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Temporary Foreign Workers Bilked by Immigration Consultants as Deadline Looms

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Farms across Canada face labour shortages as a result of the government's Temporary Foreign Workers program, which will send hundreds of agricultural employees back to home countries April 1.

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by Kelsey Johnson



Two days before an April 1st deadline imposed under changes to the government's temporary foreign worker program, some foreign workers who have to go back to their home countries are doing so with empty pockets because of unscrupulous immigration consultants, iPolitics has learned.

iPolitics has confirmed nine cases in Alberta and Southwestern Ontario in which registered immigration consultants, or

individuals claiming to be immigration consultants, have charged thousands of dollars to temporary foreign workers and made false promises of being able to keep them in Canada despite regulations that say they must return to their home countries for four years before coming back to Canada.

The four-year rule was implemented in 2011 by the federal Conservatives as a means to encourage employers to hire Canadians.

All nine cases involve low-skilled workers in the agriculture industry with fees paid to consultants ranging from \$1,000 to \$8,000. None of the workers is employed under the Seasonal Agriculture Worker Program, which is exempt from the government's four-year rule.

Most of the affected foreign workers have been promised permanent residency under the guise of the Express Entry program – for which low-skilled applicants do not qualify.

The cases were confirmed by employers and fellow employees of the temporary foreign workers in question. None of the workers involved would speak with iPolitics for fear of creating more problems for themselves.

Cathy Kolar provides legal information on behalf of Legal Assistance Windsor. In an interview with iPolitics Monday, she said she has encountered a multitude of similar cases from across the country whereby foreign workers who are about to be sent home have spent the last of their savings on false hopes of permanent residency.

Those cases, she says, involve workers of all nationalities employed in various low-skilled jobs in the agriculture and service sectors with retainer fees ranging from \$670 to \$8,000.

Most of the affected foreign workers have been promised permanent residency under the guise of the Express Entry program – for which low-skilled applicants do not qualify, Kolar said. Others, she explained, are being promised open-ended work visas.

These applications, she added, risk jeopardizing the worker's ability to apply for work visas or permanent residency in the future.

Turning to Private Sector for Help

Rampant confusion, Kolar said, is compounding the problem. The vast majority of low-skilled workers in Canada fall under the National Occupation Classification (NOC) codes C and D. There is currently no federal immigration pathway to permanent residency for workers classified under those codes.

Yet, Kolar said neither Employment and Social Development Canada (ESDC), nor Citizenship and Immigration Canada's (CIC) websites clearly state in either official language that there is no available route for these workers to obtain permanent residency.

Meanwhile, calls to Citizenship and Immigration's 1-888-242-2100 help line go unanswered, Kolar said – that's if you can get through and can speak fluent English or French. Local immigration centres, like the one in Windsor, Ont., have been closed to the public, she explained, forcing foreign workers who are desperate to stay to turn to the private sector for help.

“This individual has collected data on everything from family connections to housing, to where their current address is, past employment history, all under the guise of putting forward a permanent residency application and so they [the worker] are very afraid of coming forward.” - Cathy Kolar

Recourse for those workers who have been falsely promised permanent residency is even more limited, Kolar said.

"This individual has collected data on everything from family connections to housing, to where their current address is, past employment history, all under the guise of putting forward a permanent residency application and so they [the worker] are very afraid of coming forward," she explained.

While legally, workers can file official complaints with the provinces' law societies, that process can be arduous and takes time, Kolar said. Civil challenges are even more difficult because the individual's temporary status can lead lawyers to shy away from the case.

Civil cases also cost money, she explained, which most of these workers don't have – given they've spent the last of their savings on the earlier promise of permanent residency.

And most of these workers' legal status in the country expires in two days. "If they don't have status in the country, even though they've paid a significant amount of money, it's really not going to result in status," Kolar explained.

The Labour Crunch

iPolitics asked CIC about the available avenues to permanent residency for workers classified under NOC codes C and D. In an email, a spokesperson for the department responded with a list of federal programs designed to bridge skilled workers who are classified under NOC codes O, A, and B.

When asked, again, about low-skilled workers the department referred to provincial nominee programs. Only Alberta (whose program is currently overwhelmed with applications) and Saskatchewan's provincial nominee programs are open to applications from low-skilled workers.

[W]hile the department's minister has acknowledged the shortage of workers in the agriculture industry is a "problem" Employment Minister Pierre Poilievre has not proposed any solutions to the ongoing labour crunch.

Saskatchewan's program was only streamlined to accept low-skilled workers within the past two weeks.

A spokesperson for Employment and Social Development Canada told iPolitics the affected industries had four years to prepare for the fast-approaching deadline, adding that employers can still apply for new foreign workers under the temporary foreign worker program.

And, while the department's minister has acknowledged the shortage of workers in the agriculture industry is a "problem" Employment Minister Pierre Poilievre has not proposed any solutions to the ongoing labour crunch.

Effects on Employers

Kolar, meanwhile, isn't the only one who is witnessing the despair of these affected foreign workers first-hand.

Joe Le is the operations manager for two of three All Seasons Mushrooms farms, located in Langley and Abbotsford, B.C. The third farm is located in Airdrie, Alta – near Calgary, where Le told iPolitics labour is in dire supply.

Within the next month, the farm operator said he is about to lose 20 workers because of the April 1 deadline, with another 35 forced to leave within the year. Those workers are originally from Thailand, the Philippines, Guatemala, Mexico and Ukraine.

“One hundred per cent of my staff who have to leave do not want to go home.” - Joe Le

All of those staff, he said when reached by telephone at the Abbotsford farm, are desperate to stay. “One hundred per cent of my staff who have to leave do not want to go home.”

One worker on the farm, who’s from Thailand, is “worried sick” because he will not be able to support his family if he is sent home, harvesting supervisor Alycia Lavergn said, because back home he only makes \$10/day.

“He says ‘I can’t afford my life, my children can’t go to school if I’m home. At least when I’m here [in Canada] my children have a better opportunity back in Thailand,” she recalls. Other workers, Le said, have told him they will starve if they are sent home.

At the Airdrie farm, Le said, some foreign workers who are about to be sent home have stopped showing up to work and have simply “disappeared over night.”

All Seasons’ owner approached a lawyer a year ago to enquire about ways the three farms could keep their 75 temporary foreign workers permanently. The lawyer determined it wasn’t possible under the current programs, Le said. If it had been an option, he said the owner would have immediately sponsored workers through the process.

“They’re waiting until the ninth hour, we’re nervous as hell, and then they say ‘fine, we’ll give it to you,” Le said about past applications, adding the farm’s contact at ESDC (Employment and Social Development Canada) has asked him to stop calling her for updates.

Meanwhile, applications for new temporary foreign workers put forward six months ago are stalled. With the April 1 deadline less than 48 hours away, Le said the farm still hasn’t heard whether those workers have been approved.

“They’re waiting until the ninth hour, we’re nervous as hell, and then they say ‘fine, we’ll give it to you,” Le said about past applications, adding the farm’s contact at ESDC (Employment and Social Development Canada) has asked him to stop calling her for updates.

The farm, Le said, is scrambling to reorganize itself. He’s shifting workers around, while Lavergn is speed-reading resumes and fast-tracking interviews all in an effort to fill the pending voids – holes both say will be hard to fill because of lasting mark the departing workers have left on the farm.

“I can tell morale is going to be down because they’re [the fellow workers] losing part of their family,” Le said.

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