



No One is Illegal - Vancouver is a grassroots anti-colonial immigrant and refugee rights group. We strive and struggle for a world in which no one is forced to migrate. We also strive and struggle for a world where people can move freely in order to live and flourish in justice and dignity.

As a movement for self-determination that challenges the ideology inherent to immigration controls, we are in full confrontation with Canadian border policies; denouncing and taking action to combat racial profiling, detention and deportation, the national security apparatus, law enforcement brutality, and exploitative working conditions of migrants.

We also draw a clear link between capitalist globalization, war and occupation worldwide and the displacement of peoples from their sovereign indigenous territories in the global South and North. Free trade is used to open borders to capital, while exploiting people through displacement, deportation, and an apartheid system that creates hyper-exploitable labour upon which the economy of the North is built upon.

We have several campaigns at the local and national level. Our work is carried out through public awareness events, community forums, facilitating workshops, ongoing campaigns and projects, and action to resist the injustices of this system. We also organize tangible advocacy and actions to defend families and individuals in the refugee process.



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razorwire

no one is illegal newsletter

[SPRING 2009]



MIGRANT WORKERS IN CANADA

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issue:**

**Modern-Day Servitude, Ontario
Immigration Workplace Raids,
Migrant Workers in the Olympics and
Tar Sands Industries, Broken Dreams:
Farm workers and Nannies,
Supporting Migrant Workers.**

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MIGRANT WORKERS: MODERN – DAY SERVITUDE

The number of migrant workers in BC has doubled over the past five years, spurred on by the provinces construction boom, the impending 2010 Olympics, trans-provincial transport of the Alberta Tar Sands, as well as growth in BC's resource extractive and mining industries. The exceptional freedom of capital stands in contrast with the restrictions against those migrant workers whose labour secures corporate profits. For migrant workers, labour exploitation becomes inherent through the making of a national identity that naturalizes the status of their foreign indentured labour.

Our latest issue of Razorwire examines how state policies, the global economy, and narratives of nationalism have created the legal, social, political, and economic conditions for the exploitation of migrant workers. Shifts in Canada's immigration policy, most recently through the Security and Prosperity Partnership and Bill C-50, have created an increased reliance on migrant workers. Unprecedented enforcement raids and deportations in Ontario have created a climate of intense fear amongst migrant and immigrant workers.

In the midst of a global economic crisis – manufactured by global capitalist elites – migrant workers are the first to suffer layoffs. The International Labor Organization predicts that approximately 20 million people – primarily unskilled labour, migrant workers, and women – could lose their jobs because of the global financial crisis. With construction booms turned bust, hundreds of migrant workers



of Central Americans in Mexico; Chiapas alone receives 45,000 agricultural migrant workers a year and 200,000 undocumented workers. Bustamante reports that migrants are "tortured, robbed, and extorted" by criminal networks comprised of corrupt members of the armed forces, police, and government officials.

According to US Immigration and Customs Enforcement data obtained by The New York Times under the Freedom of Information Act, there have been over 90 deaths in immigration custody since 2003. Immigration advocates have been able to cite various names missing from the list including that of Ana Romero Rivera, 44, of El Salvador, who was found hanging in a cell at the Franklin County Jail in Frankfort, Kentucky. America's detention system for immigrants has mushroomed in the last decade and immigrants are becoming the majority of the prison population: on any given day there are approximately 32,000 immigration detainees, most with no criminal record.

In late 2008, the UN special representative in Iraq denounced the plight of migrant workers brought into Iraq, many to work on US-funded "reconstruction" projects. On December 4, The Times of London reported that 1,000 migrant workers who had been promised jobs at catering facilities on US bases and who were being kept at the airport staged a riot in protest of poor treatment and the prospect of being sent home without pay. Following the protest 500 of the workers were sent home, while the rest were said to be living in difficult conditions.

FROM AROUND THE WORLD

Australia is opening a controversial detention centre for asylum seekers on a remote Indian Ocean island nearly 1,000 miles from its mainland. The Labour party, a centre-left party that is now in power, had been critical of the construction of this facility while in opposition. This prison facility holds upto 800 people.

At least 45 people drowned after a boat carrying them from Somalia across the Gulf of Aden capsized in deep waters off Yemen in March 2009. In Feb 2009, six African migrants drowned and 11 were reported missing in a similar situation. Many North African migrants try to reach Yemen, which is seen as a gateway to Europe. Over the past year, 168 boats carrying 9,449 people have reached the Yemeni coast. At least 590 people drowned and another 359 were reported missing last year as result of crossings gone wrong, according to the UNHCR.

A group of skinheads gunned down Tajik migrant Salokhiddin Azizov on a Moscow region street, cut off his head and emailed a picture of the gruesome trophy to rights groups in Dec 2008. More than 100 migrant workers have been killed in hate attacks in 2008 in Russia, with a sharp increase when the economic crisis set in.

In December 2008, hundreds of migrants waiting to submit asylum applications rioted in downtown Athens on Saturday, setting fire to garbage bins and attacking passing cars. Protesters said the riot began when one man fell into a nearby canal after authorities told the crowd that no more applications could be submitted. In October, a human rights group said a Pakistani man was fatally injured when he fell into the same canal. The man was reportedly trying to escape police after immigrants queuing to submit applications clashed with authorities. Greece approved only 140 of the 20,692 asylum applications made in 2007, with thounds of migrants often remaining as migrant or undocumented workers.

According to the World Social Forum on Migrations, Mexico is a “red flag” zone migrants’ rights. There are hundreds of thousands

As written by Adam Hanieh in “Making the World’s Poor Pay: The Economic Crisis and the Global South”: Throughout its history, capitalism has functioned through geographical displacement of crisis – attempting to offload the worst impacts onto those outside the core... Countries including Mexico, Turkey, Indonesia, Brazil, Argentina, South Korea as well as the poorer countries of Eastern and Southern Europe are faced with collapsing growth rates, capital flight, and declines in the value of their currency... Any displacement of crisis onto the South means playing different groups of people against one another. For this reason, the ideological corollary of war and military repression abroad is likely an increasingly virulent racism in the North – directed at immigrants, people of color and indigenous populations.



Denial of citizenship intensifies class exploitation by creating pools of labour cheapened and made vulnerable to abuse by threats of deportation and by pitting recent immigrants against poor and working class citizens.

While migrant workers will suffer unemployment and dislocation in the immediate, the economic crisis will serve to entrench migrant worker programs – which provide exploitable and disposable labour – as a preferred form of indentured labour. As written in a recent No One Is Illegal-Toronto statement “Non-status people and temporary workers have become the ultimate cash cow.” The denial of legal citizenship through migrant worker programs allows states to accumulate domestic capital instead of off-shoring. The violence enacted on those bodies rendered displaced by Canadian trade and foreign policy is further enabled through the deliberate making of migrant workers as perpetually displace-able by Canadian immigration and labour policy.

While the increased reliance on migrant worker programs poses a formidable challenge, it also provides an opportunity for re-imagining community beyond the bounds of citizenship, the political beyond the state, freedom beyond the market, and



VANCOUVER RESPONDS TO LARGEST IMMIGRATION RAID IN CANADIAN HISTORY

Community groups, immigrant worker organizations, and members of the legal community are outraged at the recent Canadian Border Services Agency (CBSA) raids in Ontario. Executing unprecedented US-style raids and massive round-ups in East Toronto, Leamington, and Bradford, CBSA has arrested and detained over 100 non-status and migrant workers.

In one of the largest CBSA raids in recent Canadian history on Thursday April 2 and Friday April 3 2009, enforcement officers stormed into workplaces including factories and farms, as well as workers homes. Many of the arrestees are currently being held in Immigration Detention Centres. In an illegal move, 41 of the nearly 100 arrested were tricked into signing waivers that removed their right to a hearing and many have now been deported to Thailand and China.

According to the Immigration Legal Committee of Toronto, a joint project of the Law Union of Ontario and No One is Illegal-Toronto, "We vociferously condemn the CBSA raids as a shift towards aggressive enforcement tactics. Every person should be concerned about the message this sends to our friends and community members."

immediately upon arrival and have access to all rights accorded by residency, 2) all workers live in accommodation of their choosing and allow workers to change employers, 3) all workers be granted full rights to unionization and be covered by employment regulations and labour protection laws including rights to an impartial dispute resolution mechanism, equal wages, and an appeals mechanism for contract termination 5) all workers be able to be reunited with and live with their families; and

BE IT FURTHER RESOLVED, that we work for the full rights of all workers and poor people by calling for the 1) recognition of foreign credentials, 2) abolition of the provincial \$6 training wage, 3) inclusion of agricultural workers in provincial labour standards to ensure full labour protections, 4) elimination of the imposition of legislation that affects collective bargaining rights, 5) implementation of a universal child care program and 6) increase of social assistance rates by 40% and elimination of arbitrary barriers to accessing social assistance such as the three-week wait, two-year independence test, two-year time limit, and single parent employability rules; and

BE IT FINALLY RESOLVED that we will work to build solidarity between unionized workers, non-unionized workers and those- particularly women- who are not participants in the formal wage-labour market – recognizing that (im)migrant and non-status workers often fill non-unionized, precarious jobs and that the struggle of (im)migrants encompasses the movement against neoliberal exploitation and against war, occupation, poverty, and displacement.



community of choice with complete dignity and justice, free of social, economic and political oppression;

THEREFORE BE IT RESOLVED, that we work to repeal NAFTA and other existing free trade and bilateral agreements which cause the impoverishment and forced displacement of millions in the Global South; and

BE IT FURTHER RESOLVED, that we work to oppose initiatives under the Security and Prosperity Partnership (SPP) Agreement which will only serve to intensify an agenda of corporate free trade, border militarization, criminalization of migration, privatization and theft of indigenous land, plundering of natural resources, repression in the name of national security, impoverishment and displacement, and global wars and occupations; and

BE IT FURTHER RESOLVED, that we work to oppose Canadian state and corporate involvement in war, occupation, and the militarization of the Global South which continue to be prime reasons for the migration of millions; and

BE IT FURTHER RESOLVED that we call for an end to inhumane detentions and deportations of asylum seekers, migrants, and non-status peoples and work to provide sanctuary spaces for non-status peoples;

BE IT FURTHER RESOLVED, that we call for a full and inclusive regularization program for all migrants without full permanent residency rights to ensure free migration and full rights for all those who seek them; and

BE IT FURTHER RESOLVED that we call for full rights and access to social programs for all non-citizens, including but not limited to health care, social assistance, education, childcare, employment, labour protection, housing, legal aid, domestic violence services etc., without fear of identification and criminalization and without any bearing on immigrant/ refugee or family sponsorship claims; and

BE IT FURTHER RESOLVED that we call for an immediate end to exploitative guest-worker and temporary worker programs and work to ensure that: 1) all workers in Canada be granted permanent residency

**"In this economic crisis, companies are hiring us to save money. In my case, I have no work permit. I need to send money for my children to go to school. That is why I have to work. There are so many like me in this country, more than a million."
– Henry, arrested in the raids.**



"In this economic crisis, migrant workers are even more vulnerable. Rather than guaranteeing that these workers have full rights as permanent residents, Canadian immigration policies systemically discriminates and exploits these workers who work in the most dangerous sectors of our economy," states Peggy Lee of No One Is Illegal-Vancouver.

A temporary worker who left the employment of a sexually abusive boss was arrested in the raids. Though she is part of a pending criminal investigation against her employer, the fact that she was working outside the terms of her employer-dependent visa means she is now scheduled for deportation. According to Glecya Duran, Chairperson of SIKLAB-BC Overseas Filipino Workers, "Without looking at the contributions migrants make to the Canadian economy, the government continues to criminalize migrants."

These anti-immigrant raids make clear that in fact, contrary to Minister Jason Kenney's recent comments, Canada is not a hotel. These raids heighten a sense of fear in immigrant communities and ensure that migrant workers will continue to work as part of Canada's revolving door policy with minimal human and labour rights. Instead of dignity and justice, the government is choosing a path of racism, criminalization, and fear-mongering against migrant workers.



"We've apologized for the past, so now we can exploit migrants again right?"

THE HARPER GOVERNMENT'S 'DOUBLE-DOUBLING' OF THE FOREIGN WORKER PROGRAM

(Excerpts from Karl Flecker, Briarpatch Magazine, November 2007)

"Help Wanted signs are everywhere. When it starts to affect our ability to go to Tim Hortons and get a double-double, it ceases to be a laughing matter." - Monte Solberg, Minister of Human Resources and Social Development

Harper Conservatives have moved aggressively to expand Canada's Foreign Worker Program, making it increasingly easy for employers to import workers from abroad. In 2006, there were 171,844 temporary foreign workers living in Canada— a 122 per cent increase over a decade ago— and there's every indication that the program will continue to grow. As the Canadian workforce ages and birth rates decline, this new cohort of economic migrants is fast becoming a potent source of wealth, and their labour is increasingly propping up our standard of living.

The Foreign Worker Program has a number of components, including the Live-in Caregiver Program, the Seasonal Agricultural Worker Program, a pilot project for occupations requiring lower levels of formal training, and oil sands construction projects in Alberta. In all cases the Foreign Worker Program enables

WHEREAS, the self-serving "War on Terrorism" has been used as a pretext for the occupation, territorial control and exploitation of resources in the Global South while facilitating the profiling and criminalization of racialized peoples in the Global North through a fortified national security apparatus; and

WHEREAS, the Canadian government has refused to regularize the status of up to 500, 000 non-status peoples across the country, maintaining their second-class status as they live in a daily state of fear and uncertainty without reliable access to the most basic services; and

WHEREAS, the Safe Third Country agreement, implemented in 2004, has become a "virtual border wall" on the Canada / U.S. border - dropping the asylum application rate by 45%, while the rate of inhumane detentions and deportations across the country have intensified; and

WHEREAS, guest-worker programs and temporary foreign worker programs promoted through the Security and Prosperity Partnership Agreement are the modern incarnations of indentured labour programs with the importation of cheap labour; and

WHEREAS, existing pathways to permanent residency such as the Point System and Refugee Determination system are highly limited and narrow in focus, discriminatory against the poor and those facing the brunt of forced migration, and divide migrants into 'deserving' and 'undeserving' categories; and

WHEREAS, the hard-won victories for (im)migrants and non-status peoples in Canada have historically been the result of heroic organizing campaigns and mobilizations led by affected communities and their allies not simply relying on state-controlled legal avenues which limit advances and only result in incomplete reforms rather than a full measure of justice; and

WHEREAS, only demilitarization and open borders will protect future immigrants from being exploited and criminalized and true "security" exists in the ability for individuals and communities to resist war, displacement, poverty and the ability to sustain one's

Resolutions to Uphold the Dignity of All Migrants and Immigrants in Canada

In 2007, a migrant labour roundtable was hosted by No One Is Illegal-Vancouver. Representatives included delegates from BC Construction and Trades Council, BC Government Employees Union, BC Nurses Union, BC Teachers Federation, Canadian Centre for Policy Alternatives, Canadian Union of Public Employees BC, Comite for Amnesty and Justice Seattle, Hospital Employees Union, Iranian Federation of Refugees, Justicia for Migrant Workers, No One is Illegal, PICS, Public Service Alliance of Canada, South Asian Network for Secularism and Democracy, STATUS Coalition, Trade Union Research Bureau, Vancouver District Labour Council, and others. *[Please note that these are for affiliation purposes only and do not indicate endorsements for the resolutions.]*

A template resolution was drafted to articulate a framework linking temporary foreign worker programs to the struggle for labour rights and the struggle for human mobility. The resolution serves as a critical education tool and other organizations are welcome to adapt this for their own purposes.

WHEREAS, Canadian immigration laws have been created to serve the needs of Canadian industry by regulating migration and providing a cheap, flexible labour pool rather than upholding the dignity of immigrants, migrants and refugees, who have often done the most dangerous and low-paying work in Canada; and

WHEREAS, free trade agreements such as NAFTA have displaced millions and have opened up the borders to the unfettered movement of corporations in search of profits and the direct and indirect Canadian involvement in foreign occupations, land-takeovers, and militarization have caused the destitution and forced displacement of millions in the Global South; and

WHEREAS, the historical and current role of Canada as a colonial state has caused the genocide of the Indigenous peoples of these territories and the violent imposition of created borders; and

Early in the Conservatives' tenure, then Immigration Minister Monte Solberg made it clear that if employers needed labour in particular regions of the country, he was happy to accommodate them by fast-tracking the Foreign Worker Program. Under the Conservatives, many changes have been made to the Foreign Worker Program and virtually all are focused on serving employers' demand for migrant workers as quickly as possible. For example, the Conservatives have:

- Established lists of occupations and sectors that qualify for fast tracking permits to import migrant labour.
- Created a step-by-step guide in "employer-friendly language" on how to hire a foreign worker.
- Assigned government staff "to assist employers seeking to hire foreign workers in cases where a labour market opinion is not required." The 2007 budget provided for an additional \$50.5 million over two years to "reduce processing delays and more effectively respond to regional labour and skill shortages."
- Employers no longer have to advertise for Canadian workers for a minimum of six weeks—now they need only advertise for seven days before seeking a permit to hire workers from abroad.
- Other "administrative efficiencies" include opening new offices in B.C. and Alberta to assist employers in fast-tracking their applications for temporary workers.

The number of temporary workers has now, for the first time ever, eclipsed the number of permanent immigrants who gained entry into the province. What has not been a priority for the government, however, is to build into the Foreign Worker Program effective compliance, monitoring and enforcement mechanisms that will ensure that Canadian employers respect the rights of the guest workers they invite into the country, as well as the rights of any Canadian workers they may displace.

SOLIDARITY WITH TEMPORARY FOREIGN WORKERS

Statement by No One is Illegal-Vancouver, supported by Justicia for Migrant Workers BC.

“Expressions such as ... “foreigner”... and so on, denoting certain types of lesser or negative identities, are in actuality congealed violence or relations of domination”- Himani Bannerji

The number of foreign workers in B.C. has doubled over the past three years, and in the past few months the issue of migrant labour has been contested on several fronts: RAV line construction, the Golden Ears Bridge, and Windsor Manor nursing home. The British Columbia and Yukon Territory Building and Construction Trades Council is supporting 60 temporary foreign workers employed for the Canada Line (RAV) construction who were paid less than \$5 per hour and were required to work 54-66 hours per week with no overtime pay. Golden Ears Bridge Project contractor, Bilfinger Berger, is seeking to bring 345 foreign workers, but their application is being opposed by Ironworkers and the B.C. Federation of Labour on the basis that there are “Canadian workers for the job.” Finally the B.C. Government and Services Employees Union (BCGEU) is fighting the firing of 70 employees at Windsor Manor in Kelowna, where management is replacing them with foreign workers.

There has certainly been tangible solidarity with local unions and migrant workers in the past several months with courageous drives for unionization, strike votes, legal challenges, and calls for permanent status for migrant workers. However at the same time, the labour sector’s drive to “protect Canadian jobs” and “Canadians first policy” reveals the ways in which ‘foreign migration’ is essentially viewed as a threat to organized labour. Such rhetoric pits Canadian-based workers against migrant workers. It has been well-documented that this power of nationalism, particularly as an ideology of exclusion, has been a useful mechanism to destroy solidarity between global labour rights struggles.

Online Resources related to articles in this issue:

SIKLAB Overseas Filipino Workers:
www.kalayaancentre.net

No One Is Illegal:
www.nooneisillegal.org

Justicia for Migrant Workers:
www.justicia4migrantworkers.org

Olympics Resistance Network:
www.no2010.com or www.olympicresistance.net

Oil Sands Truth:
www.oilsandstruth.org



LIVE IN CAREGIVER PROGRAM: BROKEN DREAMS

(Excerpt from December 11 2008 Asian Pacific Post article)

The imminent deportation of a Vancouver-based Filipina caregiver and her one-year old Canadian-born baby underscores the “unjust” and “exploitative” policies of Canada’s Live-in Caregiver Program, says a national advocacy group fighting to have the federal program scrapped.

Lilibeth Agoncillo, a 34 year-old single mother from Mindoro province in The Philippines, came to Canada in April, 2005 under Citizenship and Immigration Canada’s Live-in Caregiver Program (LCP). Despite living and working in Vancouver for over three years she has been ordered to leave Canada immediately for not meeting the required 24-months of live-in work during her three-year stay. Under LCP rules, foreign caregivers must spend two years working in the home of their employer under a valid work permit.

According to Siklab-B.C., a rights group for overseas Filipino workers with offices across Canada, Agoncillo and her child are victims of “unfair and unjust government policies.” Glecy Duran, chairperson of Siklab-B.C said that Agoncillo’s situation is not unique. “Canada’s LCP is a trap for many women workers. The exploitative and restrictive policies of the program mean that many workers end up without status in Canada and are ordered deported.”

Since the 1980’s, over 100,000 Filipino women have entered Canada as live-in caregivers. Ottawa changed its Foreign Domestic Movement, a childcare or nanny program, into the Live-in Care Program in 1992. The LCP includes care for elderly and disabled Canadians and has been criticized by advocacy groups as Canada’s “de-facto childcare program” and a part of the increasing privatization of health care.

The push for expansion of Canada’s Temporary Foreign Worker Program has largely come from employers’ organizations and business lobbies. However, the exploitation of migrant workers as a source of cheap labour is only made possible through state and government regulations. Notions of “Canadian-ness” maintain the power of the state to define the ideological ground of who belongs and who does not. As written by Nandita Sharma, “the social organization of those categorized as non-immigrants works to legitimize the differentiation of rights and entitlements by legalizing the indentureship of people classified as migrant workers.” The legal classification of workers as “temporary foreign workers” suggest that they are not “Canadian”, are not working alongside “Canadians”, and are in some way working in opposition to “Canadian” workers.

The most well-known historical example is the experience of Chinese railway workers in BC. After risking death and starvation on the boat trip from China, the estimated 17,000 Chinese workers who came to Canada from 1881-1884 were met with dangerous working conditions and racism by fellow workers upon their arrival. Chinese coal miners earned \$1 a day compared to the \$2.50 earned by white workers, and it is estimated that anywhere from 800-3500 Chinese migrants died during the construction of the railway. In the late 1880s, the Knights of Labor organized local assemblies to argue against the employment of Chinese workers. In 1907, the Asiatic Exclusion League- which included trade unionists- called for immediate restrictions on Asian immigration in order to maintain a “white Canada”, and in September 1907 major riots destroyed Chinatown and Japantown. More recently, the American Federation of Labor and Congress of Industrial Organizations (AFL-CIO) in the US went on record in favor of employer sanctions against undocumented migrants.

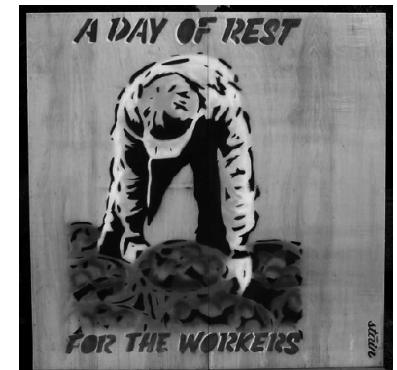
Despite its historic and continued discrimination against non-European immigrants, its prioritization of the “skilled” (i.e business-professional) economic immigrants, and public discourse around immigrants “stealing” jobs, the Canadian state is faced with a fundamental paradox: it needs migrant labour. Statistically there are more people admitted to Canada under Temporary Employment Authorizations (238,093 in 2004) than the number of permanent residents (235,708 in 2004). This need for cheap, exploitable labour has been a driving force since colonization, and continues to inform Canada’s rationale for its guest worker program.

While the government insists that migrant workers are treated fairly, migrant workers have documented experiences of isolation, discrimination, fear, exploitation, and limited access to social services. Seasonal employment programs have a high turnover rate and no accountability for ensuring minimum wages, basic employment standards, or the right to unionize. The typical migrant worker experience includes earning less than minimum wage, dangerous working conditions, and working 10-12 hours per day- often seven days a week- without overtime pay. Most importantly, their temporary status makes them vulnerable to abuse and exploitation, as any assertion of their rights leads not only to contract termination but also deportation. Therefore, access to citizenship is a tool of the labour market that fuels multi-million dollar industries.

Labour mobility is a basic characteristic of capitalism, and much of it has been coerced: indentured workers, slaves, prison labour, and (im)migrant workers. Government and public discourse fails to address root causes of forced migration. On the one hand, because of free trade policies- including Canadian free trade agreements- and structural adjustment programs, governments throughout the global South have been forced to adopt neoliberal policies that have restructured and privatized their land and services, resulting in the displacement of urban and rural workers and farmers. On the other hand, capital mobility has led corporations to create millions of low-wage jobs and to seek vulnerable workers to fill them, both in sweatshops in the global South and exploitable labour sectors in the global North. While governments support market integration and the free flow of capital, the same governments and their agreements seal borders to the free movement of people, fueling the hyper-exploitation of labour upon which the economy of the North is built.

(Im)migrant labour has historically been used to pull down workers wages globally, at the grave expense of the human rights of (im)migrant workers. Therefore a protectionist discourse seeking to “defend Canadian jobs” is reductionist and divisive as it ignores the reality that global capital and racist neocolonial policies affect the most vulnerable- racialized migrant workers and immigrant women- whose precarious labour ensures high profits for a small elite. Migrant workers are the refugees of globalization. Today, immigrant/refugee workers, including migrant workers, predominate as construction workers; as hazardous waste workers; as taxi drivers;

“You work eight to 12 hours a day, seven to 14 days straight. The floor pickers sometimes have to crawl or spend the day bending over” – migrant farm worker



Despite the setbacks, some recent notable legal victories:

In June 2008, migrant workers at a farm in Portage La Prairie signed a historic three-year collective agreement. The previous year, the group was union certified by the Manitoba Labour Board, making it the first unionized group of migrant farm workers in Canada.

In August 2008, BC first certification for migrant workers was granted by the B.C.'s Labour Relations Board. They approved the UFCW to represent 40 SAWP workers at Greenway Farms in Surrey.

In September 2008, a group of 14 Mexican farm workers at the Floralia Plant Growers in Abbotsford, BC were sent back to Mexico after filing papers to unionize through the UFCW. Nonetheless, despite much fear, the remaining workers went ahead with the vote and overwhelmingly voted to unionize.

In November 2008, the Ontario Court of Appeal ruled that farmworkers across the province do have a right to unionize and that the Agricultural Employees Protection Act – which prevents farmworkers from collective bargaining – substantially impairs their rights to freedom of association. The decision affects an estimated 32,000 agricultural workers in Ontario, including 16,500 migrant farm workers.

In 2008, Jorge Bustamante, UN special rapporteur on the human rights of migrants stated that he was concerned about the letters he was receiving directly from Mexican migrant farm workers in Canada.



MIGRANT FARM WORKER VICTORIES

Across Canada, the number of Seasonal Agricultural Worker Program (SAWP) workers has increased from 264 in 1966 to over 19,000 in 2004, with exponential growth in the past few years. In BC, the number of workers has grown from 50 workers from Mexico in the first year of implementation in 2004 to over 3000 workers – primarily Mexicans- in 2008.

Through the SAWP, the federal government issues temporary employment visas which allows workers to stay in Canada for up to eight months but limits their work permits to the designated employer. Documented abuses in the SAWP include wages lower than Canadian counterparts and long hours with work hours up to 16 hour days during peak season without receiving overtime or vacation pay. Many migrant farm workers are required to work with pesticides without proper training or safety equipment. Accommodations may be attached to greenhouses with seepage of chemicals and pesticides. Some employers retain passports, health cards, social insurance cards, and work permits. Furthermore, workers' can be sent home for filing complaints and a negative report from an employer at the end of a season can result in the suspension from the program for future seasons. Finally, for SAWP workers, there is no option of permanent residency no matter for how many years - and sometimes even generations – they continue to toil in the fields of Canada.

as farmworkers; as domestic workers; as cooks and dishwashers; as home support workers; as janitors; and as garment workers.

In the face of increasing capitalist globalization, the responsibility rests on us to not exclude those who are the most impacted, but to give voice to their struggles for dignity and justice. We must re- envision a labour movement based on a globalized solidarity that recognizes the expansionist nature of capital with its diverse sites of production and markets. We must unmask the legacy of colonialism and racism and place migrant workers at the center rather than the periphery of this movement.



ALBERTA TAR SANDS: KILLING THE LAND, INDIGENOUS PEOPLE, AND MIGRANT WORKERS



On April 24, 2007, the internal supports of a large tank collapsed, killing Hongliang Liu from China's Shandong province and Genbao Ge, from the Henan province. The incident took place at the Horizon Oil Sands project near Fort McKay, about 480 kilometres north of Edmonton. The men were in Canada on temporary foreign-worker permits. The province immediately issued a stop-work order on the site. Nearly a month later, a second tank on the site collapsed.

Nearly two years later, in 2009, Canadian Natural Resources Ltd., Sinopec Shanghai Engineering Company Ltd., and SSEC Canada Ltd., have been charged under the Occupational Health and Safety Act. Nearly 53 charges have been laid.

In April 2008, the province revealed that it had received more than 800 complaints from migrant workers to its Employment and Immigration Department over a 2 year period. The most common complaints revolved around unfair wage deductions, fees charged by recruitment agencies, and accommodation issues. No prosecutions resulted from the investigations into the complaints.

The reliance on migrant worker programs in the SPP and Bill C 50 resolves the seeming contradiction between the state's interests in tightening border controls and immigration crackdowns on the one hand, and the corporate lobby demanding freer movement of labour, goods and capital, on the other. Migrant worker programs allow for capital interests to subsidize economic production through precarious labour. The condition of being deportable assures the ability to super-exploit as well as to readily dispose of especially during moments of labour unrest or economic recession. The state is also able to exercise repressive social control through denial of basic rights and access to services afforded to citizens. More importantly, migrant workers maintain racialized national identities by legalizing the 'foreign-ness' of migrant workers. The production of migrants as disposable commodities goes in tandem with their construction as the "The Enemy Within" in a post 911 climate. The threats migrants pose can be tamed through a process of commodification as well as denial of citizenship rights.

Both polices contribute to reinforcing labour flexibility and capital accumulation as the guiding principles of immigration policy.



SECURITY AND PROSPERITY PARTNERSHIP AND BILL C 50

The SPP was founded in March 2005 at a summit of the Heads of State of Canada, the US, and Mexico. In short, the SPP is a NAFTA-plus-Homeland-Security model. A central feature of the SPP is to ensure increased mobility of capital through practices such as biometric pre-clearance programs, the liberalization of rules-of-origins under NAFTA, and the development of trilateral policy frameworks to enhance freer movement of goods, capital, and electronic commerce. Simultaneously, in a post 9/11 climate with the never-ending 'War on Terror' and its accompanying construction of a constant imminent threat to North America, the SPP fortifies the border security apparatus through the joint Smart Border Declaration, a 30-point plan.

Despite much controversy and lip-service by opposition parties, Bill C-50 became policy in 2008 and introduced a series of significant amendments to the Immigration and Refugee Protection Act. Under the proposed changes, even if someone meets the necessary- already stringent- criteria for a visa (such as permanent resident, visitor etc), the Minister can reject the application without any Court review. The Minister will also have the power to issue quotas and restrictions on the category (including Family Class and Economic Class immigrants) and country of origin of people. Humanitarian and Compassionate applications no longer have to be examined if the applicant is outside Canada. Finally, the Minister will have the power to decide the order in which applications are processed, regardless of when they are filed, based on labour market needs.

The major lobbies for both the SPP and Bill C50 come from employer organizations and business lobbies. The priorities for immigration will be those who can pay a high price for citizenship: either through the investment of capital through the Investor Classes or as bonded labour in Migrant Worker programs. They are favoured over family class immigrants, refugees, and other 'undesirables' who are increasingly perceived as security threats, backwards etc.

According to figures from the federal department of Citizenship and Immigration, there were 22,392 temporary foreign workers in Alberta in 2006, which is more than double the 11,067 workers who were in the province in 2003. The 2006 figure for temporary foreign workers in Alberta is greater than the 20,717 immigrants granted permanent resident status in the province that year.

The Alberta Federation of Labour has released a series of damning reports, calling the temporary foreign worker program as inherently exploitive and one that treats people as disposable: "In the meantime, brokers and employers bringing these workers here are running around unchecked, illegally charging recruitment fees, housing workers in homes with up to 14 other people and making huge sums of money renting out houses. People are being lured here with the promise of \$12 an hour jobs only to arrive and find themselves on the wrong side of the poverty line."



Canada's state and corporate wealth is largely based on the subsidies provided by cheap migrant labour as well as the theft of Indigenous resources.

Exploitation of migrant workers is just one of the many issues plaguing the Alberta Tar Sands. The Tar Sands Gigaproject is the largest industrial project in human history. The tar sands mining procedure releases at least three times the CO2 emissions as regular oil production and is slated to become the single largest industrial contributor in North America to Climate Change. Indigenous communities are seeing their lands and forests mined, clear cut, and devastated, while disproportionately high rates of cancers are affecting downstream communities. The oil produced is consumed primarily by the US military to continue the ongoing imperialist wars of aggression.



OLYMPIC RAV LINE WORKERS

In preparation for the 2004 Summer Olympics in Athens, approximately 20 workers died working on Olympic venues, with as many as 1,000 injured. Most of these were migrant workers. During the Beijing Olympics, approximately 3 million migrant and low-skill labourers were expelled from the city core. In Vancouver, Olympics-related construction has similarly exploited migrant labour while perpetuating homelessness, misdirecting public spending to corporate projects, and facilitating ongoing theft of Indigenous lands and resources.

On June 1, 2006, the BC & Yukon Building & Construction Trades Council issued a statement regarding exploitation of migrant workers on the Canada Line, a transit rail system being built from downtown Vancouver to the international airport in Richmond: "BC's construction unions say dozens of foreign workers at the Canada Line rapid transit tunnel are the victims of exploitation, receiving less than minimum wage. The BC & Yukon Building and Construction Trades Council says more than 50 workers from Costa Rica, Peru and Colombia are working long hours with no overtime, which works out to a wage of less than \$5 an hour."

Construction of the Canada Line is being carried out by an Italian corporation, Seli Technologie. The primary contractor is SNC Lavalin, one of Canada's largest arms manufacturers. In November 2007, the BC Human Rights Tribunal ruled that 30 foreign workers working on the Canada Line, from Costa Rica, Colombia & Ecuador, had been intimidated and coerced by the company, Seli Technologie.

Two workers testified they were individually called to their manager's office, where they were asked to sign a petition stating they did not want the union to represent them as part of a human rights complaint against their employers. The tribunal ruled that when the company asked the workers to sign the petition, it was "an attempt to intimidate and coerce individual members of the complainant group to withdraw their support for the union to represent them in this complaint".

In December 2008, a group of migrant workers won a discrimination suit against SELI Canada, SCNP-SELI Joint Venture and SNC Lavalin Constructors (Pacific) Inc for substandard pay and housing. The Tribunal found that, "for two years the respondents' treatment of the [workers] conveyed to them the message that they were worth less and less worthy than other employees, because they were Latin American." Evidence included paying Latin American workers \$10 less for same tasks and being crammed into motels while European workers were housed in upscale False Creek condos. "So long as they continued to work on the Canada Line project, they were unable to escape the discriminatory treatment that pervaded every aspect of the working and leisure lives."