

TRACKING PRECARIETY: EMPLOYMENT PATHWAYS OF PRECARIOUS STATUS MIGRANT WORKERS IN CANADA

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Abstract: In recent years the issue of migrant workers with precarious status has increased in importance in Canada, in large part due to economic and policy changes that have led to greater numbers of migrant workers remaining in the country post permit expiry. This study tracks the employment experiences of low-skilled migrant workers who arrived through the Temporary Foreign Worker Program and who remained following their permit expiry. Using a temporal analysis, the study identifies four timepoints that shape the workers' employment outcomes both pre- and post-expiry. Events at these timepoints create differing employment pathways that, in turn, reveal different aspects of the workers' precarity. In addition to pathways, workers' ability to access informal support networks shape their employment outcomes as workers with precarious status.

Keywords: Irregular migrant workers, Employment, Canada, Precarious work, Informal networks

Résumé: Ces dernières années, l'importance de la question des travailleurs migrants à statut précaire a augmenté au Canada, principalement en raison des changements économiques et politiques qui ont conduit un plus grand nombre de travailleurs migrants à rester dans le pays après l'expiration de leur permis. Cette étude suit les expériences d'emploi des travailleurs migrants peu qualifiés qui sont arrivés par le biais du Programme des travailleurs étrangers temporaires et qui sont restés après l'expiration de leur permis. À l'aide d'une analyse temporelle, l'étude identifie quatre points dans le temps/moments qui déterminent les résultats de l'emploi des travailleurs avant et après l'expiration de leur permis. Les événements survenus à ces moments créent des parcours d'emploi différents qui, à leur tour, révèlent différents aspects de la précarité des travailleurs. Outre les parcours, la capacité des travailleurs à accéder à des réseaux de soutien informels détermine leurs résultats professionnels en tant que travailleurs à statut précaire.

Mots clés: Travailleurs migrants irréguliers, Emploi, Canada, Travail précaire

INTRODUCTION

Historically, irregular migration has been a minor issue in Canada compared to the United States and many European nations. This pattern has changed in recent years and Canada is now home to hundreds of thousands of migrant workers living with precarious residency status. The key turning point was the rapid expansion of the Temporary Foreign Worker Program (TFWP) to lower skilled occupations in the early 2000s followed by an equally rapid contraction in recent years.

There is a growing interest in understanding the lived experiences of migrant workers who choose to remain following the expiry of their permit. Their working and living conditions are a growing area of research focus. There is also a commitment to better understanding the nature of the precarity these workers experience as they navigate living without legal working status.

This article aims to add to the understanding of how migrant workers navigate their lives in receiving countries by tracking the employment patterns of a group of migrant workers in Canada from their point of arrival to after their working permit expires. It examines timepoints in their work life that create diverging pathways of employment experiences which in turn lead to different employment outcomes post-expiry. The different outcomes reveal varying expressions of the workers' precariousness as migrant workers living without stable status.

PRECARITY AND MIGRANT WORKERS

Migrant workers are precarious in numerous interconnected ways. Legal structures construct social relations that impose precarity upon migrant workers. Their status as having "partial citizenship" (Vosko 2010) creates vulnerabilities that are not experienced by those who possess full citizenship. With only partial access to the rights of citizenship, migrant workers are partially excluded from legal and social protections that come with citizenship (Nakache 2012). Further, for migrant workers not legally working/residing within a country, immigration and residency rules create artificial notions of illegality that erect informal borders within nations and between migrant workers and permanent residents (Dauvergne 2008).

Understanding the constructed nature of illegality is a crucial first step in understanding the experiences of migrant workers. It is important to also step outside the dualities the legal and social structures wish to impose on our narratives of migrancy. In a useful turn, Goldring and

colleagues (Goldring and Landolt 2013; Goldring, Berinstein, and Bernhard 2009; Landolt and Goldring 2015) have developed the concept of “precarious status” to reflect the non-linear and fluid movements migrant workers make across the various dimensions of (partial) citizenship. Goldring and Landolt (2013, 3) define precarious status as the “authorized and unauthorized forms of non-citizenship that are institutionally produced and share a precarity rooted in the conditionality of presence and access.” The concept both evades the duality of legal/illegal and recognizes that precarity expresses itself both in the contingency of residency and the uncertainty of access to community.

Further, Goldring and Landolt (2013, 10) have adopted the concept of “chutes and ladders” to understand the multi-directional and contingent dynamics at play as migrant workers navigate questions of legal status. Adopted from the children’s game, the term reflects both the role of chance in the workers’ outcomes and the consequences of specific events. Landing on a ladder spot can allow a worker to “climb” into legality, while a chute may result in increased status precarity.

Migrant workers also experience precarity in employment. The most straightforward definition of precarious work as “work for remuneration characterized by uncertainty, low income, and limited social benefits and statutory entitlements” (Vosko 2010, 3) clearly applies to migrant labour, who experience a range of work insecurities, weak enforcement of employment standards, undesirable working conditions and unreliable access to state benefits (Nakache and Kinoshita 2010; Cedillo, Lippel, and Nakache 2019; Vosko, Preston, and Lathan 2014). For precarious status migrant workers, work extends beyond precariousness to degrees of invisibility. The informality of work performed by precarious status workers removes the final threads of protection that other precarious workers still possess, adding an additional layer of precariousness due to their residency status. It is well documented that working conditions for precarious status workers are poor (Magalhaes, Carrasco, and Gastaldo 2009; Ellis 2015). However, precarity is more than vulnerability to mistreatment. The precarity arises as much from the “legal” status of the worker as much as it does the nature of the job they possess.

Precarity manifests itself through migrant workers’ lived experience. Uncertainty and marginality extend themselves through multiple aspects of workers’ lives. Housing is often employer dependent and contingent (Nakache 2012). Access to health care, education and social services is also wrought with challenges (Hennebry, McLaughlin, and Preibisch 2015; Campbell et al. 2014; Magalhaes, Carrasco, and Gastaldo 2009). The various manifestations of their precarity lead back to the legal and social construction of migrant workers.

MIGRANT WORKERS IN CANADA

Canada's use of temporary migrant workers began in the late 1960s with the creation of the Seasonal Agricultural Workers Program and the Non-Immigrant Employment Authorization Program (Sharma 2006), which were noteworthy for creating for the first time a category of temporary resident tied to non-permanent employment. The Temporary Foreign Worker Program (TFWP) evolved out of these programs, maintaining most of their original restrictions (Sharma 2008).

Through the 1990s temporary employment-related migration in Canada remained restricted to agricultural workers and high-skilled occupations and was a minor aspect of Canada's labour supply. Reforms enacted in 2002 and 2006 led to a rapid expansion of the number of migrant workers living in Canada. In 2000, 89,700 workers resided in Canada under permits awarded through the TFWP. By 2013 that number had ballooned to 386,400, an increase of over 330% (Citizenship and Immigration Canada 2013). The primary reason for this increase was the decision to open the TFWP to lower-skilled workers, previously not eligible for the program, and to facilitate the use of temporary foreign workers (TFWs) in certain occupations deemed to be "under pressure" by the federal government (Foster 2012).

The expanded program required employers to demonstrate an inability to hire Canadians before being permitted to recruit TFWs, although this provision has been sparsely enforced (Canada House of Commons Standing Committee on Public Accounts 2017). TFWs were eligible for time-limited work permits that stipulated in which occupation and for which employer they could work. These conditions severely restricted the workers' labour mobility and left them vulnerable to mistreatment (Strauss and McGrath 2017). The program also restricted access to permanent residency, blocking TFW eligibility for most permanent immigration streams (Nakache 2012).

The program's expansion to low-skilled workers increased its profile. Reports of employer abuse and exploitation became widespread (Nakache and Kinoshita 2010). Some critics expressed concern about TFWs taking jobs from Canadians and suppressing wages (Gross and Schmidt 2009; Gross 2014). Due to the controversies the federal government enacted a series of sometimes contradictory reforms. Between 2011 and 2017 TFWP rules were amended six times (Foster and Luciano 2020).

For the purposes of this article (see Foster and Luciano 2020 for a detailed history) there were three significant policy changes. In 2011 the government implemented a cumulative duration limit (the "four-in-four-out" rule) which restricted TFWs residency eligibility to four years with

a four-year period out of the country. In 2015, the first four-year duration limit, tens of thousands of TFWs became ineligible for new work permits (Nakache 2015). The four-in-four-out rule was rescinded in 2016.

The second policy, in 2014, was to split the TFWP into two programs. Low-skilled migrant workers remained under the TFWP with all existing restrictions. A new program for high-skilled workers, the International Mobility Program (IMP), was created with fewer restrictions on work permits and fewer requirements for employers. This shift ghettoized lower-skilled TFWs while creating an avenue for employers to bring in foreign workers with fewer constraints. The 2014 changes also implemented a new 10% cap on the percentage of TFWs an employer could employ in their workforce. In regions and industries where employers used TFWs heavily, this policy led to a rapid reduction in the number of TFW positions available.

Around the same time as these policy changes, portions of western Canada entered a period of economic downturn. Alberta was particularly hard hit due to a collapse in oil prices (Tombe 2017). The downturn had two effects for TFWs. First, many of the jobs people had been hired to fill disappeared as employers laid off staff. Second, the rising unemployment rate made it more difficult for employers to demonstrate they could not find Canadian workers to fill available positions. The rate of LMIA approvals dropped dramatically in this period.

The consequences of these policy and economic changes have become clear. Between 2013, the high point of TFW residency in Canada, and 2018 the number of workers under the TFWP has dropped by 54%, while the number of workers under the newly created IMP increased by almost 60%. In 2018, 87% of migrant workers in Canada possessed permits under the IMP (Immigration, Refugees and Citizenship Canada 2019). It is important to note that most low-skilled workers in Canada under the old TFWP were not eligible for permits under the new IMP.

The policy churn in the few years preceding this study resulted in a significant upheaval in the position of migrant workers in Canada. Low-skill workers who came to Canada under one set of rules found the ground shifted underneath them, sometimes with little notice. This period of rapid change was a significant factor in the growth of precarious status migrant workers in Canada.

PRECARIOUS MIGRANT WORKERS IN CANADA

Despite its growing significance, there continue to be no reliable official figures of the number of migrant workers with precarious status living in

Canada. Some researchers have estimated the number between 200,000 and 500,000 (Ellis 2015), but those numbers may not reflect the growth in precarious residency due to the impacts of recent policy changes.

Research into workers with precarious status in Canada lags research internationally. However, the experiences of migrant workers are often nation-specific given the myriad laws, economic and social contexts and labour market dynamics in each geographic location. The bulk of Canadian-based literature focuses on migrant workers who continue to have legal status, in particular agricultural workers (Hennebry and Preibisch 2012; Preibisch 2010; Otero and Preibisch 2015) often with an emphasis on the macro-economic impact of increased TFWs (Foster 2012) and TFW's working conditions (Nakache and Kinoshita 2012). Research examining those migrant workers whose permits have expired has tended to focus on access to education, health and social services (Campbell et al. 2014; Magalhaes, Carrasco and Gastaldo 2009; Miklavcic 2011), working conditions (Marsden 2014; Vosko 2019) and living conditions (Hanley and Wen 2017).

Little research, in Canada or internationally, has tracked migrant workers' experience temporally, observing how sets of experiences lead to differing outcomes later in time. Some research has examined the temporal pathways in and out of "legal" status by migrant workers (Duvell 2011), but this work is narrowly focused on legal and policy processes. Some Canadian-based research examines how refugee claimants navigate housing over time (Kissoon 2013).

This article aims to address a gap in the literature by examining the employment experiences of precarious status migrant workers at key points in time and analyzing how specific experiences shape outcomes. By adopting a temporal perspective, we hope to highlight the contingencies that swirl around migrant workers' experiences.

METHODS

This article is part of a larger research project examining the lived experiences of precarious status migrant workers in northern Alberta. The research for this article was conducted in two phases. The first phase involved consultations and discussion with community advocates, and former migrant workers to define the research questions and design the data collection methods. This phase consisted of 18 unstructured interviews and a full-day roundtable attended by 12 community activists.

In the second phase the author partnered with Migrante Alberta, a community-based migrant worker organization with strong roots in the

Filipino community, to conduct interviews with migrant workers with precarious status. Migrante was an active and equal participant in research decisions, recruitment and data collection. The author and Migrante hired a migrant worker to recruit participants and conduct interviews under the supervision of the author.

Thirty-two semi-structured interviews were conducted in the summer and fall of 2017. The interviewer used a series of prompting questions designed to allow the participant to tell their story in their own way. Regarding employment experiences, the interviewer would ask follow-up questions to clarify employment timelines, reasons for separation and other factual matters. Participants were workers who came to Canada with a work permit and chose to remain after their permit expired. Thirty arrived with TFWP permits, one under the International Experience (“working holiday”) Class and one held a visitor’s visa while awaiting their TFWP permit. At the time of participation all held precarious status. Recruitment was conducted using snowball techniques through informal community contacts facilitated by Migrante.

Seventeen women and 15 men were interviewed. Twenty-nine participants came from Philippines, while the remaining came from Mexico, Chile and Ukraine. No attempt was made to recruit based on nationality, gender or occupation. All participants resided in Northern Alberta at the time of the interview. Twenty-four of the interviews were conducted in the workers’ first language, Tagalog, and eight were conducted in English. All interviews were audio recorded, translated if necessary, and transcribed. Participants were provided a \$25 gift card and transit tickets, if required, for their participation. Steps were taken to protect the identity of the participants, including the use of verbal consent and restricted use of personal information.

The large proportion of Filipino/a participants is due to use of informal community networks to recruit. Migrante has deeper roots in the Filipino community than others, leading to a disproportionate number of Filipino/a participants. Efforts were made by both Migrante and the author to reach out to other communities.

Transcripts were reviewed to extract employment-related data and employment experiences of each participant were mapped. Information used during the mapping process included pre-arrival occupation, all employment performed in Canada (pre- and post-expiry), whether the job upon arrival matched what was promised, timelines and reasons for leaving jobs, causes of permit expiry, and nature of employment post-expiry (if any). Participants were then coded according to the number of pre-expiry jobs they held, whether they were working at the time of their permit expiry and the nature of their employment post-expiry. This

analysis revealed four timepoints significant to shaping participants' employment experiences and three clusters of experiences related to those timepoints.

FINDINGS

The study found there are four key timepoints that shape employment outcomes for participants before and after their permit expiry. What happens at each timepoint shapes the options available to them as they navigate the Canadian labour market.

Time One: Arrival

The first timepoint is the worker's arrival in Canada. All participants had valid permits. Many experienced significant challenges obtaining the permit and getting to Canada, often paying thousands of dollars to recruiting agencies. This experience is not uncommon and can add significant uncertainty and stress to the process of coming to a receiving country.

The workers possessed a wide range of occupational backgrounds before arriving in Canada, ranging from factory work to office administration. Six were migrant workers in other nations immediately before. Once in Canada, however, occupational choice was limited. The majority were hired to work in fast food restaurants or retail stores. A handful of men worked as construction labourers. All the jobs were classified as low-skilled.

The first path divergence was what the job looked like upon arrival. For nine participants the job classification was different than what they were promised, in all cases to a lower level occupation. As one worker reported: "Supposedly my position was Maintenance Service Technician but [when I arrived] it was Maintenance Service Clerk" (Interview 29). Others had been told they would be a supervisor or they were led to believe they would be working in a full-service restaurant instead of a fast food outlet.

For two workers, the promised job disappeared entirely. "[When] I'm about to come, my employer refused to take me. However, my papers are complete. ... I just gathered my courage to come to Canada even though I know that there's going to be no employer" (Interview 7). These two participants possessed valid permits but had no job upon arrival.

Another seven participants report the terms of employment varied from what was promised.

The company who I worked [for] the first time in Calgary, they said they were going to provide accommodation and they were going to help us ... but they didn't fulfill that. ... In our [LMIA] it stated that we need to get \$11.65 ... but you know what? When we landed here I started at \$10.25. (Interview 27)

So they just gave us only 20 hours a week. And then aside from that they ask us to cut trees on his farm because that time is winter season. And it's really slow in the restaurant. So we cut trees without safety [equipment]. (Interview 1)

Workers only discovered these discrepancies upon arrival in Canada, giving them few options and little avenue for recourse. Participants report being acutely aware of the power the employer held over them in that situation, and that awareness shaped their decision to accept the altered conditions of employment.

Over half of the workers experienced significant challenges with their employment upon arrival. This initial difficulty would prove to be an indicator of challenges to follow. Those who experienced difficulties upon arrival were more likely to switch employers during their time in Canada and were more likely to be not working at the time of their permit expiry, which would prove to be significant.

Time Two: Job Separation

The second timepoint in the workers' employment pathways is if and when they become separated from employment. While this event occurs at different times for each worker (or not at all), it is a key turning point in their Canadian employment experience. The relevant factor is how many employers they had and how long they were employed by their employer(s).

Sixteen participants had a single employer during the time of their valid working permit. The duration of that employment varied, ranging from eight months to six years. Most of these workers remained at their employment for two to four years. The wide range is attributable to varying lengths of time workers were in Canada before their permit expiry and to the fact that six participants lost/quit their first job and were unable to find new employment.

Fourteen workers lost or quit their initial job and found new employment. Ten held two jobs and four held three jobs before their expiry. These workers had shorter job durations, between a few months and two years. There are two common patterns of employment. Some workers remained less than a year at each job they held. Others had one job of

short duration and one of longer duration. The difference suggests the second group at one point found a relatively stable employer, while the first group was never able to find stable work.

The remaining two workers were the participants whose job had disappeared at arrival. In both cases, they were never able to find employment while holding a valid permit.

There are three ways to lose a job: quit, fired, laid off. Among the participants there were 24 job departures. Fifteen separations were due to the worker quitting. Another eight separations were due to the worker being laid off either due to the economic downturn or the employer's LMIA renewal application being denied. One participant was fired.

Two reasons emerge for why participants quit. The first is employer abuse and poor working conditions. Half of the quits were due to employer mistreatment.

If you are a contract worker and especially if you are new they let you work overtime but they're not paying you the overtime, so you just deal with it because your new here in Canada. If you lose your job, you can't find [another] job right away ... [because] you need to find someone who will give you an LMO. (Interview 12)

For example, my break time is 12 o'clock. When it is busy, when I passed the time when I'm supposed to take a break, he will not allow me to take a break. And sometimes we are not allowed to eat anymore. ... I will go to the washroom and eat there. (Interview 15)

The workers' complaints ranged from lack of wage payment and other employment standards violations, unsafe working conditions, harassment and abusive behaviour, and overt and systemic acts of racism. The workers report putting up with mistreatment for long periods of time due to their status vulnerability (as Interview 12 indicates above), but eventually reaching a point where they cannot tolerate it and quit.

In a minority of cases the worker had found alternative employment before leaving, but most became unemployed. For migrant workers, finding new employment is difficult given the challenge of finding an employer with a valid LMIA or willing to apply for one. The decision to leave a job, however demeaning, is a significant one and speaks to the severity of conditions they faced.

The second reason for quitting is to advance the cause of becoming a permanent resident. Respondents reported switching to an employer better positioned to apply for permanent residency or because the existing employer failed to follow through on promises to support a permanent residency claim.

By that time I knew already the Canadian law, I knew already the other options for AINP, but still I feel trapped and when I talked to them: why are you not giving me papers because [I am eligible for AINP]. ... But still, they hold the papers and they still let me hang on for the year. (Interview 27)

We keep asking for [an upgraded] LMIA. And then my boss ... they said not to worry. And I have a feeling that we were being fooled and we are being defrauded. (Interview 18)

A common point of conflict was occupational classification and how the employer described the job. For migrant workers, occupational classification is crucial for permanent residency. Low-skilled jobs are not eligible. Employers would promise to apply for a higher-skilled LMIA or to submit paperwork for the PNP but fail to do so, leading the worker to quit. Most left without employment arranged.

The participant who was fired reports it was the result of standing up against poor working conditions and mistreatment: "I raised those concerns. ... The employer got mad at me. And he scolded me in his office. Telling me that you are the first one to stand up like that. And with that you are fired" (Interview 1). This case is similar to those who quit due to mistreatment.

Whether a worker retained their first job or not turned, to a degree, on if they happened to be hired by a good or bad employer. The ten participants who remained with their first employer were more likely to report good working conditions and a positive relationship with their employer. Those that switched employers were more likely to report abuse. However, none of the participants "chose" their initial employer. They did not have sufficient knowledge of Canadian employment to pre-evaluate working conditions they might experience. Recruiting agents often misled workers about the work. Finding a good employer is a key moment in the workers' trajectories, but one largely based on good fortune.

The severing of the initial employment relationship is a key turning point for participants. Most never found another job once severed. The loss of the initial employment relationship intensified the precarity with which these workers existed and shaped future employment outcomes.

Time Three: Permit Expiry

All the workers in the study at some point, had their work permit expire. Such expiry did not necessarily entail becoming fully "undocumented." Six of the participants obtained visitor's visas and three obtained student visas. Others used various strategies, including applying for visas, ask-

ing for Restoration of Status, and appealing to the Minister on humanitarian and compassionate grounds. They made these applications to use Implied Status, where the federal government considers your status legal until a decision is rendered. The various strategies employed were efforts to “buy time” until they could restore their work permit or achieve permanent residency.

While each worker’s case is different, a combination of the sluggish economy and TFWP rule changes were the primary causes of their permit expiry. The economic downturn meant many participants had been laid off and/or unable to find new work when the expiry date arrived. Others were denied due to new TFWP rules: they were ineligible due to the four-in-four-out rule; their employer lost LMIA eligibility due to cap limits; the job was no longer considered an occupation under pressure; or their employer did not want to pay the increased LMIA application fees that had been instituted in 2014.

[My permit] was refused ... even [though] there’s an LMIA, because of the four-in-four-out [rule]. (Interview 3)

I think they applied for an LMIA for ten to twenty [TFWs] but they [were not approved]. That’s why the employer did not want to get it anymore. Because ... they did not meet the cap. (Interview 6)

At this timepoint, the most significant factor separating these workers is whether they were working at the time of their expiry. Of the sixteen who had only one job, ten were still working, meaning they had continual employment with the original employer from when they arrived. Eleven workers who had held multiple jobs were working at the time of their expiry. The remaining eleven participants were not working when their permit expired.

At this timepoint, the participants share a common experience of the added insecurity and precariousness that comes with losing legal working status. The divergence in their experience will grow as they enter a period of precarious status.

Time Four: Post-Expiry

The fourth timepoint is the period following the permit expiry. The length of this period varied depending on when each participant lost their permit. The largest portion of participants had been post-expiry for approximately two years at the time of the interview, although for some it was as long as three years and others only a month or two.

Regardless of how long they experienced precarious status or the circumstances of their precarity, the workers shared a common experience of stress and fear caused by their lack of legal working status and a need to find work. The mental and physical consequences of living with precarious status creates an important context for their employment experiences at this timepoint.

It is not good. I am so stressed. I feel like I am useless and hopeless. Sometimes I think of giving up. Sometimes I am getting crazy thinking so much about so many things that I don't have any option and I have limited things to do. (Interview 9)

To tell you honestly, no I don't feel safe. We are so afraid that what will happen, what if somebody will tell [my status] to somebody and that somebody will tell immigration. (Interview 4)

Part of their stress is a lack of reliable income and the need to find work, even if it is illegal to do so. The workers have a strong need to support family and are aware that without work they will struggle to survive. "I know it's risky but I just can't depend [on] my friends and if I don't go to work we can't survive" (Interview 26). The economic imperative to find a source of income propels these workers despite their fear and provides an important context in understanding the choices they make during this time. For these workers post-expiry employment is a balancing act of need and risk.

Three types of employment outcomes emerge. Twenty-one participants had worked at various points since losing status. Of this group, nine had found work that can be described as relatively "stable", including three who remained with their pre-expiry employer, and twelve had earned income through "informal" means. These categories will be explained below. Eleven had not worked since their expiry.

Participants who had not worked post-expiry describe different reasons for not doing so. Some chose not to seek work because they saw the risk as too high. "I want to work but it is illegal. I am scared that they might catch me and force me to go home. I don't want that all of my sacrifices to just go to waste" (Interview 9). Another reason is an inability to find work. "I call [former boss]. ... He told me I cannot hire you because you don't have papers now. ... It is hard because I don't have papers. That's why it's hard to find a job" (Interview 2). Some participants articulated multiple reasons for not working. "It's illegal for me to work. I am still waiting for my humanitarian processing. The assessment if it [is] positive I can apply for a work permit. And even if I want to do

a cash job, it's hard because I have a baby. And no one will take care of her" (Interview 1).

The second employment outcome is that of "stable" employment. The characteristics of this outcome include working for a legal business operation with some pseudo-formal employment relationship. There is some reasonable expectation of hours, although they may be seasonal, casual, part-time or full-time. The work to be performed is well defined and the worker may be working alongside "legal" employees. There are many trappings of a formal employment relationship, but they work for cash or some other informal payment arrangement and have no recourse to formal employment standards protection. Their ongoing connection with the job is at the employer's whim. In this respect the term "stable" is relative.

The employers appear to be comfortable employing undocumented workers. "What [my employer] said, it is still fine to continue working. Just be quiet and just wait. If there is another LMIA that will arrive then that is the time we are ready for our application. ... They paid me cash" (Interview 23). The employers tend to be independent operators or franchisees in the fast food, landscaping or dry-cleaning industries.

The surface stability of these jobs does not mean they were devoid of mistreatment. Working conditions are often described as unsafe. "I work there at the construction demolition. It's not safe. Even if you have a mask, I could still smell asbestos" (Interview 18). A common concern was over payment of wages. "He's not good with paying me. The other workers get paid twice because they have papers but then there's two of us who are getting paid by cash and we don't get paid on time, sometimes after a month no pay" (Interview 12).

The third group found less stable sources of income. "Informal" work is casual and piecemeal in nature and involves individuals, friends or family members as the employer. The work is ad hoc, often consisting of one-time or as-needed arrangements. Neither party has any expectation of an ongoing employment relationship. Common jobs associated with this type of work include cooking meals and babysitting for women and handyman odd jobs among men. Both genders reported doing house cleaning for income. Often the work would be performed for cash but other arrangements included payment/reduction of rent, food, or a place to stay for a few nights.

The source of these jobs was usually friends and informal networks:

Two times in a month. I clean a house. And then I work with the friend. She has a spa business. And I helping her with some massage appointments. (Interview 8)

Now what I do is I am selling. I make candies or snacks and I sell it to them. Or sometimes I make a suggestion to them that if you have special occasion just give me a call and get me as your cook and you just pay me like 10 dollars something like that. (Interview 21)

The workers perceive this situation as both undesirable and untenable over the long term, but feel they have no choice.

I only work part time [as a] house cleaner with my friend just to live here, just to earn money for my rent and for my basic necessities. ... I really need to do this because I don't really have another choice. I don't have any choice to live here and I don't have any choice how to earn money and this is the only thing I know how to earn money. ... If I only have a choice to work at an office or any establishment I will do that and I will stop working as a cleaner. Unfortunately, since Canada is really strict for that one, it's really hard for me to survive. (Interview 13)

Most of the workers turning to informal sources of income indicate they would take more normalized work if they could find it. They express frustration at not being able to find a willing employer. The piece-meal work they engage is a last resort to earn enough money for survival.

ANALYSIS

Describing the diverging and interweaving pathways migrant workers take before losing status is a useful exercise in illuminating the lived experiences of these workers. It highlights the role luck can play in determining their trajectories. It also shows how these workers are not passive and make choices in their interests within the bounded range of options available to them.

Mapping the pathways may also reveal some patterns in how groups of workers end up in certain situations. Events that take place at various timepoints may increase or decrease the likelihood of different outcomes. While all ended up living with precarious status their specific locations within that space reveal different dimensions of their precarity. Mapping their experiences reveals three distinct clusters of worker situations.

The first group are workers who kept their original job through to permit expiry. There are ten participants in this group. Post-expiry four of these workers were in "stable" jobs, two in "casual" jobs and four did not work. The second group are those who had multiple employers and were working at the time of their expiry. Of the eleven workers in this group, five were in stable employment post-expiry, three in casual jobs and three did not work. The third cluster consists of those participants

who were not working at the time of their permit expiry, including those with no, one or multiple employers. In this group of eleven workers, only one had found stable employment, six were working casually and four were not working at all.

There are two key divergences between the three clusters. First, those who were working at the time of their expiry were more likely to find relatively stable employment, while those that were not working were more likely to find themselves earning casual income.

Second, participants who had to find new employers during their permit validity were more likely to be working at the time of their expiry. Eleven of the fourteen participants who held multiple jobs during their permit validity were working at the time of the expiry. This compares to ten of the sixteen that held one job and neither of the two workers who held no job. As a consequence this group was also more likely to find stable employment.

Why do we find these differences? An analysis of the interviews suggests a key variable is the worker's depth of and ability to navigate informal community networks. For the most part, participants found potential income sources through friends, relatives and other migrant workers from their cultural community. The variance in the quality of those networks is linked to success in finding employment, both before and after expiry. Those who found multiple employers before expiry and a more stable job post-expiry are more likely report friends and community members who offer assistance, share tips about job leads, and provide moral support.

An exemplar is the participant (interview 8) who worked multiple jobs before expiry and held a full-time restaurant job after. They found their first job in Canada through a friend working with that employer. "My sister's friend. He says ... there were people from [employer] hiring people to go to Canada to work." Another friend helped them with housing during a period of unemployment. "It's okay because I [was] not paying rent. ... It's just because I was lucky to find someone who wants to help me." A third person helped them find work post-expiry. "I was non-status, but I found a friend who works at [employer]. He wants to help me. I told him before about my situation and he phones me and says we can arrange an appointment." While they express much of this assistance as "luck", their experience reveals a robust informal network that they could mobilize in time of need.

In contrast, those not working at the time of expiry are more likely to express feelings of isolation and disconnection from the community. "I don't know where to ask for help. I feel like when you are in Canada, it's like do your own, make your own [way]. That's your own life. So

you need your own way to live your life” (Interview 3). This group is more likely to express uncertainty about where to turn to help and seem to have fewer people in their circle upon which to draw.

The more robust a worker’s informal network, the more likely they are to have found employment before and after expiry. There are three possible routes for developing a strong network. First, some workers had pre-existing networks of community members to which they arrive. Second, there are the connections made at workplaces. Co-workers, customers and even employers provide a useful source of assistance and support. Third, many workers found Canadian citizens and permanent residents who were willing to assist in one form or another.

The relationship between networks and employment is not linear. There is a complex matrix of situations, decisions, actions and fortune that propel people on certain pathways. Those pathways, in turn, shape employment outcomes. The workers’ experiences are individual, but the structures and legalities in which they exist generate precarity. The pathways they navigate lead to various expressions of that precarity.

DISCUSSION

The employment outcomes of migrant workers with precarious status are a consequence of the intersection of precarity, fortune and informal network connections. The employment pathways upon which workers find themselves are shaped, to a large degree, by factors beyond their control, not least the scruples of the employer and other actors with whom they come into contact. Workers who find themselves with a decent employer and receiving assistance from individuals with sincere intentions end up on a more stable employment trajectory. In contrast, those who experience abuse, mistreatment and malevolence from employers and others, are sent onto a much rockier pathway.

Goldring and Landolt’s (2013) chutes and ladders model for status precarity is a valuable framework for understanding the dynamics experienced by the workers in this study. Certain events along the timepoints alter the worker’s trajectory in both employment and residency status. These events are not unlike landing on a chute or ladder spot in the game. There is a strong component of chance in the events. Workers did not choose their employer, cannot control economic conditions or government policy changes. Plus, the workers’ experiences are bounded by the rules of the game. The state constructs their precarious residency status as well as creates the context in which their employment relations take place (e.g., restricted mobility rights, insufficient enforcement of labour

protections). The workers start in relatively similar places but their pathways diverge as they experience different events along the timeline. We can understand the employment trajectories of these workers in the same way that Goldring and colleagues try to explicate their status pathways.

By adopting a temporal analysis, we gain the advantage of seeing the longer-term impacts of any specific event. What originally was a chute might eventually increase odds of finding a ladder. Separation from the original job is an example of how an initial setback might later create conditions for a more resilient response to the challenges of permit expiry. The complexity of these dynamics mean it is difficult to identify the common patterns until significant time has elapsed. In this way the chutes and ladders model lends itself well to temporal analysis.

The chutes and ladders metaphor has its limitations. It evokes a two-dimensional space of ups and downs. But the experience of precarious status migrant workers is better understood as a three-dimensional version of the game. They are simultaneously navigating status conditionality and employment precarity. The interplay between employment and status results in a complex set of possibilities, with movement across different planes of space. Further there are now two sets of third party actors that shape experience. The state plays a role in both status and employment precarity, and the employer also influences outcomes. Migrant workers act and are acted upon in multiple directions at once.

This notion of three dimensions allows us to add to the theorizing around precarious status. The concept of precarious status draws our focus to the fluid and constructed nature of “illegal” status. The value of this framework lies in how it more accurately reflects the lived experiences of migrant workers. It has brought needed clarity to our understanding of status. The concept, however, has not brought as much clarity to the experience of economic precarity. Embedded within precarious status is a recognition that it contributes to economic precarity. However, economic precarity serves only as a contextual factor that comes “as part of” having precarious status.

This study reveals that employment precarity takes a form independent from and inter-dependent with precarious status. The context of employment is established by residency status, but the events and pathways that unfold over time are not linked specifically to that status; employment outcomes are shaped by a different dynamic with employers and the state. It is insufficient to argue that migrant workers are economically precarious because of their status. It neglects to address that economic precarity takes different forms and leads to varying outcomes dependent upon workers’ interactions with employers, the state and community. These interactions are partially shaped by status, which is why economic

precarity is inter-dependent with status, but also exist within the broader context of capitalist employment relations. This study finds there is a complexity to economic precarity that cannot be fully explained by precarious status. The pathways we observe in the study suggest the workers' differing employment experiences form a separate dimension of precarity.

The pathways identified in the study lead to a complex understanding of these workers' precarity. The effect is one of bringing different dimensions of precarity to the surface. They are a part of a complex dynamic of context, circumstance and worker agency. The workers in this study embody the fluid, non-linear, multi-dimensional quality of living life with precarious status. The employment pathways they navigate reflect the fluidity of their status and the complexity of their precarity.

LIMITATIONS AND FUTURE RESEARCH

There are several limitations to this study. The participants, located in a specific region and over-representing Filipino/a workers, may not reflect the population of precarious status migrant workers in Canada. The post-hoc gathering of employment experiences is vulnerable to faulty memory and, less likely, participant manipulation. Finally, there is a fifth timepoint not covered by this study. It did not conduct a follow up with the participants to learn of their ultimate outcome. Did they become re-regularized? Did they return home? Do they remain in precarious status? The fifth timepoint may reveal more about how the dimensions of precarity manifest themselves. Future research designs should attempt to incorporate this final moment.

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