

Administering temporary foreign worker status in Canada

NON-IMMIGRANTS

The status of “temporary foreign worker” is ascribed to migrant workers employed in Canada regardless of their long-term residency intentions or the structural permanency of migrant workers in the country’s labour market. This status shapes the experience of ever-growing numbers of workers in Canada in the 21st century and it does so increasingly outside the national scale that has traditionally framed immigration policy.

Temporary foreign worker, as a category, emerged from the exceptions created in immigration reforms following the Second World War, when it became possible to rapidly import (and deport) racialized and gendered labour in large numbers, destined for specific sectors and industries. It is worth noting that such labour has long been imported into Canada, and its predecessor colonies, according to varying justifications and economic thinking going back to the time of African slavery and Asian “coolie” indentured labour (Potts, 1990). However, it was the *Immigration Act* of 1952 that specifically identified a category of “non-immigrants” whose employment was permitted only temporarily and who had no right of appeal if ordered deported (s. 7(5)). The increased regulation of labour markets in the post-war era, including via the extension of labour and employment protections for national citizens, went hand in hand with emerging forms of non-citizenship being defined at that time. This non-immigrant status gave rise to several precursors of today’s programs, including the West Indian Domestic Scheme (1955), the Canadian-Jamaican Seasonal Agricultural Workers Program (1966), and the Non-Immigrant Employment Authorization Program (1973).

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THE TEMPORARY FOREIGN WORKER AND INTERNATIONAL MOBILITY PROGRAMS

Today, temporary foreign worker status is granted to migrant workers under the authority of two programs: the Temporary Foreign Worker Program (TFWP) and the International Mobility Program (IMP). These programs are administered largely through controls on temporary work permits, which are issued to successful applicants at their port of entry into Canada. Temporary work permits authorize one to reside and hold employment in Canada for a finite period under a variety of conditions that may specify the employer, place of employment, occupation of employment, rate of remuneration, and other employment conditions. Between the two programs, more than half a million individuals held a valid temporary work permit in 2014 in Canada (CIC, 2015, p. 18).

The TFWP facilitates the process by which a Canadian employer hires a foreign national for temporary employment in a position that cannot be filled by a Canadian. The TFWP emerged from prior Canadian immigration programs that granted temporary work permits to foreign nationals, following the model of postwar guest worker programs in the United States and Europe. This model can be characterized by its origins in bilateral agreements negotiated with specific states and its use of a restrictive work permit and a labour market test (or certification), a determination by federal labour ministries that the hiring of foreign nationals would not unduly impact their labour markets. The TFWP took its current form in 2002-3, with the expansion of eligible occupations under the

Low-Skill Pilot Program and the creation of a new agency, the Canada Border Services Agency (CBSA). Today, the TWFP is jointly administered by the CBSA, Immigration, Refugees and Citizenship Canada (IRCC), and Employment and Social Development Canada (ESDC). Every year, tens of thousands of foreign nationals are authorized to work temporarily in Canada through this program in domains such as agriculture and domestic care work as well as other occupations (Rajkumar et al., 2012).

The IMP, the second of Canada’s two current temporary labour migration programs, facilitates temporary employment of foreign nationals under conditions set by international agreements or those that promote reciprocity or competitiveness in the global economy. The IMP was designated in 2014, when all TFWP categories exempt from a labour market test were reorganized into a separate program, but most of its elements emerged from the implementation of the North American Free Trade Agreement (NAFTA) in 1994. The categories that make up the IMP can be characterized by their origins in multilateral agreements made as part of trade blocs or on conditions of reciprocity and the absence of labour market tests or overly restrictive work permits. The IMP is administered jointly by IRCC and the CBSA. Each year, it authorizes hundreds of thousands of foreign nationals to temporarily work in Canada as part of trade agreements, reciprocal youth mobility agreements, intra-company transfers, and other arrangements focused on global labour mobility.

GROWTH AND DYNAMICS IN TEMPORARY LABOUR MIGRATION TO CANADA

The most general trend in temporary labour migration to Canada is that the


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number of migrants admitted as temporary foreign workers has intensified in the 21st century and reached unprecedented proportions of total immigration. Between 2003 and 2013, the number of temporary work permits issued tripled, from more than 100,000 in 2003 to more than 300,000 in 2013 (CIC, 2012, p. 62; IRCC, 2016). This growth generally aligns with global migration trends, which have seen total labour migration increase (Castles, de Haas, & Miller, 2014). Yet the growth also reflects circumstances particular to Canada. For the past decade, Canada has admitted more migrants through the temporary work permit programs than through all economic categories of permanent immigration combined (CIC, 2010, pp. 6, 66; CIC, 2012, pp. 6, 66). While the Canadian state cannot straightforwardly *induce* more people to migrate temporarily for work, it can shape differential access to its national labour market for different types of workers, from different sending countries, and it can make certain types of immigration streams or work permits easier or harder to access. Underscoring Canada's role as a host state is not to deny that migrants exercise agency in deciding whether or not to migrate for employment and that their families and other networks socially reproduce the conditions to make that possible (Sassen, 1988). But, as Michael Buroway suggests, "the volume of migrant labour is not something to be taken as given but is created and recreated by the state" (1976, p. 1076). The reproduction or shaping of Canada's current volumes of migrant workers reflects a general de-emphasis of the national scale in favour of others.

DE-EMPHASIZING THE NATIONAL SCALE

Canadian immigration categories and controls have previously been largely associated with the national scale, but now the activities of the federal government support new actors and imperatives. This orientation of state activity

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toward scales other than national has been characterized as "denationalization" (Sassen, 2006). It is visible, on the one hand, through categories of temporary entry increasingly developed by actors, and at venues, associated with trade agreements and negotiations—notably NAFTA and GATS/WTO (Pellerin, 2008). On the other hand, decision-making powers over temporary entry and permanent residency have been downloaded increasingly to provinces and individual employers. The number of temporary work permits issued according to federal-provincial agreements began with around 1,600 permits in 2009 and surpassed 10,000 permits just two years later in 2011 (IRCC, 2016). One significant factor in this increase has been provincial nominee programs, through which employers "pre-select" workers for the programs, thereby giving private actors the capacity to decide on this important pathway to permanency. This is part of a set of policy changes in recent decades that has been characterized as "employer-driven immigration" (Valiani, 2013). Moreover, the Canadian immigration system has consistently prioritized more contemporary categories of global mobility (represented by the IMP), which grant transnational employers and associations a more prominent role in selection, and de-emphasized the more traditional categories (represented by the TFWP) by making the requirements more onerous. 

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9. So named for their long, white robes, not out of any sense of historical irony.
10. André Picciola, *Missionnaires en Afrique : L'Afrique Occidentale de 1840 à 1940* (Paris : Denoël, 1987), p. 111; see also Jean-Claude Ceillier, *Histoire des Missionnaires d'Afrique (Pères Blancs). De la fondation par Mgr. Lavigerie à la mort du fondateur (1868-1892)* (Paris : Karthala, 2008), pp. 15-16; and Aylward Shorter, *Les Pères Blancs au temps de la conquête coloniale : Histoire des Missionnaires d'Afrique, 1892-1914* (Paris : Karthala, 2011).
11. Reproduced in J. Bouniol, W.F., *The White Fathers and their missions* (London, UK: Sands, 1929), p. 32.
12. Bouniol, *The White Fathers and their missions*, p. 314. The more reliable source on circulation is André Beaulieu and Jean Hamelin (with Jocelyn Saint-Pierre and Jean Boucher), *La Presse Québécoise des origines à nos jours, Tome quatrième, 1896-1910* (Québec : Les Presses de l'Université Laval, 1979). Both Bouniol and the Quebec historians put the starting date of the publication in 1906, but the holdings of the Collection nationale go back to 1904. On Morin, see E. Champagne, "Vicariat Apostolique de Navrongo. S.E. Mgr. Oscar Morin, 'L'Apôtre des Gurunsi,'" *Les Missions d'Afrique des Pères Blancs*, April 1934, pp. 98-110; Chanoine Lionel Groulx, *Le Canada français missionnaire : Une autre grande aventure* (Montréal, QC : Fides, 1962), pp. 267-268; and Shorter, *Les Pères Blancs*, p. 36.
13. Bouniol, *The White Fathers and their missions*, p. 17.
14. "Souvenirs de Carthage: Lettre du Frère Jos. Déry, d. P.B. (de Charlesbourg) au R.P. Directeur du Bulletin," *Les Missions d'Afrique des Pères Blancs*, February 1906, pp. 43-58.
15. "Lettre du Fr. Jos. Fillion à son frère Mr. Ad. Fillion, de Québec (St. Louis de Carthage, 26 Novembre 1905)," *Les Missions d'Afrique des Pères Blancs*, March 1906, pp. 79-89.
16. "De Dakar a Kita.—Lettre du R.P. Oscar Morin a sa famille," *Les Missions d'Afrique des Pères Blancs*, February 1906, p. 6.
17. "Vicariat Apostolique du Soudan Français. Extraits de lettres du R.P. Oscar Morin, missionnaire à Ouaghadougou, à ses parents," *Les Missions d'Afrique des Pères Blancs*, 1918, p. 131; and Camille Lafrance, "Un patrimoine chèrement conquis," *Les Missions d'Afrique des Pères Blancs*, December 1948, p. 333.
18. See David Kimble, *A political history of Ghana: The rise of Gold Coast nationalism, 1850-1928* (Oxford, UK: Clarendon Press, 1963), pp. 80-81.
19. "Vicariat apostolique du Soudan. Lettre du R.P. Morin à sa famille (à Montréal)," *Les Missions d'Afrique des Pères Blancs*, October 1906, p. 307.
20. "Vicariat Apostolique du Soudan Français. Extrait des lettres du R.P. Oscar Morin à ses parents," *Les Missions d'Afrique des Pères Blancs*, 1917, p. 11.
21. R.P. Buchault, "Vicariat Apostolique du Soudan. Rapport du R.P. Buchault, Supérieur de la mission de Ségou," *Les Missions d'Afrique des Pères Blancs*, February 1915, p. 45; Myron Echenberg, *Colonial Conscripts: The Tirailleurs Senegalais in French West Africa, 1857-1960* (Portsmouth, NH: Heinemann, 1990), 25-46; and Michael Crowder, *Colonial West Africa: Collected Essays* (London, UK: Routledge, 2012), pp. 104-121, 177-197.
22. "À sa retraite," *Les Missions d'Afrique des Pères Blancs*, July 1947, p. 215; and Francis Nolan, *Les Pères Blancs entre les deux guerres mondiales. Histoire des Missionnaires d'Afrique (1919-1939)* (Paris : Karthala, 2015), pp. 173-174.
23. "À sa retraite," p. 215.
24. "Afrika Montréal : Une exposition du 18 septembre 2014 au 1^{er} février 2015, à l'Écomusée du fier monde," Écomusée du fier monde. Retrieved from <http://ecomusee.qc.ca/evenement/afrika-montreal>
25. "Tous vous devez être missionnaires!" *Les Missions d'Afrique des Pères Blancs*, December 1929, p. 354; and "Exposition Missionnaire," *Les Missions d'Afrique des Pères Blancs*, September 1930, p. 273.
26. See, particularly, Foisy, "Des Québécois aux frontières."