for all Europeans living in Toronto. Female participation rates are slightly lower than average, possibly reflecting a more traditional gendered division of labour in Portuguese families. The percentage of Portuguese living on low income (12.5%) is marginally higher than for all Europeans (10.6%) and on a par with other southern Europeans. On average the Portuguese do earn less than their European counterparts – but this reflects the low numbers of Portuguese working in high paid managerial positions, rather than a significant number of people living on low incomes (all figures from Ornstein 2006: 51-2). The high number of Portuguese men working in the heavily unionized construction industry helps to ensure better pay for these workers. In the following chapters, we shall see how the fact this ‘low skilled’ group of immigrants are in regular employment in the high-profile construction industry confounds an immigrant selection system predicated on high educational qualifications and human capital, as well as contributing to public support against the deportations in 2006.

IV Civic participation

Under ideals of democratic citizenship, those who belong to a state give that state its legitimacy by actively participating in structures of government and civil society. Civic participation is also an important indicator of a group’s equality and position within wider society. As Bloemraad notes:

“Citizenship is not only a legal status that accords rights and benefits, but it is also an invitation to participate in a system of mutual governance […] When residents of a country do not acquire citizenship or fail to participate in the political system, not only is the sense of shared enterprise undermined, but so, too, are the institutions of democratic government” [Bloemraad 2006: 1].
Participation in public life is therefore of central importance to debates on citizenship. Despite their numbers, Portuguese-Canadians have traditionally been under-represented in the social and political structures of Canadian society, leading some to talk of them as an “invisible minority” with a “discreet presence outside the strong world of their working and family life” (Almeida 2000: 120). Historically few Luso-Canadians have been elected to senior political positions in Toronto. Of more concern to the Portuguese community leaders I interviewed in Toronto was the lack of grass roots participation in politics, including low voter turn-out and low numbers of Portuguese-Canadians sitting on local boards for police, education and other services. In November 2007 the Portuguese Consulate in Toronto hosted a conference to tackle these issues entitled “Porque nao participar/Why not participate?” It tackled questions such as “what prevents us from participating?”, “how can we better utilize our roles to advance our community engagement?” and “how do we get over the barrier of the Portuguese being cleaners and construction workers?” Political incorporation can be defined as “the process of becoming a part of mainstream political debates, practices, and decision-making” (Bloemraad 2006: 6). The lack of civic participation is therefore seen as problematic by community leaders because it leaves the community without “the necessary clout to effectively lobby governments against disadvantaging policies or cutbacks” (PCNC 1998: 11). Similarly Almeida (2000: 120) argues “the Portuguese […] seem absent from all national debates on immigration”. In this light, the protests surrounding the deportation of undocumented workers in 2006, which placed the Portuguese at the heart of public debate, are particularly interesting.

The apolitical stance of the Portuguese towards the Canadian state has been linked to a large number of factors including their low education and income, socialization under a dictatorship that prevented political engagement, factionalism within Portuguese communities, a lack of understanding of the Canadian political system, socio-cultural traits being reproduced within families and Portuguese communities, and institutional blocks to participation (Bloemraad 2006: 73–4). Teixeira (2000: 216) mainly attributes the lack of civic engagement to the large numbers of Portuguese social, civic and cultural institutions catering to their own ethnic community in the city. While their internal
institutions and structures have been a major support for community development, this self-sufficiency has also meant they are generally not prone to visibility outside of their own social enclaves (Teixeira 2000: 216).

The past fifteen years have witnessed a slow increase in civic participation among the Portuguese in Toronto. In 1993 the Portuguese Canadian National Congress was established with a mandate “to act upon issues relating to the full participation of community members in Canadian society” (PCNC 1998: i); smaller organizations have grouped together, for example creating the Alliance of Portuguese Clubs and Associations of Ontario and the Federation of Portuguese-Canadian Businessmen and Professionals; Portuguese workers have been elected to senior positions in large trade unions; and some Portuguese have been elected to political positions. There is currently one federal MP in a Toronto constituency and two provincial MLAs in Mississauga of Portuguese descent\(^\text{15}\), although there are no Toronto City Councillors of Portuguese origin. Community organizations such as St. Christopher House actively provide information on elections and how to participate. Despite these gentle winds of change, the majority of those I interviewed in Toronto still felt that “work and family are the Portuguese politics”\(^\text{16}\).

V Conclusions

This chapter provided an overview of the Portuguese in Toronto, demonstrating how their unique sending context, segregated settlement, low levels of education and position in Toronto’s labour market has contributed to their label as ‘low skilled immigrants’. In the following chapters, we will see that policies, protests, and debates over immigration and citizenship are impossible to detach from this specific context. Portuguese levels of education help explain why recent immigration policies have impacted them so heavily, their ethnic enclave economy explain why they defy the logic behind skill-based selection policies, their position in the construction industry became a city wide rallying-cry against deportations, and their size and firm establishment in Toronto contributed to their dominant position in media coverage. Most Portuguese see their stay in Canada as
permanent, a fact critical to their demands to belong in the country. It is this specific context that informed their struggle in 2006 over spaces in the city, economy and wider Canadian polity. The deportations and protests in 2006 are discussed in detail in Chapter 6, but before turning to this it is necessary to consider in detail how Canadian immigration policy has treated ‘low skilled’ workers over time.
Chapter 4

Scoring points: Canadian immigration policy and the ‘low-skilled’ worker

From settlers filling the western provinces at the start of the last century, to recent attempts to attract ‘foreign talent’, Canada has a long history of using immigration as a demographic and economic tool. The changing structure of the economy following the second world war has been strongly reflected in a changing view of which migrants the state views as desirable and worthy of entry. Responding to the economic goals of the immigration program, policy-makers over the years have faced questions over the most appropriate criteria to use for selecting immigrants, whether to focus on long-term earnings potential or on filling short-term occupational gaps, and ultimately on how the economic surplus from immigration can be maximized.

The current government focus on attracting highly educated and skilled immigrants is a far cry from the policies that governed the initial movement of ‘low-skilled’ Portuguese workers in the immediate post war period. This chapter analyzes how Canada’s permanent immigration program since 1945 has changed in its approach towards workers with low levels of formal education and training. It then assesses the assumptions behind these policy changes in light of criticisms that the immigration program is not providing certain sectors of the economy, such as Toronto’s construction industry, with the workers it needs.

1 Immigration policy 1945 – 1961

In 1947 the Canadian Prime Minister, MacKenzie King, rose to address the House of Commons. Promising to “foster the growth of the population of Canada by the encouragement of immigration”\(^{17}\), he declared that Canadian immigration was back in business following the more restrictive war time years. The recruitment of foreign workers was to be closely administered to “ensure the careful selection and permanent settlement of such numbers of immigrants as can advantageously be absorbed in our
national economy”18. Turning to northern Europe, the Canadian government sought workers for its booming resource sector, as it added farm workers, loggers and miners to its list of “admissible classes” (Green 1976: 22). This pull for labour was largely precipitated by rapid post-war economic expansion, low unemployment, and a tight labour market following low fertility rates in the 1930s (Kelly and Trebilcock 1998: 311).

Six years after MacKenzie King’s announcement in Parliament, the first Canadian labour recruiters arrived in Lisbon, later moving to the Island of Sao Miguel in the Azores and Funchal in Madeira (Marques and Medeiros 1980: 27). Canada’s traditional source countries in northern Europe had not been able to satisfy its demand for labour, and so the government was turning its attention to Portugal, Italy and Greece. In May 1953 the first boat containing Portuguese workers arrived in Halifax, Nova Scotia. The start of the Portuguese migration to Canada had begun. For the remainder of the decade almost all Portuguese immigrants were men arriving to work under contract in agriculture or railway construction (Marques and Medeiros 1980: 28). A report from the Department of Citizenship and Immigration on Portuguese migration highlights Canada’s motivation for admitting the Portuguese:

“Immigration movements from Portugal for the next few years (from 1953 onwards) must be studied in the light of the then current shortage of heavy manual labour in Canada and the persistent pressure from railway construction companies and agricultural groups for immigrant workers, coupled with the decline in immigration from our traditional source countries in 1955 and 1956. For the 1954 programme, at the request of the Portuguese government, the Portuguese movement comprised 200 railway track workers for the R. F. Welsh Company…” [Department of Citizenship and Immigration Departmental Report 1963, cited in Hawkins 1988: 49]

The policies governing the entry of southern European immigrants were adjusted and eased over the course of the 1950s as the demands for foreign workers by Canadian employers grew. In 1950, under P.C. 2856, the admissible classes of European immigrants were substantially widened and by 1952 active recruitment of workers in southern Europe had started. Soon after this an ‘Assisted Passage Loan Scheme’ was adopted to aid the transport costs of those immigrants whose work the government urgently required (Green 1976: 24-26). The growth of the Portuguese immigration stream
throughout the early 1950s can be seen in Table 9. Policy at this time was essentially developed to recruit workers who fitted Canada’s racial profile and who were prepared to undertake manual and low skilled labour. Planning evolved with a very ‘short term’ approach to fit immediate gaps in the labour market, as highlighted by the Minister of Citizenship and Immigration when commenting on immigration planning in 1953:

“we never go beyond twelve months […] we merely say that from month to month and, at the most, up to a year in advance, we have certain plans and certain expectations of what can be done by way of migration” [Walter Harris, 1953 cited in Green 1976: 33].

Perhaps the most significant change in policy over this period took place in 1956, when the broad family sponsorship rights given to immigrants from ‘preferred’ countries such as Britain and France were expanded to immigrants from southern Europe as well (Green and Green 1995: 1011). The immediate impact of this change can be seen in Table 9, with the number of Portuguese immigrants more than doubling between 1956 and 1957. The Canadian government had opened the door on what was to be the most significant mode of entry for Portuguese immigrants over the next two decades: family sponsorship.

The mandate of the immigration program in the immediate post-war period was therefore rapid expansion and the active recruitment of low skilled workers from rural areas in southern Europe to work in manual labour. Permanent settlement was encouraged since demographic goals were also high on the government’s agenda. Immigration was clearly tied to specific gaps in the labour market, and policy was relatively weakly defined and short term in nature.
Table 9: Portuguese permanent landings in Canada, 1946-2005

<table>
<thead>
<tr>
<th>Year</th>
<th>No. Immigrants</th>
<th>Year</th>
<th>No. Immigrants</th>
</tr>
</thead>
<tbody>
<tr>
<td>1946</td>
<td>38</td>
<td>1973</td>
<td>13,483</td>
</tr>
<tr>
<td>1947</td>
<td>25</td>
<td>1974</td>
<td>16,333</td>
</tr>
<tr>
<td>1948</td>
<td>51</td>
<td>1977</td>
<td>4,736</td>
</tr>
<tr>
<td>1949</td>
<td>66</td>
<td>1978</td>
<td>1,898</td>
</tr>
<tr>
<td>1950</td>
<td>87</td>
<td>1979</td>
<td>1,819</td>
</tr>
<tr>
<td>1951</td>
<td>157</td>
<td>1980</td>
<td>2,024</td>
</tr>
<tr>
<td>1952</td>
<td>256</td>
<td>1981</td>
<td>1,838</td>
</tr>
<tr>
<td>1953</td>
<td>555</td>
<td>1982</td>
<td>1,432</td>
</tr>
<tr>
<td>1954</td>
<td>1,324</td>
<td>1983</td>
<td>824</td>
</tr>
<tr>
<td>1955</td>
<td>1,427</td>
<td>1984</td>
<td>869</td>
</tr>
<tr>
<td>1956</td>
<td>1,971</td>
<td>1985</td>
<td>930</td>
</tr>
<tr>
<td>1957</td>
<td>4,748</td>
<td>1986</td>
<td>2,001</td>
</tr>
<tr>
<td>1958</td>
<td>2,177</td>
<td>1987</td>
<td>5,978</td>
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<td>1959</td>
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<td>1989</td>
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<tr>
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<td>7,930</td>
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<td>1967</td>
<td>9,500</td>
<td>1996</td>
<td>677</td>
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<td>7,738</td>
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<td>673</td>
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<td>1971</td>
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<tr>
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<td>16,333</td>
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<td>8,547</td>
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</tr>
<tr>
<td>1976</td>
<td>6,194</td>
<td>2005</td>
<td>293</td>
</tr>
</tbody>
</table>


II Immigration policy 1961 – 1985

In encouraging rural migrants from Portugal, the aims of the Canadian government coincided with the Portuguese desire to alleviate overpopulation in underdeveloped areas. Like all coincidences, however, it didn’t last. The 1960s was a period of economic and political change within Canada, and the government’s view of what constituted a desirable immigrant changed as a result. The Keynesian revolution was in full charge, led by its North American proponent J. K. Galbraith, and Canadian society was becoming increasingly urbanized as skilled jobs were created in manufacturing and services rather
than natural resources and agriculture. Baby boomers were beginning to hit the workforce and more women were entering work, causing a natural expansion of Canada’s available internal pool of labour and reducing the need for extensive immigration. The winds of change were felt equally strongly in politics and society, with 1960s discontent over racist immigration policies, (which privileged Europeans over other world regions), part of a wider promotion of the idea of universal rights (Li 2003: 23).

For the officials in charge of immigration policy in Canada in the 1960s, the sort of immigrants deemed ‘desirable’ were very different from those Portuguese who had been encouraged to immigrate a decade earlier. The aims of immigration policy were essentially three-fold. First, “it was argued that Canada needed more skilled workers and needed them immediately” (Green and Green 1999: 430). Second, pressure was mounting for a transparent system of selection that did not discriminate on the grounds of country of origin (Li 2003: 23). Third, there was considerable concern at the rapid growth of family sponsorship from southern Europe which was bringing in an increasingly large pool of unskilled labour, just at a time when the government was trying to recruit more skilled workers (Hawkins 1988: 47). There was particular concern within the Department of Citizenship and Immigration over the reconstitution of extended Portuguese families in Canada. Between 1967 and 1973 over 47,000 Portuguese immigrants landed under the dependent and non-dependent family classes, whereas only 8,500 entered as independent economic immigrants (Anderson and Higgs 1976: 28). The skill composition of this movement was of particular concern: a government report on the skill content of the total 1962 immigrant intake quoted that 22.7% of all unskilled workers came from Portugal (Hawkins 1988: 48). Government attitudes were summed up in a report for the Department of Citizenship and Immigration:

“Serious doubts began to be felt in the Immigration Branch about the Portuguese movement […] there were increasing signs that the declining need for unskilled labourers in Canada would not continue to support the type of movements we had been accepting in Portugal. The several large movements of unskilled workers from the Azores showed signs of producing a disproportionate volume of sponsored immigrants (duplicating our experience in Italy)” [Department of Citizenship and Immigration Departmental Report 1963, cited in Hawkins 1988: 50].
The large volume of Portuguese immigration throughout the 1960s and 1970s can be seen in Table 9. Speaking in 1960, the Minister of Immigration summed-up the sorts of immigrants that were becoming increasingly desirable in the view of her department: “the ideal newcomer to Canada is the skilled industrial worker from one of the relatively advanced industrial areas overseas […] Canada cannot contemplate trying to absorb large numbers of immigrants who have no skills other than those of the peasant” (Fairclough cited in Anderson 1974: 47).

As with many changes in policy, the shift to a more skilled intake of workers and the reduction of family reunification was not achieved with a single seismic change in law, but rather through a gradual change in regulations and laws over time. In 1962, special provisions for the admission of immigrants from preferred European countries were revoked, ending a selection system that discriminated according to country of birth (Li 2003: 23). Changes in immigration policy in 1967 oversaw the introduction of a universal point-based selection system, widely regarded as a landmark in the development of Canadian immigration practice. The point system assessed all economic migrants on the same criteria such as education, work experience, and occupational demand, with migrants required to score a certain number of points in these areas to be admitted to the country. This enabled the government to determine the skill content of its intake. The 1967 regulations also enabled the government to limit the numbers entering under family sponsorship by dividing the sponsored stream into two classes: dependent relatives, (close family members admitted by virtue of a humanitarian obligation to family reunification), and non-dependent relatives, (wider family members who had to undergo a modified selection system before entering Canada) (Hawkins 1988). In the post OPEC world of the 1970s, Canada suffered reduced economic growth and renewed calls to limit immigration except for those deemed essential for the labour market. The government responded by introducing rules in 1974 where independent applicants had to receive at least one unit of assessment under ‘occupational demand’ to enter Canada, and received a points penalty for not having pre-arranged employment (Green and Green 1995: 1014). Continued skepticism over the numbers of ‘low skilled’ immigrants entering as non-dependent relatives led to the 1977 Immigration Act, which further narrowed the
definition of ‘family’ eligible to be sponsored to enter Canada (Hawkins 1988: 378). The government’s attempts to restrict the entry of low-skilled workers and their families over this period had a gradual impact on the numbers arriving from Portugal. The decline can be seen in Table 9, with the change in regulations in 1974 and 1977 having particularly pronounced effects.

Underlying the shifts in policy over this period was the assumption that the government should tie immigration to particular occupational and industrial shortages. New immigrants should have different skills and ‘fill holes’ in the Canadian labour market, the logic being that “the size of the economic pie is maximized when new immigrants are complements to the pre-existing population” (Sweetman 2005: 12). Since the evolving industrial economy and a poor domestic education system left Canada short of skilled workers for manufacturing, it was educated and urban-based immigrants who were deemed desirable, rendering the rural and lower educated Portuguese intake less wanted. When the points system was introduced in 1967 it was designed to reflect occupational changes in the labour market. An applicant required 50 points out of 100 to pass, and of the total possible points available “40 percent were based on assessment of predicted short-term success in the applicant’s intended occupation and destination” (Green and Green 1999: 432). The points assigned to specific occupations were under quarterly review, and fluctuated with changes in the market (Green and Green 1995). In later years, the occupations deemed in need of foreign labour were identified using a model called the Canadian Occupational Projection System, demonstrating a clear belief that the government could micro-manage immigration (Sweetman 2005: 15). It was also assumed that immigration programming should be geared to the business cycle, with a restricted intake during times of recession and high unemployment. During the recession of the early 1980s overall landings were reduced from 143,000 in 1980 to 88,000 in 1984 in an attempt to mitigate problems of unemployment (Hawkins 1988: 380), and a requirement to have pre-arranged employment was added. The bottleneck of reduced Portuguese immigration in the early 1980s seen in Table 9 can partly be attributed to these restrictions, which were lifted once the state of the economy had improved.
Assessments of the immigration program from the 1960s to mid 1980s suggest it was successful in achieving its stated aims: the variety of source countries increased, the skill content of the intake was raised, and migrants did fill gaps in the new industrial economy – tending to move towards expanding sectors faster than native-born workers (Green 1999). As Table 9 demonstrates, the battle to reduce numbers of permanent immigrants arriving from southern Europe was a slow struggle, but in general arrivals did decline from the 1970s. As we shall see in Chapter 5, this battle was accompanied by the associated problem of increasing numbers of undocumented migrants throughout the period. As the legal pathways to permanent entry for the Portuguese decreased, the government discovered that its ability to switch migration on and off like a tap was limited by the agency of those migrants who stood to lose from the changes. While the government had been in control of initiating movements from Portugal, its ability to stop the now well-established flow was only partial, since the processes and agencies driving migration had to some extent moved out of the government’s hands.

III Immigration policy 1985 – present

Following a trade summit on the 17th March 1985, the Canadian Prime Minister, Brian Mulroney, appeared on stage in Quebec City singing arm in arm with US President Ronald Reagan (Bothwell 2006: 469). The election of Mulroney’s Progressive Conservatives a year earlier, and his close relationship with Ronald Reagan, heralded a decisive shift in Canadian politics. Voters had turned to the Progressive Conservatives following a deep economic recession in the early 1980s, and upon election Mulroney declared Canada “open for business”. It was to be a very different sort of business than Canada had grown used to in the 1960s and 1970s. Trade liberalization, monetarist policies, and improvements in transport and communication technologies were accompanied by the movement of manufacturing jobs overseas. The promised “coming of postindustrial society” (Bell 1973) had arrived, and Ontario’s warehouses and machinery were replaced with office blocks and computers. Economic restructuring led to an increasingly flexible labour market predicated on transferable skills as opposed to workers with a single trade, and a decline in welfare expenditures saw the scope of a
number of social programs being reduced (Hiebert 2006a). Reflecting this shift to a ‘knowledge economy’ built on the back of a wider neoliberal policy framework, the government’s view of what constitutes a desirable immigrant has changed once again:

“Canada needs young, dynamic, well-educated skilled people. It needs innovation ideas and talents. Canadian employers want to take advantage of opportunities offered by the fast moving pool of skilled workers…” [Citizenship and Immigration Canada 2001: 1].

Canada’s attention is firmly focused on attracting highly educated workers, who can adapt to a changing economy and who will not require much state support in settlement and welfare programs (Hiebert 2006a). CIC’s aim of “ensuring that Canada has the right people and skills it needs to prosper in the 21st century” (CIC 2007: 4) leads to almost complete silence over the place of immigrants with low levels of human capital in government rhetoric. As well as responding to a changing labour market, policy changes over the last twenty years were linked to a growing realization that fertility rates across the developed world had dropped below the level of 2.1 births per women needed to replace the population, and were likely to stay there. The Canadian Parliament was presented with a paper in 1984 entitled “From baby boom to baby bust”, contributing to a call for a long-term population policy in Canada and higher levels of immigration regardless of the condition of the labour market (Hawkins 1988: 382).

The immigration policies prescribed since the mid 1980s have been very different to those used to aid economic restructuring in earlier decades. In 1985 it was decided that immigration levels were to be maintained regardless of downswings in the business cycle. The first major test of this policy came during the recession of the early 1990s, when immigration targets remained high, and inflow actually increased in 1993 to 250,000 (Green and Green 1999: 435). In 1985 the government also decided to place greater emphasis on independent economic migrants as opposed to family class intakes. Figure 2 shows the changing composition of immigration to Canada by class of entry since 1980. Between 1985 and 1988 the share of the total intake entering as economic migrants rose from 30% to 50%, and by 1997 the mix of economic/humanitarian immigration was at a ratio of 60/40, where it has roughly stayed ever since. The move to reduce the relative size of the family class in part contributed to the decline of Portuguese immigration in the late 1980s, as seen in Table 9, though Portugal’s own economic
development and entry to the European Union were also significant causes of this decline. The desire of the Canadian government to attract entrepreneurial immigrants suited to a post-industrial economy was perhaps seen most clearly in the introduction of the Business Immigration Program in the late 1970s, which was considerably expanded in 1986 (Ley 2003). The program is designed to attract wealthy and experienced business immigrants to invest in the Canadian economy. That the ‘low-skilled’ Portuguese migrants described in Chapter 3 do not fit this vision of the ‘desirable immigrant’ is clear – only 0.1% of all Portuguese immigrants to Canada between 1980 and 2005 entered under the Business Immigration Program\(^\text{20}\).

Figure 2: Changing composition of immigrants to Canada by class of entry, 1980-2006

![Graph showing changing composition of immigrants by class of entry, 1980-2006.](image)

Source: Data from CIC 2006a

The last thorough revision of Canadian admissions policy came in 2002 with the Immigration and Refugee Protection Act (IRPA) and its associated regulations. IRPA fundamentally revised the point system to reflect opinion that in the knowledge economy,
people will have many jobs and will require transferable skills. The previous priority granted to filling specific occupations has given way to the principle of attracting well-trained, flexible individuals to Canada (Hiebert 2006a: 185). Government rhetoric now focuses on “the long-term ability of skilled workers to integrate effectively and adapt to changing labour market circumstances” (CIC 2007: 14). Table 10 highlights the main differences in points assessment before and after IRPA - the increasing points available for general human capital indicators such as education and language skills, and the decreasing importance of occupational demand and ‘on the job training’, are clearly visible. After the introduction of IRPA, the Canadian Occupational Projection System, which had been used to identify specific gaps in the labour market, was abandoned for immigration purposes (Sweetman 2005). A broader National Occupation Classification (NOC) system is now used, where occupations are placed into five more general skill categories, reflecting the government’s aim to target general skills rather than specific gaps in the labour market. These consist of NOC A and O (skilled professional and managerial jobs requiring university education), NOC B (skilled trades jobs requiring training certificates), and NOC C and D (low skilled jobs requiring high school education or on the job training). The points system is focused on attracting NOC A and O workers.

Table 10: Comparison of Canadian point systems pre- and post- IRPA, 2002.

<table>
<thead>
<tr>
<th></th>
<th>Maximum points available in pre-2002 system</th>
<th>Maximum points available in post -2002 system</th>
</tr>
</thead>
<tbody>
<tr>
<td>Education</td>
<td>16</td>
<td>25</td>
</tr>
<tr>
<td>On the job training</td>
<td>18</td>
<td>0</td>
</tr>
<tr>
<td>Experience in skilled occupation</td>
<td>8</td>
<td>21</td>
</tr>
<tr>
<td>Occupational match to labour market</td>
<td>10</td>
<td>0</td>
</tr>
<tr>
<td>Arranged employment (job offer)</td>
<td>10</td>
<td>10</td>
</tr>
<tr>
<td>Demographic factor</td>
<td>10</td>
<td>0</td>
</tr>
<tr>
<td>Age</td>
<td>10</td>
<td>10</td>
</tr>
<tr>
<td>Knowledge of English and French</td>
<td>6</td>
<td>24</td>
</tr>
<tr>
<td>Adaptability (e.g. previous experience in Canada)</td>
<td>0</td>
<td>10</td>
</tr>
</tbody>
</table>

[Source: adapted from Hiebert 2006a: 222-223].

Underlying the developments in immigration policy over the last twenty years was a change in assumptions about how labour markets function and the ability of the government to tie immigration to a constantly changing economy. A resurgence of
neoclassical economic thinking has led to a belief that specific occupational shortages in the labour market are best rectified by the market mechanism itself, as it forces wages in shortage industries to rise, attracting surplus workers from other areas to move into those jobs. This approach is seen in McHale’s (2003) defence of a point system based on general human capital:

“occupational shortages are a poor basis for a permanent migration policy in an economy with ever-shifting labour demands and supplies. [...] Casual observations about labour market shortages often refer to a phenomenon that would not normally be labeled as a shortage by an economist at all. These pseudo shortages are typically situations where labour demand is rising faster than labour supply and the wage is being forced up [...] the labour market is clearing” [McHale 2003: 219-229, emphasis in original].

This view of labour markets informs an immigration policy designed to bring in people with the right level of skills, but does not try to tie their entry to particular jobs. This policy approach was also based on the realization that the administration of visa applications was too slow to respond in time to the frequently changing list of occupations in demand (Sweetman 2005: 15). There has been a move to longer term policy horizons, focusing on the impact an immigrant is expected to have on the economy over the course of their whole working life, rather than their immediate impact on a particular profession. The final assumption behind the current focus on immigrants with high levels of human capital is that they will fare better in times of economic downturn. Pointing to the plight of unemployment amongst ‘low skilled’ and manual trades workers in the early 1990s, analysts prefer immigrants who can adapt in times of business cycle decline rather than draw on increasingly limited state support.

IV Policy failure

Given the Canadian government’s focus on providing the labour market with immigrants who have high levels of tertiary education and language skills, recent criticisms over the inability of the immigration program to help solve the shortage of labour in Ontario’s construction industry, as well as other shortages of manual trades labour in Alberta and British Columbia, are particularly compelling. While Canada has been successful in achieving its aim of increasing the number of highly educated immigrants entering the
country, it appears that it has been less successful in its larger aim of “addressing labour market challenges” (CIC 2006a: 3), at least as far as these industries are concerned. As one respondent in Toronto noted, “the industry is begging for workers”. Ontario’s Construction Sector Council predict an estimated 85,000 workers will be needed in the Province by 2015 to meet construction demand and to replace retirees in the industry (Construction Sector Council 2007). Despite a concerted effort to attract newcomers to the industry by opening training facilities and recruitment programs in schools, a sustained economic boom over the past ten years has led to continuing shortages, as explained by the President of the Greater Toronto Home Builders’ Association:

“Toronto-area home builders can keep up with the strong demand for new homes only as long as we can find competent tradesmen to build them. Our industry has struggled for several years, especially in the Greater Toronto Area, where we’ve been building at a pace not seen since the late ‘80s […] we soon may not be able to keep up with demand” [Parsons 2004].

While employer groups are sometimes likely to overstate the case of a labour shortage, (in the hope of expanding an available pool of immigrant workers and preventing wages from rising), it is interesting to note the large number of organizations behind calls for more workers in the industry, including the main trade union Local 183. The deportation of undocumented workers in 2006 was viewed with frustration by many, including Local 183, in relation to the fact these workers were filling an essential gap in the labour market. One Portuguese immigration consultant explained:

“The issue was that economically Canada needed these skilled (when I say skilled I’m talking about construction skilled workers) we needed them. The Conference Board of Canada, every other interested party, Unions, Canadian Builders Association, Ontario Home Builders Association, almost everybody was on board. Even Gordon Campbell from BC, […] he was saying how we need these people and I was saying how we need these people and the federal government was saying ‘what gives?’ you know ‘why do we need these people?’ they were on a different page altogether”.

Public discourse surrounding the deportation of undocumented workers in 2006 was therefore intimately connected to the growing shortage of manual labour in industries such as construction. The finger of blame was almost universally directed at the point-based selection system for excluding the sorts of workers who could fill these positions:
“…the applicants who usually score well have postgraduate university degrees. Although points are also offered for such areas as language skills and family relations in Canada, the system does not match the existing labour market. Skilled Portuguese ceramic experts, for example, may be eagerly wooed by the construction industry here, but most could probably not scrape up the necessary points to make the official grade.” [Globe and Mail 2006a].

“Our point system is a failure, it’s not working. The point system has serious flaws because it’s bringing in professionals. What they [CIC] consider ‘skilled workers’ is not the same definition I have of skilled workers. For them a carpenter, a bricklayer, is not a skilled worker. These quote ‘skilled workers’ are having a harder time finding jobs in Canada, because you bring in 20,000 engineers a year to Canada - we don’t need 20,000 engineers, the vast majority of them are driving taxis… The whole issue is one big mess.” [Interview with MP].

It can therefore be argued that Canadian immigration policy has been failing in its aim of using migration as a tool to provide workers for (this section of) the economy. The case of Portuguese workers in Toronto’s construction industry has confounded an immigrant selection system predicated on bringing in high levels of human capital. Why does the industry experience sustained labour shortages despite decent wages, strong unions, and new training facilities with active recruitment programs? Why doesn’t the market rectify this through the wage mechanism and attracting workers from other areas? Why is Canada’s apparently postindustrial society making such strong demands for immigrants with low levels of human capital? Such questions sound ever louder when seen against the wider context of well educated immigrants witnessing a decline in their earnings and seeing their human capital wasted as they work in jobs not commensurate with their skill set (Hiebert 2006a, Li 2003).

Explaining why immigration policy is failing to meet such a labour market demand is a complex and multifaceted issue, but one important explanation lies in the assumptions about how migration and labour markets operate that have informed recent policy developments. These assumptions greatly influence the sort of policies that governments create, and if flawed they can contribute to a policy failing to achieve its objectives (Massey et al 1993, Castles 2004). The remainder of the chapter examines some of the
flawed assumptions that have led Canada’s permanent immigration program to fail in providing for this important group of ‘low skilled’ and manual trades workers.

V The limits of human capital

As we have seen, Canadian immigration policy since the 1960s has taken it for granted that immigrants coming to Canada with higher levels of education also have greater earnings potential and fare better in the economy. Such an approach is based on a neoclassical view of labour markets, which assumes an open market where individuals compete freely based on their levels of human capital: an individual who invests heavily in education and training will see a greater return to that investment when they join the workforce (see for example Sjaastad 1962, Borjas 1989). Personal income is therefore a reflection of an individual’s education undertaken in their formative years (Becker 1993). The logical conclusion is that if human capital determines the success an immigrant has in the labour market, the government should select those immigrants who have the highest human capital (DeVoretz 1995).

While in general there is a link between level of education and income, studies have revealed that in some sectors of the economy, especially ‘blue-collar’ trades work, education and skills are not always the best indicators of an immigrant’s earnings potential. There are a number of other important factors that shape people’s success in the labour market (Coleman 1990, Peck 1996). Social, cultural and institutional processes also deeply influence employment (Li 2003, Reitz 2001, Bauder 2006). Investigation into the functioning of the construction industry in Toronto, and the ethnic economy built around the Little Portugal district, reveals a labour market where returns to human capital are limited and where the messy worlds of society and culture complicate the clean and abstract process of economic modeling.

Perhaps the most obvious reason that returns to human capital are low in the construction industry is that formal training and certification is rarely a requirement to get work, and training is usually gained ‘on the job’. As one respondent working for a Home Builders’
Association noted, “the interview is ‘show up at 7 in the morning - if you can last till noon we might keep you for the next day’”, and another commented that there is a lack of formal qualifications because “once on a construction site people will know quickly whether you know what you are doing or not”. A representative of the residential construction industry explained why government demands for NOC B and D (manual trades) workers to have proper training certificates to support an immigration application are unrealistic:

“If there are let’s say one hundred brick layers in Ontario, how many have a certificate of qualification? Maybe one. So you are wanting this requirement from someone coming in, but the people here don’t even have it. Even the carpenters union, I know they got funding from the Province […] to upgrade the skills of their carpenters and immigrants, so they did a bunch of testing on all the guys and a lot of them were illiterate even in their own language, (they gave them the test in Portuguese). So they tried to give them ESL training. Couldn’t do it. Couldn’t get enough guys out into the class ‘cause they were out making money. I mean they offered to give the money back to the Province”.

In these circumstances it is clear that a lack of official qualifications and low human capital are not barriers to an immigrant’s success in the labour market. The return an immigrant will get for their human capital is contingent on the sector they work in.

A more important influence on the success an immigrant has in this area of the labour market is social capital. Building on the work of Bourdieu (1986) and Coleman (1990), a number of authors have noted that social relationships can be a useful resource in helping integration into the labour market: who you know really can be more important than what you know. Social capital has been shown to be particularly important within ethnic groups who have high degrees of segregation, closed social networks, and less access to other sources of capital (Coleman 1990: 306-7). The Portuguese in Toronto, whose pronounced segregation and low levels of human capital were described in Chapter 3, clearly fit this bill. A thriving ethnic enclave economy has developed around the Little Portugal district (Teixeira 2006). Characterized by Portuguese business ownership, co-ethnic employment, and specialization in certain trades, its close-knit business structure has become “a group resource” (Teixeira 2006: 54). Built largely on social capital, this enclave economy works in ways deemed ‘irrational’ under neoclassical economic
thinking. Intra-ethnic hiring, the use of ethnic information sources to advertise and find jobs, and Portuguese ‘gatekeepers’ holding access to certain jobs are all prevalent, meaning social contacts are more important than educational qualifications in finding employment. When asked how ‘low skilled’ Portuguese immigrants find jobs in Toronto, one respondent simply stated: “you ask, you ask your friends and then ask around, that’s what happens”. A recent survey of Portuguese business-owners in Little Portugal (including, but not limited to, those owning construction firms), paints a more quantitative picture of how the enclave economy operates:

“co-ethnic and family labor seems to play an important role in the operational life and success of Portuguese businesses. Portuguese businesses tend to be small […] In these businesses, over two-thirds of Portuguese entrepreneurs employ family members and seven-eighths employ Portuguese workers. […] When asked how Portuguese entrepreneurs recruited their employees, 84 percent cited their reliance on informal channels such as Portuguese friends and relatives. Moreover, many Portuguese entrepreneurs advertise their businesses through ethnic sources of information, particularly Portuguese telephone directories and “ethnic” media.” (Teixeira 2006: 57).

Similarly, Grace Anderson’s (1974) detailed survey of Portuguese ‘blue-collar’ workers demonstrated that their “networks of contact” were statistically more significant in helping them find successful employment than their education or past experience. She was critical of the newly introduced point system, with its focus on qualifications in place of family reunification, since it was an immigrant’s contacts in Canada that greatly shaped their success in the labour market. As well as shaping hiring practices, ethnic enclaves clearly exert influence on workplace practice as well. As one employee of a Home Builders’ Association noted: “half the guys on the job sites are Portuguese, Ukrainian, Polish, Italian. If you speak English you’re not going to function there”. The impact of the ethnic enclave on the operation of this sector of the labour market is therefore pronounced. Ethnic economies in a number of cities have provided opportunities where lack of official language, qualifications and Canadian experience need not be disadvantages in the world of work (Ley 1999, Waldinger et al 1990).

Another limitation of the human capital thesis is that it tends to focus on migrants as individuals, each operating separately in the labour market and each passively receiving the output of their earlier investment in education and training. Statistical measures tend
to focus on officially reported personal income, which then inform the policies governments take. However Ley (1999) notes that consideration of the social basis of immigrant life can lead to quite different conclusions. Migrants are not passive and dependent, but utilize group and family resources that can be pooled to the benefit of all. Although based in Vancouver, Ley’s (1999) study reveals the wider importance of household accumulation strategies among marginalized immigrants. He ranks the average personal income for different ethnic groups, and also ranks the average family income for the same groups. When looking at personal income the Portuguese are ranked 13th, but when taking family income they considerably improve their position to be ranked 8th. Official income figures also inevitably miss a wide variety of informal economic activity that takes place in ethnic enclaves marked by high levels of intra-ethnic trust and close residential proximity. A focus on personal income as a return to human capital therefore obscures a much more complicated picture of migrants as active agents seeking to improve their position by a number of means.

In focusing on human capital as the determinant of an immigrant’s success in the labour market, policies also neglect the importance of institutional context. Responsibility for integration into the labour market is placed on the immigrants themselves – poor economic performance is assumed to be the fault of low levels of training and education. Such thinking clearly influenced IRPA with its focus on increasing education and language levels amongst immigrants in response to declining immigrant earnings. This abrogates the role of the state in influencing immigrant integration through settlement support programs. Bloemraad (2006) argues that settlement support provides immigrants with material resources and eases their transition into the labour market and wider society. While government rhetoric continues to talk of the importance of newcomer settlement programs, funding for settlement programs has actually been reduced since the 1990s: the proportion of CIC’s budget devoted to settlement decreased from forty six percent in 1997 to thirty seven percent in 2004 (Bloemraad 2006: 121). Service provision has also increasingly been devolved to lower levels of government and the NGO sector through the Settlement Renewal Project. Critics are beginning to point to the withdrawal of the welfare state as one of the causes for declining immigrant fortunes in
Canada, serving as an important reminder that reception context can deeply shape labour market integration (Reitz 1998, 2001).

Perhaps the institutional context that most clearly influences an immigrant’s position in the labour market is legal status itself. Harald Bauder’s (2006) analysis of migrants in the Canadian labour market leads him to view citizenship status as a form of capital, since it can dramatically affect the sorts of jobs a migrant does and the pay they receive. As we shall see in Chapter 5, the lack of permanent pathways into Canada for low skilled Portuguese workers correlates with the development of undocumented and temporary movements. Migrants entering on temporary permits tend to be channeled into certain sectors, and those without legal status are forced to work in enclaves of the economy where their ‘illegality’ will cause them the least problems. Little Portugal’s close-knit enclave economy, coupled with weak government regulation of the construction industry and a trade union highly supportive of the plight of undocumented workers\(^\text{22}\), provides a natural destination for immigrants with less than full legal status. While discussing life as an undocumented immigrant in the Portuguese community, one respondent noted that: “it isn’t like they would be judged if they have that problem […] a lot of the people who are undocumented work for other people who are Portuguese – so there is no looking down on them”. Others commented that legal status is rarely talked about: “you won’t know if the guy working next to you has papers or not”. The institutional context in which an immigrant is received, including their legal status, is therefore important in shaping their employment prospects.

VI The fallacy of a unified labour market

Acknowledging that human capital is not the only factor that influences an immigrant’s success in the labour market speaks to a broader limitation of seeing labour markets as single entities structured by supply and demand dynamics. Peck (1996: 2) argues that underlying many neoliberal policy developments is “an idealized notion of a competitive labour market”. Such a view leads to the assumption that the market will match workers with jobs, using the wage mechanism to find equilibrium between supply and demand.
Within this view, it is assumed that the market “allocates workers to jobs on the basis of their economic worth, as measured by education, skill, age, experience, and past performance” (Hiebert 1999: 340). The assumption that markets are better than the state at matching workers to jobs was clearly behind the move away from “occupational demand” as a selection criterion in Canadian immigration policy.

However the recent shortages of manual workers suggests that labour markets do not work in this way. Peck (1996: 2) argues that “contrary to the ideal, real-world labour markets are not like commodity markets: prices do not coordinate supply and demand, participants do not enter the market as equals, and commodities do not pass […] from seller to buyer”. Drawing on Marx and Polanyi, he suggests that neoclassical economic theory has missed the social nature of human labour and the segmented nature of labour markets. There needs to be an increasing sensitivity to the social and spatial processes that cause local variations in how workers are matched to jobs. Proponents of segmentation theory claim that the labour market is broken into submarkets, or ‘segments’, and that “the rules governing the behaviour of labour market actors differ from one segment of the labour market to the other” (Peck 1996: 46). This segmentation is not the result of external ‘social’ forces impeding the market, but is a feature generated by the market itself. Under this approach it is possible to see that the rules governing the supply and demand of labour in the construction industry may be different from other areas of the economy. It cannot be assumed that a high demand for workers will necessarily produce an increased supply of them. The reason for this is that labour markets are not as rational as neoclassical economics suggests. As Coleman (1990) argues, the notion of an ‘invisible hand’ guiding the market is a fiction. This is firstly because individuals do not have a vantage point from which to observe the economy and make rational decisions – their knowledge is always partial and their situation always embedded. Secondly, individuals often have competing logics: what seems logical to an individual employer might work against the interests of the labour market as a whole. Thirdly, individuals do not always act according to market logic, for example a foreman may hire a family member to work even if less qualified than another individual, for social reasons. Fourthly, it is important to recognize that people are socialized for
particular work (Peck 1996, Hiebert 1999). Expectations about the world of work affect the terms under which individuals will make their labour available. The matching of individuals with jobs in this case depends on “socially constructed ways of seeing the world” (Hiebert 1999: 342). The cultural labeling of certain jobs as ‘immigrant jobs’ can reinforce the structural demand for immigrants in the workforce (Massey et al 1993: 453). The following quotations describe how the construction industry operates as a distinct segment of the labour market in Toronto:

“Along with labour unions and organizations like Skills Ontario, we have been working for some time to attract young Canadians to the skilled trades […] while we have been making some inroads, the shortage persists. Despite good wages, many young Canadians remain averse to working in Construction. That’s why we have also been pursuing immigration as a source of workers”
[President, Greater Toronto Home Builders’ Association. (Parsons 2004).]

“The problem is that part of the reason the department [CIC] is hesitant is because they figure that if there is unemployment in one part of Canada that that could be filled by people moving to Toronto. Or if there’s unemployment in Toronto then people will naturally go into construction. The reality is that not everybody wants to work in construction. You could have unemployment at 12% in some places in Canada, doesn’t mean necessarily they want to come to Toronto and work on a crane or do bricklaying or become carpenters”. [Interview with MP].

It is therefore important to see the socially embedded nature of labour markets in order to understand that they work differently in different sectors and locations. Contrary to the claims of some segmentation theorists, this does not negate human capital theory altogether. It is true that human capital is acknowledged and important in some industries, but it needs to be recognized that it is less valuable in other sectors (Hiebert 1999). Segmentation theory can help explain why immigrants often cluster in particular industries, such as the Portuguese in construction, and why changes in immigration policy that block the entry of low skilled workers cannot assume market mechanisms will clear labour shortages in this area.
A final explanation for the failure of immigration policy to allow the entry of manual trades workers despite industry shortages may be much simpler. In the rush for highly educated workers, and in most descriptions of economic change in recent years, it is possible that the role of manual labour has somewhat been forgotten. Most analyses of the shift towards a postindustrial society have focused on the creation of an ‘hour-glass’ labour market. As manufacturing work has fled overseas, there has been an undeniable decline in ‘blue-collar’ work across most developed countries. This has led to considerable discussion over the increasing numbers of ‘knowledge workers’ at the top of the economy and the low skilled service sector at the bottom (Sassen 2001). Ironically, books that discuss this changing structure of the labour market invariably have on their front covers one key element of blue-collar work that has not been outsourced, and that has in fact grown over recent years: construction. Saskia Sassen’s Global City and Chris Hamnett’s Unequal Society both glisten from the bookshelves with the skylines of Manhattan and Canary Wharf being built on their covers. While the decline of manufacturing in the developed world has indeed brought a reduction of manual labour in recent years, analysis of these changes tends to neglect that there are still some significant pockets of ‘blue-collar’ work left. The construction industry is a particular case in point, as unlike other manufactured products, homes and offices are built in situ by teams of workers who labour on a series of sequential tasks (Walton-Roberts and Hiebert 1997). These characteristics inhibit the mass production and outsourcing that has affected so many other areas of manual work. The size and importance of the residential construction industry in Toronto is hard to deny:

“In 2005, the residential construction industry in the GTA generated 211,350 jobs with the average construction wage being 105 per cent of all industry average wages in Ontario (or $897/week). The value of our investment equals $15.13 billion, made up of $8.77 billion in new construction including land acquisition (not including the value of the land); $4.59 billion in renovation; and $1.77 billion in repair. Our industry generates $1.29 billion in personal income tax revenue; $787 million in Canada Pension Plan premiums; $386 million in Employment Insurance premiums; and $1 billion in GST revenues for a total of $3.47 billion in tax revenues (not including corporate tax). Provincially, in 2005 we generated $1.15 billion in tax revenues, including $611 million in personal income tax and $542 million in provincial sales tax”. 
These figures, coupled with the investments and spillovers from non-residential construction, clearly demonstrate the significance of construction in Toronto’s apparently ‘postindustrial’ economy. Discussions of the structure of the knowledge economy, and the government policies that result from them, should leave space for ‘blue collar’ work.

One reason behind the government’s desire to attract ‘high skilled’ rather than ‘low skilled’ workers is the belief that ‘low skilled’ workers will work in poorly paid jobs and therefore be a fiscal cost to the state, drawing on its progressive tax and welfare system (McHale 2003). However the lack of foreign competition on the construction industry removes the downward pressure on wages that many other manufacturing industries currently face in Canada. The figures cited above demonstrate that despite the pull for ‘low skilled’ workers, wages in this industry are generally decent and at times quite high, confusing the logic behind selecting only ‘high skilled’ workers. As one respondent noted:

“I think the immigration department doesn’t understand what these people are doing and what pay they are getting. Bricklayers and carpenters in Toronto make more than teachers. So they are not low paid jobs, they are very highly paid jobs. Some of them are making $40 an hour – it’s a lot of money. So they are very good paid jobs. Some of them are making over $100,000 a year”.

As we saw in Chapter 3, the evidently ‘low skilled’ Portuguese community are not significantly penalized in employment rates or earnings, especially when compared to other southern European groups with higher levels of education. It is therefore hard to generalize that skill level, an inevitably socially constructed category that bears different returns in different industries, is directly linked to earnings potential in this sector of the economy.

VIII  Conclusions

The Canadian government’s approach to ‘low skilled’ migrants has changed considerably since the active recruitment of the first cohorts of Portuguese to work in manual labour during the immediate post war period. Based on a belief in the power of human capital and a unified labour market, the permanent selection system now privileges immigrants
with university education and language fluency. Recent criticisms of this system have focused on ongoing labour shortages in Toronto’s construction industry, which operates with a very different logic than that assumed by official immigrant selection policies. The change in who the government deems a ‘desirable citizen’ has led to increasingly insecure pathways of entry available for Portuguese ‘blue-collar’ workers, and it is these pathways, and their associated impacts on citizenship and migrant rights, which are the focus of Chapter 5.
Chapter 5

Fragmented citizenship

“Today, more than 800,000 people are waiting in line to come to Canada. Some have been waiting
for years. Those waiting argue it’s unfair for people who come to Canada illegally to get legal
status, while those who play by the rules sit in line”.
[Minister of Citizenship and Immigration, Monte Solberg, rejecting calls for an amnesty of

“If there was a queue, if there was a line-up for these people with skills but little education they
would join that line, they would get into that queue. But there was nothing. Even today there is
very little”.
[Interview with Portuguese immigration consultant, 2007].

A dominant refrain during the protests surrounding the deportation of ‘illegal’ Portuguese
workers in 2006 was that the immigration program, despite strong pulls for migrant
labour and family reunification, had provided no legal pathways for these workers to
enter Canada. As we saw in Chapter 4, the selection system for permanent immigration
provides few avenues for workers with low human capital to enter Canada, a fact that was
heavily criticized by protesters in Toronto. One explanation for the lack of secure
pathways for this group of workers is that a “liberal paradox” exists between economic
pulls for increased migration on one hand, and political pulls for closed territorial
communities on the other (Hollifield 2000). The need for more ‘low skilled’ labour in
Canada has yet to be squared with the equally strong desire for the government to limit
permanent membership to those it deems desirable as citizens. The government has
responded to this contradiction between ‘desired’ and ‘required’ migrants by expanding
the modes of entry, legal statuses and partial membership available to ‘low skilled’
workers to enter the country, while simultaneously denying them avenues to permanent
entry and membership.

In this chapter I first trace the pathways of entry used by ‘low skilled’ Portuguese
workers to come to Toronto to work in the residential construction industry, paying
particular attention to temporary and undocumented flows. A picture emerges of a form of civic stratification\textsuperscript{24}, with access to many rights and elements of citizenship being differentiated according to a migrant’s skill category. The ‘skilled’ are seen as a privileged group with a right to settle permanently and access most elements of citizenship, whereas the ‘low skilled’ are confined to less secure legal statuses, with more restricted rights in both law and practice. I then move on to consider how a migrant’s access to elements of citizenship is also dependent on the sites and scales at which rights are practiced and public services provided, contributing to a very uneven access to citizenship ‘on the ground’. The case of ‘low skilled’ Portuguese workers in Toronto therefore challenges the notion of a wholesale expansion of migrant rights and an emerging post-national citizenship (Soysal 1994). The extension of rights to migrants has been more uneven than proponents of this thesis claim, and an image of ‘fragmented citizenship’ appears more realistic. Throughout the chapter I treat ‘citizenship’ in its substantive form, as a bundle of political, civil and social rights that are the basis for social inclusion, rather than as a specific legal category.

I Temporary Foreign Workers

In September 2001, after intense years of lobbying by an Industry Working Group for solutions to the shortage of construction workers in Toronto, the Canadian government formalized a project “to address a critical skill shortage in the Ontario construction industry” (CIC 2002: 5). An agreement was signed to “ease the entry of up to 500 temporary construction workers over two years” (CIC 2002: 5), and a program known as CREWS (Construction Recruitment External Workers Service) was established by the Greater Toronto Home Builders’ Association to help employers apply to the government for permission to hire temporary foreign workers. Under the new program, an employer could hire a foreign worker for up to twelve months, so long as a Canadian could not be recruited to fill the post. In the five years following the introduction of CREWS, the government agreement on the entry of temporary migrant labour for construction was extended twice, three hundred and seventy five employers used the program, and approximately triple the original intended number of workers were admitted, a quarter of
whom were Portuguese (GTHBA-UDI 2006). Recruitment of temporary migrants has become an increasingly important avenue for employers in the residential construction industry to meet their desire for immigrant labour, and for manual trades workers from overseas, especially Portugal, to move to Toronto.

The introduction of CREWS was indicative of a growing use of temporary entry streams specifically by ‘low skilled’ and manual trades workers around the turn of the millennium. A year after it had signed its special agreement with Toronto’s construction industry, the government revised its generic Temporary Foreign Worker (TFW) Program to enable employers from all sectors to hire ‘low skilled’ (NOC C and D) workers\(^2\). The TFW program is employer driven, and employers can apply to hire a foreign worker for up to two years provided they can prove a Canadian could not be recruited for the post. In opening-up the TFW Program to NOC C and D workers the Canadian government has sought to ease the critical labour shortages in many trades and service industries through temporary migration, while at the same time keeping the permanent economic immigration program restricted to the highly skilled. The changing skill composition of the TFW Program can be seen in Table 11. Unfortunately no firm conclusions can be drawn from the data because the skill level was not stated for a large number of workers, but the increasing percentage of NOC C and D (low skilled) workers, and the decreasing percentage of the NOC A and O categories (jobs requiring university degrees), is clearly evident.

<table>
<thead>
<tr>
<th>YEAR</th>
<th>% NOC A/O (Highly skilled)</th>
<th>% NOC B (Skilled manual trades)</th>
<th>% NOC C/D (Low skilled)</th>
<th>% Skill Not Stated</th>
<th>% Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>1997</td>
<td>41.2</td>
<td>16.6</td>
<td>27.7</td>
<td>14.7</td>
<td>100.0</td>
</tr>
<tr>
<td>2000</td>
<td>39.6</td>
<td>17.8</td>
<td>27.1</td>
<td>15.5</td>
<td>100.0</td>
</tr>
<tr>
<td>2003</td>
<td>28.3</td>
<td>14.0</td>
<td>36.0</td>
<td>21.8</td>
<td>100.0</td>
</tr>
<tr>
<td>2006</td>
<td>26.9</td>
<td>16.2</td>
<td>35.5</td>
<td>21.5</td>
<td>100.0</td>
</tr>
</tbody>
</table>

Source: CIC Facts and Figures 2006b.

The expansion of the TFW program to ‘low skilled’ workers in 2002 was part of a wider shift by the Canadian government towards the use of temporary migration to solve specific labour shortages. The absolute number of TFWs entering Canada has risen
dramatically, from 85,050 in 1990 to 165,198 in 2007, and the total stock of TFWs residing in Canada has also increased sharply (CIC 2007, 2006b). According to their last annual report, CIC is “actively involved in initiatives to further facilitate the entry of Temporary Foreign Workers into Canada”, and its strong rhetoric on “addressing labour market shortages” and “filling skills gaps” leaves no doubt of their desire to target temporary workers to specific occupations that the internal labour market and permanent immigration program have been unable to fill (CIC 2007: 24-5).

While the Canadian government has been actively promoting its TFW program as a solution to a shortage of manual trades labour, another explanation for the rise in ‘low skilled’ workers entering on a temporary basis may lie with the fact that the permanent immigration program is not open to this group of workers, forcing employers to use the temporary stream. One CIC policy analyst expressed his fear that the TFW program was being used in this way, although he stressed his view was controversial within the department:

“on the permanent side we have made it a policy to try to select very high skilled people because there is a theory that they will be more successful in the labour market over the long run. That […] may be causing a problem where employers are looking for welders and even if we allow in 250,000 permanent immigrants, there’s no welders in that 250,000, so they turn towards the temporary side. And that may be part of both the reason why the volumes are going up on the temporary side and why it’s not so much a conscious decision that we are going to allow in more temporary workers, but that’s what’s brought in”.

It can therefore be argued that a skill-based division is emerging between those migrants able to apply for permanent residency and those held on temporary work permits, with low skilled workers effectively channeled towards the temporary program as they are usually ineligible for permanent immigration.

By definition, all temporary immigration programs limit the formal rights available to those entering on a temporary basis, for example by limiting their right to work in certain jobs, their right to remain in the country for long periods, and by denying them access to many elements of citizenship such as state welfare and participating in elections (Ruhs and Martin 2008). Rights limitations are an essential mechanism for control and there is a
trade-off between which rights are granted to TFWs and which are denied in order to adequately manage the program. In essence there is a relationship between a migrant’s temporary legal status and their access to certain rights.

In Canada, the greatest rights limitation that TFWs face is clearly the limited right of residence, with most having to leave the country after two to four years or reapply for an extension to their permit. Another major limitation TFWs face is that it is hard to change employer, effectively denying the right to mobility and choice of residency (as guaranteed under the 1966 International Covenant on Civil and Political Rights). In order to change employer, a TFW is only allowed to move to a job that has also been issued a ‘Labour Market Opinion’ by the government (which confirms that a foreign worker is allowed to fill the post), and is required to apply for a new work permit. Therefore while TFWs are not formally tied to an employer, in practice this is often the case due to the bureaucratic tangle required before they are allowed to move. Other rights are also denied to TFWs, including the ability to study (a study permit is issued separately to a work permit), and access to federal welfare programs is heavily restricted. TFWs therefore face a series of formal limitations to access many elements of citizenship. In fact, the true extent of rights limitations that TFWs face is not known because immigration officers have considerable discretion in imposing conditions on individual permits, and it is not clear how often these discretionary powers are used. As the Immigration and Refugee Protection Regulations highlight:

“An officer may impose, vary or cancel the following specific conditions on a temporary resident: a) the period authorized for their stay; b) the work that they are permitted to engage in, or are prohibited from engaging in, in Canada including the type of work, the employer, the location of the work, the times and periods of the work, […]” [Immigration and Refugee Protection Regulations Part 9, Paragraph 185].

A rights division is therefore emerging between those ‘skilled’ workers who have access to permanent residency (and the generous extension of rights this brings), and the increasing numbers of ‘low skilled’ workers held on temporary work permits with a more restricted access to rights. This formal differentiation of rights according to skill categories becomes even clearer when looking at the conditions placed on different
workers within the TFW program. Those migrants entering as TFWs under NOC A, O and B (‘skilled’) categories have fewer restrictions than those entering the same program under NOC C and D (‘low skilled’) categories. For example TFWs in NOC C and D level occupations can stay in Canada for a maximum of twenty-four months, after which they have to leave the country for four months before being eligible to re-apply for entry. TFWs in higher skilled categories, however, are able to apply to extend their permit without leaving the country – the four month break is not required for these workers. TFWs in NOC C and D jobs also have no right to bring their spouses with them to Canada (the spouse would have to apply for a work permit as well in order to join their partner), whereas the higher skilled TFWs have full rights to spousal reunification. The restriction of rights for lower skilled categories is essentially a management tool, to ensure that this group of workers does not become a more permanent feature of the Canadian economy. One CIC official explained why they insist on NOC C and D level workers breaking their stay in Canada before being allowed to apply to return: “it’s more or less to confirm their temporary status, because the longer they stay in Canada continuously the more attachment there is with Canada. So the return is sort of an assurance that actually they are temporary”. He went on to explain a similar logic behind the lack of family sponsorship: “if you have a spouse who’s living back in your home country it seems likely you are going to return”.26

While there is a variation in the de jure rights extended to migrants on the basis of their skill category, there is also considerable variation in the extent to which rights are practiced on the ground. As such, de jure entitlements cannot be seen to translate easily into de facto rights (Painter and Philo 1994). Much of this variation is the result of the formal conditions placed on TFWs, which leaves them unable to claim rights and open to abuse. For example although TFWs officially have full access to labour standards (rules governing minimum wages, hours of work, health and safety, etc.), the fact they are in the country for short periods of time makes it hard to actually use the often lengthy tribunals and complaints procedures if they wish to bring a complaint against their employer. NGOs and Toronto City Council officials have voiced considerable concern that workplace abuse can result from the TFW being effectively tied to their employer. Particular
concern was raised that nowhere in the process of hiring a TFW is the employer actually vetted: HRSDC screen the job (checking if it could be filled by a Canadian), and CIC screen the migrant worker entering Canada (checking they are healthy, not a security risk and are likely to leave Canada at the end of their stay), but there is little regulation of the employer’s record. One Toronto City Council policy analyst working in immigrant settlement expressed her fears over the rise in TFWs:

I am very concerned about it from a municipal perspective, I’m very concerned. If this is a growing trend – and it does seem to be - there seems to be no due diligence of the federal government, they just are stamping those applications. We do know that some temporary workers are hired by agencies whose track records are dubious in terms of telling the truth, in terms of labour rights, in terms of human rights. I mean you may be a temporary worker but if somebody locks up your passport you become something else – you’re not just a temporary worker. So we are concerned about that and we are concerned that this is a growing vulnerable population in the city and we need to know about it. So we are just concerned”.

The CREWS program also expressed surprise that some employers whom they had refused to help submit applications (due to concern over pay-equity issues) had later applied directly to the government for TFWs and had been accepted, again suggesting there is little regulation of the applications. It can therefore be argued that there is considerable opportunity for inadequate access to social and employment rights for TFWs in practice, as well as in law, further contributing to their differentiated citizenship status.

**Canadian Experience Class**

In their 2007 Annual Report, CIC announced the introduction of a new immigration stream that will come into effect later this year and that has the potential to address concerns that manual trades workers are being channeled into the temporary migration stream. According to one of the policy makers behind the new Canadian Experience Class (CEC), the program is designed “to facilitate the transition from TFW […] to permanent resident without leaving the country”. TFWs will be eligible to apply for permanent residency without having to go through the skilled worker points system, assuming they have been successfully employed in Canada for two years and can secure a
job offer. There are essentially two reasons behind the introduction of the program. First is the growing belief that Canada is losing a valuable labour pool when TFWs, with all their Canadian work experience, have to leave the country once their work permit expires. Second is the realization that “some ‘in demand’ workers in skilled trades just don’t make the federal skilled worker grid”\textsuperscript{27}. It is therefore hoped that trades workers unable to enter under the points system will have an avenue to permanent residency. Until the CEC is properly established it will not be possible to tell whether this aim can be achieved. However the fact the CEC will only be open to NOC A, O and B workers again suggests a divide may be entrenched between ‘skilled’ workers (who will now have another way to permanent residency) and ‘low skilled’ workers (who won’t be eligible for this pathway). The CEC will prove helpful, however, for ‘low skilled’ workers who during their two years on a temporary permit in Canada can upgrade their skills and gain certification allowing them to work in NOC B (skilled trades) positions.

II Undocumented migration

As early as 1965, government reports were pointing to large inflows of Portuguese workers who had ‘jumped ship’ or overstayed a visitor’s visa and begun working in Canada without the permission of the government\textsuperscript{28}. By 1976, commentators were declaring that “illegal immigration is a major problem within the Portuguese community” (Anderson and Higgs 1976: 49), and thirty years later the high-profile deportations from Toronto demonstrate that undocumented migration remains a key but precarious avenue for many ‘low skilled’ Portuguese workers to enter Canada. Indeed the PCNC have described undocumented workers as “an issue of particular relevance to Canadian residents of Portuguese origin” (PCNC 2005). For those working without legal authorization in Canada, not even the limited protection of a temporary work permit exists, and this group lives and works with highly restricted access to rights in law and with access to even fewer rights in practice. Since by definition these migrants avoid most official statistics the exact size of this group is hard to predict, but estimates place the number at around 200,000 undocumented workers in Canada and 40,000 in Toronto\textsuperscript{29}. These estimates suggest undocumented migration is a significant avenue of
entry to Canada, contributing further to civic stratification and a growing number of workers with a precarious legal status.

The growth of undocumented migration from Portugal during the 1960s demonstrates that the processes driving migration had begun to move out of the government’s control. While the Canadian government was largely responsible for initiating the movement of Portuguese workers in the early 1950s, by the 1960s pulls for immigrant labour from private employers, transnational information networks and hiring practices, the desire for family reunification, and the growth of a migration ‘industry’ around Portuguese immigration consultants and travel agencies were all propelling the movement. It became clear that migration flows have an inherently social nature beyond the realm of government intervention (see Massey et al 1993).

There was particular concern within the Canadian government during the 1960s at the number of Portuguese immigrants who arrived in Canada as visitors and then sought to regularize their status once inside the country, rather than applying to immigrate in advance of arriving. The 1974 Green Paper on Immigration summarized this concern:

“By 1964 the problem of visitors-turned-immigrant had got badly out of hand. Frustrated by the criteria for unsponsored immigrants, thousands of people (especially Italians, Greeks, and Portuguese) were entering Canada as visitors, making contact with influential individuals or bodies, and then applying to stay permanently” [cited in Anderson and Higgs 1976: 48].

This situation spiralled further following the introduction of the point-based admissions system in 1967. The restrictive admissions criteria signaled the start of a long battle by the Canadian state to try and reduce the number of ‘low skilled’ workers entering the country. However in introducing such measures the state revealed that its authority to switch flows of migrants on and off like a tap was limited at best, with large numbers of migrants who did not qualify under the new system simply arriving as visitors and then seeking to regularize their status or to work without authorization. This situation was compounded by a provision in the 1967 Immigration Regulations allowing visitors to Canada to apply for permanent residency from within the country, and to enter a lengthy appeals process if their application was rejected (Buchignani and Indra 1999). The unintended effect of these rules was to encourage large numbers of Portuguese (who felt
they would be rejected if applying from overseas), to enter Canada as visitors and then apply for residency, prolonging their stay through the appeals process if rejected (Anderson 1974). A large number of failed applicants remained in Canada ‘illegally’ and an even larger backlog of unprocessed cases built up with applicants left in limbo waiting for a decision. The government responded in 1973 by removing the right to apply for permanent residency from within the country, and at the same time announced Project 97, an amnesty for all those who were living in the country at that point without authorization. Portuguese migrants were among the top ten national groups who took advantage of the amnesty (Buchignani and Indra 1999: 426), and the spike in Portuguese arrivals in 1973-4 can be clearly seen in Table 9. The flow of undocumented Portuguese workers to Toronto had become entrenched in the late 1960s and early 1970s, and many commentators pointed the finger of blame towards the new and restrictive point-based selection system. It was argued that the focus on educated migrants created a lack of legal pathways for what had by then become a well established migration flow from Portugal, driven by strong pulls for ‘low skilled’ labour and family reunification (Anderson 1974, Anderson and Higgs 1976).

There is a striking similarity between the criticisms made of the selection system in the early 1970s, and those that resound in Toronto today. In 2002 the selection system was adjusted to further privilege ‘high skilled’ immigrants, despite a strong pull for ‘low skilled’ Portuguese labour and family reunification. Thus discussions about the large numbers of undocumented Portuguese workers once again focus on the lack of other pathways available to them:

“This migrants are unable to immigrate to Canada through formal channels because they do not fit the model of the ‘ideal migrant’. Informal channels of migration, however, and a real need for their skills, make their presence in Canada a formal reality that demands recognition and accommodation. […] They are undocumented because we do not give them documents, because we have created a system that wants them as workers, but treats them as criminals” [PCNC 2005: 3, 13].

“I’m not saying I condone those who come into Canada and overstay their status, but most of them - if not all - couldn’t qualify under the points system. A lot of them have family here but there’s
no family reunification program to speak of, even though the government speak highly of family reunification. They were coming in as visitors and for economic reasons most of them were staying” [Interview with immigration consultant].

Many critics in Toronto argued that the government put very few resources into enforcing its immigration policy and therefore tacitly accepted this flow of undocumented workers. For example while under IRPA a person employing someone who does not have the right to work in Canada faces a fine of up to $50,000 and a jail sentence, it appears employers are rarely investigated or charged. Indeed, in 2006 only 3 employers were charged for hiring undocumented immigrants, and in the five preceding years a total of only 31 employers were charged (SSG 2006: 8). Rather than advocating increased deportations, these critics were seeking to question the extent to which undocumented migration was accepted by the state in place of offering more legal avenues of entry for these workers.

The lack of legal pathways available to ‘low skilled’ workers suggests that there is a skill-based division between documented and undocumented migrants in Canada, with the majority of undocumented migrants working in specific ‘low skilled’ industries, particularly construction, hospitality and other service industries (PCNC 2005, SSG 2006). Emphasizing the occupational distribution of undocumented workers in Toronto, the Globe and Mail (2006c) argued that “if all the undocumented workers were deported tomorrow, construction sites would grind to a halt”. Providing a more quantitative summary, a report by LIUNA Local 183 estimated that 42.4 per cent of total employment in Ontario’s residential construction sector could be considered ‘underground’, the majority of which would be undocumented migrants (LIUNA 2004). An independent report commissioned by the union, drawing on a number of information sources, provided a more detailed assessment of the scale of the problem:

“the Ontario Construction Secretariat estimated in 2001 that the underground economy costs the province about $1.3 billion a year in uncollected taxes, and that underground construction workers account for about 25 per cent, or 76,400 employees, of the total workforce in the industry. The vast majority, about 83%, is employed in the residential housing sector […] Last year the Canada Tax Journal reported the underground economy had grown from 3.46 per cent of GDP in 1976 to 15.65 per cent in 1995” [SSG 2006: 22].
The residential construction industry operates a large underground workforce through extensive subcontracting, where employers hire workers and class them as ‘independent operators’ rather than employees. While these workers are employees in everything but name, by classing them as ‘independent operators’ employers are able to evade obligations to tax, Employment Insurance and Canada Pension Plan contributions, as well as evading employee entitlements under the Employment Standards Act and Workplace Safety and the Insurance Board of Ontario (SSG 2006: 25). A cornerstone of the underground economy, the use of “independent operators” is also the primary way undocumented workers can be hired while appearing ‘self-employed’ on the company books.

Those working in Canada with no legal status have access to few legal, social and economic rights. They have no right to work or to receive federally funded settlement services or social assistance, including housing, and while they have access to health care they are not entitled to provincial health insurance and are therefore billed for most procedures. Even some crisis services in Toronto, including food banks and shelters, require a form of ID in order to ensure they are serving residents in their mandated area, creating a barrier for those without official documentation (CSPC 2006: 8). Under the Canadian Charter of Rights and Freedoms “everyone” is entitled to fundamental freedoms, equality rights, and legal rights, and therefore undocumented migrants should have the same rights to fair treatment and procedures in legal matters as those living in Canada with full status30. This was a fact reiterated to me by a CIC official in order to demonstrate the extension of rights to non-citizens in Canada. In practice, however, access to even these rights is rendered impossible for fear of discovery by the authorities and deportation from Canada. In one notorious example, an undocumented worker was reporting a sexual assault to Toronto Police and upon discovering her lack of status the police incarcerated her and passed her details to CBSA, resulting in her being issued a deportation order pending the trial against the man who allegedly raped her (CSPC 2006: 23). Reports of individuals of Portuguese descent being asked for immigration documents at random inside the Dufferin Mall, near Toronto’s Little Portugal, has significantly added to perceptions that the undocumented have no right to police and legal protection,
a perception which in and of itself prevents many non status migrants from using the legal system\textsuperscript{31}. This lack of recourse to the law manifests itself most often in the workplace, as an independent report on undocumented workers in Toronto’s construction industry explains:

“undocumented workers are frequent victims of unpaid wages, dangerous working conditions with uncompensated workplace injuries, discrimination, and other labour law violations. Workers who attempt to remedy the abuse routinely face physical threats and retaliation, thus also risk exposing themselves and their families to legal authorities”. (SSG 2006: 35)

The limited access to law can of course manifest itself in all walks of life for this vulnerable population.

Access to public services is also very limited, and varies enormously according to whether the non-status migrant has been able to acquire false documents, such as a Social Insurance Number, and according to how well connected they are to organizations and individuals that can provide them with help and support. Health care is particularly problematic for those working in dangerous occupations, as a Community Social Planning Council report emphasizes: “industries such as construction, where many non-status men work, are known for their rates of on-the-job injuries and adequate medical attention is an absolute necessity” (CSPC 2006: 24). Fear of discovery and the cost of medical services has led to an “underground network of medical and dental professionals who will treat people without status”\textsuperscript{32}. One undocumented Portuguese construction worker interviewed for a research project in Toronto explained how when he broke his arm on a job site he was directed by his employer to a retired nurse, and had $500 deducted from his pay to cover the cost (SSG 2006: 78), a story which many respondents described as typical. While most Toronto schools will accept children of undocumented workers, a well reported incident of immigration officials going into a Toronto school and holding the children of an undocumented family until the parents declared themselves has led to a fear of putting children into schools\textsuperscript{33}. No access to welfare and job security also means undocumented migrants are particularly vulnerable during economic downswings and high unemployment.
Undocumented workers are therefore a vulnerable population with access to the most limited elements of citizenship. Restrictive permanent immigration policies, migrants intent on manipulating the admissions system, and a tacit acceptance of this group of well integrated ‘outsiders’ within Canada, have all combined to produce what is surely the most precarious of legal statuses.

III Application for refugee status

In the first half of 2006, media coverage and public protest over the rise of deportations to Portugal reached its peak in Toronto. In pointing to the rise in overall deportations, however, this coverage ignored another interesting trend. The percentage of those being deported to Portugal who were failed refugee claimants had also risen dramatically, with 88% of all those being deported in the first half of 2006 coming from this stream, a figure that was 60% for the same period in 2005\textsuperscript{34}. The large numbers of failed refugee claimants demonstrate that Canada’s humanitarian admissions program has also been used as a pathway for Portuguese migrants to enter Canada, a pathway that rarely provides the opportunity for permanent settlement (as most applications are rejected\textsuperscript{35}), but one that does allow for a stay of many years while appeals processes are exhausted. As respondents explained:

“there’s a large group of people who come here who want to legalize their status, go to an immigration consultant who says well the only thing you can do is apply for refugee status. They apply for refugee status. They’re not really refugees, they know they’re not really refugees, they are hoping that once that is rejected they can apply for humanitarian compassionate grounds because by then they are fully established and with the hope they will actually stay” [Interview with MP].

“People come through the border not necessarily wanting to become refugees but using that as a way of getting through the door because there isn’t any other way for people to come in” [Interview with activist for migrant rights].

The use of the refugee application process by Portuguese workers entering Canada is an issue with roots dating back to the early 1980s, roots that continue to reverberate today. A provision of the 1977 Immigration Act granted the right of nonrefoulement to those
claiming refugee status on Canadian soil – applicants could not be removed from Canada until their claim had been heard and a decision made. This right to nonrefoulement, coupled with a slow application and appeals process, led many Portuguese immigration consultants to see the asylum system as a potential pathway to Canada for those who could not enter another way. In 1984-1985, approximately 4,000 Portuguese arrived in Canada and claimed asylum through a scheme largely orchestrated by immigration consultants (Malarek 1987: 152). Although their claims for asylum were dubious, (the majority claiming they were Jehovahs Witnesses facing religious persecution in Portugal), the government did not have the resources, grounds or will to remove them from Canada. By December 1985 Portugal topped the list of countries whose citizens were seeking refugee status from inside Canada – a list it had not been on five years earlier (Malarek 1987: 152). In an attempt to close this avenue of entry the Canadian government added a visa requirement for Portuguese visitors, but a large backlog of unprocessed refugee applications had already built up. The government therefore announced an “administrative clearance”, effectively an amnesty, to clear the backlog, and permanent resident status was granted routinely to those ‘waiting’ in the system (Buchignani and Indra 1999: 433). Further use of the in-country refugee application process by those unable to enter Canada as permanent residents by another path led the Mulroney government to pass the Refugee Deterrents and Detention Bill in 1987, and the Refugee Reform Bill two years later, both of which tried to ensure refugees were processed and selected overseas. A backlog of asylum claimants living in Canada was once again cleared with a series of amnesties in the late 1980s, when 5,746 Portuguese availed themselves of the offer to regularize their status (Buchignani and Indra 1999: 435). The large numbers of Portuguese admissions in the mid to late 1980s, primarily the result of these amnesties, can be seen in Table 9. Coverage of the Portuguese ‘refugee debacle’ at the time focused heavily on the role of immigration consultants and travel agents for actively trying to build-up a backlog of applications in the hope of an amnesty once the system was overwhelmed, and also on the lack of a realistic family reunification and economic immigration program for ‘low skilled’ workers (Malarek 1987).
My discussions with those in the Portuguese community suggest that memories of the 1980s regularization are still strong, and may have been behind a number of Portuguese workers applying for refugee status in the early 2000s. The Liberal government had vocally supported an amnesty for undocumented workers in the early 2000s, leading many in the community to assume that a regularization program was soon to be announced. Remembering that past amnesties had been the result of clearing a backlog of asylum applications, a number of undocumented Portuguese immigrants therefore submitted applications for refugee status, hoping once again to force an amnesty:

“let’s say in your case, you are here illegally and you have every confidence in the government because you are hearing the government say ‘I’m looking towards regularizing the status of the undocumented’. Of course from previous history you know that only those that have an application in the system tend to have the consideration of the government amnesty […] so you’re thinking: ‘well the only way I’m going to get any consideration is if I apply under humanitarian grounds’” [Interview with immigration consultant].

“That’s how they were advised to do it by friends and family. Because that’s how they did it back in the 80s you know, make a refugee claim” [Construction industry representative].

Despite the talk of a possible regularization program by the Liberal government no program was introduced, and a number of applications for asylum were duly processed and rejected. Officials within the Portuguese consulate were again critical of immigration consultants providing poor advice and “giving false hope” to many Portuguese workers seeking to regularize their status in Canada, an opinion echoed by a Toronto City Council official who described the deportees in 2006 as “victims of unscrupulous immigration agents who talked a bunch of them into claiming refugee status”. Consular officials were also critical of the lack of legal pathways open to Portuguese workers, with one arguing that “obviously these are law breakers but the rules are so unfair it is hard to comply”.

For those migrants claiming refugee status, access to legal and social rights is limited – but their rights exceed those of TFWs and undocumented workers. They are eligible for social assistance, employment insurance and worker’s compensation, and crucially they are eligible for an open work permit. One respondent involved with the CREWS
(temporary worker) program believed that “instead of using a temporary work permit, lots of guys made refugee claims so they could get open work permits and jump around wherever they wanted.” Refugee claimants are denied access to federally funded settlement services and are only covered for “urgent and essential” health services under the Interim Federal Health Plan (Goldring et al 2007: 33), meaning access to health care is once again one of the most problematic areas for this group of migrants. The right to education and employment training is restricted for refugee applicants, though made available to their children. By definition, a refugee claimant’s right to remain in Canada is contingent on the outcome of their claim, and failed claimants have a removal order invoked. It can therefore be seen that the restrictive permanent immigration program, coupled with immigration consultants seeking to find avenues of entry into Canada for their clients, has bred pressure on the humanitarian admissions program and contributed to another legal status on which ‘low skilled’ Portuguese workers are held in Canada, with yet another patchwork of rights and access to services.

IV Humanitarian and compassionate application

For those undocumented migrants and failed refugee applicants who wish to regularize their status in Canada, the last avenue of legal entry available to them is to submit an application on humanitarian and compassionate grounds. Many Portuguese workers are able to fulfill half the criteria for this application, which asks them to demonstrate “successful establishment” in Canadian society, however most fail to fulfill the second half of the criteria which asks them to prove they would face “undue hardship” if returned to their home country. An application fee of $550 per person, a complicated application process requiring supplementary documentation, and no right to appeal a decision also mean this avenue is effectively closed to many potential applicants. Those submitting a humanitarian and compassionate application have a similar patchwork of rights as those claiming refugee status.
V Provincial Nominee Program

A significant development in Canadian immigration policy in recent years has been the introduction of Provincial Nominee Programs (PNPs). These programs enable Provinces “to designate immigrants who will meet their local economic needs”, and while the nominees must meet federal health and security admission criteria, they are not subject to the point system selection grid for determining eligibility (CIC 2007: 15). While primarily seen by the federal government as a way to “support efforts to encourage immigrants to settle outside Canada’s three largest cities” (CIC 2007: 15), another effect of the program has been to enable individual Provinces to determine their own specific labour shortages and adjust immigration accordingly. The introduction of Ontario’s pilot PNP in 2006 therefore generated considerable excitement in Toronto’s construction industry as a possible solution to their ongoing struggle for foreign labour. Provincial Nominees are admitted under the permanent immigration program and therefore have access to the rights and protections enjoyed by all permanent residents.

In 2006 only 470 Provincial Nominees were admitted to Ontario, as opposed to 54,445 skilled workers (CIC 2007). The size and infancy of Ontario’s PNP therefore prevents any conclusions from being drawn about its ability to help solve labour shortages in the residential construction industry. However my conversations with those in the industry suggest that it will not be the silver bullet its advocates claim. Employers wishing to use the PNP must have a minimum of $1,000,000 in gross revenue for the previous fiscal year and at least five permanent full-time employees, a requirement that moves the program beyond the reach of most residential construction firms which tend to be smaller than this. There are also only five construction occupations that are eligible for the PNP, with a notable absence of some trades with shortages such as roofers and labourers. Finally, the raw number of workers that the PNP can provide to Toronto’s construction industry is likely to be small, since 50% of Provincial Nominees must be directed outside of the GTA and the numbers entering must be split evenly across ‘professional’, ‘skilled worker’ and ‘international student’ categories. Without the conditions of the program being adjusted it seems unlikely that employers in Toronto’s residential construction
industry will be able to use the PNP to their advantage. Nevertheless, a legal avenue for ‘low skilled’ workers to gain permanent residency is a positive development.

VI  Intersecting pathways

While the previous discussion has focused on each mode of entry available to low skilled workers separately, it is clear that in practice there is considerable movement between the different pathways into Canada. Rather than a linear path, the modes of entry should be seen as a web which individual migrants are left to navigate. For example, those working with the CREWS program (for temporary foreign construction workers) believe there are considerable links between the undocumented, refugee and TFW paths. The number of Portuguese applicants and employers using the CREWS program in 2005 was surprisingly low, and the “likely reason is that in 2005 there was an increased anticipation of regularization for non-status workers, leading employers and employees to take a wait and see approach” (GTHBA-UDI 2006: 1). Similarly, in 2006 there was a phenomenal increase in Portuguese workers brought in under the program36, “likely in reaction to the heightened media attention of deportations to Portugal” (GTHBA-UDI 2006: 10). Those involved with CREWS believed a number of applicants in 2006 had already been working in Canada without documentation, and were seeking to regularize their status following increasing fears of deportation. As already noted, many Portuguese migrants also opt for refugee applications as this provides them with a more open work permit than if they entered as TFWs. Migrants therefore shift statuses once inside the country. In particular, many migrants move to a more precarious status than the one they entered under, as their initial entry visa expires. This movement has led some researchers to talk of precarious legal status being “institutionally produced” (Goldring et al 2007), a term which overly denies the role of migrant agency, but which does highlight the important role of bureaucratic process in creating a vulnerable population.

It can therefore be argued that different modes of entry and legal statuses are contributing to a ‘fragmented citizenship’ for this group of migrants, with individuals having a very varied access to key legal and social rights. Portuguese workers in the residential
construction industry are held on a number of precarious legal statuses, largely as a result of their categorization as ‘low skilled’ and therefore undeserving of a permanent immigration status.

V Sites and scales of citizenship

A migrant’s eligibility for certain elements of citizenship is not only determined by legal status and mode of entry, but also by the sites and scales at which citizenship is practiced once within Canada. The sites at which a migrant draws on essential public services (housing, health, education, police protection etc.), can greatly determine the ‘quality’ of citizenship they experience on the ground. A number of authors have noted how under neoliberal state restructuring many elements of citizenship have been reconfigured (Ong 2006, Brenner 2001, Peck and Tickell 2002). In particular, the provision of social rights has increasingly been downsized and downloaded to local government and communities as part of a wider shift towards ‘smaller’ federal government. In Canada, public services are delivered by a number of different arms of the state (city, provincial and federal governments) as well as quasi state-like bodies such as government funded NGOs. City municipalities are especially important in the provision of front-line services. It can therefore be argued that “citizenship is defined and articulated by engagement with different scales of political authority”, as opposed to solely through the legal status ascribed by the federal government (Desforges et al. 2005: 441).

In Toronto, the City Council plays an especially important role in providing services to migrants, bearing in mind nearly fifty per cent of the city’s population were born outside Canada. Many responsibilities for service provision have been downloaded to the City over recent years, and an interesting tension has developed between the municipal and federal governments as a result. As Toronto’s Community Social Planning Council note:

“the fight for migrant rights in Canada is increasingly looking to city-based policy initiatives. While the power to grant ‘status’ is the prerogative of the federal government, municipal authorities can side-step this issue by providing services on the basis of residency, not legal status” (CSPC 2006: 9).
It has become increasingly apparent that the aims of the Canadian ‘state’ at the level of the City are quite different from those at the federal level, especially in relation to service provision. The City’s concern is clearly not with policing access to rights and services based on immigration status, but with the cohesion and welfare of the city population as a whole. As one Toronto City Councillor explained to me: “we believe that if you’re here you get the services like everybody else”, and as such permanent immigration status is not required to access most City services. The tension between these scales of the state was brought to the fore during the protests over the deportation of undocumented workers in Toronto in 2006. At the same time as the federal government was visibly deporting undocumented workers, Toronto City Council passed a motion calling for a moratorium on the removals and established an information campaign on what services migrants could use regardless of their legal status. As a City policy analyst explained:

“we implemented and finished a project on getting information out to people who are here without status on what services they could use in the city. It was our ‘access to services’ project and we developed a poster – in English and other languages – that says to people: ‘look here’s this big long list of services you can use, we don’t care if you’re here legally or not’.

This project was part of a wide number of programs put in place across Toronto to ensure that “services are available to all city residents on the basis of need, and without discrimination on the basis of immigration status” (CSPC 2006: 10). In 2006 Toronto’s Police Board adopted a “Don’t Ask” policy in relation to the legal status of victims and witnesses, and in 2007 the School Board adopted a “Don’t Ask Don’t Tell” policy on the immigration status of students’ families. A number of partner agencies across the city introduced an “Access Without Fear” campaign, and the Community Social Planning Council published a resource guide listing safe places where migrants with a precarious legal status can draw on services, including a number of areas from worker’s rights (including how to file an anonymous complaint under the Occupational Health and Safety Act), health, housing, legal counsel and so on.37

Public services are also increasingly provided by non-state actors, with a number of NGOs providing ‘welfare-in-kind’ through housing, shelters, food banks, and other settlement services. While not regarded as part of ‘the state’, these organizations often receive government funding and stipulations on how it can be spent. The different
funding sources and conditions imposed by sponsors can be awkward for some of these NGOs. For example, an employee of an NGO I interviewed explained how their funding came from CIC (federal), Ontario (provincial government), and from charitable foundations such as The United Way, and that each sponsor imposed certain conditions including whether or not the money could be spent providing services for undocumented migrants. There was therefore a variation between the programs this NGO implemented as to whether they were accessible to those without legal status, depending on which money was used to fund each program. In particular, the NGOs support of the Don’t Ask Don’t Tell policy created “a bit of a problem because CIC does not allow any funds that they are giving for settlement services to go to people who have no status”.

It can therefore be seen that access to elements of citizenship varies according to the site at which services are drawn and at which rights are practiced. It also varies according to which level of the Canadian state is being drawn on, an important reminder that states are not homogenous entities but composed of often-competing institutions (Ley 2003, Mitchell 1997). Indeed one official in the Portuguese consulate complained of “contradictions” between levels of the Canadian state creating confusion as to where responsibility lay and as to which level of government they should be dealing with. The result of this variation is that citizenship can again be seen as ‘fragmented’, for it is articulated differently depending on the site and scale at which it is practiced. For example access to public services for someone with precarious legal status can depend on whether they are provided (or funded) by the federal, provincial or municipal government. Access to services can be spatially very uneven, as organizations often only serve certain catchment areas – a fact that has caused Toronto’s United Way to talk of “poverty by postcode”. Access to key services can also be socially very uneven. Since many services for non-status migrants are advertised informally and by word of mouth, access to them may depend on how well connected a migrant is to the ‘grapevine’ (SCPC 2006: 20). As one City policy analyst explained, “how marginalized you are is going to depend on your specific situation”. Another major problem is that Don’t Ask Don’t Tell policies are usually implemented informally, and therefore it depends on individual staff
members whether they ask for a migrant’s legal status and if they act on this information, creating a great deal of uncertainty over how each migrant will be treated.

The downloading of service provision to the level of cities and communities, a common theme across all neoliberal policies, has therefore contributed to a struggle between different scales of the Canadian state. In particular, a division has emerged in the provision of that key element of citizenship, public services, to migrants with precarious legal status. This has created a potentially positive space of resistance to exclusions driven by the federal state, where Toronto City Council and NGOs have been able to provide those with precarious legal status access to key public services that they would otherwise be denied. However it has also contributed to a highly uneven provision of services, to a citizenship that is fragmented across different sites and scales.

VI Conclusions

An examination of the nuts and bolts of citizenship - of how, where and which rights are practised by ‘low skilled’ Portuguese workers in Toronto - complicates the idea of a ‘postnational citizenship’ emerging in the wake of globalization. These migrants should not be seen as a homogenous group whose rights have been extended under universal principles of personhood, but rather as having a highly differentiated access to rights and services, in both law and practice. This differentiation largely operates on the basis of ‘skill’ categories. A shift towards ‘high skilled’ workers in the permanent immigration program has been accompanied by increasing numbers of ‘low skilled’ Portuguese workers entering the country on a more precarious legal status, especially as temporary and undocumented workers. While Canada’s territorial border appears open for many of these workers to cross, its political border remains the exclusive preserve of the ‘skilled’. For those without permanent membership in the Canadian state, this border emerges in everyday life as they are denied access to key rights and services. Membership in the state therefore takes on a paramount significance, as something worth fighting for and struggling over. It is this struggle that is the focus of Chapter 6.
Chapter 6

Protest! Competing visions of the ‘deserving citizen’

On April 21st 2006, nearly one thousand people occupied Queen’s Park in downtown Toronto to demonstrate their support for undocumented workers and to call for a halt to deportations. The next day, a second march was held as community representatives were joined by politicians in Nathan Phillips Square, again “to bring attention to the plight of undocumented workers facing deportation from Canada”38. The protesters contested a particular logic of citizenship that had led to the exclusion of undocumented migrants from Canada’s political community despite the fact that these same migrants were integrated into Toronto’s labour market and wider social fabric.

In this chapter I examine how these protesters contested the dominant account of citizenship that led to this group of workers being classified as outsiders, and the arguments that were used to try and recast them as legitimate subjects deserving of political membership. I interrogate on what grounds the excluded staked their claim to belong, and how citizenship was conceptualized in the ensuing debates. What model of citizenship are people in the process of building, negotiating and resisting? Do these acts of “insurgent citizenship” (Isin 2002), where excluded groups try to carve themselves a political space, challenge the state’s sovereign right to define political membership on its own terms?

I The protests

The spring of 2006 witnessed a flurry of campaigning in support of undocumented migrants in Toronto, in which the Portuguese featured heavily, though not uniquely39. These campaigns included the two protest marches described above; a series of smaller marches around the Dufferin Mall area; petitions calling on Parliament “to immediately halt the deportation of undocumented workers”40; Portugal’s foreign affairs minister holding emergency talks with his Canadian counterpart and asking for “more flexibility”
for undocumented workers\textsuperscript{41}; and sympathetic coverage in the Canadian print press, (especially the Globe and Mail and Toronto Star), and on many major TV networks, with Mike Duffy, Rex Murphy and Rick Mercer all picking-up the story. The campaigns were loosely grouped together under the ad-hoc ‘Support Don’t Deport Coalition’, which featured over thirty organizations pledging their support for the campaign. Some of the most vocal organizations involved were the construction union LIUNA Local 183, the Portuguese Canadian National Congress, No One Is Illegal – Toronto, and the offices of local MPs, though a number of other ethnic community groups, NGOs and churches also played important roles. Interestingly, political support for the campaign was widespread at all levels of Canadian government, with motions passed in both the City Council and the House of Commons condemning the deportation of undocumented workers\textsuperscript{42}. Though these motions had no legislative weight, they did demonstrate the scale of support for these migrants, as well as showing that the Canadian state is not a uniform entity but rather riddled with internal debate.

The protests in 2006 were nominally over a specific rise in deportations taking place at that time, especially of Portuguese and Hispanic workers. While the Minister of Citizenship and Immigration in 2006 denied there had been an increase in deportations to Portugal\textsuperscript{43}, Table 12 shows a clear spike in removals during the first three quarters of the year, suggesting there were empirical grounds for the protesters’ claims. Although the cause of this spike is unclear, nobody suggested that the Portuguese were being deliberately targeted for removal. Rather, it was likely the result of three things: increased resources being put towards deportations near the turn of the financial year; a government bureaucracy keen to visibly assert its control over a perceived increase in undocumented migration in Canada in previous years;\textsuperscript{44} and a higher than average number of Portuguese migrants filing for refugee status in the preceding five years (at the behest of immigration consultants who believed an amnesty was soon to be announced), and these applications then being processed and rejected alongside each other, with deportation orders therefore invoked at a similar time. The higher than average percentage of failed refugee applicants being deported to Portugal in Spring 2006 can be seen in Table 12, giving some credence to this explanation.
Table 12: Deportations from Canada to Portugal, by quarter, 2005-2007.

<table>
<thead>
<tr>
<th>Quarter</th>
<th>Children deported</th>
<th>Adults deported</th>
<th>Total deported</th>
<th>No. that were failed refugee claimants</th>
<th>% that were failed refugee claimants</th>
</tr>
</thead>
<tbody>
<tr>
<td>Q1 2005</td>
<td>5</td>
<td>61</td>
<td>66</td>
<td>40</td>
<td>60.6</td>
</tr>
<tr>
<td>Q2 2005</td>
<td>5</td>
<td>39</td>
<td>44</td>
<td>26</td>
<td>59.1</td>
</tr>
<tr>
<td>Q3 2005</td>
<td>5</td>
<td>40</td>
<td>45</td>
<td>24</td>
<td>53.3</td>
</tr>
<tr>
<td>Q4 2005</td>
<td>4</td>
<td>42</td>
<td>46</td>
<td>31</td>
<td>67.4</td>
</tr>
<tr>
<td>Q1 2006</td>
<td>18</td>
<td>89</td>
<td>107</td>
<td>87</td>
<td>81.3</td>
</tr>
<tr>
<td>Q2 2006</td>
<td>41</td>
<td>136</td>
<td>177</td>
<td>168</td>
<td>94.9</td>
</tr>
<tr>
<td>Q3 2006</td>
<td>27</td>
<td>84</td>
<td>111</td>
<td>65</td>
<td>58.6</td>
</tr>
<tr>
<td>Q4 2006</td>
<td>3</td>
<td>47</td>
<td>50</td>
<td>26</td>
<td>52</td>
</tr>
<tr>
<td>Q1 2007</td>
<td>13</td>
<td>48</td>
<td>61</td>
<td>45</td>
<td>73.8</td>
</tr>
<tr>
<td>Q2 2007</td>
<td>10</td>
<td>43</td>
<td>53</td>
<td>30</td>
<td>56.6</td>
</tr>
<tr>
<td>Q3 2007</td>
<td>15</td>
<td>57</td>
<td>72</td>
<td>31</td>
<td>43.1</td>
</tr>
<tr>
<td>Q4 2007</td>
<td>7</td>
<td>44</td>
<td>51</td>
<td>32</td>
<td>62.7</td>
</tr>
</tbody>
</table>

Source: Figures released to author by CBSA under an Access to Information Request.

While the rise in deportations was the spark for the protests, the campaign was in reality built on a much longer history of criticisms of the Canadian immigration program. The deportations in effect became a peg on which many organizations could hang a larger inventory of grievances against the government. LIUNA Local 183 clearly used the deportations to draw attention to the wider shortage of construction workers, focusing on the role that those being deported played in the labour market. Similarly, Local 183 and the PCNC used the deportations to draw attention to the failure of the government to introduce a much discussed regularization program. In 2005 the incumbent Liberal government’s proposal for a pilot program to regularize undocumented workers had generated much excitement in Toronto. However following the election of the Conservative party in early 2006 this excitement turned to concern, and the new government confirmed in its response to a letter of enquiry from the Portuguese ambassador that a regularization program was no longer on the cards. As such, the protests in 2006 were as much about Portuguese community leaders feeling let down over the promise of an amnesty, as they were about the specific deportations per se. Party politics also lay behind the protests, with the recently ousted Liberal party using the deportations to launch an attack on the Conservative party that had defeated them in the election. The Liberals often compared the deportations to their previous plan for an
amnesty. Many of the NGOs involved in the 2006 protests had a long history of campaigning for the rights of migrants without status, and this event was therefore simply a flashpoint in a much longer campaign for them. The protests in 2006 should therefore be seen as tightly connected to a whole range of concerns over immigration and citizenship policy in Canada, rather than solely related to the spike in deportations.

II Competing logics of the ‘deserving citizen’

The broad aim of all the protests in Toronto was to challenge the federal state’s classification of what constitutes a deserving citizen. They sought to contest the boundary that Canadian immigration policy had placed between some individuals as members with full status, and others as less than full members with precarious status. A detailed picture of the logic the Canadian state uses to distinguish insider from outsider has been painted in Chapters 4 and 5. It has been demonstrated that while pulls for more flexible labour markets have led to continued migration of ‘low skilled’ workers, these workers have often found themselves excluded from full legal status as the result of political pulls for the state to restrict its membership. In operating the skill-based selection system in this way, the Canadian state clearly employs a traditional view of sovereignty and citizenship - where it remains firmly in control of who it admits as political members - for it is the sovereign state that has the right to invite people to participate in the political community. In government rhetoric undocumented immigrants are therefore given a problematic agency as ‘queue jumpers’ or ‘criminals’ who have evaded the state’s sovereignty, and a constant focus on ‘protecting the law’ is maintained. The very public act of deporting foreigners helps to reinforce the division between legitimate insiders and those who are deemed as illegitimate and without a claim to belong, it serves as a reassertion of the state’s authority. Since the process of defining an ‘outsider’ necessarily involves defining an ‘insider’, it can be seen that such moments also help in constructing the distinctiveness of the nation (Nyers 2003, Honig 2001).

Social movements are rarely homogenous, and Toronto’s ‘Support Don’t Deport Coalition’ was no exception. While at face value the protesters in Toronto had a common
aim - a halt to deportations and a re-drawing of the boundary between ‘insider’ and ‘outsider’ – quite different arguments were voiced in an attempt to achieve this. In particular, two groups of protesters relied on very different reasons why this group of deportees should be included in the political community, working from two very different logics of what constitutes a ‘deserving citizen’. Each of these ‘scripts’ of political belonging therefore provided a different challenge to the Canadian government and evoked a different response from the general public.

One group of protesters, largely the more radical campaign groups such as No One Is Illegal, articulated the right of undocumented Portuguese workers to belong in Canada on the basis of their rights as human beings. It focused on the problematic exclusions inherent in all state-based models of citizenship, and as such sought to distance itself from state boundaries and borders, preferring instead a focus on the rights of all individuals and on transnational campaigns of solidarity for all migrants who have been dispossessed through a lack of legal status. The rhetoric used by such protesters can be seen in the following advertisement for a new members meeting of No One Illegal in Toronto:

“No One is Illegal (Toronto) is a group of immigrants, refugees and allies who fight for the rights of all migrants to live with dignity and respect. We believe that granting citizenship to a privileged few is part of a racist immigration and border policy designed to exploit and marginalize migrants. We work to oppose these policies, as well as the international economic policies that create the conditions of poverty and war that force migration…” [Advertisement for No One Is Illegal – Toronto].

The demands of No One Is Illegal similarly demonstrate the radical nature of the challenge these arguments pose to state-based models of citizenship, including a “national regularization program for all non-status people”, “an end to detentions and deportations”, and “recognition of the right to free movement” among others. The transnational nature of their protest was also evident, with one activist explaining to me that their inspiration for a ‘national day of action’ in Canada in May 2006 came from a similar ‘day without immigrants’ in the USA earlier that year. The very names and slogans used by these campaign groups perhaps serve as the best indicators of the
assumptions they hold about the basis of citizenship, with ‘No Borders No nations’, ‘STATUS NOW!’ and ‘No One Is Illegal’ being frequent rallying calls.

An increasing body of scholarship is seeking to theorize such cross-border social movements as one element of the broader challenge globalization poses to the sovereignty of the nation-state. For example McNevin (2006: 147) has looked at how France’s ‘Sans Papiers’ have tried to forge a “new spatial configuration of political belonging”, and Peter Nyers has analyzed how in Canada an “abject class” of migrants, all excluded from full status, have sought to “contest and reshape the traditional terms of political community and practice” that led to their exclusion (Nyers 2003: 1070-1). Since under traditional readings of sovereignty it is the state that decides insider from outsider, Nyers (2003) reads these acts of resistance by outsiders as a “critical moment of cosmopolitan dissent”. They challenge state-centric accounts of political agency which assume that only those inscribed as ‘insiders’ can act politically, and as such “recast the terrain of political belonging”. For Nyers, it isn’t just the wealthy transnational elite who are constructing a cosmopolitan political order, but also those abject migrants resisting state categories and legal barriers.

While the arguments used by the more radical campaign groups in Toronto support such a ‘cosmopolitan’ reading of the resistance movement in 2006, a quite different set of arguments were used by more ‘mainstream’ actors such as local trade unions, politicians and ethnic community organizations. For this group of protesters, the right of the undocumented Portuguese workers to belong in Canada was articulated not in terms of their human rights, but in terms of their importance to the Canadian state. Rather than distancing the undocumented workers from state boundaries, this group of protesters actively tried to demonstrate their proximity to the Canadian state, to show their instrumental importance to the very polity that excluded them. Their rhetoric did not challenge the right of the government to draw boundaries, but rather argued that the boundary should be stretched to include these undocumented workers since they fit the bill as ‘good Canadians’. It did not seek to recast citizenship itself, but to recast a very specific group of workers as legitimate insiders. Whereas the radical campaign groups
talked in terms of universals, this group of protesters conjured an image of ‘rootedness’, ‘establishment’, long-term connections with Toronto and with symbols of Canadian national identity:

“Many undocumented workers have lived in Canada for decades, worked, raised families, sent their children to schools, own property…” [SSG 2006: 7].

“at the end of the day you have people who have been here 8, 9,10 years, you have a lot of people here with Canadian born kids, you know homes under their names, a lot of them employing Canadians and permanent residents and I was saying, and many were saying, that we should do what’s best for Canada – what is in Canada’s best interest” [Interview with Portuguese community leader].

“As Rafael packed his last few things, he pulled out two objects from his backpack, a Toronto Maple Leafs cap and a hockey puck with the team’s logo…” [Media story covering a deportee preparing to leave Canada, Toronto Star 2006c].

“The undocumented immigrant aspires to a Canadian way of life” [PCNC 2005: 2].

As well as relying on a discourse of Canadian national identity, many protesters sought to align the undocumented with a particular set of values that were clearly deemed to make them ‘deserving’ of citizenship, often focusing on work ethic, honesty and family ties in an attempt to shake off any notion of criminality or illegality. Undoubtedly the most common refrain within media reports was that the economic position of these workers warranted them being allowed to remain in Canada, with frequent metaphors to Portuguese workers ‘building Toronto’ serving to reinforce their instrumental links to the city:

“I thought the Conservative government that I voted for valued initiative, hard work, and family values that these Portuguese immigrants seem to be displaying” [Letter to Toronto Star, 2006d].

“They are contributing members of this society, they are hardworking, often a lot of them got married, have children born here, so why are we sort of kicking good people out, as it were?” [Interview with Toronto City Councillor].
“Immigrant labour helped build the GTA. [...] To maintain this productive and necessary workforce and the health of the overall GTA economy, a solution to the plight of these workers must be found” [Toronto Star 2006e].

[The deportees] “are real assets to Canada, and even if there wasn’t a labour shortage, these are exactly the type of people you want here. They are hard working, and they have earned a place here” [Chief operating officer of the Canadian Home Builders’ Association, quoted in Toronto Star 2006f].

These arguments therefore served to remind the Canadian public of the presence of this group of marginalized workers living in their midst, of their importance in the city economy, and perhaps most importantly that their ‘illegality’ was something that could be changed and contested. However underlying these arguments there is no radical cosmopolitan discourse challenging state sovereignty, for what could support the institution of state citizenship more than a group pleading to be a part of it? The logic of citizenship behind such arguments is in fact very similar to that which the state itself operates, since the debate was over which individuals fit the model of political belonging and not whether this model was anachronistic. Many of the same assumptions about the right of the state to exclude individuals and to define its political members underlie the rhetoric of both the Canadian government and this group of protesters. In contrast to the radical demands of No One Is Illegal, the arguments of more mainstream actors in Toronto therefore served to both challenge and reinscribe the territorial and citizenship boundaries of the Canadian state45, for they relied on a discourse of national belonging.

The different logics used by these two groups of protesters - despite their apparently common aim - came into tension over the use of that most national of symbols, the Canadian flag, during the protest marches:

“the whole debate around Canadian flags was very contentious for a while for the ‘Support Don’t Deport Coalition’. Because a lot of people were like ‘we need to show them we're just as Canadian as everybody else’, and that was important to them and they said that in a very sincere way. Whereas for a lot of other groups, particularly more radical groups, you know identifying with the symbol of the Canadian flag was problematic in terms of issues around first nations rights, but also in terms of saying ‘it’s not about blending into this particular social fabric but acknowledging that there’s a distinct community and a grouping of people that are being let down’” [Activist for migrant rights].
The more mainstream discourse employed by protesters such as community leaders and construction unions, which sought to align undocumented Portuguese construction workers with a particular vision of Canadian national citizenship, came under sustained criticism from many other campaigners and ethnic communities. For just as any model of particularistic nationalism has to define insider from outsider, so the Portuguese plea for inclusion came at the cost of negating other groups’ claims to belong. A number of activists felt that when the Portuguese highlighted factors such as their long establishment in Toronto, their importance in a particularly visible industry and their European heritage, they indirectly constructed other non-status migrants as therefore having a less legitimate claim to belong. As some respondents complained:

“some of the advocates against the deportation of the Portuguese workers in construction at some point argued by saying ‘the Portuguese workers would have stronger potential for integration here in Canada, they are European’. That kind of argument leaves other non-status people out, so that’s a bit disquieting. […] Why do they argue, if they have a shared condition as a non-status person, in a way that just takes advantage of whatever privilege they have (because of country of origin, skin colour, culture)? They are betting on privilege to the exclusion of others” [Interview with researcher for an NGO].

“And then there’s that argument around ‘hard workers’, which is always problematic because pretty much everybody without documentation is working. The question is: where are they working, what kind of support systems are available in the place of employment, what kind of collectivization possibilities exist? So Portuguese construction workers, males, have more ability to organize than Filipino and Carribbean women who are domestic care-givers. It’s a no-brainer”[46] [Interview with activist for migrant rights].

The Portuguese protesters should therefore be seen as actively contributing to a discourse of national boundaries predicated on issues of work, culture and race at the same time as they contested their own position as outsiders. This serves as an important reminder that ‘othering’ is not a one-sided process in which an elite group of ‘insiders’ define what constitutes an ‘outsider’. Rather, the ‘othered’ themselves can contribute to the very discourses that position them and other marginalized persons as outsiders (Ong 1999:
130-1). Their very protest can reinforce particular assumptions about what constitutes a ‘deserving citizen’.

III Public reaction: reinforcing a liberal national reading of citizenship

The fact a group of migrants who had been marked as ‘outside’ of Canada’s political community could take political agency and make their voices heard was a remarkable event. Perhaps more remarkable, though, was the sympathetic reaction of the public to their plight. ‘Illegal immigrants’ are surely one of the most vilified categories in public discourse, with their associated labels of criminality and threat to the nation. Yet the protesters largely succeeded in turning undocumented Portuguese workers from ‘illegal immigrants’ into ‘deserving citizens’, at least in the eyes of the media and political circles. Even attitudes on the ground in Toronto were surprisingly sympathetic, with a poll conducted by the Toronto Star in March 2006 finding public opinion evenly split over the prospect of an amnesty for undocumented workers, a surprisingly positive reaction given the controversial nature of the topic (Toronto Star 2006g). The protests therefore successfully drew attention to the plight of these workers and that their status as ‘illegal’ was something the government could change.

Why was there such support in the media and public for this group of undocumented workers? Buchignani and Indra (1999) note that public perceptions about ‘illegal immigration’ are tightly tied to the perceived desirability of the immigrants in question, rather than on bureaucratic criteria such as their formal legal category and how they entered the country. In fact, all migrants have to be seen to be legitimate members of the nation in order to gain public acceptance, and because of this the attitude of the public towards what constitutes a desirable or undesirable immigrant can often differ with that of the state. Those whom the state deems deserving of citizenship will not always correspond with the public’s perception of a ‘legitimate insider’. This theme was taken up by Katharyne Mitchell in her book Crossing the neoliberal line, and as such it is worth examining her argument in some detail. Mitchell looks at a mismatch of opinion between the Canadian public and government over which sort of migrants should be attracted to
the city of Vancouver, following a sudden influx of wealthy Asian entrepreneurs to that
city under the Business Immigration Program in the 1980s and 1990s. She reads the
resistance of the Vancouver public to this influx of wealthy migrants as the result of a
deeply held account of political belonging, built-up over many years, that the business
migrants were seen to challenge. In her book, Mitchell unearths how a long influence of
British liberal thinking had become entrenched in the public’s understanding of what
constituted a ‘deserving citizen’, and how these liberal formations had become
‘encrusted’ in everyday life. Importantly, she demonstrates how the British liberalism
that influenced Canadian social structures and attitudes cannot be disentangled from a
logic of nationalism, for British liberal philosophy was intimately connected to the
development of a nation-state system of governance. Such a ‘liberal national logic of
belonging’ has therefore become seen as commonsense in everyday practice in Canada.
For Mitchell, it was these deeply held liberal national assumptions that were challenged
by the presence of Asian business immigrants when they began to arrive in Vancouver in
the 1980s, because the “wealthy transnational migrants from Hong Kong were unfamiliar
agents in Vancouver, operating with a different, non-national viewpoint and neoliberal
set of assumptions” (2004: 31). This elite represented the newly minted assumptions of
neoliberalism in Canadian policy, with its focus on global flows, and as such ran counter
to the deep-rooted liberal nationalism of Vancouverites. Conflict therefore emerged over
everyday issues such as housing styles and shopping habits, as the transnational migrants
brought with them a whole host of practices that weren’t seen to fit a Canadian ‘national
image’. Their presence rendered visible the inherent exclusions that liberal national
models of belonging are built on, as it became clear that only certain bodies were seen to
belong in certain places.

In many ways, the public support for the undocumented Portuguese workers in Toronto
stems from a similar logic as that described by Mitchell in Vancouver. But rather than
challenging Canadian liberal national narratives as Mitchell’s Asian elite had done, the
Portuguese actively played to these narratives. They garnered support by drawing on the
commonsense understandings in wider society of what it meant to be a Canadian. Their
position as flag-waving, white, European, Christian, manual trades workers contributed to
their being seen as deserving citizenship based on a logic of particularistic nationalism. As Aihwa Ong (1999: 129) has noted, certain ethnic groups can come to embody different economic and political characteristics, and the Portuguese stereotype as ‘hardworking’ and ‘building Toronto’ played an important role in garnering popular support for their cause. Their economic position, supporting the largest industry in the GTA, was perhaps referred to most often in public discussions about why those being deported should be allowed to stay in Canada. The support for Portuguese undocumented workers was explained by several respondents in terms of their race, industrial position and group size:

“…certainly I would say that race plays a part as well. For example the fact that a family we were working with was a white, Canadian- looking family, extremely attractive, employed in the construction industry, played a huge role in terms of how much press they got. So that is something that is of concern. You know the Portuguese community, because of their establishment gets more press than the Tamil community. And the Tamil community gets tainted with possible implications of terrorism which the Portuguese community would never” [Interview with activist for migrant rights].

“Me: Why did the Portuguese get so much press coverage compared to other groups?
R: Maybe because we were the largest, or seen as the largest, group in the construction industry. I think it’s because as well the Portuguese are one of the largest ethnic groups in Toronto, so I think a lot of it had to do with the numbers are here and most of those people we are talking about lived in Toronto. And of course what we had as well was a lot of big developers saying: you deport 500 hundred of my employees, these projects we are working on are going to be affected, people who are looking to close the deals on their houses will have to wait 6 months or a year. So it wasn’t just impacting those undocumented it was going to impact on the economy” [Interview with Portuguese community leader].

The discourse of political belonging which many protesters relied on, and the way in which the Portuguese were presented in relation to Canadian economy and society, therefore contributed to wider public support for their cause. Another more provocative reason may also be behind this public support for undocumented Portuguese workers. As we saw in Chapter 3, the construction industry is both dominated by immigrants and fuels a large sector of Toronto’s economy. These immigrants therefore provide an important economic role, while not competing with the Canadian-born (who tend to
eschew manual trades) in the labour market. The work that these immigrants were providing was without doubt held up most often in media reports as the reason that they should be allowed to stay in Canada. As Hiebert (2006b: 46) has argued: “it would be hard to define an immigration programme for Canada that is more favourable for the domestic middle class. Immigrants bring capital and skills into the country but do not compete on an even footing for desirable jobs”. The segregated economic position of this group of immigrants could therefore be an important factor in the positive public attitude displayed towards them.

IV Conclusions

In the Spring of 2006, the Canadian state reasserted its right to define ‘insider’ from ‘outsider’ as it deported an increasing number of undocumented workers - many of whom were from Toronto’s Portuguese community. A sustained protest accompanied the deportations, in which campaigners sought to challenge the dominant account of citizenship that had positioned these migrants as political outsiders. The protests succeeded in raising awareness of the plight of this group, and shone a light on the inadequacies of the Canadian immigration program and its treatment of ‘low skilled’ workers. In particular, they challenged the government’s skill-based selection policy, arguing that a position as a ‘low skilled’ worker should not warrant exclusion from full status.

While some authors have read similar acts of resistance by undocumented migrants as a radical challenge to a state-based logic of citizenship, detailed analysis of the arguments used by many of the protesters in Toronto prevent such a reading in this case. During their protest, the Portuguese actively employed, (and therefore helped construct), a discourse of liberal nationalism in which their position in Toronto’s labour market and society were seen as an important basis for their inclusion. In playing to such a notion of political belonging, the Portuguese gained considerable public support for their cause, though this came at the cost of criticism from other non-status groups who felt further
marginalized as a result. It can therefore be seen that the boundaries of Canada’s political community are not set in stone, but are a constant source of struggle and contest.
Chapter 7

Conclusion: political belonging in a neoliberal age

The relationship between the state, labour and immigration is becoming increasingly complex in the global north. While demographic and economic changes provide a pull for increasing numbers of immigrants, political forces push in the opposite direction (Hiebert and Ley 2006: 3). Governments therefore remain keen to control flows of migrants on their own terms, making decisions about which migrants they let into their countries and on what basis these migrants will be allowed to work. The global picture is one of increasingly elaborate immigrant selection policies, with immigration policy becoming ever more closely wedded to labour market policy.

Canada has been seen as something of a leader in managing migration, with a number of countries who are newer to immigration looking towards its point-based selection system as a model for developing their own selection policies. However in recent years the Canadian selection system has come under scrutiny. For the most part this scrutiny has focused on the poor economic performance of immigrants within Canada, both in terms of their declining earnings relative to the native-born population, and in terms of the poor return immigrants get for the skills they bring to the Canadian labour market (Hiebert 2006a, Reitz 2001). In focusing attention on the performance of those migrants that are admitted to the country, less attention has been paid to the migrants that the selection system excludes, namely the ‘low-skilled’ workers who are unable to score enough points to immigrate to Canada. It is this group of migrants, and how Canada’s immigration and citizenship policies deal with them, that have formed the focus of this thesis. While empirically my research looked at Portuguese workers in Toronto’s residential construction industry, criticism of the point-system for its focus on human capital can be heard from a number of sectors, especially the resource industries in Alberta and British Columbia, suggesting that this is set to be a larger topic of debate in coming years.
The protests surrounding the deportation of undocumented workers from Toronto in 2006, many of whom worked in the residential construction industry, shone a temporary spotlight on this larger issue. The cry of labour unions and employers received the most media attention, with many asking why the government was deporting immigrants who were working in an industry facing labour shortages. What’s more, they asked, how had the permanent immigration program not provided an avenue for these workers to enter Canada in the first place?

In order to answer this question it is necessary to see the wider context of how immigration policy has changed in its treatment of ‘low skilled’ workers since the second world war. The Portuguese have experienced these changes first hand, being actively recruited for manual labour in the 1950s and then being targeted in an effort to reduce the inflow of “unskilled labourers” from the 1960s onwards. This change in approach to which sorts of migrants were seen as desirable was closely related to changes in the structure of the economy. The 1960s and 1970s witnessed the introduction of the point-system and the restriction of family reunification, as the government sought workers for an increasingly industrial urban-based economy. Over the past twenty years the rise of the postindustrial economy has led to further changes in the immigration program, this time to privilege ‘high skilled’ knowledge workers with transferable skills. The influence of a neoliberal philosophy in recent selection policy is evident, with its focus on migrants who can be entrepreneurial and adapt to changes in the market, on migrants who will be more productive and not draw on state support, and on economic migrants over those moving for humanitarian or family reasons. Yet the rising calls for the labour of immigrants who do not fit this idealized neoliberal picture suggest that immigration policy is somewhat out of synch with the needs of the labour market with regard to its treatment of ‘low skilled’ workers. This can be seen as the result of two assumptions that the government holds about how labour markets function, assumptions that deeply influence immigration policy. First, the focus on educated migrants is based on a belief that human capital is the main determinant of immigrant success. Second, the move away from tying migration to specific gaps in the economy is based on a belief in a unified labour market coordinated by the wage mechanism. The evidence presented in Chapter 4
demonstrates that these assumptions do not hold true for Toronto’s residential construction industry. A lack of qualifications, an inability to speak English, and low human capital are not barriers to success for the Portuguese immigrants working in this sector of the economy. Rather, social capital and on-the-job training are more likely to determine successful integration into the industry. This supports the wider criticisms of neoclassical economics by those arguing for a greater appreciation of the social and segmented nature of labour markets (Peck 1996, Coleman 1990). The sheer size of the construction industry in Toronto also points to the continuing importance of pockets of ‘blue collar’ work in an apparently ‘postindustrial’ and ‘knowledge’ economy. The preoccupation of governments across the global north in attracting ‘skilled’ migrants has largely led them to eschew the place of these ‘low skilled’ workers. However ongoing shortages in ‘low skilled’ occupations (such as manual trades, care-giving and agriculture) in several countries suggest that the definition of what counts as ‘skilled’ may have to be rethought in coming years. The introduction of the PNP and CEC in Canada can be seen as tentative moves in this direction; however, the majority of ‘low skilled’ workers have to rely on pathways to Canada that are less secure than the permanent immigration program. The expansion of the TFW program in particular demonstrates that ‘low skilled’ workers are primarily viewed as a temporary feature of economy and society.

While the case study of Portuguese construction workers in Toronto raises important questions over the practical functioning of the point-based selection system, it also raises more normative questions over the nature of the inclusions and exclusions undertaken by the Canadian state. The changing nature of citizenship and sovereignty has been a big topic of debate in the wake of increasing global flows of people, goods and information. We have entered an era “when state sovereignty has been frayed and the institution of national citizenship has been disaggregated or unbundled into diverse elements” (Benhabib 2004: 1). It is therefore important to understand exactly how globalizing forces have wrought changes to citizenship and what this means for those subjects crossing international borders. One body of work has argued that state sovereignty is declining and that state-based citizenship is increasingly anachronistic. Advocates of this ‘postnational’
thesis argue that a new form of political membership is emerging based on international codes of human rights (see Soysal 1994, Jacobson 1996), and that migrants as a result have seen an expansion of rights. While the rights of some migrants were extended in the late twentieth century (especially those of permanent residents), the evidence presented in this thesis suggests this has not been a wholesale expansion. In Chapter 5 we saw that migrants living without full status in Toronto have access to few rights and protections, with temporary workers, asylum seekers and the undocumented all facing considerable restrictions imposed by the Canadian state. This leaves them especially vulnerable to abuses in the workplace and home, and without full legal protection in both law and practice. It is evident that the Canadian state remains an important guarantor of rights, and as such the importance of state-based citizenship should not be underestimated.

Another body of work has sought to explain the expansion of universal rights principles as being driven from within the nation-state itself. Joppke (2005) hails the development of skill-based selection policies as an example of states committing themselves to principles of universal rights, since they no longer select immigrants on the basis of group criteria such as race or country of origin. While Joppke is right to celebrate the removal of group criteria from immigration and citizenship policies, the story presented in this thesis suggest that skill-based selection has not been the liberal panacea he suggests. It has in fact inscribed privilege and marginalization in new ways. In Chapter 5 it became clear that while the Canadian state allows many migrants to cross its territorial border and work in Canada, it has made it considerably harder for ‘low skilled’ migrants to gain full membership in the polity. Those workers entering under NOC A, O or B (skilled) categories have a number of pathways to permanent entry, most notably under the point-system and CEC, whereas the ‘low skilled’ are channelled into temporary programs or more precarious undocumented statuses. Even within the temporary immigration program there is a differential extension of rights to ‘skilled’ and ‘low skilled’ workers, part of a wider battle to ensure that ‘low skilled’ workers do not become established in Canada. A picture is therefore emerging of political membership, and the rights and benefits that accompany it, being distributed according to people’s marketable skills. Evidence from other areas of the globe suggest that this “differential politics of
inclusion” may be a structural feature of neoliberal policy settings (Yeoh 2006: 26). For example in S. E. Asia states willingly deny citizenship to groups of ‘low skilled’ workers while simultaneously luring ‘foreign talent’ with the promise of citizenship in their effort to both make gains in the global market and maintain closed political units (Yeoh 2006, Ong 2006). While the neoliberal strategies of governing in S. E. Asia are re-engineering political belonging in a more extreme fashion than in the global north, the evidence presented in this thesis suggests we need to be attentive to similar processes ‘closer to home’.

Citizenship and sovereignty should therefore be seen as “mutating” rather than being replaced or reduced (Ong 2006). The state’s capacity to undertake inclusions and enforce exclusions has not diminished, but rather taken on new forms, something that only becomes visible when looking at the changes in citizenship practices within the nation-state rather than focusing on trends at the global scale. In Canada, the changes to citizenship that have accompanied a neoliberal policy framework have largely led to a stratified, or fragmented, citizenship. We saw in Chapter 5 that there has been a proliferation of migrant legal statuses on which ‘low skilled’ workers enter the country, with the Portuguese held on temporary permits and without legal documentation. These statuses come with a finely graded differential access to rights and protections. The downloading of service provision from the federal to municipal government, a common feature of neoliberal policy, has also contributed to this fragmenting citizenship. Access to key social rights has become highly uneven depending on the scale of the state at which migrants draw services, their location within the country and city, and their social networks. As the work of T.H. Marshall demonstrated, social rights (and citizenship rights more generally), were designed in the twentieth century to protect individuals from the ravishes of an unfettered market and the highly uneven protections given by philanthropy and charity (Roche 2002). It is perhaps therefore not surprising that it is the terrain of social rights, (delivered by institutions of the welfare-state and social policy), that has come under sustained attack by neoliberal policies, with their focus on smaller government and unleashing the power of market forces.
While the case study in this thesis generated many questions of policy, it also became apparent that recent mutations in political belonging entail a social and political dimension. The boundaries inscribed by the state are not set in stone but are a source of struggle and contest (Isin 2002). It is important to understand the discourse that animates such protests, since the underlying assumptions people hold about citizenship are an important part of the changing nature of political belonging in our neoliberal age. In Toronto, the protests sought to challenge the government’s logic of citizenship that had led to them being positioned as outsiders. Two groups of protesters did this in quite different ways. While one group radically challenged the notion of state-defined borders and relied on a discourse of cosmopolitan justice, a larger group relied on a discourse of liberal nationalism, simply arguing that those being deported ‘fit the bill’ as good Canadians. This group therefore tried to challenge where the border had been drawn, rather than the nature of borders altogether. They posed a much less radical challenge to the state, and garnered much greater public support, by playing on a deep-rooted commonsense understanding that certain bodies belong in certain places. It is clear that globalization and international migration have been accompanied by new struggles for political belonging, as well as new forms of transnational protest. While for some these protests are seen as a cosmopolitan challenge to the nation-state (Nyers 2003), the evidence presented in this thesis suggests that many people, including the dispossessed, hold on to a traditional logic of state sovereignty and citizenship.

It can therefore be argued that the Portuguese in Toronto came to embody a tension between the government’s view of a desirable citizen as the ‘high skilled’ flexible worker privileged by neoliberal ideology on one hand, and the loud calls for more ‘low skilled’ migrants in the construction industry on the other. To date, this tension has been resolved through an expansion of ‘low skilled’ migrants being held on precarious legal statuses, a solution that is neither sustainable nor just. This solution reflects a broader picture of differential inclusion in an age of neoliberal citizenship. With the flows of ‘low skilled’ migrants from the global south to the global north showing no signs of abating, the need for their labour showing no signs of declining, and the calls for political closure in
northern states sounding ever louder, the treatment of migrants with low human capital is set to be of central concern in coming years.
Notes to chapters

5. Much of the work on post-nationalism focuses on the granting of rights to European guestworkers in the 1960s and 1970s, see for example Soysal 1994.
7. It is of course important to note that while Portuguese immigrants to Canada share many characteristics and often self-identify as a ‘community’, they are not a homogenous group. When I refer to ‘the Portuguese’ I am making a necessary generalization which many individuals may not fit into.
11. The Greek and Italian figures have been provided because they are also sizeable southern European communities who predominantly entered Canada as ‘low skilled’ immigrants before the introduction of the point-based selection system in the 1960s. However direct comparison is not possible as the sending contexts were inevitably different, and the length of time these communities have lived in Toronto is also different. The first cohorts of Greek and Italian immigrants both arrived in Canada before the Portuguese.
12. LIDS are administrative records held by Citizenship and Immigration Canada, made available for this project through the Metropolis Project, Vancouver.
14. Ibid.
15. Mario Silva MP, Davenport; Peter Fonseca MPP, Mississauga East; Charles Sousa MPP, Mississauga South.
16. Interview with Portuguese community leader, Toronto.
18. Ibid.
20. Data from LIDS 2005 (See note 12 above).
21. Data on government expenditures for settlement services is actually more complicated than such a simple statistic suggests. Over this period settlement services were heavily
downloaded to the Provinces. This partially explains the drop in direct federal funding for such services, as funds were increasingly channelled indirectly through the Provinces.

22 Liuna Local 183 has run numerous campaigns for a regularization program, played an active part in protests against deportations in 2006, and at the time of writing their website boasted “an important message to all undocumented workers – Local 183 will never betray you”.


25 This therefore negated the need for the construction industry to have its own special agreement, since they could now use the generic TFW program. The special agreement was therefore not renewed when it expired in 2006. However the CREWS service still exists to help employers in the construction industry with the process of applying to hire a TFW.

26 This to some extent mirrors the (more extreme) differential treatment of ‘skilled’ and ‘unskilled’ workers in Singapore (see Yeoh 2006, Ong 2006).

27 Interview with CIC policy analyst.

28 For example the influential Sedgwick Report in 1965 expressed concern at the volume of desertions by Portuguese sailors who ‘jumped ship’ when docked in Newfoundland (Anderson 1974: 123).

29 Many respondents did not even try to predict the number of undocumented workers in Canada or Toronto, believing it an impossible thing to quantify. Most news reports and construction industry reports cite 200,000 in Canada and 40,000 in Toronto, however there seems to be little basis for these estimates when they are given.


31 See Toronto Star 2006a. Many interview respondents also expressed fears that police and immigration officials were enacting random checks of legal status around the Dufferin Mall area, a practice which is not permitted without due cause for suspicion.

32 Interview with Toronto City Council policy analyst responsible for immigrant settlement services.

33 See Globe and Mail 2006d for coverage of two incidents of children of undocumented workers being arrested in their Toronto school.

34 Data provided to author by CBSA under an Access to Information Request. See Table 12 in chapter six for full data.

35 Coming from an EU country it is very hard for Portuguese migrants to claim persecution. Only 0.1% of all Portuguese permanent immigrants to Canada between 1980 and 2005 entered under the humanitarian class (LIDS 2005).

36 Over half of all job offers made to Portuguese workers since the CREWS program started were made in 2006.


39 The Hispanic community were also well represented in these protests, though featured less heavily in media coverage of the campaigns.
40 Petition organized by Mario Silva MP, available at: www.mariosilva.ca
41 Cited in Toronto Star 2006b.
42 The House of Commons passed a motion brought before the House by the Standing Committee on Citizenship and Immigration on June 21st 2006, which called for “an immediate moratorium on deportations of all undocumented workers and their families who pass security and criminality checks while a new immigration policy is put in place”, and Toronto City Council passed a motion in 2005 expressing “support for the many thousands of undocumented workers currently living and working in the city of Toronto”.  
44 There was considerable discussion amongst respondents over the role of CIC and CBSA (government bureaucracies) in driving the deportations, with many feeling that the bureaucracy used the opportunity of a change in government (and a new and inexperienced minister) to effect an increase in deportations that they had long desired. These claims were only speculation and CIC did not openly claim to increase the level of deportations from Canada.
45 See McNevin 2006 for a similar reading of the struggle of some of the Sans Papiers in France.
46 However many Portuguese community leaders rightly pointed out that care-givers are able to enter Canada under the Live-in Caregiver Program, which entitles them to permanent residency, and they are therefore afforded greater legal rights than many of the construction workers being discussed in this project.
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# Appendix: BREB Certificate

The University of British Columbia  
Office of Research Services  
Behavioural Research Ethics Board  
Suite 102, 6190 Agronomy Road, Vancouver, B.C. V6T 1Z3

## CERTIFICATE OF APPROVAL - FULL BOARD

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### Co-Investigator(s):

- Jonathan Clifford

### Sponsoring Agencies:

- N/A

### Project Title:

Desirable citizens or illegal immigrants? The case of Portuguese migrants and the Canadian state.

### REB Meeting Date:

- September 13, 2007
- Certificate Expiry Date: September 13, 2008

### Documents Included in This Approval:

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The application for ethical review and the document(s) listed above have been reviewed and the procedures were found to be acceptable on ethical grounds for research involving human subjects.

Approval is issued on behalf of the Behavioural Research Ethics Board and signed electronically by one of the following:

- Dr. M. Judith Lynam, Chair
- Dr. Jem Ruppert, Associate Chair
- Dr. Laurie Ford, Associate Chair

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