

Towards a Sanctuary Province:

Policies, Programs, and Services for Illegalized
Immigrants' Equitable Employment, Social Participation,
and Economic Development

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Abstract

Given contemporary federal migration policies, Canada can expect increasing numbers of immigrants who do not possess legal status. The exploitation of these “illegalized” immigrants in the labour market affects wages and labour standards for all Canadians. To mitigate the negative effects of federal immigration policies, Toronto and Hamilton have declared themselves sanctuary cities. In this working paper, we explore initiatives that could be applied at the provincial and territorial scale to enhance access to employment for illegalized immigrants. After conducting a scoping analysis of the literature, we conclude that provinces and territories could implement a range of programs, policies, and service deliveries.

Introduction

In February, 2013, Toronto became Canada’s first Sanctuary City (Toronto City Council, 2013). This designation mandates the city to provide illegalized migrants with access to city services – including health clinics, schools, emergency shelters, recreation programs, and food banks – without fear of being reported to immigration enforcement authorities. This mandate, however, is limited in its ability to protect illegalized migrants’ labour/employment rights, and to support their equitable employment, social participation, and economic development. To protect these rights, corresponding changes would also be required to regional and federal policies. Activists and researchers are therefore advocating for a Sanctuary Province (No One Is Illegal, 2015; Bauder, 2013a). How to achieve a sanctuary province while respecting federal policies remains unclear. This working paper examines the programs, policies, and service deliveries that provinces and territories could implement to support illegalized immigrant workers’ equitable employment, social participation, and economic development.

Multiple terms are currently in circulation to identify migrants who do not have the state’s permission to reside within its boundaries, including illegal, undocumented, precarious, non-status, irregular, and unauthorized migrants (Goldring et al., 2009; Lyon, 2003-2004). We use the term “illegalized immigrant” because this term “shifts the emphasis away from the individual and towards the recognition of a societal process that situates immigrants in positions of precarity and illegality” ([Bauder, 2013b, pg. 2](#)). The illegalization of immigrants has a long history in Canada. The Immigration Act of 1869 identified specific criteria that migrants had to meet or they were denied documentation entitling them to legally reside in Canada (Hannan, 2015). More recently, Canada’s 1973 Immigrant Employment Authorization Program (NIEAP) and subsequent temporary foreign workers programs (TFWP) established a new class of temporary residents who possess limited pathways to permanency and who become illegalized if their contracts are lost in the bureaucratic tape or if they overstay their temporary permits (City of

Toronto, 2012; Goldring & Landolt, 2012; Magalhaes et al., 2010). Given the increase in the number of temporary foreign workers (TFW) in Canada, greater restrictions to refugee admission, and other policy changes ([Ali, 2014](#)), the number of illegalized immigrants is also likely on the rise (Faraday, 2012; Sawchuk & Kempf, 2008; Magalhaes et al., 2010; OCASI, 2012). Recent estimates suggest that as many as 200,000 illegalized immigrants live in Toronto alone, with another 200,000 in “precarious” status (Solidarity City Network, 2013).

As the problem of illegalization grows, activist and civic organizations are raising awareness about the human rights and labour and employment rights violations that illegalized migrants are facing (No One is Illegal, 2015; Sidhu, 2013; Solidarity City Network, 2013; Workers’ Action Centre, 2014, 2015). While populist voices blame illegalized immigrants for stealing jobs from citizens, driving down wages, and draining welfare systems (Alcoba, 2013; Aubry, 2007), research findings draw attention to the adverse labour market consequences of federal states’ practices of illegalizing these migrants (Immigration Policy Centre, 2010; Kielkopf, 2000; Mehta et al., 2002; Nadadur, 2009). Sanctuary policies are a response to these practices, seeking to mitigate the vulnerability of illegalized immigrants.

The next section of this paper provides important background information on the illegalization of immigrants in Canada and the impacts of these immigrants’ labour market situation. Thereafter, we outline the research questions and methods. In the subsequent section, we discuss potential policies, programs, and practices available to provinces and territories to mitigate the problem of illegalization. We end with a short conclusion.

Background

Immigration policy and labour market policy are inextricably linked (Bauder, 2006; Gomborg-Munoz & Nussbaum-Barberena, 2007; Piore, 1979). In particular, the illegalization of immigrants has important negative economic and labour market consequences. Illegalized immigrant workers tend to earn less than their ‘legal’ counterparts and are disproportionately employed in precarious, nonunionized, part-time, and seasonal jobs that lack benefits (Goldring & Landolt, 2012). This vulnerable position in the labour market is further aggravated by the lack or unequal access to health care, social services, driver’s licenses, and employment insurance. Additionally, while illegalized immigrants can be valuable to profit-motivated employers — reducing a firm’s hazard of closure by providing a vulnerable and exploitable labour force (Bauder, 2006; Brown et al., 2013) — employers’ treatment of these workers depresses wages and employment conditions for all workers and diminishes the effectiveness of labour unions (Braker, 2012-13; DeGenova, 2002; Smith et al., 2009).

In 1976, 1986, and 1996, Canada, the United States, and the United Kingdom (respectively) implemented federal immigration laws that criminalize the employment of illegalized migrants through employer sanctions. One of the main purposes of these laws was to deter employers from hiring illegalized immigrants in order to encourage

these immigrants return to their countries of citizenship. Canada's Immigration Act (1976) stated:

every person who knowingly engages in any employment [of] any person, other than a Canadian citizen or permanent resident, who is not authorized under this Act to engage in that employment is guilty of an offence and liable (a) on conviction on indictment, to a fine not exceeding five thousand dollars or to imprisonment for a term not exceeding two years or to both; or (b) on summary conviction, to a fine not exceeding one thousand dollars or to imprisonment for a term not exceeding six months or to both. (Immigration Act, 1976, Part VI, Section 97.1)

Employer sanctions were also included in Canada's 2001 Immigration and Refugee Protection Act (IRPA), which states "every person commits an offence who [...] employs a foreign national in a capacity in which the foreign national is not authorized under this Act to be employed" (IRPA, 2001, Part 3, Section 124.1). Penalties for violating this law were increased:

(a) on conviction to indictment, to a fine of not more than \$50,000 or to imprisonment for a term of not more than two years, or to both; or (b) on summary conviction, to a fine of not more than \$10,000 or to imprisonment for a term of not more than six months, or to both. (IRPA, 2001, Part 3, Section 125).

The 1986 United States Immigration Reform and Control Act (IRCA) and the United Kingdom's 1996 Asylum and Immigration Appeals Act (AIAA) include similar employer sanctions (Congdon, 2008; Gleeson, 2012; Lyon, 2006).

In the wake of 9/11, many states also strengthened their enforcement agencies. In Canada, the enforcement of immigration policy has been the responsibility of the Royal Canadian Mounted Police (RCMP). In 2003, however, the Canadian Border Services Agency (CBSA) was created to ensure "the security and prosperity of Canada by managing the access of people and goods to and from Canada." (CBSA, 2010, np). CBSA's responsibilities include administering federal immigration legislation, detaining people who may pose a threat to Canada, and removing people who are inadmissible to Canada (Library of Congress, 2015). In the United States, the Immigration and Naturalization Service (INS) had been responsible for enforcing employer sanctions between 1986 and 2003. In 2003, the Department of Homeland Security (DHS) assumed this responsibility, and Immigration Customs Enforcement (ICE) was created to enforce employer sanctions through worksite raids (Congdon, 2008; Lyon, 2003-2004).

In the United Kingdom, United States, and Canada, employer sanctions have increased the number of workplace raids since the late 2000s (Bloch et al., 2014; Wood, 2009; Smith et al., 2009). In the UK, these raids have targeted in particular ethnic minority-owned businesses (Bloch et al., 2014). Between 2006 and 2008, the United States' DHS also increased enforcement actions at workplaces, resulting in the detainment and/or deportation of hundreds of illegalized migrant workers (Smith et al., 2009). In Canada,

CBSA conducted the largest workplace raid in the country's history in April 2009 (Wood, 2009).

Workplace raids infringe on illegalized immigrants' ability to organize and are associated with declining wages and labour standards (AFL-CIO, 2011; Bloch et al., 2014; Braker, 2012-2013; Heyman, 1998; Smith et al., 2009). The recent legislative changes are especially at odds with long-standing international efforts to address the problem of illegalization of immigrants. The International Labour Organization (ILO) and the United Nations (UN) adopted Conventions in 1975 and 1991, respectively, to extend labour and employment rights to illegalized immigrant workers. The ILO's *Convention concerning Migrations in Abusive Conditions and the Promotion of Equality of Opportunity and Treatment of Migrant Workers* (1975) advocates for the equality of treatment for the undocumented migrant worker and his or her family with respect to rights arising out of past employment in regards to remuneration, social security and other benefits (Bihari, 2011; Bosniak, 1991). Similarly, the UN's *International Convention on the Protection of the Rights of all Migrant Workers and Members of Their Families* declares that state parties are to provide illegalized immigrants with a range of civil, social, and labour rights, including "rights to enforce employment contracts against employers, to participate in trade unions, and to enjoy protection of wage, hour and health regulations in the workplace." (Bosniak, 1991, pg. 741). This Convention further states that "employers shall not be relieved of any legal or contractual obligations, nor shall their obligations be limited in any manner by reason of any [...] irregularity [in the migrant workers' stay or employment]" (Bihari, 2011, pg. 22). Unfortunately, Canada, Britain, and the United States did not ratify either convention, which means that these countries' labour and employment rights do not formally extend to illegalized immigrants (Bihari, 2011).

In addition, the criminalization of employing illegalized migrants through employer sanctions has unintentionally created an environment that enables employers to exploit illegalized migrants based on their lack of legal status. In the United States, the enforcement of employer sanctions has made illegalized migrant workers "vulnerable to employer abuse by creating a perverse set of incentives for employers to exploit them and by deterring undocumented workers from speaking out against this abuse" (Gleeson, 2012, pg. 8). In this case, prioritizing immigration law over labour and employment rights has created "a perverse economic incentive for employers to employ undocumented workers, because employers can deny undocumented workers the most basic workplace protections and escape responsibility by simply calling for an immigration inspection" (Smith et al., 2009, pg. 10-11).

To address the exploitation of illegalized immigrant workers, activists and researchers have advocated for comprehensive regularization and legalization programs (LeVoy & Verbruggen, 2005; Standing Committee on Citizenship and Immigration, 2009; Suarez-Orozco et al., 2007). Canada, the United States, and European countries have a long history of regularization and legalization programs (Brick, 2011; Khandor et al., 2004; Levinson, 2005). Canada's regularization programs include the Chinese Adjustment Statement Program (1960-1972), Section 34 of the 1967 immigration laws that allowed visitors to apply to be permanent residents from within Canada, the Immigration Appeal

Board Act (1986-1973), the Adjustment of Status Program (1973), the Minister's Review Committee (1983-1985), the Deferred Removal Orders Class (DROC) (1994-1998), and the Humanitarian and Compassionate (H&C) Applications (2004) (Khandor et al., 2004).

Regularization and legalization programs, however, can also have unintended consequences. While legalization and regularization programs may improve the labour market experiences and outcomes of the workers who become regularized, they often worsen the labour market outcomes and experiences of immigrants who remain illegalized. For example, after (IRCA),¹ which was implemented in the United States in 1986, employers began to pay illegalized immigrants less than legal immigrants and citizens for the same work (Davila & Pagan, 1997; Gomberg-Munoz & Nussbaum-Barberena, 2011; Massey & Bartley, 2005; Massey & Gentsch, 2014; Verite, 2004). Employers also began to threaten illegalized immigrant workers that they would contact immigration authorities, if the workers reported the labour violations or made efforts to unionize (Faraday, 2012; Gleeson, 2012; NELP, 2005, 2006, 2007; Smith et al., 2009; Verite, 2014; Wishnie, 2004). Instead of discouraging migrants to live and work in the United States, "the net effect of U.S. immigration and border policies enacted during the period from 1985 to 2010 was to increase the vulnerability and undercut bargaining power at the low end of the U.S. labor force, most notably dominated by immigrant workers" (Massey & Gentsch, 2014).

In Canada, provincial and territorial employment and labour laws seek to protect all workers (MTCU, 2005). Ontario's Employment Standards Act (ESA), Occupational Health and Safety Act (OHSA), the Labour Relations Act (LRA), and the Ontario Human Rights Code (OHRC) should therefore apply to all workers independent of status. Similar legislations protect workers in the US and Britain, but increasingly restrictive federal immigration laws and strengthened federal enforcement agencies are preventing illegalized immigrants — who risk being arrested, detained, and deported — from accessing these rights. To address this shortcoming at the federal level, some municipalities and states in US have passed their own law or initiated policies and practices upholding illegalized migrants' labour rights and facilitating their equitable access to employment (Alonso, 2007; Bloemraad & deGraauw, 2011; Cook, 2010; Gilbert, 2009; Heyman, 1998; Provine, 2009; Ramakrishnan & Wong, 2007; Wells, 2004).² Canadian municipalities are following suit, with Toronto and Hamilton recently

¹ IRCA was enacted in 1986 and introduced (1) employer sanctions, (2) a process for legalization, and (3) increased security measures/policing of the Southern U.S. border (Rivera-Batiz, 1999)

² Other US municipalities and states, however, have proposed and implemented policies that restrict the employment of illegalized immigrants and/or facilitate their arrest, detainment, and/or deportation (Chavez & Provine, 2009; Monogan, 2013; Provine, 2009; Ramakrishnan & Wong, 2007). A study that examined 129 immigration-related bills passed at the state level in 2005 and 2006 found conservative political orientation among the voting public (rather than party affiliation of the governor) to be the key determinant of adopting anti-immigrant legislation (Chavez & Provine, 2009). States that adopted pro-immigrant legislation were associated with larger Hispanic populations, growing foreign-born populations, and more liberal citizen and governmental orientations (Chavez & Provine, 2009). Similarly, a study that examined local government ordinances towards illegalized immigrants found the proportion of Republicans and Democrats among the population to be the strongest determinant of adopting pro-immigrant or anti-immigrant policies (Ramakrishnan & Wong, 2007).

declaring themselves sanctuary cities. However, Canadian provincial and territorial governments have not yet taken the initiative to support such changes in policy.

Research Questions and Methods

Federal immigration laws are ultimately responsible for illegalizing migrants, but many government policies, programs, and service deliveries fall under provincial or territorial jurisdiction. This gives provinces and territories the capacity to enact policies and implement programs to protect illegalized immigrant workers from exploitation, support their equitable employment, and provide them with important government services — including health care, housing services, and post-secondary education. Below, we will examine the policies, programs, and service deliveries that municipalities, regions, and states have implemented to facilitate illegalized immigrant workers' equitable employment, social participation, and economic development. The following questions guide this examination:

1. What programs, policies, and service deliveries have municipalities, regions, and states created (or are under consideration) to support the equitable employment, social participation, and economic development of illegalized immigrants?
2. How successful have these programs, policies, and service deliveries been in supporting the equitable employment, social participation, and economic development of illegalized immigrants?
3. Which programs, policies, and service deliveries would be feasible for Canadian provinces adopt?

To answer these questions, we conducted a scoping review (Arksey & O'Malley, 2005) of the English-language literature. We included peer-reviewed academic literature, non-peer-reviewed grey literature (e.g., community-based research reports, discussion papers or reviews, government documents, theses, information guides, and unpublished manuscripts), and labour market and immigration legislation in the analysis. Because 1978 marks the beginning of the public and academic discourse on "illegalized" immigrants (Hannan, 2013), we limited the analysis to literature published after 1977. To identify items to be included in the analysis, we used the following keywords and combinations: undocumented, non-status, irregular status, precarious status, alien(s), illegal(s), unauthorized, informal labour, and non-status. These keywords were crossed with: immigrant(s), migrant(s), and newcomer(s). Additionally, work(ers), employees, and employers constituted third-level keywords. These keywords were also crossed with 'labour market policy' and 'immigration policy'. Publications that contained two or more keywords from each of the four groups were included in the sample for analysis. Articles' reference lists and public media sources (e.g., newspaper articles) were also consulted to find additional and supplementary literature.

Findings

Our analysis revealed that municipal, regional, and state governments have implemented a variety of programs, policies, and service deliveries to support illegalized migrant workers' equitable employment and social participation. These programs, policies, and service deliveries include the following seven categories: (1) memorandums of understanding (MOUs); (2) non-cooperation; (3) collaboration with civic organizations; (4) anti-retaliation policies; (5) building public support; (6) systemic inclusion; and (7) identification cards and driver's licenses.

Memorandums of Understanding (MOU)

During a series of incidents that occurred in the United States between 2005 and 2008, immigration lawyers argued that immigration enforcement improperly trumped labour rights. During these incidents, illegalized immigrants were fired, arrested, detained, and deported when ICE (1) enforced action on behalf of employers, their surrogates, and other police agencies; (2) conducted immigration-focused surveillance in the midst of labor disputes; (3) conducted enforcement action with full knowledge of an ongoing labor dispute; (4) engaged in subterfuge to carry out enforcement actions; and (5) interfered with the administration of justice by arresting workers on the courthouse steps (Smith et al., 2009). One study found that an employer told two employees that he "will call immigration if they continue with their case" against him to recover wages owed to them. The employees continued with their case and, shortly after the employee received the threat, one was detained by immigration officials and deported (Workers Defense Project, 2013).

In response to such labour rights violations, the United States' Department of Homeland Security (DHS) and the Department of Labour (DOL) updated their interagency memorandum of understanding (MOU), which enumerates how the agencies balance their distinct and sometimes contradictory immigration and employment enforcement efforts (Braker, 2012-2013; Smith et al., 2009). Specifically, the MOU prohibits ICE from conducting immigration-related investigations while DOL is performing worksite investigations over labour disputes. The MOU also isolates information about potentially unauthorized workers from ICE, protects the agencies from manipulative outside parties such as employers, and limits enforcement activities so that the agencies' actions do not conflict with each other's goals. The MOU further protects employers from simultaneous worksite and immigration investigations (Braker, 2012-2013; Wishnie, 2003).

To effectively protect illegalized migrants from employers, any MOU between the municipal, federal, and provincial or territorial governments requires strong enforcement mechanisms. The MOU between DHS and DOL in the US, for example, protects against immigration enforcement during a DOL investigation, but it does not similarly preclude enforcement while workers are asserting their rights in other ways such as pursuing federal litigation. Braker (2012-2013) therefore suggests further modifying the MOU to limit immigration enforcement during employment litigation and other agency investigation.

In contrast to the United States, MOUs in Canada have met with outright public opposition. In February 2015, for example, the *Transportation not Deportation* campaign led to the termination of an MOU between the Vancouver Transit Police and the Pacific Region Enforcement Centre of CBSA that had increased immigration enforcement. Under this MOU, Transit Police reported 328 people to CBSA between 2007 and 2013. After the termination of the MOU was announced, activist Harsha Walia declared that “transit police will not be enforcing immigration policy” (Hamilton, 2015, np). Yet this does not mean that all MOUs are ineffective — as seen within the United States, MOUs between municipalities, provinces/territories, and/or states have the potential to be effective if they are created and implemented to protect illegalized migrant workers from federal immigration authorities.

Non-Cooperation

In addition to conducting workplace raids, federal immigration enforcement agencies are cooperating with other federal, regional, and municipal departments to conduct public raids. For example, on August 14, 2014, Ontario’s Transportation Ministry cooperated with CBSA to conduct a commercial roadside vehicle inspection, which resulted in the apprehension of 21 illegalized migrants who were on their way to work (Brennan, 2014). These raids have made illegalized migrants fearful of participating in their communities and accessing services that require them to leave their homes, such as medical services, city services, police services, and commuting to work. Some municipalities, including sanctuary cities, have therefore stopped partnering with federal immigration agencies in supporting such raids.

Provinces and territories can end cooperation with federal authorities in a similar way. Ontario’s Transportation Minister, for example, stopped the partnership with CBSA shortly after an investigation into the August raids, stating that immigration-related raids do not align with the Ministry’s mandate (Brennan, 2014). Such non-cooperation policies reduce the possibility of illegalized immigrants being arrested while commuting to and from work.

Collaboration with Civic Organizations

NGOs, unions, and activist organizations are raising awareness about illegalized immigrant workers’ employment and labour rights and are providing support systems for enforcing these rights (AFL-CIO, 2013; Bardacke, 2013; Basok, 2008-09; deGraauw, 2010, 2014; Hussan et al., 2012; Lo & Jacobson, 2011; Ontario Federation of Labour, 2013; Ontiveros, 2008; PICUM, 2013; Wells, 2003; Workers Defense Project, 2013). In the United States, both the National Employment Law Project (NELP), which is a non-profit legal organization, and the Workers Defence Project have played significant roles in conducting and disseminating research that raises awareness of employers’ exploitation of illegalized immigrant workers and the need for support systems to help these workers enforce their rights — especially in the construction, food, and meat & poultry industries (NELP, 2005, 2006; NELP & ACLU, 2007; Smith & Cho, 2013; Workers Defense Project, 2013; Yoon et al., 2013). In Canada, Justicia for Migrant Workers (J4MW), Caregivers Action Centre, No One is Illegal, Migrante, and the Migrant

Workers' Alliance For Change (MWAC) have advocated for immigrants' rights as workers' rights. Unions across Canada are supporting such efforts in addition to raising awareness about the labour market consequences of allowing employers to exploit illegalized immigrant workers (Benjamin, 2013; Hussan et al., 2012).

In addition, NGOs, unions, and activist organizations have recently made considerable gains in raising awareness about illegalized immigrants' rights, reducing their fear of reporting abusive employers to authorities, and providing support systems to help them access these rights. To ensure that this information and these services reach all illegalized immigrants, partnerships with government organizations and more funding are required (Solidarity City Network, 2013), but it is unknown how these partnerships could be made most effective. Thus, we believe further research with NGOs, unions, and activist organizations is required to determine how provinces and territories could help them achieve their goals.

Anti-Retaliation Policies

Employers retaliate against illegalized immigrant workers who report labour and employment rights violations to the authorities, or who attempt to unionize, by firing them or reporting them to immigration enforcement authorities (Harris, 2013; Smith & Cho, 2013). Even though illegalized immigrants are more likely than legal residents and citizens to face labour and employment rights violations (e.g., injuries), they are less likely to report these violations to the authorities due to employer retaliation (Mondragon, 2011). To protect illegalized migrant workers from employer retaliation, municipalities and regions have implemented anti-retaliation policies (Department of Industrial Relations, 2015; NELP & ACLU, 2007; Mondragon, 2011; Smith & Cho, 2013).

For example, California passed several bills to broaden anti-retaliation policies (Hochberg, 2014; Wilson & Siegel, 2014). These laws prohibit employers from retaliating, discriminating, or taking adverse action against an employee or a prospective employee for exercising any right under the state's Labor Code, filing or participating in a complaint with the California Division of Labor Standards Enforcement (DLSE), whistleblowing, and participating in political activity or a civil suit against an employer (NELP, 2013). Penalties were also increased for retaliation, including fines up to \$10,000 per employee for each instance to be awarded to the employee(s) who suffered the violation. The new laws also broaden protections for illegalized immigrant workers by including penalties for employers that report, or threaten to report, their employees' immigrant status after they have exercised a labour right. It further prohibits unfair immigration-related practices including improper requests for documents to prove work authorization, threatening to file a false police report, or contacting immigration authorities. Furthermore, the laws make it easier for workers to update their personal information if and when they acquire legal status, without fear of retaliation for doing so (Hochberg, 2014).

Build Public Support

Researchers have recommended dispelling the “myths” about the effects which illegalized immigrants have on the labour market and social welfare system, and to displace sources of fear and anxiety about non-citizens (Cook, 2010; Dick, 2011; Pena, 2014; LeVoy & Verbruggen, 2005). Inaccurate “myths” and unfounded fear and anxiety have influenced municipal or regional governments to implement anti-immigrant legislation. Between May 2006 and September 2007, 131 cities and counties in thirty American states passed or proposed laws that include rental restrictions towards illegalized immigrants, employer sanctions, English language rules, labour prohibitions, and enforcement of immigration law (Esbenshade & Obzurt, 2007-2008; Gilbert, 2009). American states also adopted numerous new laws between 2005 and 2011 that were hostile to illegalized immigrant (in addition to laws that were welcoming).

In the Canadian context, possessing accurate information about the realities of illegalized migrant workers would be key to implementing measures at the provincial and territorial level to protect these immigrants in the labour market. The fact that illegalized immigrants are “undocumented,” however, presents an inherent barrier to obtaining accurate data on their numbers, location, skills, occupation, employment situation, and other characteristics.

Systemic Inclusion

Few municipal institutions and service providers are using their discretionary powers to provide illegalized immigrants with access to their services, while keeping information about status confidential from federal immigration authorities (deGraauw, 2014; Nienhusser 2014). However, most administrative staff and service providers may be “unaware” that they are allowed to provide access to illegalized migrants, that they do not need to ask for their clients’ status documents, or that they are not required to pass information on to federal immigration authorities (Nienhusser 2014; Sidhu, 2013; Solidarity City, 2013). A recent evaluation of Toronto’s sanctuary policies and practices, for example, found that a majority of staff at city-funded agencies were not providing services to illegalized migrants due to inadequate training and confusion about the needs of illegalized immigrant communities. In contrast, evaluations of service delivery procedures and training of administrative staff in the US have led to improved service delivery to illegalized immigrants in New Haven, San Francisco, Chicago, and Dayton (deGraauw, 2014; Solidarity City, 2013).

Conducting similar evaluations of service delivery procedures and training administrative staff at provincial and territorial levels could also improve service delivery to illegalized immigrant workers. For example, training staff to protect illegalized immigrant workers’ employment rights, rather than report them to authorities, could potentially encourage illegalized migrants to report employer abuse and/or exploitation to the proper authorities (e.g., employment standards officer). In turn, these reports of workplace violations could eventually discourage employers from exploiting illegalized migrants.

Driver's Authorizations and Identification Cards

Illegalized immigrant workers are often unable to obtain official identification, such as a driver's license. The lack of a driver's authorization adversely affects illegalized immigrants' ability to negotiate their working conditions, which are "circumscribed by the risks of driving to get to and from work" (Gomberg-Munoz, 2011; Lyon, 2003-2004). Being caught driving without a license can result in substantial fines, arrest, detainment, and/or deportation. Illegalized immigrant workers therefore tolerate poor working conditions associated with jobs that are easy to commute to rather than take the risk of a longer commute to a better job (Cruise, 2015; Gomberg-Munoz, 2011). Lacking driver's authorization can also prevent illegalized immigrants from obtaining jobs that require driving a vehicle.

In the United States, several states have therefore allowed illegalized immigrants to obtain driver's authorization cards. These cards "establish that the bearer has passed the necessary test and is allowed to drive" (McThomas, 2015, np) and must be visibly distinct from a formal driver's license that can also be used for identification purposes. While the criteria that illegalized immigrants must meet to obtain a driver's authorization varies between states, proof of local residency, a taxpayer ID, and/or consular identification is usually required (Escobar, 2013). Many of the driver's authorizations issued to illegalized immigrants include a descriptor that states the license is valid for driving only, and "not valid for federal identification, voting, or public benefits purposes" or that they may not be used "to consider an individual's citizenship or immigration status, or as a basis for a criminal investigation, arrest, or detention" (ProCon.org, 2015, np). Nevertheless, many illegalized migrants choose to obtain driver's authorization to improve their labour market opportunities and outcomes, and to increase their safety while commuting to work (Cadelago & White, 2013; Cruise, 2015; Escobar, 2013). As of April 2014, illegalized immigrants were allowed to have driver's authorizations in 10 American states.

In addition to the driver's license, another possibility is for provinces and territories to issue identification cards to illegalized immigrants. These 'municipal ID cards' are currently available in six US municipalities and make it safer for illegalized migrants to interact with frontline city workers, move around in the city, participate in local commerce, and access municipal facilities, which in turn facilitates their integration into labour markets (deGraauw, 2014). To protect the identities and addresses of illegalized migrants who apply for ID cards, Solidary City Network (2013) suggests that the process requires clear parameters on the sharing of information with federal immigration authorities.

Conclusion

As a result of Canada's increasing reliance on TFWP, an increasing number of these workers are likely becoming illegalized when their permits expire. In addition, federal immigration law and increasing enforcement capacities have worsened the vulnerabilities of these workers and thus created circumstances enabling unscrupulous employers to exploit illegalized immigrant workers.

In the absence of federal immigration reform, provincial and territorial government have a range of options available to counter these developments and facilitate illegalized immigrant workers' equitable employment, social participation, and economic advancement. Some of these policies, programs, and service deliveries have been applied in the US to varying degrees of success. Given different legal and administrative national context, however, not all such initiatives may translate easily from a US to a Canadian context, or from municipal to provincial and territorial contexts. Further analysis is necessary to explore in greater detail to which degree and in which way particular policies, programs, and service deliveries can be applied in Canadian provinces and territories.

In addition, our review focused on access to equitable employment for illegalized immigrants. We did not directly address other important areas, such as access to education or health services. While additional research is needed to understand how illegalized immigrants can gain fair access to these services, we believe that initiatives for access to equitable employment for illegalized immigrants would be a significant step towards establishing a sanctuary province or territory.

Any such steps towards a sanctuary province or territory must be taken with the utmost care. Illegalized immigrants are an extremely vulnerable population. Provincial and territorial governments should work very closely with NGOs, activist organizations, and unions to avoid oppositional political backlash and manage any negative reaction that may result from extending such rights to vulnerable populations. In addition, the provision of providing identification documents or driver's authorizations to illegalized immigrants must be administered in a way that prevents the leakage of status information to federal immigration authorities.

Furthermore, any provincial and territorial initiative must be careful not to break federal law. Ideally, however, the federal government would begin to reform federal immigration policy to include measures that ensure access to equitable employment for *all* immigrants.

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