



Hidden in Plain Sight: Precarious Legal Status Trajectories and their Long-term Consequences



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Kamla Ross McGregor managed the project, played a key role in developing and maintaining relations with collaborators, and kept everyone on the team organized (see <https://cep.info.yorku.ca/team/>). Kathryn Barber coordinated the survey and Camila Bonifaz provided administrative support. The research team included community outreach coordinators who were crucial to being able to recruit a diverse group of participants. [Salina Abji](#) provided clear language writing expertise and knowledge of the community sector. Professor Marie-Pier Joly (Concordia University) contributed expertise on health and quantitative data analysis. Early data analysis was conducted by Amanda Couture-Carron and Jana Borrás. [Zornitsa Stoimenova](#) produced graphics and report design.

The six organizations that established Outreach Partnerships with the CEP project believed in the value of the project and made significant contributions to the design and testing of the survey, participated actively in community consultations, and advised on outreach strategies.

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A full list of partners, collaborators, members of the survey working group, and other organizations that contributed to the project can be found on the CEP website:

<https://cep.info.yorku.ca/collaborators/>

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Abstract

Hidden in Plain Sight: Precarious Legal Status Trajectories and their Long-term Consequences

Canadian immigrant, refugee, and temporary migrant policy has shifted dramatically over the last two decades. A growing share of permanent residents are first arriving in Canada on a temporary rather than permanent pathway: as temporary migrant workers, international students, refugee claimants, and visitors. The federal government frames this shift to two-track migration (temporary before permanent) as part of the goal of improving migrant outcomes by enhancing the fit between labour market needs and newcomer qualifications. However, government data do not offer information to accurately assess whether the trajectories and experiences of temporary entrants are consistent with policy expectations. Indeed, research on precarious migration as well as evidence from community organizations and advocates strongly suggest that living in Canada with a temporary or precarious legal status has far-reaching negative consequences for migrant wellbeing, integration, and social cohesion more broadly.

This report presents findings from the Citizenship & Employment Precarity (CEP) survey aimed at addressing the current gap in available government data. Conducted in 2019, the CEP survey was the first survey in Canada to measure the impacts of legal status for temporary entrants using a five-dimensional model and a community-informed approach. Based on data from 1,237 temporary entrants living in the Greater Toronto Area (GTA), the survey found evidence of complex and unexpected legal status trajectories, including among those who eventually obtained permanent residence in Canada. Coined “precarious legal status trajectories” (PLSTs), the study shows that entering Canada on a temporary basis had multiple and cumulative disadvantages. Spending money, effort, and time navigating the immigration, refugee, and temporary worker systems had negative effects on long-term health and job quality for temporary entrants. Likewise, periods of illegalization were experienced across all entrance categories and had negative consequences even in cases where permanent residence and citizenship was eventually achieved.

Overall, the analysis contributes to understanding the near- and longer-term negative consequences for social inequality of policies that rely on non-citizenship. Indeed, current policies are predicated on the idea that temporariness and potential illegalization do not constitute a hazard for health or job quality. We offer evidence to the contrary.

The report is aimed at practitioners who work with precarious status migrants, as well as academics, policy makers, and the interested public. It includes detailed information on the survey design and methodology for those who want to replicate data collection on PLSTs beyond the GTA.

Key Terms Used in this Report

The terms we use are not neutral. They are political and can be pejorative or discriminatory. For example, referring to a person as “illegal” denies their humanity. You can read more about how words about migratory status matter here: <https://picum.org/words-matter/>

In this report, we are using the following terms to describe different groups or patterns:

Immigration status:

Refers to the immigration-related position that a person holds in a country, whether it is as a citizen, a permanent resident, a temporary status, or without status.

having an insecure or temporary ability to legally work, live, or access services in Canada because of one’s immigration status. This can include those in temporary categories, and people who have been illegalized.

Temporary entrants:

A way of describing any person who arrives in Canada on a “temporary” rather than “permanent” basis. It refers to a range of immigration statuses, including refugee claimants, visitors, international students, seasonal or migrant workers, and other temporary entrance categories. It also includes people who arrive undetected or without status.

Illegalization:

Refers to the process of becoming a non-status resident, or someone without government authorization to live or work in Canada (for more on this term, see Bauder 2013).

Precarious migratory status:

Sometimes referred to as precarious immigration status or precarious legal status (PLS), this is a way of describing the vulnerability or precarity associated with

Precarious legal status trajectories (PLSTs):

A term coined by the researchers of this study. It refers to the changes in immigration status that characterize living in Canada with precarious or temporary status. As we show, PLSTs are complex: they can be lengthy, unpredictable, and have a direct impact on job quality and wellbeing.

To learn more about the CEP project, please visit our project website at: <https://cep.info.yorku.ca/>
The project website includes links to the survey outreach kit, community consultations report, and research briefs, articles, and books.

We have also published an article about the methodology used in our project and how it decenters methodological nationalism. You can read this article in the *International Journal of Social Research Methodology* (see our works cited: Landolt et al., 2022).

Introduction

Ruby works for a community organization in Toronto, where she frequently provides support to immigrants and refugees. José is an organizer with a grassroots group based in rural Ontario, where he advocates alongside migrant workers for better working conditions. Over the past decade, both Ruby and José have noticed how more of the people they work with are arriving in Canada on a temporary basis and are struggling to keep up with the considerable paperwork they need to file to work in Canada or to extend their stay. A sizeable number have made the difficult decision to remain in Canada without authorization, as 'non-status' residents. Those eligible to transition from temporary to permanent residence also face difficulties because of the costs and long wait times. As a result, both Ruby and José spend a greater share of their time helping people to navigate their temporary migratory status and the consequences of their legal status vulnerability on their health and wellbeing.

The realities that Ruby and José witness on the ground are often “hidden in plain sight” when it comes to government data on migration and settlement in Canada. For example, people living without status are not counted in official numbers, and government data on temporary entrants is limited. Having access to reliable, accurate data would help service providers like Ruby, and organizers like José, to better understand how newcomers to Canada who arrive without permanent residence are faring. An accurate picture of immigration status realities on the ground could be used to advocate for better laws and policies governing migration, as well as improved workplace conditions and recourse against infractions. Reliable data could also help inform programs and services for people who enter Canada with temporary or precarious status.

As the above vignette illustrates, Canada's newcomer population is changing – yet government methods for gathering reliable data on immigration and settlement have not kept pace. More people are entering Canada with temporary work permits compared to previous decades, and more of these workers are staying longer.¹ There are also international students, refugee claimants, visitors, and those with “other” temporary statuses who are entering, working, and attempting to settle in Canada. And a greater share of permanent residents first entered and made their lives in Canada as temporary residents.²



With ever increasing numbers of people in Canada with forms of temporary migratory status, it is important we understand the impact of such statuses on long-term job prospects and other quality of life measures. For example, we know from previous research that:

- Those with temporary statuses must meet the conditions of their permit, which may tie them to one employer, or run the risk of illegalization.
- They may be subject to abuse by employers, landlords, and predatory legal service providers, among others.
- If they have precarious migratory status, they are subject to deportation.
- Periods of illegalization mean that people are living without any rights or entitlements to healthcare, formal employment protections, legal protection, and other social services and protections.
- Some may have partial and temporary rights to services and protections but may not be able to access them.
- Pathways to permanent residence (PR) and citizenship are expensive, time consuming, and often more accessible to those considered to be higher-skilled.
- Moreover, meeting requirements for PR may be challenging if not impossible for some.

Negotiating these pathways is an important part of life for many newcomers. Yet, we lack accurate data on the complex precarious legal status trajectories (PSLTs) that newcomers may go through – including periods living without authorization to work, remain, or return. These PSLTs matter, we argue, because they expose migrants to unpredictable periods of vulnerability and stress, which may have long-term impacts on health and social and economic wellbeing.

This research addresses the data gap in Canada’s refugee and immigration system and offers an analysis for understanding precarious legal status trajectories and their impact on quality of life for temporary entrants to Canada. Unlike current methods used in government data, our research accounts more accurately for the changes in immigration status that temporary entrants can experience and how these legal status journeys impact their quality of life over time.

What we did:

Coined the “Citizenship & Employment Precarity” (CEP) survey, this was the first survey of its kind in Canada to measure the impact of legal status for temporary entrants using a community-informed approach. Developed in partnership with community-based organizations, the research was led by Prof. Luin Goldring at York University and Prof. Patricia Landolt at the University of Toronto. Between 2015-2019, the research team used a community-based methodology to design and administer the survey measuring the legal status and employment pathways of people who entered Canada as temporary entrants. Based on a sample of 1,237 people living in the Greater Toronto Area (GTA), the survey captured key aspects of PSLTs and measured employment and health outcomes of legal status precarity.

What we found:

The CEP Survey findings challenge common misconceptions about how newcomers transition from temporary to permanent status. The CEP Survey shows that transitions are not straightforward. They are complex, costly, and uncertain. We name these complex immigration status journeys “precarious legal status trajectories” (PLSTs), defined as the unpredictable and varied changes in legal status that can characterize attempts to stay or settle in Canada. Attention to PLSTs means considering how people enter Canada, what their current status is, and what has taken place in the space between their entrance and current status. The data

Data from the CEP survey shows evidence of “Precarious Legal Status Trajectories” (PLSTs), defined as the unpredictable and varied changes in legal status that can characterize attempts to stay or settle in Canada. PLSTs and their impacts were evident across all temporary entrant categories.

show that how people arrive in Canada matters when it comes to their experiences of precarity in health, employment, and the complex and unexpected trajectories that their legal status may follow. Arriving as a visitor or with a temporary residence permit and no work authorization had the poorest outcomes for wellbeing. Refugee claimants who had not obtained PR at the time of the survey also had significantly poorer health and employment outcomes. Yet PLSTs and their impacts were evident across all temporary entrant categories. These impacts were most evident when we took into account experiences of precarity between arrival and the survey, which we refer to as experiences of illegalization and the work of status.

How to use this report

The report is divided into six sections:

- **Background:** Section 1 provides a brief background on Canada’s immigration system, highlighting common assumptions about the “two-track, two-step” selection system. We then outline a research problem that informs this study: namely, the lack of accurate data on precarious legal status trajectories for people who enter Canada under a temporary entrance category. This section will be useful for readers who are less familiar with Canada’s immigration policies and government data collection practices.
- **Research Design:** Section 2 focuses on the CEP research design, providing a detailed account of our community-informed approach to developing and administering the survey. This section will be useful for researchers and community-based organizations who want to collect meaningful data on the legal status journeys of people who enter Canada under a temporary immigration category, what we refer to as PLSTs.

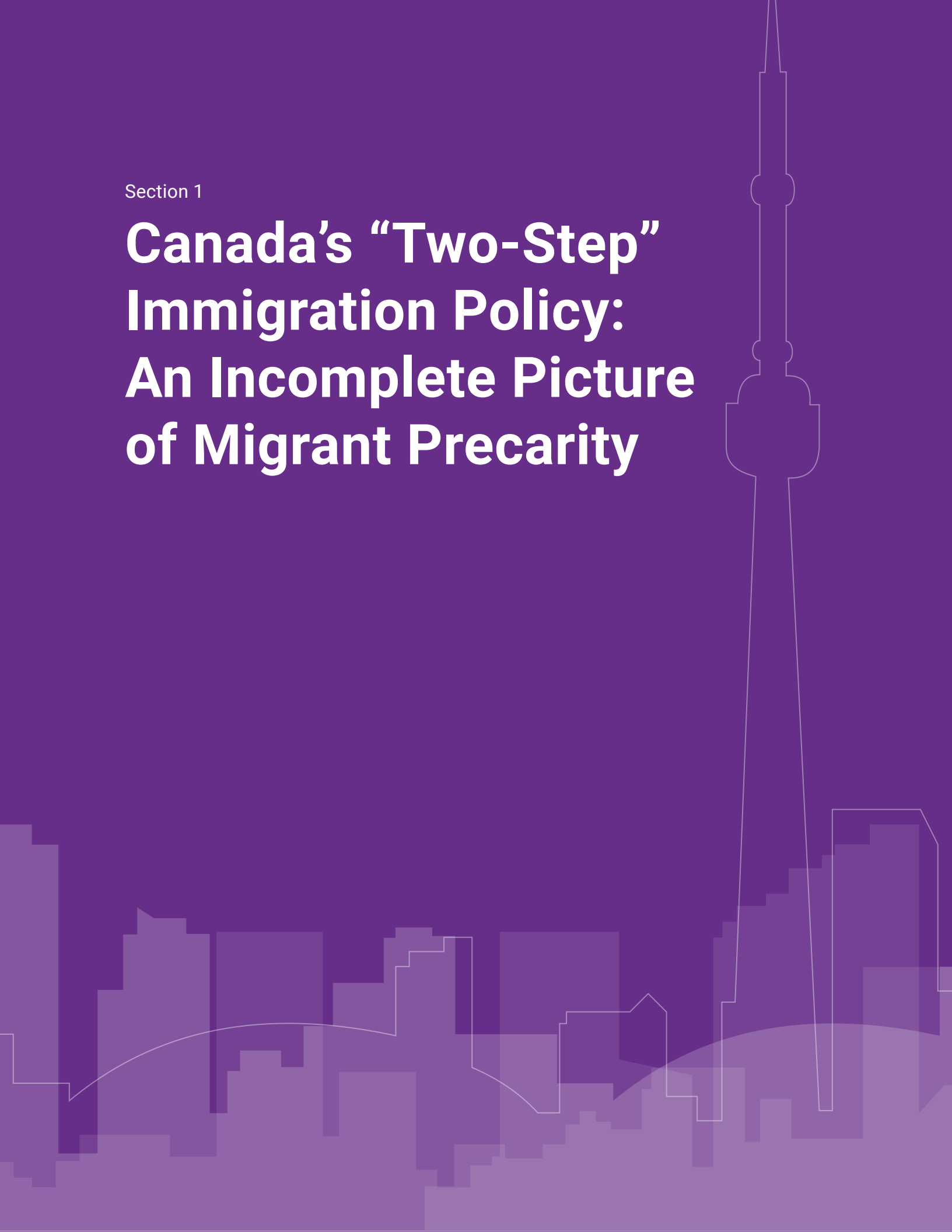
- **Methodology:** Section 3 outlines our methodological approach for measuring PLSTs and their impacts. This section will be useful for researchers who want to replicate or expand research on PLSTs beyond the scope of the CEP survey.
- **Sample Profile:** Section 4 provides an overview of our sample. We outline key characteristics that demonstrate a robust sample for studying PLSTs among migrants in the GTA, as well as some limitations of our sample.
- **Understanding PLSTs:** In Section 5, we share evidence of PLSTs in our sample. Our findings show the complex and unexpected trajectories that characterized the experiences of a significant portion of survey respondents.
- **Impacts of PLSTs:** In Section 6, we examine the impacts of PSLTs on the employment and health outcomes for temporary entrants. Based on this evidence, we argue that precarious legal status has long-term consequences on health and greatly affects quality of life for newcomers.

We opened this report with Ruby, a service provider, and José, an organizer, who regularly bear witness to the everyday impacts of precarious legal status for members of their communities. Migrants with precarious status, community workers, and organizers are at the heart of this research. As we describe in our Research Design (section 2), our community-informed approach helped us to develop a recruitment strategy and methodology sensitive to the challenges of research with vulnerable communities. The approach used in this study can also be expanded to other areas in Canada.

The results of this study (sections 4, 5 and 6) are also intended, in part, for community organizations and advocacy groups to better advocate for immigration policies that recognize and seek to mitigate the harmful effects of precarious legal status. The data generated from this type of research can be used by community organizations to enhance programs and services for the diverse populations of newcomers whose journeys have brought them to Canada.

Section 1

Canada's "Two-Step" Immigration Policy: An Incomplete Picture of Migrant Precarity



This section will be useful for readers who are less familiar with the Canadian government's immigration policies and data collection practices. We provide a brief background on the federal immigration system, highlighting common assumptions about Canada's "two-track, two-step" selection and settlement system.

We then outline the twin research problems that inform this study: the lack of accurate government data on the complicated and unexpected precarious legal status trajectories (PLSTs) experienced by temporary entrants, and the impacts of PLSTs on work and health outcomes. As we outline in the introduction, addressing this data gap and analyzing the impacts of the actual as opposed to expected legal status journeys of temporary entrants is important for understanding and addressing the systemic barriers to health and employment that are embedded in the refugee and immigration system. This work can also inform how we understand the roots and persistence of social inequalities that are generated by Canada's immigration system.

Canada's immigration system

Canada is an important destination for people hoping that temporary migration programs and international study will lead to permanent residence (PR), and for people seeking humanitarian protection.

Since the late 1980s, and particularly in the last 15 years, we have seen several changes in the immigration system:

- **The ratio of permanent to temporary migration has tilted in favour of temporary migration:**

Temporary migrants include international students and various categories of temporary workers and humanitarian admissions. While there have always been forms of temporary migration in Canada, what has shifted are (i) the proportions of temporary migrants and (ii) that this has increasingly become a primary method for selection and permanent settlement in Canada (Foster 2012; Goldring and Landolt 2012; Hou et al. 2020; Tuey and Bastien 2023).

- **Policy changes have established a two-track, two-step system:**

One track is for those who arrive as permanent residents, the other is for those who enter on a temporary basis. The "two-step" refers to the policy mechanism in which a person transitions from a temporary status to PR. For example, some categories of temporary migrant workers and most international students are eligible to apply for PR. Spending time as a temporary worker or international student, or as a refugee claimant, before being able to apply for PR is what makes most temporary entry categories part of a two-step track to PR.

- **No track to PR:**

Some categories of temporary migration are not eligible to apply for PR. These tend to be in categories designated as ‘low-skilled’ with closed work permits that restrict the worker to a single employer. This means there are temporary entrants with no official track to PR. They are officially outside the two-track, two-step immigration system.

- **Rise of legal status tracks that are unexpected.**

There is a rise in legal status trajectories that fall outside of the prescriptions of policy design. They may involve migrant illegalization and/or changing tracks in ways not contemplated by the two-step policy.³

There are many implications to these changes. First, the shift in the ratio of permanent to temporary migration means that opportunities are shrinking for permanent or secure status on arrival as well as to entitlement to settlement and public services in Canada. With fewer direct opportunities for entering Canada through a permanent track, ‘orderly’ migration has become more difficult, unlikely, and expensive.

Second, once in Canada, the route to PR increasingly involves spending time in a temporary immigration status.⁴ This means more uncertainty during the two-step process, and increased vulnerability to exploitation by those who seek to profit from people’s uncertain futures. A complicated and lengthy two-step process means more risk for people, as changing rules and mounting costs increase the likelihood that people will be unable to meet the requirements necessary to renew or change their immigration status. A more complicated two-step process increases the risk of falling out of status, work permits expiring, and other forms of illegalization.

A two-tier society is emerging in which citizens, permanent residents, and temporary entrants with precarious legal status live and work side by side. Without adequate data, we cannot consider the long-term implications of these shifts for social and health inequality, labour markets, and workplaces in Canada.

Third, the rise in the admission of people on a temporary basis (with work authorization and as visitors without work authorization) means that there are more residents who live and work in Canada with precarious legal status and subject to deportation. The increase in temporary entrants means a two-tier society is emerging in which citizens, permanent residents, and temporary entrants with precarious legal status live and work side by side (Landolt 2017).

Without adequate data, we cannot consider the long-term implications of these shifts for social and health inequality in Canada. We go on to explore this data gap below.

Government data on temporary entrants: An incomplete picture

Government data collection and data presentation are not just technical issues. They are political and reflect a government’s assumptions about which types of migrants are part of the national community (Landolt et al. 2022). For decades, immigrant service providers, migrant rights advocates, and academics have pointed to the prevalence of multi-step and temporally uncertain legal status trajectories.⁵

Starting in the eighties, the Canadian government made explicit and intentional decisions about how to count temporary residents in official statistics. People who entered with temporary permits were counted separately from permanent residents, regardless of how long they stayed in the country. There was limited data on the population, and no information on how or whether temporary entrants were transitioning to permanent status.

Once the two-track, two-step system became official policy in the 2000s, administrative data were collected and organized around the assumption that an orderly two-track, two-step immigration system was in place. Current administrative data makes visible two types of orderly transitions. It includes information on the last temporary immigration status a person held before obtaining PR. The data can be used to calculate the transition rate for different temporary entrance categories to PR. For example, how many international students were able to successfully transition to PR, or what proportion of permanent residents transitioned from a humanitarian category to PR or from different economic categories to PR. It also shows data on transitions from one temporary category to another temporary category.⁶

Current administrative data do not show disorderly trajectories that fall outside the policy logic of the two-track, two-step immigration system. For example, they do not show if people

go through multiple transitions between temporary categories before becoming a permanent resident, such as student to migrant worker, student to refugee claimant, or migrant worker to student to refugee claimant. These data also lack information on temporal gaps in trajectories such as time spent in Canada without authorized status, or periods spent outside the country. They also do not show the number of applications that people make that may be in process or were denied.⁷

For decades, immigrant service providers, migrant rights advocates, and academics have pointed to the prevalence of multi-step and temporally uncertain trajectories. Decisions not to collect or make these data available are thus political choices.

Overall, the Canadian government’s data management of the immigration system has helped to normalize the idea of the

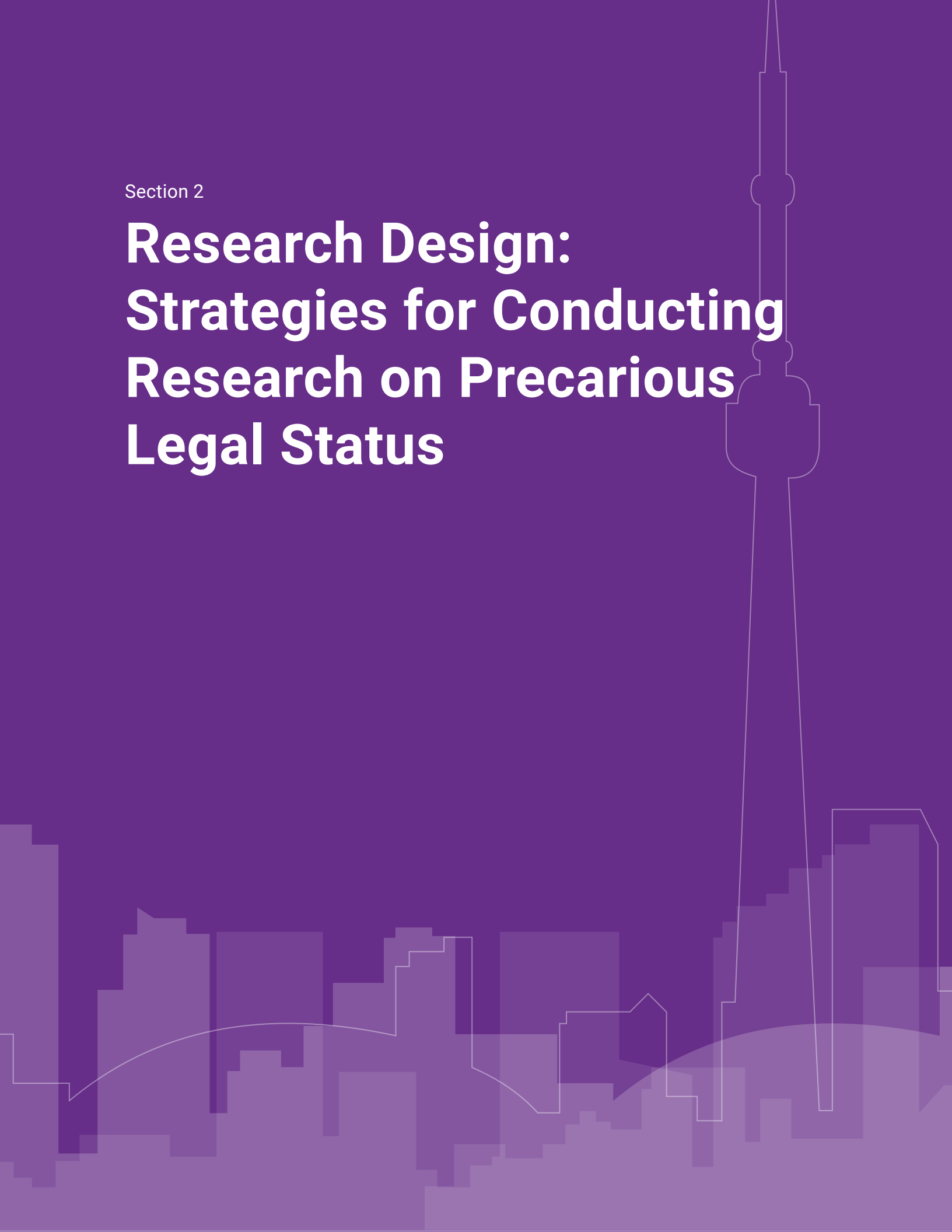
two-step migration system (Hou, Crossman & Picot 2020). Complex PSLTs are hidden in plain sight. Government data give us incomplete and fragmented information about PSLTs. It cannot be used to evaluate the potential impacts of these policies on social inequality.

Documenting PLSTs offers important opportunities for addressing the concerns we described above. Having more comprehensive information about legal status trajectories provides a more complete picture of the lives of people who enter Canada with precarious legal status. After gathering data to document PLSTs, the information can be used to analyze their consequences, for example, for health and employment.

As we go on to describe in the next section, the CEP project was designed to gather information that would allow us to document PLSTs and to begin to understand their cumulative consequences for people who enter Canada with precarious migratory status, particularly the long-term implications of key dimensions of PLSTs for social inequality. Our community-based methodology allowed us to design and successfully implement an online survey that gathered information to meet our goals. The project design, outreach and data collection, and analysis presented both challenges and opportunities that we elaborate on in the next section of this report.

Section 2

Research Design: Strategies for Conducting Research on Precarious Legal Status



In this section, we show how the CEP team designed the survey and the outreach strategy to produce an original dataset about people who arrive in Canada as temporary migrants. This section will be useful for researchers and community-based organizations who want to collect meaningful data on precarious legal status trajectories (PLSTs) and their impacts. We offer readers a step by step of how and why to establish a community-based research network to ensure the success of a mixed-modes research design.

The section begins with an overview of the survey. It then identifies design challenges of research on precarious migratory status experiences in Canada. It details how we tackled the research design challenges in partnership with community and non-profit organizations that work with people who have precarious migratory status.

About the survey

The CEP study surveyed residents of the Greater Toronto Area. Individuals had to meet the following eligibility criteria to take the survey:

- Arrived in Canada as an adult (16 to 45 years of age).
- Entered Canada with precarious legal status: any immigration status category other than permanent residence.
- Have a minimum of three years of work experience in Canada at the time of the survey.
- Be employed at least 20 hours per week at the time of the survey.

The twenty-minute, online self-administered survey had 100 multiple-choice questions, and 24 open-ended questions. It was available in ten languages: English, Arabic, French, Gujarati, Persian, Portuguese, Simplified Chinese, Spanish, Tamil, and Vietnamese.

It covered eight topics:

- planning and financing migration,
- education pre- and post-arrival,
- early settlement and early work experiences,
- current work situation,
- income and financial security,
- wellbeing,
- self-rated health and healthcare access, and
- precarious legal status trajectories.

To capture PSLTs, the survey gathered information on five types of indicators: immigration status at entrance, current immigration status, applications made to extend or change legal status, actual changes in immigration status, and periods without immigration status and/or a work permit.

Overall, we were successful in producing a robust sample of 1,237 people living in the GTA who entered Canada with precarious legal status (see Section 4 for more details about our sample).

Research design: Challenges and strategies

In this section, we outline three challenges we faced in designing the survey and the strategies we used to address them. We also identify limitations of our survey design.

The information in this section may be useful for community organizations and researchers looking to expand research on precarious legal status to other regions in Canada and beyond.

Challenge #1: Surveying an unknown population

As noted in Section 1, there is no comprehensive population profile of the people who live and work in Canada with precarious legal status. That is, no single data source in Canada offers a good profile of who entered the country with temporary immigration status, what happened to them in Canada, whether they stayed on, for how long, and under what legal status and work situations.

This data gap presented significant research challenges for the survey design. For example, we had to account for survey participants potentially being a demographically and ethno-linguistically diverse population. This made it challenging to decide on a set of survey questions relevant to most potential respondents. It also made it difficult to determine what terminology to use that would be recognizable across the diversity of experiences.

Research Design Challenges:	Strategies & Solutions:
<ul style="list-style-type: none">• Surveying an unknown population	<ul style="list-style-type: none">• Engage community organizations to inform the design and outreach strategy
<ul style="list-style-type: none">• Barriers to survey participation for vulnerable populations	<ul style="list-style-type: none">• Develop a flexible mixed-modes outreach strategy in ten languages
<ul style="list-style-type: none">• Capturing the complexity of migrants' experiences beyond the two-step, two-track model	<ul style="list-style-type: none">• Approach the measurement of "precarious legal status trajectories" as a method

Strategy #1:

Engage community organizations to inform the design and outreach strategy

In 2016, before starting any survey design work, we carried out community consultations with thirty-five not-for-profit organizations to gain a grounded and comprehensive understanding of the diversity of experiences of people with precarious legal status who were living and working in the GTA.⁸

Following from the consultations, we invited key partners to form a survey design working group. We also held a day-long workshop with community partners to review the draft survey, item by item. We also drew on community partners to pilot test the survey. Drawing on community partner relationships, the survey was tested with people from different countries of origin, different immigration status histories, and levels of education. Participants completed the pilot survey in the presence of a researcher and/or front-line staff member. In-person pilot testing strengthened the flow, phrasing, and terminology of the survey.

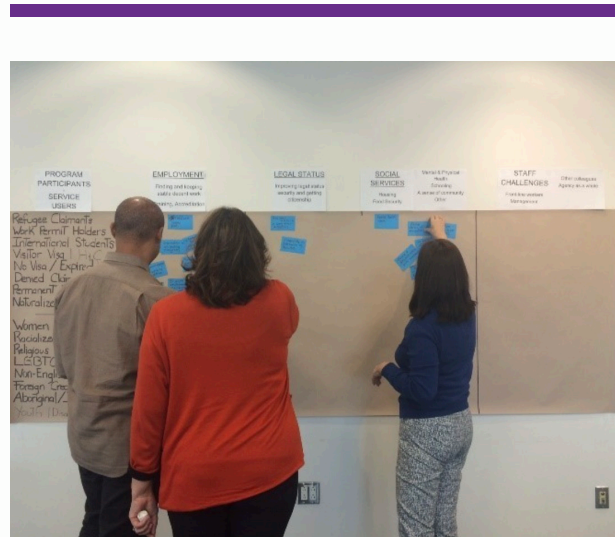
Challenge #2:

Barriers to survey participation for vulnerable people

People with precarious migratory status are often in vulnerable situations, and they may seek to avoid detection. This makes it challenging to reach and/or persuade people to complete a survey. Even if potential respondents are now permanent residents or citizens, they may not want to talk about past experiences. This makes it tough to convince people to trust the process and complete a survey that has probing questions about the present and the past.

Online surveys are convenient, can be completed anonymously, and can reach a wide range of people. Yet, online surveys are inadequate in generating trust among survey participants, especially persons with precarious migratory status.

Data collection can be complex when working with vulnerable populations. Potential study participants may not want



to share legal status details if they are at risk of deportation. Disseminating information on PSLTs also raises ethical questions such as: could this contribute to criminalizing people with temporary status?

Strategy #2:

Develop a flexible mixed-modes outreach strategy in ten languages

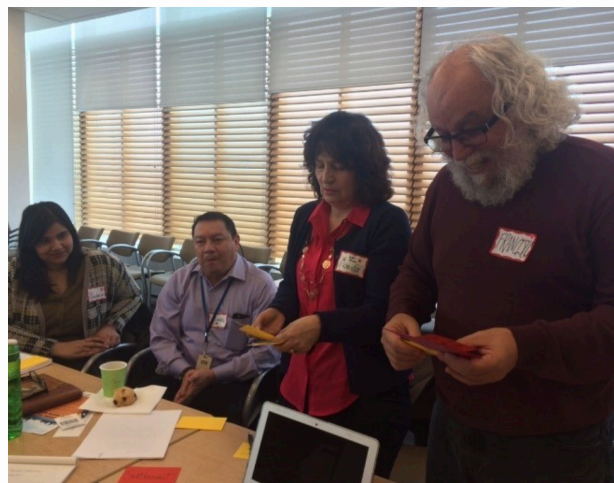
Over five years, we developed a community-based research strategy to tackle the multiple design challenges of conducting a survey with people who entered Canada with temporary and therefore precarious migratory status.

As researchers, we took steps to ensure that data were secure and anonymized so that participants could not be identified.

Our concerns were reduced by knowing that community partners supported the initiative and were eager to participate in the survey design and recruitment. To reach a complex, diverse, and at times hidden population, we developed a mixed-modes, multi-pronged outreach strategy. It included:

- Developing a variety of promotional outreach materials in multiple languages
- Hiring outreach staff to target specific ethno-cultural communities
- Connecting with well-established organizations and institutions to promote the survey among their networks
- Building strategic partnerships with organizations to become survey champions
- Publishing ads in local newspapers and on social media platforms.

We hired survey ambassadors through partner organizations to engage in recruitment. This outreach team went through intensive training that included role-playing and regular individual and group check-ins. Survey ambassadors recruited across various ethno-linguistic



communities, making presentations at a wide range of organizations, and running media campaigns.

In terms of design, the eligibility criteria could be adjusted in the online survey, which ensured that we did not recruit a skewed sample: that is, to ensure we recruited and met sample population targets regarding gender balance, regions of origin, and temporary entrance categories.

Outreach and recruitment were ongoing for over a year. The survey was open from October 2018 to December 2019, and 70% of responses were recorded between January and October 2019.

Challenge #3: Capturing the complexity of legal status trajectories

A third design challenge involved capturing the complexity of migrants' legal status trajectories and experiences. We knew that respondents needed to be able to find their experiences of entering Canada and applying for and/or holding different legal statuses reflected in the survey questions, including the terminology we used. We also knew that people would not always have full information about their own legal status changes since third parties often handle people's application process. We knew that accuracy about the timing and order of applications would also prove challenging.

Strategy #3: Using PLSTs as a methodological approach

We developed the concept of PLSTs and used it as an approach to design for the potential complexity and uncertainty of changes in immigration status (Goldring and Landolt 2022; Landolt and Goldring 2016; Landolt et al. 2022).

PLSTs refer to the unpredictable and varied transitions that characterize attempts to stay or settle in Canada, which create vulnerabilities to exploitation, illegalization, and inequality. As a methodological approach, PLSTs measure any combination of changes and inactivity in immigration status that temporary entrants may experience. In some cases, PLSTs may also follow a permanent residence (PR) entry, as when migrants are illegalized in the course of a sponsorship breakdown.

In the survey we asked a range of questions about immigration status to assemble respondents' PLSTs in Canada. Before finalizing the survey, we tested it to ensure we were using appropriate terminology across languages.

We opted for and support using several indicators to generate a robust approach to PLS trajectories. In doing so, we asked many questions related to immigration status. We then used the more robust indicators to analyze elements that constitute PLSTs.

For example, we asked about:

- Entrance category
- Current immigration status (at the time of the survey)

Rather than focusing solely on those two indicators, we also captured detailed information about what happened between these two moments:

- Those who were permanent residents or citizens at the time of the survey were asked how they obtained PR, or their “mode to PR.”
- All respondents regardless of current status were asked about any other immigration status held, types of work permits held (open vs. closed), and total number of refugee claims and applications for permanent status based on Humanitarian and Compassionate grounds (H&C applications).
- All respondents, regardless of entrance and current status, were asked whether they had experienced illegalization. Specifically, respondents were asked if they had ever done any of the following: lived in Canada without authorization, worked without authorization or received a deportation order.

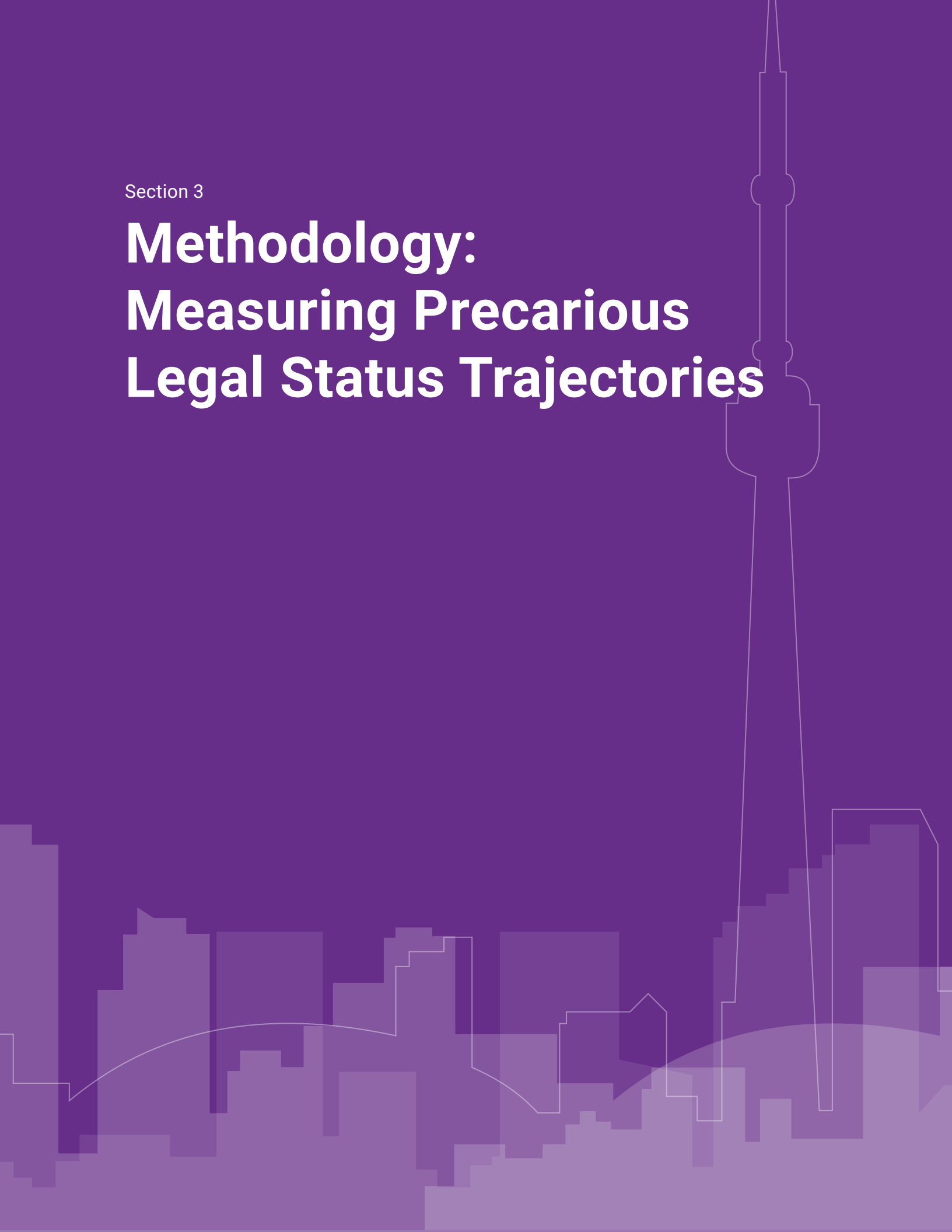
The online survey management system helped us arrive at a heterogeneous and balanced survey population. We describe this survey sample in section 4 of this report.

Design limitations

Regarding our ability to trace PLSTs, the survey has limitations. We captured diverse components of PLSTs but did not measure the timing and sequence of events in respondent trajectories. We stopped short of measuring sequencing to keep the long survey as simple as possible. Future researchers may want to delve more deeply into this dimension of PLSTs. Nevertheless, the CEP survey was successful in generating the first data set of its kind to capture lived realities of precarious legal status in the GTA.

Section 3

Methodology: Measuring Precarious Legal Status Trajectories



In this section we share highlights of our approach to measuring precarious legal status trajectories (PLSTs) using multiple dimensions. These dimensions of PLSTs together offer a window into how the two-track, two-step migration policy is operating in practice. We also explain how we measured health and job quality to test the impacts of the two-track, two-step system on the wellbeing of temporary entrants – a growing population in Canada.

This section may be useful for researchers who want to replicate or extend the analysis of PLSTs beyond the current study. We begin by describing two measures – entrance category and current status – that are typically used in research on the impact of precarious immigration status on wellbeing. We then present our multi-dimensional approach for measuring PLSTs which together offer a window into complex and unexpected trajectories not currently captured in available government data. In the final part, we describe measures we used to consider the impacts of PLSTs on health and job quality.

Entrance category and current status

We first considered the different temporary entrance categories through which respondents arrived in Canada (“entrance category”), as well as their immigration status at the time of the survey (“current status”).

Survey participants could report arriving as international students, visitors, temporary migrant or foreign workers, refugee claimants, undetected, and with TRPs (temporary resident permits) and ministerial permits.

We grouped these participants into four entrance categories:

- Temporary migrant worker
- International student
- Refugee claimant i.e., those who made an inland refugee claim upon arrival in Canada
- Visitor or those with a temporary resident permit. Visitors and TRPs have permission to be in Canada for up to six months, but not to work.

We included “visitors” explicitly as a temporary entrance category for several reasons. First, visitors are part of the precarious status population. An unknown number remain in Canada, overstaying their visa, and experience PLSTs. Second, we only have partial information on visitors and overstayers based on available data. Visitors may arrive by air, land or sea and face changing visa restrictions and document requirements, including biometric screening. Canada gathers information about where visitors come from (e.g., Destination Canada 2018), but exit data has been phased in unevenly since 2013 (CBSA 2023). Third, we know that there is no clear path to PR for this group: pathways for visitors who want to settle in Canada are highly discretionary and always ‘unexpected’ in that their settlement is not contemplated by the two-step model. Fourth, as noted in our Background section above, governments are

increasingly using visitor and adjacent TRP categories to manage global humanitarian crises, yet the impacts of these policy choices are not fully captured in current data.

We also grouped participants by “current status” at the time of the survey, using the following five categories:

- Permanent resident or citizen
- Temporary migrant worker
- International student
- Refugee claimant (in process)
- Non-status (e.g., expired permits, denied claimants)

Five dimensions of PLSTs

Rather than having one measure of PLSTs, the CEP survey allowed for a multi-dimensional analysis (see Figure 3.1).

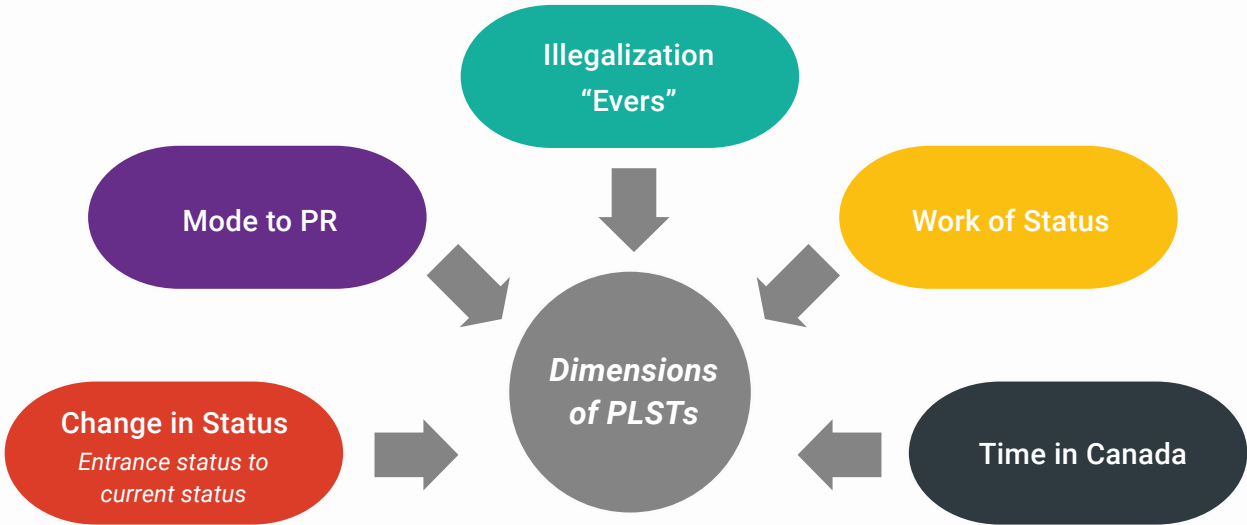


Figure 3.1: Measuring PLSTs

Change in status

We developed a variable to measure changes in status from entrance status to current status at the time of the survey. To do this, we grouped combinations of the four entrance categories by a simplified two-category version of current status (secure versus not secure). This produced a “change in status” variable with eight possible categories:

- Entered as visitor, currently not secure
- Entered as visitor, currently secure
- Entered as claimant, currently not secure
- Entered as claimant, currently secure
- Entered as international student, currently not secure
- Entered as international student, currently secure
- Entered as migrant worker, currently not secure
- Entered as migrant worker, currently secure

While change in status is a useful measure, it does not tell us how participants got from precarious legal status entrance to “current status.” For example, it does not tell us whether their trajectories were straight forward and consistent with the two-track, two-step policy framework, or more complicated and unexpected by policy.

Mode to permanent residence (PR)

In order to gain more insight into how participants obtained PR, we asked about the status they had before shifting to secure status. We use the term “mode” rather than “pathway to PR,” because pathway suggests an expected trajectory. The “mode” may or may not conform to pathways prescribed by policy.

We measured mode to PR using the following programs and policy mechanisms:

- Canadian Experience Class (CEC)
- Federal Skilled Workers (FSW), Express Entry (EE), Business
- Provincial Nominee Program (PNP)
- Live In Caregiver Program (LICP)
- Sponsorship (family, spousal)
- Refugee Claim
- Humanitarian & Compassionate application (H&C)

The mode to PR offers an indication of whether people experienced illegalization, which is unexpected in the two-step model. Humanitarian & Compassionate applications are typically used by illegalized migrants who have no other route to PR. However, this mode to PR is indicative of a trajectory that is unexpected or does not conform with the two-step model. Other modes may also reflect an unexpected trajectory, depending on the entrance category. For example, if someone arrived as a visitor or international student and obtained PR through an H&C application or sponsorship, that would be unexpected in the two-step model, whereas someone arriving as an international student who obtained PR through the CEC could be seen as consistent with the two-step model.

Illegalization (“Evers”)

Illegalization refers to the process of losing one’s authorization to live or work in a country, whether fully or partially. Scholars have used this term to refer to the ways that precarious migration is criminalized or dehumanized in both systemic and symbolic ways. For the purposes of this report, we focus on the process of becoming non-status and/or losing some or all of one’s right to be present in Canada as one key dimension of illegalization.

In the survey, we measured illegalization based on a series of indicators that included:

- Ever lived in Canada without authorized immigration status
- Ever applied for PR on Humanitarian & Compassionate (H&C) grounds
- Ever received a deportation order.

We put these indicators together to create a variable for whether a respondent had ever had any of these experiences and called it “Evers.”

Work of status (WoS)

Migrants with precarious legal status trajectories engage in what we call “the work of status” (WoS) (Goldring 2022; Joly et al. 2023). WoS refers to the resources, time, and effort that migrants dedicate to trying to obtain a relatively more secure legal status, whether temporary or permanent, or to prevent deportation. This may include a range of activities, applications, fees, or information seeking, that go into trying to remain in Canada, trying to obtain temporary or secure status, and/or seeking to reduce the likelihood of deportation.

The work of status involves effort, as well as financial and other resources. It is unpredictable because it involves procedures that either provide temporary solutions (e.g., temporary permits) or do not have clear outcomes or timelines (e.g., H&C application, refugee claim). The uneven and discretionary quality of refugee determination and H&C decisions also adds to the uncertainty that accompanies the work of status.

We created a composite variable to indicate the work of status. It consists of 4 indicators:

- Ever applied for refugee status after arrival, not including arriving as refugee claimant
- Held three or more migratory statuses aside from entrance status and current status at time of survey
- Ever left Canada for a period of 6 months or more to return under a different migration status
- Paid More than \$6,000 in immigration and/or consultant fees

The WoS variable, like the “evers” variable above, is a binary variable. That is, we used it to measure whether a participant experienced any of these situations (rather than counting their frequency).

Measuring the impacts of PLSTs

In addition to measuring the five dimensions of PLSTs described above, we also developed measures to understand their impacts on health and employment (see Figure 3.2).

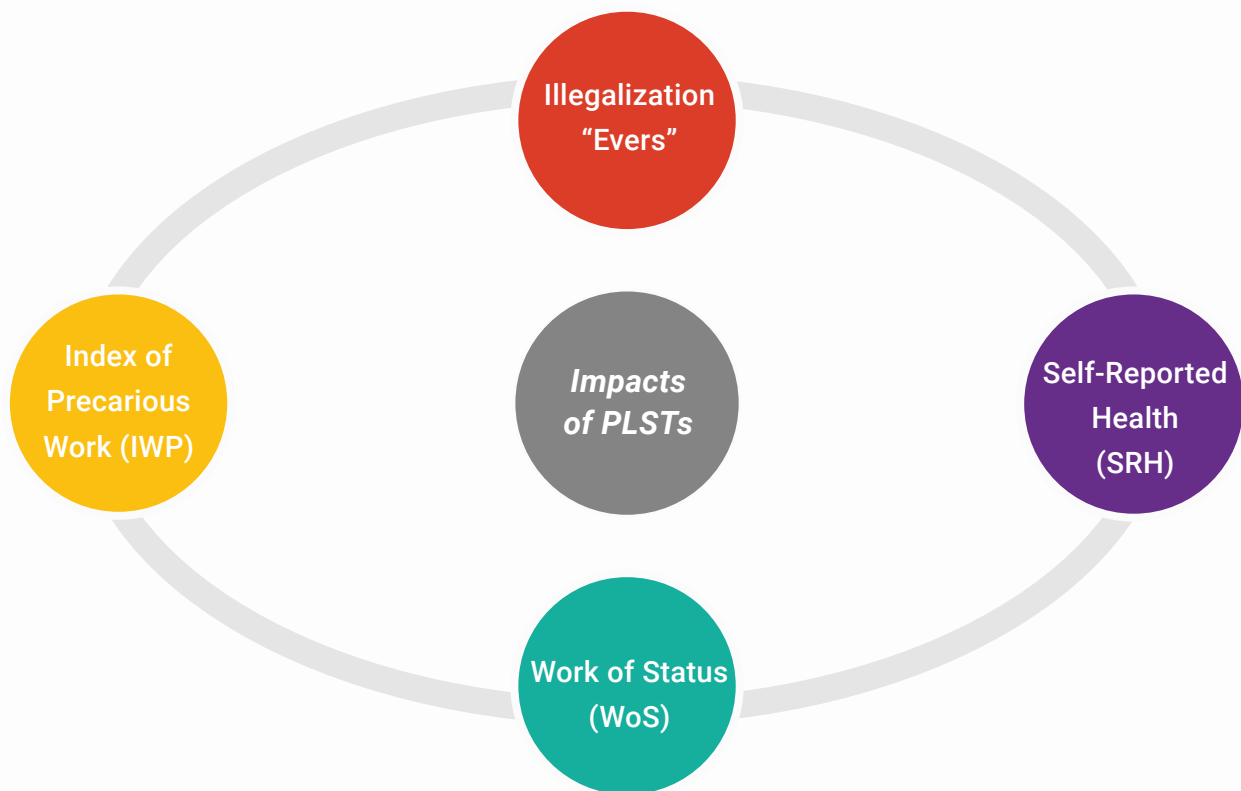


Figure 3.2: Measuring the Impacts of PLSTs

We can think of illegalization and the work of status as dimensions of PLSTs that have potential impacts (see Figure 3.2). In Section 6 we analyze their impacts on health and employment using the following measures.

Self-rated health (SRH)

Measures of self-rated health (SRH) are widely used in population health research. Self-rated health is useful in predicting overall health and later mortality (Bacong et al. 2021; McAlpine et al. 2022).

In the CEP survey, and consistent with other surveys, self-rated health is measured with the question: “In general, would you say your health is excellent, very good, good, fair, poor.” We created a dummy variable coded 1 if respondents reported excellent, very good, and good health, and 0 if fair and poor. This way of grouping responses is useful for analyzing factors associated with better versus worse health outcomes.

Index of precarious work (IPW)

The CEP survey permits analysis of job quality. We used the CEP data to construct an Index of Precarious Work (IPW), which measures several dimensions of employment precarity at two times: in early work and at the time of the survey.⁹

The dimensions of precarious employment used in the IPW include terms of employment, basis of pay, contract violations, and benefits. Because the two indices have a different number of components, we standardized them to range from 0 to 1 to be able to compare them. Higher scores indicate higher levels of employment precarity. They have a mean of .31 for early work and .33 for current work.

Measuring the health impacts of PLSTs

To assess the impacts of PLSTs, we examined the relationship between selected variables and self-rated health (SRH). The variables included:

- Entrance category
- Change in status
- Illegalization “Evers”
- Work of status
- Time in Canada

Measuring the employment impacts of PLSTs

To assess the employment impacts of PLSTs, we examined the relationship between selected variables and employment precarity (IPW). The variables included:

- Entrance category
- Change in status
- Illegalization “Evers”
- Work of status
- Time in Canada

Relationship between time in Canada, PLSTs, and impacts on wellbeing and social inequality

We examined the relationship between time in Canada and the impacts of PLSTs on employment precarity (IPW) and health (SRH) with information on years in Canada.

Popular assumptions suggest that with time, immigrants’ fortunes will improve as newcomers gain cultural and employment experience, language skills, and so forth. Empirical research does not support this assumption (Frenette and Morissette 2005). The literature challenges the idea that time improves outcomes for all newcomers - for all groups, and at the same rate for all. Racism, credential recognition barriers and requirements for Canadian experience help to explain some of these disparities (Galabuzi 2006; Ku et al. 2019; Oreopoulos 2011; Pendakur and Pendakur 1996; Wilkinson et al. 2016). For some racialized groups, disparities persist across generations (Schimmele et al. 2023).

The two-track, two-step immigration model also assumes that time, education, official language skills, and work experience gained before obtaining PR will contribute to the shift to permanent status and pave the way for improved economic outcomes in the long run (Picot et al. 2020). Research to test this assumption is limited, focuses on people who obtained PR, and does not account for experiences of illegalization; the findings are uneven and inconclusive (Picot et al. 2020; Ci et al. 2018).

We hypothesized that time in Canada without PR is not comparable to time with PR. One reason is that temporary residents are not eligible for the settlement services available to permanent residents, such as language training and employment related services. The literature also finds that time is not experienced in the same way by all migrants, for example, those waiting for a refugee or other determination may experience temporal suspension and discontinuities (Villegas 2014). We included years in Canada in our analysis and complemented this with additional information about changes in legal status, illegalization and the work of status (see next two sections).

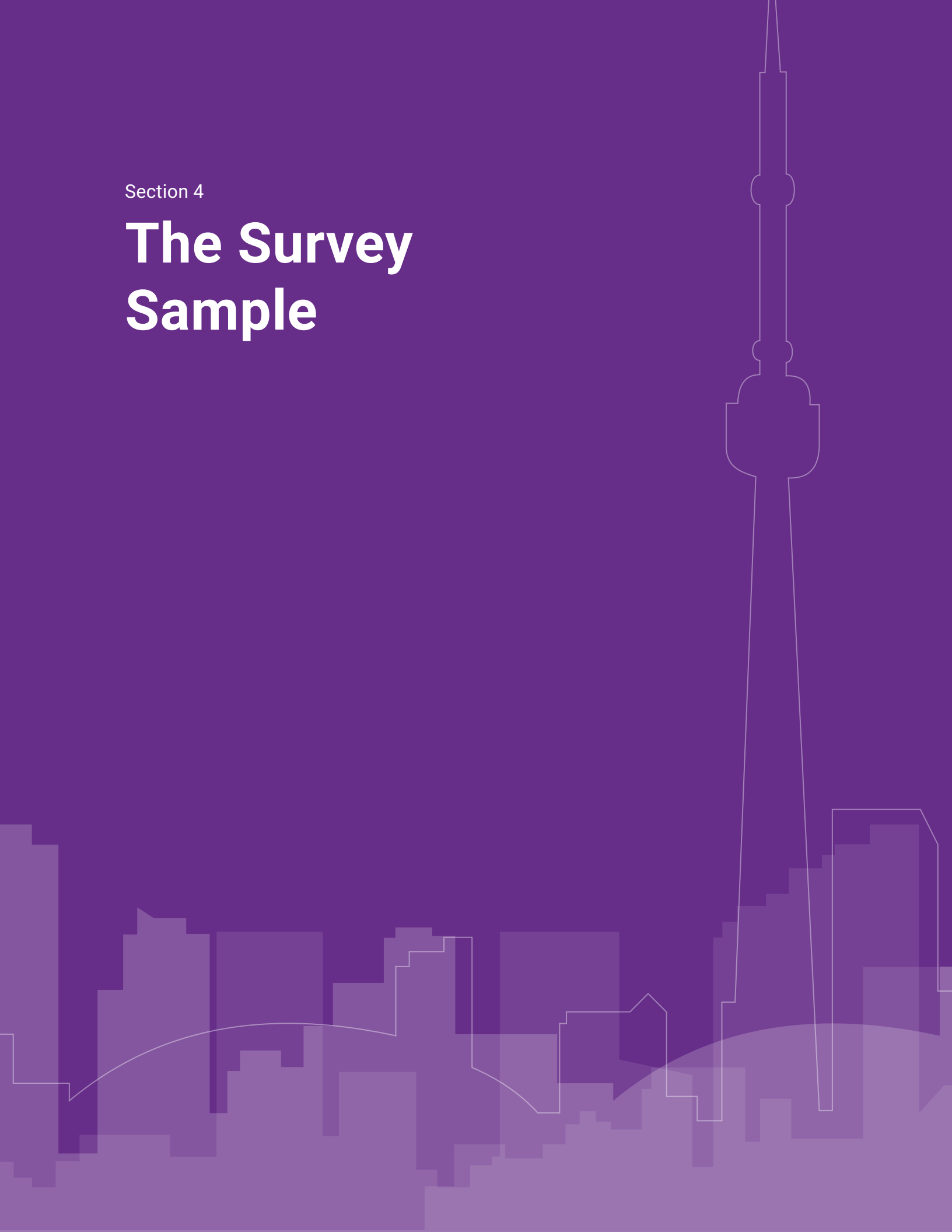
Relationship between work and health

We know from the literature that precarious work is bad for one's health. As a final step, we examined the relationships between employment precarity (IPW) and health (SRH).

Overall, the measures described above allowed for a more nuanced understanding of how Canada's two-step, two-track approach is working in reality. In the next three sections, we highlight how we used this approach to discover key findings about the legal status trajectories, health and work experiences of migrants living in the GTA.

Section 4

The Survey Sample



Using the strategies outlined in the previous sections, we generated a demographically heterogeneous sample of people who entered Canada on a temporary basis. A heterogeneous sample gives confidence that the findings reflect a broad phenomenon and are not simply the experience of a narrow slice of society.

The CEP survey had a respondent sample of 1,237 people who entered Canada as adults and with precarious legal status. Table 4.1 breaks down how potential respondents engaged with the online survey. There were 5,648 who accessed the survey. Of these, 3,184 did not qualify and 801 did not complete the survey. There were 1,663 who completed surveys of which 1,237 were valid.

The survey population was heterogeneous in its demographic and relevant characteristics. In what follows, we outline the following characteristics of the survey sample:

- Gender
- Age
- Time in Canada
- Regions of Origin
- Education
- English Language Fluency at Arrival
- Occupation
- Entrance Category
- Current Status

Table 4.1: Survey Participants

Total	5648
Did not meet selection criteria	3184
Incomplete	801
Completed Surveys	1663
Valid Surveys	1237
Valid Completion Rate	74%

Gender and age

Participants identified their gender identity across 3 categories: female, male, and non-binary/trans. The survey had a good distribution by gender identity. Half of the sample identified as women (50%), just under half as men (48%), and 2% as gender diverse.

The survey had a reasonable distribution of age at time of arrival, with most arriving at ages consistent with studying and/or working: 15.5% of the sample were under 20 years old when they arrived, 26.4% were 20 to 24 years old, 24% were 25 to 29, 16% were 30 to 34 years old, 10% were 35 to 39 years old, and 8% were 40 and over (not shown).

The survey also had a good distribution of age of arrival by gender, with similar shares of participants across age categories within each gender category (see Figure 4.1).

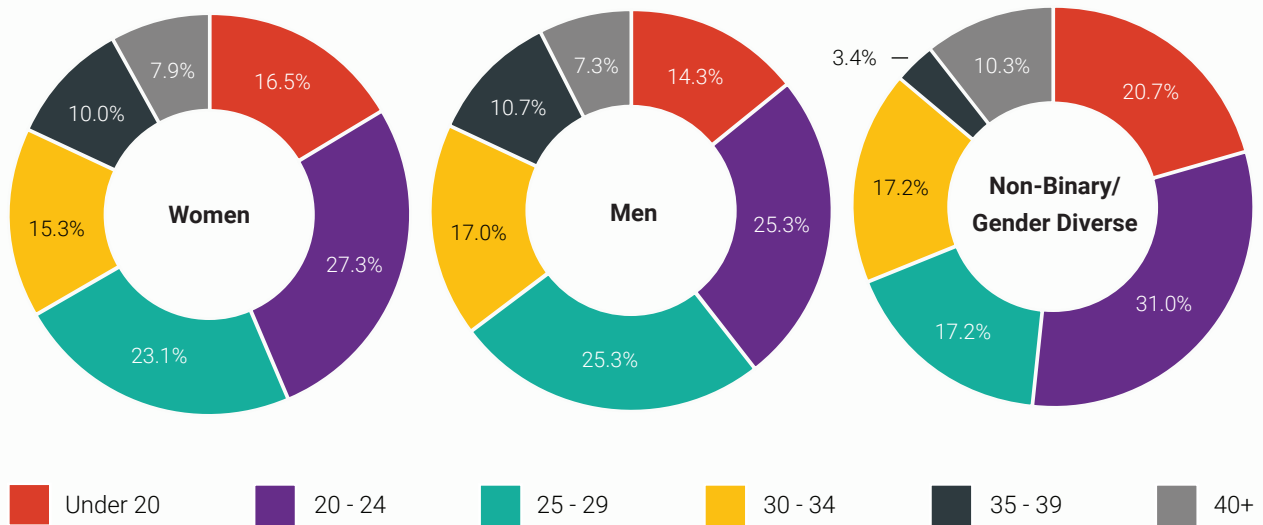


Figure 4.1: Age at Arrival by Gender (n=1,237)

Time in Canada

Our sample had a good mix of people in terms of how long they had been in Canada at the time of the survey.

The average number of years participants had lived in Canada was 11 years (plus or minus 6 years). Just under a third were fairly recent newcomers.

As depicted in Figure 4.2, 23% had been in Canada for 5 years or less, 33% for 6-10 years, 17% for 11-15 years, and 27% for 16 years or more.

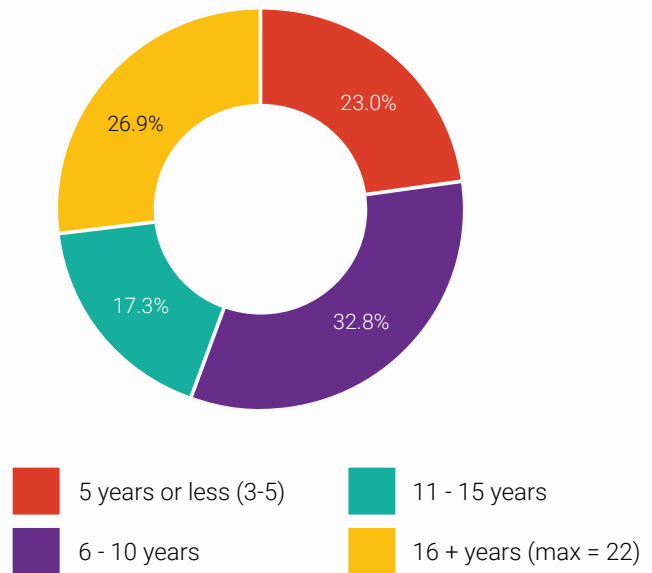


Figure 4.2: Years in Canada (n=1,237)

Put in terms of year of arrival, 31% arrived before 2005, 32% between 2005 and 2011, and 37% in 2012 or later (not shown).

Region of origin

A total of 119 countries of birth were recorded in the CEP survey. As shown in Figure 4.3, the top three regional groups were South Asians (27%), Latin Americans (17%), and East Asians (16%).

It was difficult to assess how representative our sample was because there were no comparable samples. In Table 4.2, we offer a comparison to non-permanent residents from the 2016 census showing top 10 regions of origin for the non-resident population. The non-permanent resident census data include temporary workers, international students, and refugee claimants, but not people without status.

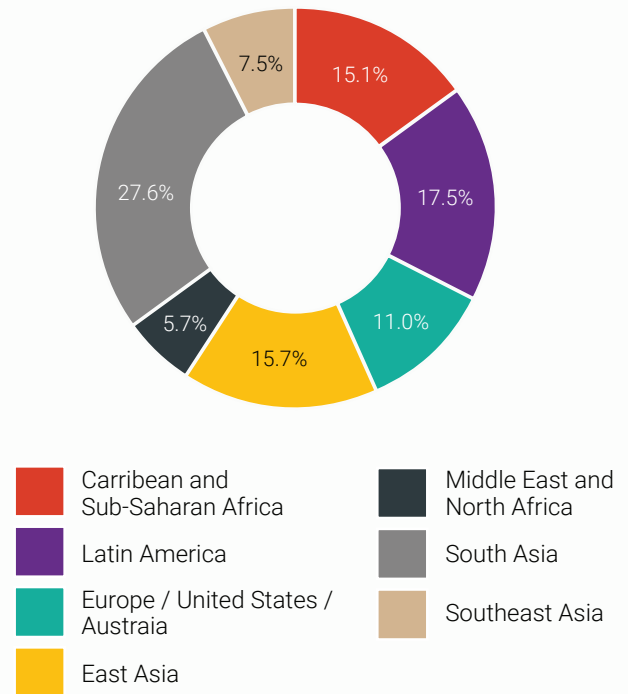


Figure 4.3: Participants by Region of Origin (n=1,237)

While the census data are presented for context rather than strict comparison, the CEP survey sample roughly mirrored the profile for the non-resident population at the time of the survey (Statistics Canada 2017). There were a few notable exceptions: our sample may over represent people from South Asia and underrepresent those from China, the Philippines (who are under the SE Asian category) and the EU/USA/AUS. The CEP sample included higher shares of Black African and Caribbean respondents than the census, but they were a small share of our sample.

Table 4.2: Comparing Regions of Origin

CEP Survey Sample:

Region of Origin (2019)

South Asia	27.6%
Latin America	17.5%
East Asia	15.7%
EU/US/AUS	11.0%
Sub-Saharan Africa	10.0%
Southeast Asia	7.5%
MENA	5.7%
Caribbean	5.0%

2016 Census:

Non-permanent resident population, by region of birth¹⁰

South Asia	13.6%
Latin America	7.2%
East Asia	27.5%
EU/US	24.7%
Africa	8.7%
Southeast Asia	9.1%
West Central Asia & Middle East	6.3%
Caribbean & Bermuda	2.7%

Other characteristics

There were other characteristics of the survey sample worth mentioning:

- High educational achievement: 47% of respondents had a university, professional, or graduate-level education, obtained prior to arrival. 11% had less than a high school education. The distribution of educational attainment across entrance categories was not statistically different.
- Intermediate-to-advanced English fluency: 68% of participants reported having intermediate to advanced English skills at the time of the survey. In addition, 35% said they had completed additional language training in Canada.
- The majority worked in sales and service jobs as their first job in Canada: Over half of the participants worked in sales and service occupations as their first job in Canada (53%). Among the remaining participants, roughly one-tenth worked in “business, finance, and administration” (11%), and “education, law and social, community and government services” (11%).

Entrance category

How did people arrive? Figure 4.4 shows that most of the survey participants (70%) entered with temporary authorization to study or work in Canada, or as refugee claimants. Those who entered with temporary authorization to study or work in Canada included international students (37%) and temporary migrant workers (17%). Refugee claimants – that is, those who made an inland refugee claim upon arrival – accounted for 15% of the sample. Visitors have permission to be in Canada for up to six months, but not to work. 30% of the sample entered with a visitor or temporary resident visa.

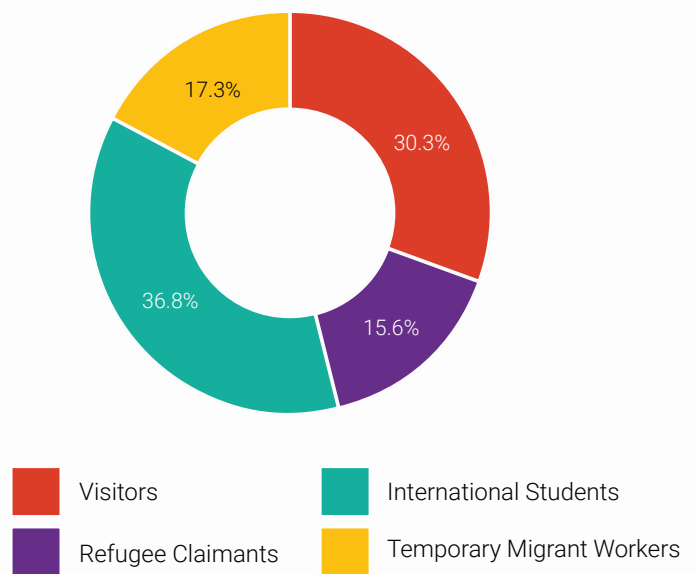


Figure 4.4: Entrance Category (n=1,237)

We also looked at the distribution of participants' entrance categories by gender (see Figure 4.5).

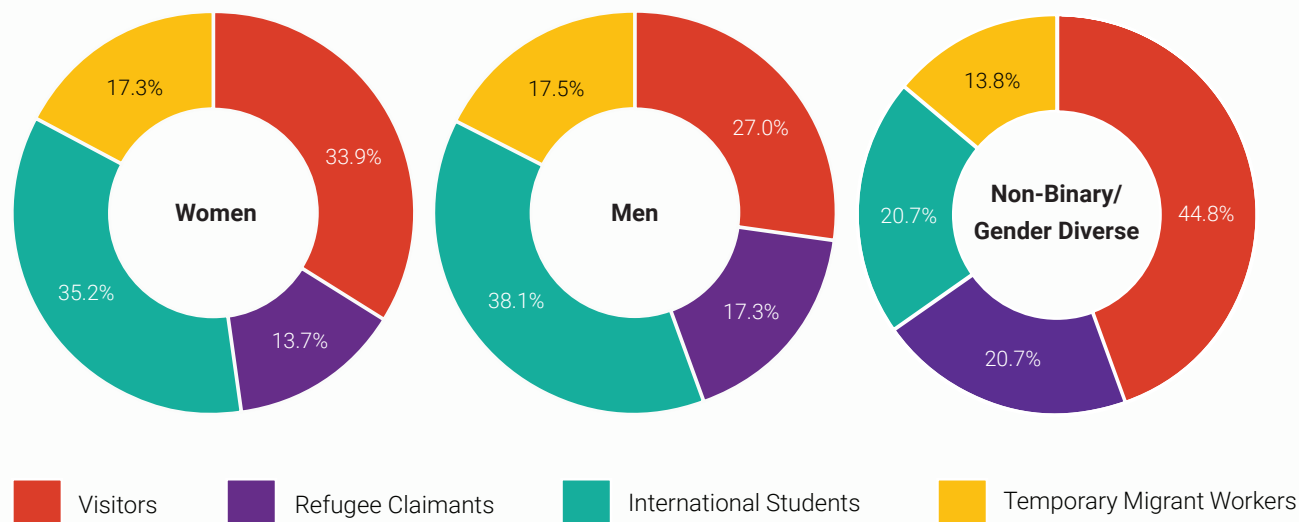


Figure 4.5: Entrance Category by Gender (n=1,237)

Overall, the distribution of entrance categories was fairly similar across genders. The highest share of women and men arrived as international students (35% and 38% respectively). However, a higher share of women arrived as visitors (34%) than men (27%). Women were slightly less likely than men to arrive as refugee claimants (14% and 17%). Similar shares arrived as temporary migrant workers.

Gender diverse respondents were also most likely to arrive as international students (45%) than other categories, but their share in this category is notably higher than for women and men. The next highest share of gender diverse respondents arrived as refugee claimants and visitors (both 21%).

Current status

What status did people have at the time of the survey? A majority of the survey participants had obtained PR by the time of the survey, but nearly a quarter had not (see Figure 4.6).

At the time of survey, 78% reported holding a secure status of permanent resident or citizen. Current status did not vary across genders.

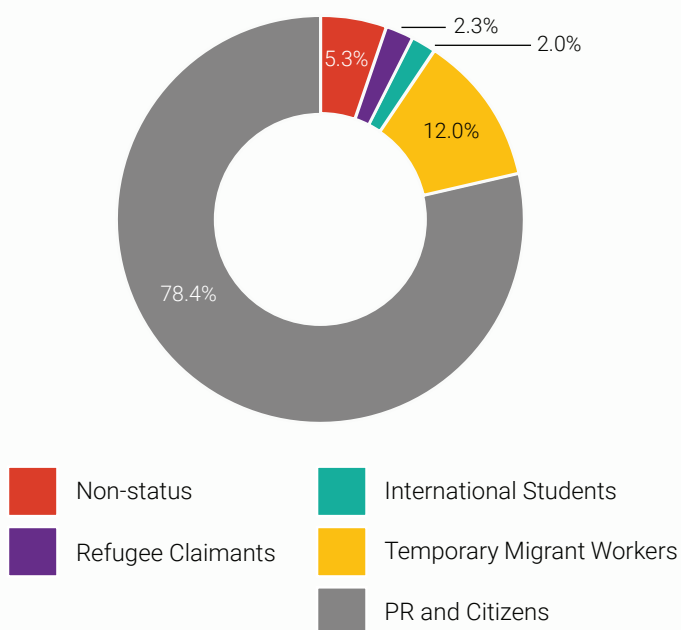


Figure 4.6: Participants by Current Status (n=1,237)

Among those who had not achieved PR, 17% had temporary status, including temporary foreign worker, international student, or refugee claimant. 5% of the sample were non-status.

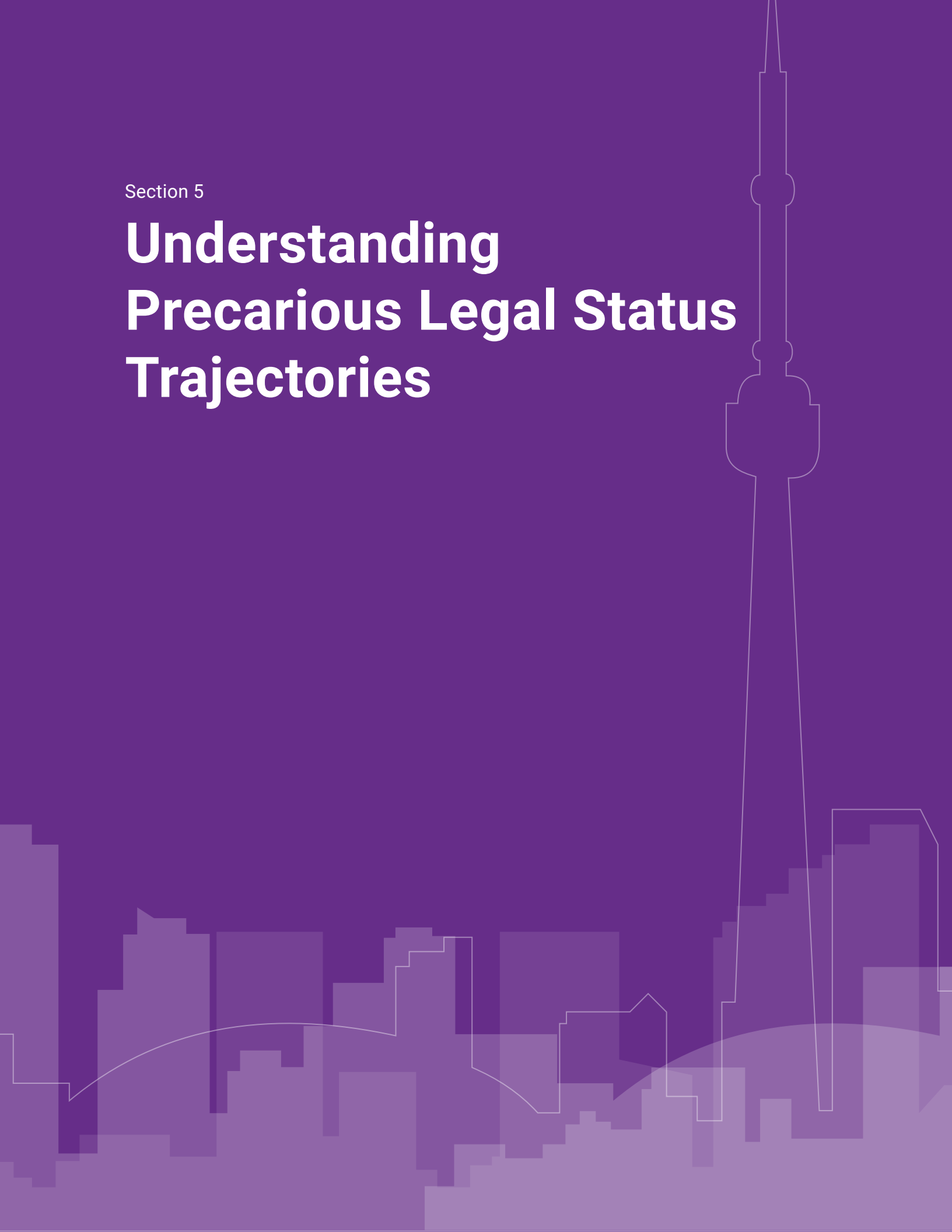
This tells us that most respondents had obtained secure status by the time of the survey. However, it does not tell us how they got from precarious legal status entrance to “current status” and whether their trajectories were straight forward and consistent with the two-track, two-step policy framework, or more complicated.

Strengths & limitations

Overall, the survey showed strong demographic and social diversity, and consistency with broader trends. For some measures, it is difficult to assess how representative our sample is because there are no comparable samples. As noted above, available census data on non-permanent residents (2016) suggests that our sample under-represents Filipinx precarious status residents. It may also be skewed to people who had obtained PR, under the assumption that they would be more willing to respond to a survey. However, the fact that many arrived as visitors, and that many had experienced illegalization (see Section 5) gives us confidence that the sample is robust.

Section 5

Understanding Precarious Legal Status Trajectories



In the opening of this report, we introduced Ruby and José, two people who provide support to precarious migrants, one as a service provider and the other as a grassroots organizer respectively. We described how the realities that Ruby and José witness on the ground are often “hidden in plain sight” when it comes to government data on migration and settlement in Canada.

In this section, we offer findings from the CEP survey as a snapshot of what kinds of data are possible – and vital – for understanding the precarious legal status trajectories (PLSTs) that characterize migrant realities.

As the first survey of its kind in Canada, our findings show the complicated and unexpected legal status trajectories experienced by a significant proportion of people who enter Canada as temporary migrants. In fact, while 78% of respondents had secure status at the time of the survey, they did not always get there in ways that were consistent with the two-track, two-step immigration model.

In this section, we present five windows into PLSTs. To varying degrees each sheds light on the costly, complicated, and temporally uncertain experiences of entering Canada with temporary status. These windows focus on dimensions of PLSTs that are hidden in plain sight and not captured in administrative data. We began by cross-tabulating current status by entrance category to outline legal status trajectories. We examined whether participants obtained PR in ways that were consistent with their entrance category (mode to PR). We also measured instances where the respondent was not authorized to be present in Canada (“illegalization”). During these periods, people are very vulnerable. They do not have rights and entitlements, for example, to healthcare, social programs, or workplace protections.

We also estimated the efforts people with temporary status make to try to achieve a more secure legal status. We call this “the work of status” (Goldring 2022; Joly et al. 2023). WoS can include, for instance, extending a temporary permit, changing to another temporary status and/or applying for PR. Measuring WoS reveals hidden and potentially harmful aspects of PLSTs. Lastly, we considered how the amount of time spent in Canada was related to PLSTs.

Overall, having access to this kind of data on PLSTs can help service providers like Ruby, and organizers like José, to better understand how newcomers to Canada who arrive without PR are faring. An accurate picture of migrant realities on the ground could be used to advocate for better laws and policies governing migration. Reliable data could also help inform programs and services for people who enter Canada with temporary or precarious status. In what follows, we present data on these different dimensions of PLSTs for the CEP Survey.

Change in Status

We compared entrance category (how people arrived) with current status (what status they had at the time of survey). These findings offer a broad outline of PLSTs and are displayed in Table 5.1.

Table 5.1: Current Status by Entrance Category (n=1,237)

Entrance Category	Current Status				
	Secure (PR or Citizen)	Temporary Migrant Worker	International Student	Refugee Claimant	Non-status
Temporary Migrant Worker	86.4%	9.8%	0.0%	1.4%	2.3%
International Student	67.9%	23.5%	5.3%	0.2%	3.1%
Refugee Claimant	91.7%	0.5%	0.0%	5.7%	2.1%
Visitor	79.7%	5.1%	0.3%	3.5%	11.5%

We found that for every entrance category, a high proportion of respondents had obtained secure status by the time of the survey. Overall, the total share of people who obtained PR (78%) was distributed across entrance categories. However, there was some variation. Examining that variation offers an indication of multi-directional trajectories.

Each of the entrance categories offers pathways to PR, except for the case of visitors. We would therefore expect higher shares of PR among those with a policy-prescribed path to PR, particularly among temporary migrant workers and international students.¹¹ However, for each entrance category we found evidence that suggests expected and unexpected trajectories.

In terms of expected trajectories, Table 5.1 shows that refugee claimants were the most likely to obtain secure status by the time of the survey (92%), followed by temporary migrant workers (86%). International students were least likely to do so (68%).¹²

Table 5.1 also shows unexpected trajectories. For example, 80% of visitors had PR at the time of the survey. They got PR despite lacking a formal pathway from visitor to PR. At the same time, the table also shows that visitors were most likely to be non-status at the time of the survey (11.5%). Being out of status is consistent with the policy framework that does not offer visitors a pathway to PR and illustrates the multi-directionality of trajectories.

There was also movement between temporary categories, which may be unexpected or inconclusive in terms of conforming with the two-step model. For example, nearly 10% of those who entered as temporary migrant workers were international students at the time of the survey, and nearly a quarter (23.5%) of international student arrivals were temporary migrant workers. While these patterns are not necessarily unexpected, they may indicate multiple steps before obtaining PR.

Table 5.1 also shows unexpected trajectories illustrated by being without status. For example, 2.3% of those who arrived as temporary workers and 3% of international student arrivals were non-status at the time of the survey. This share of non-status migrants, though low, reveals PSLTs that do not follow the expected two-step pathway to PR.

Information about changes in status is important but does not tell us what happened between entrance and current status. For that, we turn to analysis of how participants obtained PR.

Mode to Permanent Residence

For each entrance category, we found evidence of expected and unexpected modes to PR. Figure 5.1 shows the mode to PR by entrance category. (Entrance categories are on the left side of the graphic, modes to PR on the right.) The figure illustrates the multiple and messy trajectories captured in our sample. We note that because this figure focuses on modes to PR, it only includes the 954 people who had PR at the time of the survey.

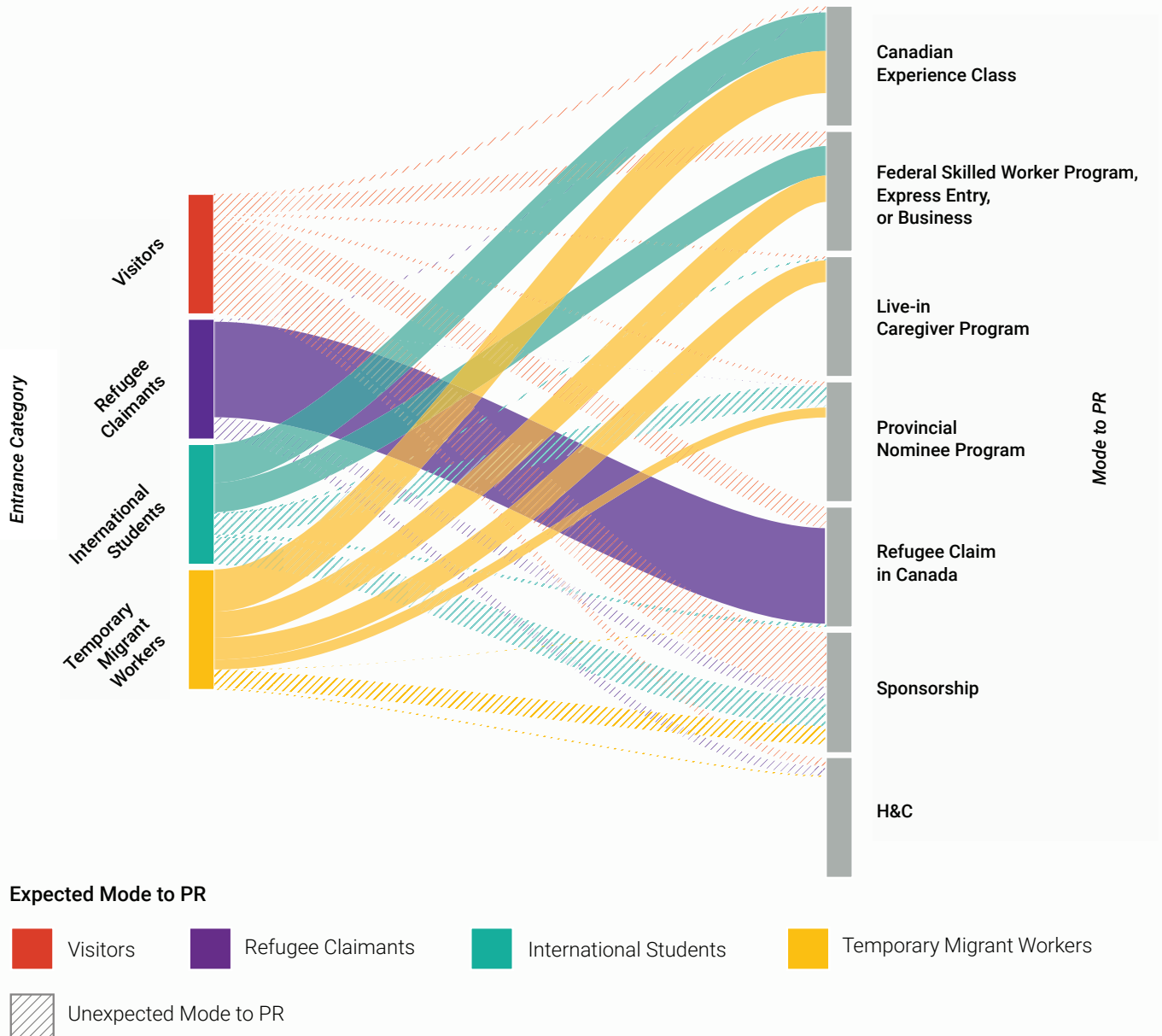


Figure 5.1: Mode to Permanent Residence by Entrance Category (n=954)

Figure 5.1 shows expected and unexpected trajectories. EXPECTED trajectories are in solid colours, one colour per entrance category. UNEXPECTED trajectories are in diagonal dashed lines, again one colour per entrance category.

Figure 5.1 shows the proportion of people whose mode to PR fell within the pattern expected by the policy design for each entrance category. Thicker bands represent higher proportions of the sample.

- Those arriving as refugee claimants were most likely to experience the “anticipated” mode to PR: the majority did so via refugee applications (79%).
- Over half of the international student arrivals obtained PR via applications based on labour market criteria i.e. Canadian Experience Class (CEC), Federal Skilled Workers (FSWP), Express Entry (EE) (56.5%).
- Six out of ten temporary migrant worker arrivals obtained PR through pathways for ‘higher-skilled’ migrant workers i.e. CEC and Express Entry (57%). A quarter (26%) did so via pathways for ‘lower-skilled’ migrant workers i.e. Provincial Nominee Program (PNP) and Live In Caregiver Program (LICP), some of whom entered with more restrictive permits.

However, the path to PR did not necessarily conform to policy expectations. We found evidence that people ‘jump’ to other tracks or move from one status to another in unexpected ways. Across entrance categories, modes to PR illustrated variation and complexity.

There were modes to PR that were UNEXPECTED across most entrance categories. In Figure 5.1, these are the trajectories marked by diagonal lines. For all entrance categories where immigration policy specifies a path to PR, there was a small proportion of survey respondents who experienced unexpected trajectories to PR.

- Nearly a quarter (22.5%) of international students achieved PR through family/spousal sponsorship and a small share (2.3%) did so through a refugee claim.
- A small share of refugee claimants’ trajectories to PR involved H&C applications (8%). One out of ten refugee claimants obtained PR through family sponsorship (10.3%), and 2% did so through the CEC.
- Among those entering as temporary migrant workers, 15.3% obtained PR through family sponsorship and a small fraction (1%) did so through an H&C application.

Finally, those who arrived in categories where there was no expected track or pathway to PR sometimes found ways to join those pathways; this held for visitors, seasonal agricultural workers (SAWP) and other temporary migrant workers in categories designated as “lower-skilled” categories, and non-status residents.

Visitors in particular exhibited a wide range of modes to PR for obvious reasons, since there is no prescribed pathway to PR for visitors. Sponsorship (45.4%) and humanitarian applications were the most important (25.4% as refugee claimants and 7.2% via H&C). Temporary migrant worker categories and pathways were also evident (6.8% of visitors became PR through the LICP and PNP combined). A surprising share of visitors (16.2%) became permanent residents

through the CEC, FSWP, and EE, economic programs not typically associated with temporary entry without a work permit. Overall, we found that instead of a two-step process for temporary entrants, some participants took more than two steps to get to PR and/or exhibited trajectories that did not conform to those prescribed for a particular entrance category.

Illegalization

We continue to add information about what happens between entrance and current status with evidence of illegalization. These findings further challenge commonly held assumptions of migrants' legal status trajectories.

As noted in Section 4, we constructed a composite measure of having ever experienced illegalization called "Evers." We found that:

- 16% of the total sample had some experience of illegalization.
 - 10% had ever lived in Canada without authorized immigration status. This included any respondent who had lived in Canada without authorized immigration status, at any point
- in their trajectory, regardless of duration.
 - 8% had ever applied to remain in Canada on humanitarian & compassionate grounds. In
- addition, 5% had filed a refugee claim and applied for an H&C.
 - 4% (49 participants) had ever received a deportation order. Those who obtained PR by the time of the survey were less likely than the others to have received a deportation order. 3% of those with PR had ever received a deportation order compared to 8% of those without PR.

In addition to the "Evers" composite measure of illegalization, the survey includes information on ever having worked in Canada without a valid work permit. We found that 19% had ever worked in Canada without a valid work permit. This included any respondent who worked in Canada without authorization, at some point, regardless of duration. Because this does not necessarily mean that someone is unauthorized to be in Canada, however, we did not include it in the Evers.

Key finding: Illegalization is not unique to one entrance group

If we look at experiences of illegalization by entrance categories, a few important patterns emerge. For example, one might expect experiences of illegalization to be specific to those entrants who did not have a clear path to PR, such as visitors. However, experiences of illegalization were not unique to a specific entrance category. Rather, there were people across all entrance categories who had experienced at least one of the “Evers” at some point (see Figure 5.2).

As indicated in Figure 5.2, 34% of those who had entered with a visitor or temporary resident visa or without authorization (and no work authorization) experienced at least one “Ever” at some point. Interestingly, 18% of refugee claimants, 5% of international students, and 5% of temporary migrant worker arrivals also had experienced at least one “Ever” at some point.

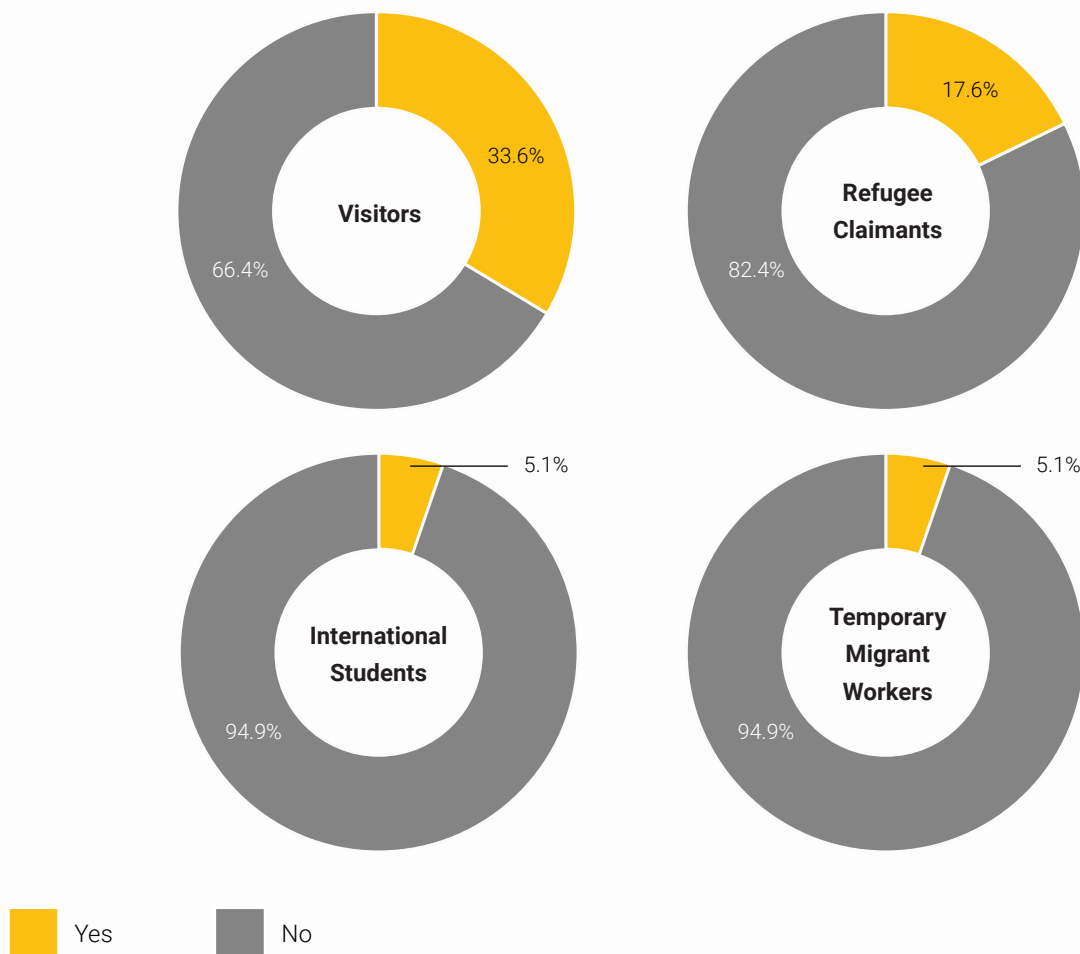
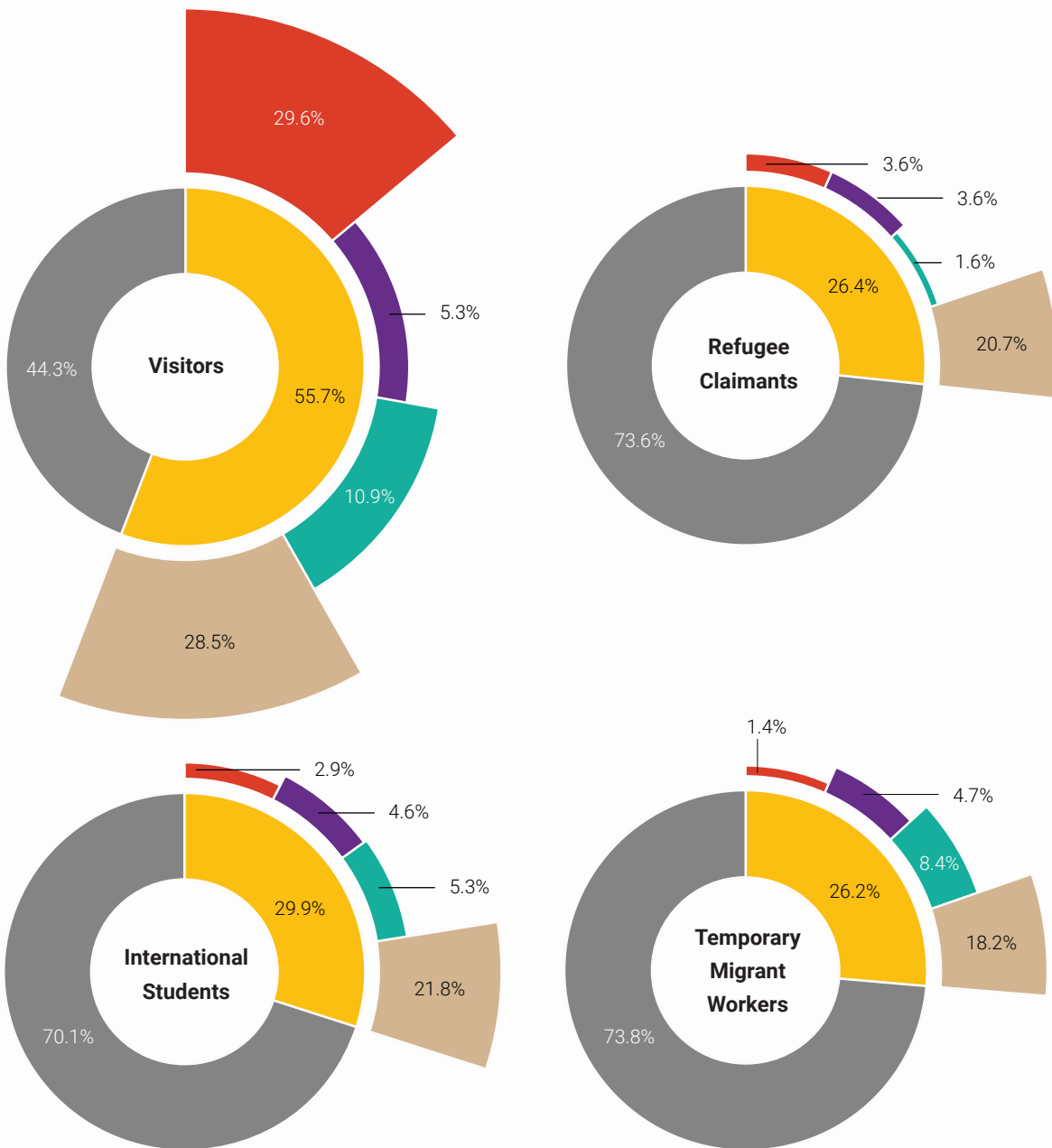


Figure 5.2: Ever Experienced Illegalization by Entrance Category (n=1,237)

Work of Status

We found evidence of the work of status (WoS) across all entrance categories (see Figure 5.3).



If yes,

- Refugee claim after arrival
- Three or more changes in status not counting entrance and current status
- Ever left Canada to return under a different immigration category

- Paid more than \$ 6,000 (CAD) to change immigration status

Note:

Percentages for each component of the Work of Status do not add to 100. They are out of the number who said “yes” rather than the entrance category total.

Figure 5.3: Work of Status by Entrance Category (n=1,237)

As one might expect, participants who arrived as visitors had the highest share (56%) of people who had engaged in one or more WoS indicators. However, we found evidence of the WoS in each of the other categories: among nearly a third of those who arrived as international students (30%), 26% of migrant workers, and 26% of refugee claimants. Figure 5.3 shows that people arriving as visitors exhibited the widest range of indicators of WoS. With no clear path to PR, they tried various options, which may have increased the time and money they spent in an effort to gain secure status. Their WoS profile was different from other entrance categories.

However, Figure 5.3 shows that one component was similar across entrance categories: the large sum spent on immigration applications and related fees. Approximately one in five people in each entrance category paid these costs. It was the largest component of the WoS for refugee claimants (21%), international students (22%), and temporary migrant workers (18%), and the second highest (by very little) for visitors (29%). It is worth noting the full weight of this financial burden. This is typically money earned in lower paying jobs that cannot therefore be spent on other expenses like food, housing, and healthcare.

Time in Canada

The CEP survey confirmed that navigating the immigration system in a bid to obtain secure status takes time (as well as money and other resources). Respondents with secure status had been in Canada significantly longer, for an overall average of 12 years compared to those without secure status, who had been in Canada for an average of 7 years (not shown).¹³

This held true regardless of entrance category. Figure 5.4 shows the mean number of years for the 8 categories in the change in status variable. Overall, the differences in the means were significant. However, for each entrance category, those in PLS situations had been in Canada less time than those with secure status.

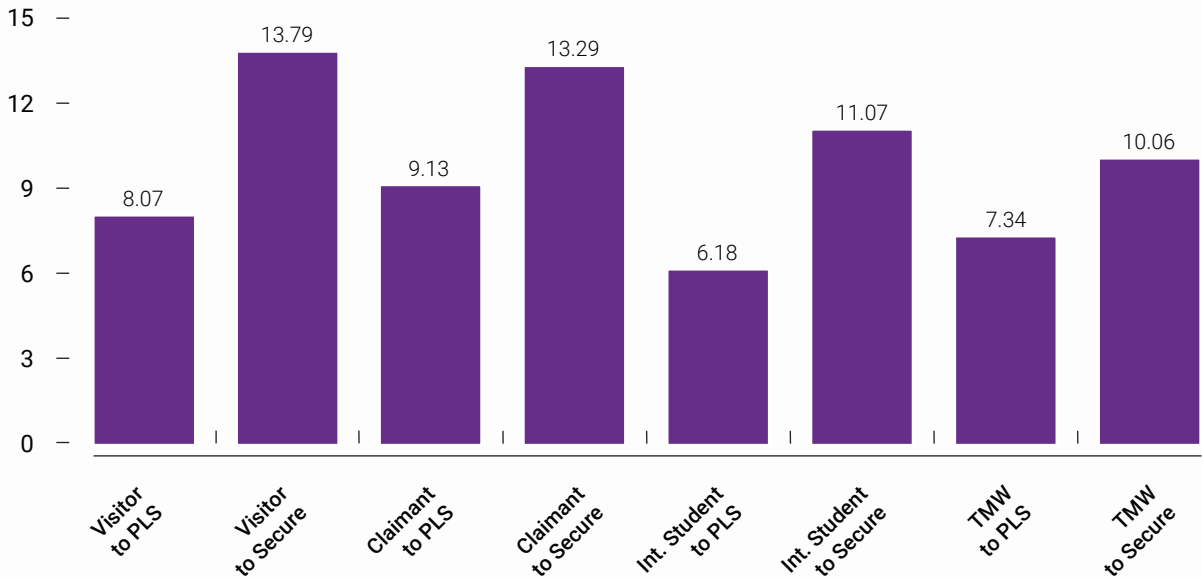


Figure 5.4: Mean Years in Canada by Change in Status (n=1,237)

Figure 5.4 shows that among those who obtained secure status, those with the longest time in Canada arrived as visitors (mean of 14 years), followed by RCs (13 years), international students (11 years), and TMWs (10 years). The more or less linear steps of these means break down when we focus on those who remained in a temporary situation or perhaps without status, (labeled as shifting to PLS in this variable). International students who had not obtained secure status had been in Canada the shortest time (6 years), followed by TMWs (7 years), visitor arrivals (8 years), and RCs, who had been in Canada the longest, at just over 9 years. The longer time in Canada for refugee claimants and visitors who had not obtained secure status reflects the long time it can take to obtain secure status when there is no explicit policy path to PR (visitors) or when the process is highly discretionary as well as potentially lengthy (RCs).

The survey also confirmed that the work of status involves a significant investment of time. Those with any WoS had been in Canada for 13 years compared to those who had not (11 years).

We also found that experiences of illegalization were associated with a longer time in Canada: those with any experience of illegalization had been in the country for just over 13 years compared to 11 years for those who had not (not shown).

Conclusion: Understanding PLSTs

Efforts to extend or change immigration status are costly and time-consuming, and the outcome of any application or effort is uncertain. Some people make multiple applications, at the same time and over time. They may experience multiple transitions or no transitions.

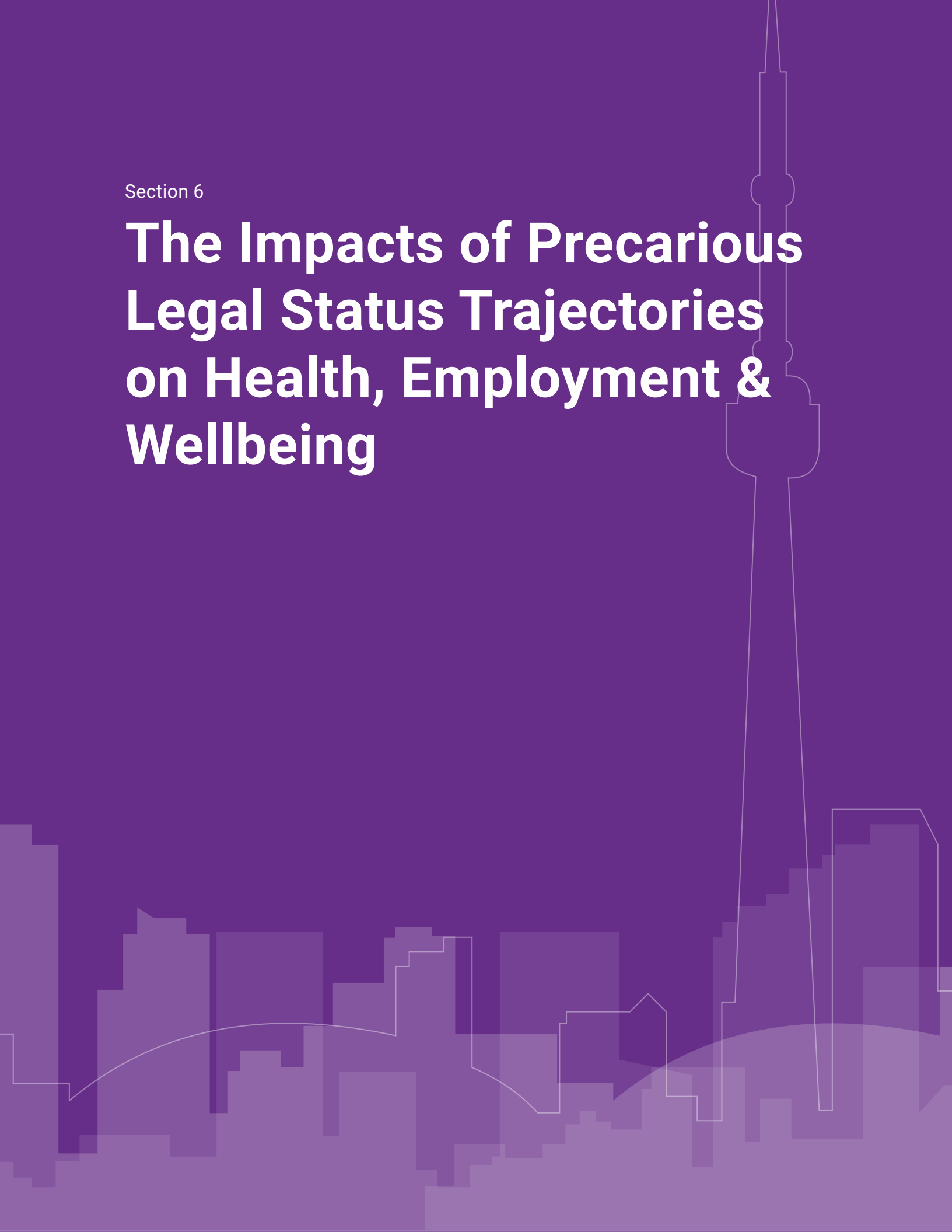
By accounting for the messiness of PLSTs, our data revealed:

- Evidence of complex, uncertain, and multi-directional legal status trajectories.
- Trajectories that involve “jumping tracks” across temporary categories, for example, from refugee claimant on arrival to international student, or from visitor to sponsorship.
- Evidence of illegalization across all entrance categories. Experiences of illegalization were not limited to those without a clear path to PR.
- Evidence of the work of status across all entrance categories.

Our analysis confirms that PLSTs exist and are complex and dynamic. We know they have variable and unpredictable durations, and that time may be experienced differently and unevenly when people are in temporary situations. These trajectories, together with what we have shown about illegalization and the work of status, plus the likelihood of limited and inconsistent access to entitlements and the underlying possibility of illegalization and deportation, can have a negative effect on migrants that have or have ever lived with precarious status.

Section 6

The Impacts of Precarious Legal Status Trajectories on Health, Employment & Wellbeing



In the previous section, we showed evidence of precarious legal status trajectories (PLSTs) among temporary entrants in the GTA, and we traced how these PLSTs operate across multiple dimensions. We showed how illegalization and the work of status deeply affect the trajectories that temporary entrants experience across all entrance categories.

Now that we have understood how PLSTs operate, we turn to consider what impacts these trajectories have across key dimensions of social wellbeing: health and employment. We know that precarious legal status is a fundamental determinant of health (Castañeda et al. 2015; Gagnon et al. 2021). Having temporary and limited or no rights and entitlements, a feature of precarious legal status, interacts with other health risks such as precarious employment, which is insecure and often unregulated, as well as race, gender, age and other intersectional social relations (Asad & Clair 2018). Added to this, the stress of being a detainable and deportable noncitizen also stands to negatively impact health and wellbeing.

While scholars agree on the crucial role of legal status in shaping health and wellbeing, there is less research on the long-term, cumulative impacts of having or having had precarious legal status as well as changes in legal status. Put differently, do key experiences associated with PLSTs have cumulative consequences over the long term, even for those who obtain PR? Such analyses can contribute to understanding whether and how PLSTs place precarious status migrants at a disadvantage when they first come to Canada, and whether early disadvantages have lasting effects.

Our findings show that arriving under various non-permanent entrance categories is associated with significant¹⁴ differences in self-rated health:

- Arriving as a visitor, without access to rights, entitlements, or social protections, meant a higher likelihood of having poorer health compared to those arriving in all other categories.
- Subsequent changes in legal status had mixed impacts on health. For example, we found worse health among participants who arrived as visitors regardless of whether they shifted to secure status as well as refugee claimants who had not obtained it. This was compared to refugee claimants who did obtain secure status, international students, and temporary migrant workers.
- We conducted further analysis to unpack the role of other factors in explaining Self-Rated Health patterns. Our analysis showed that job quality – particularly in one’s current job – as well as experiences of illegalization and the work of status, were significant determinants of poorer health.

Our findings also showed that entrance category has a long-term negative impact on early job quality and on current job quality:

- Those who arrived as visitors with no rights or entitlements, or as refugee claimants, subject to tremendous uncertainty regarding the outcome of their claim, had the poorest job quality both during their early work and at the time of the survey.
- Moving to secure status did offer significant relative improvements in job quality. However, entrance category continued to matter for job quality, particularly for visitors and refugee claimants who had not obtained secure status.
- Similar to health impacts, illegalization and the work of status had significant detrimental impacts on job quality.

Our analysis of impacts is important because it shows that complex PLSTs – those that involve illegalization and/or significant investments of time and money in efforts to gain secure status – have long-term detrimental impacts on health and job quality. It also shows that precarious employment, which is often associated with (but not limited to) precarious legal status, also has a significant negative effect on health.

These findings should be of interest to anyone concerned with understanding the roots of social inequality and how to improve wellbeing. We join the long-standing call of policy advocates – who see the negative impacts of the two-track system on the ground – to eliminate precarious legal status on entry and implement policies and practices that reduce the uncertainty and stress associated with PLSTs. This call includes providing status on arrival, or open work permits, and much broader, faster, cheaper, and simpler access to PR. It might also include access to settlement, employment, and language services to everyone in Canada regardless of status, on the assumption of PR. Access to regulated employment, workplace and social protections, healthcare, settlement, and other social services could mitigate the impacts of precarious legal status.

In what follows, we share highlights of our findings on the impacts of PLSTs. We begin with health impacts, before turning to impacts on job quality. In each section, we start with the role of entrance category, before turning to our multi-dimensional approach to PLSTs. Specifically, we report on the impacts of change in status, illegalization, the work of status, and time in Canada as windows into how PLSTs may be affecting migrants in the GTA who entered Canada as temporary entrants.

Impacts of PLSTs on Health

In the CEP survey, 86% of total respondents reported ‘good to excellent’ self-rated health (SRH). This proportion was slightly lower but consistent with data for the population as a whole, as reported in the Canadian General Social Survey.¹⁵ In what follows, we show evidence that certain dimensions of PLSTs had a significant impact on self-rated health for temporary entrants in the GTA. How migrants enter Canada matters when it comes to good health

outcomes. While changes in status also have an impact on health, their effect varies and is limited overall.

Entrance Category

How people enter Canada matters. For temporary entrants, the specific entrance category can have long-term implications for self-rated health (SRH) because it is associated with different rights and entitlements. Our data showed a significant association between entrance category and SRH.

How migrants enter Canada matters when it comes to good health outcomes. While changes in status also have an impact on health, their effect varies and is limited overall.

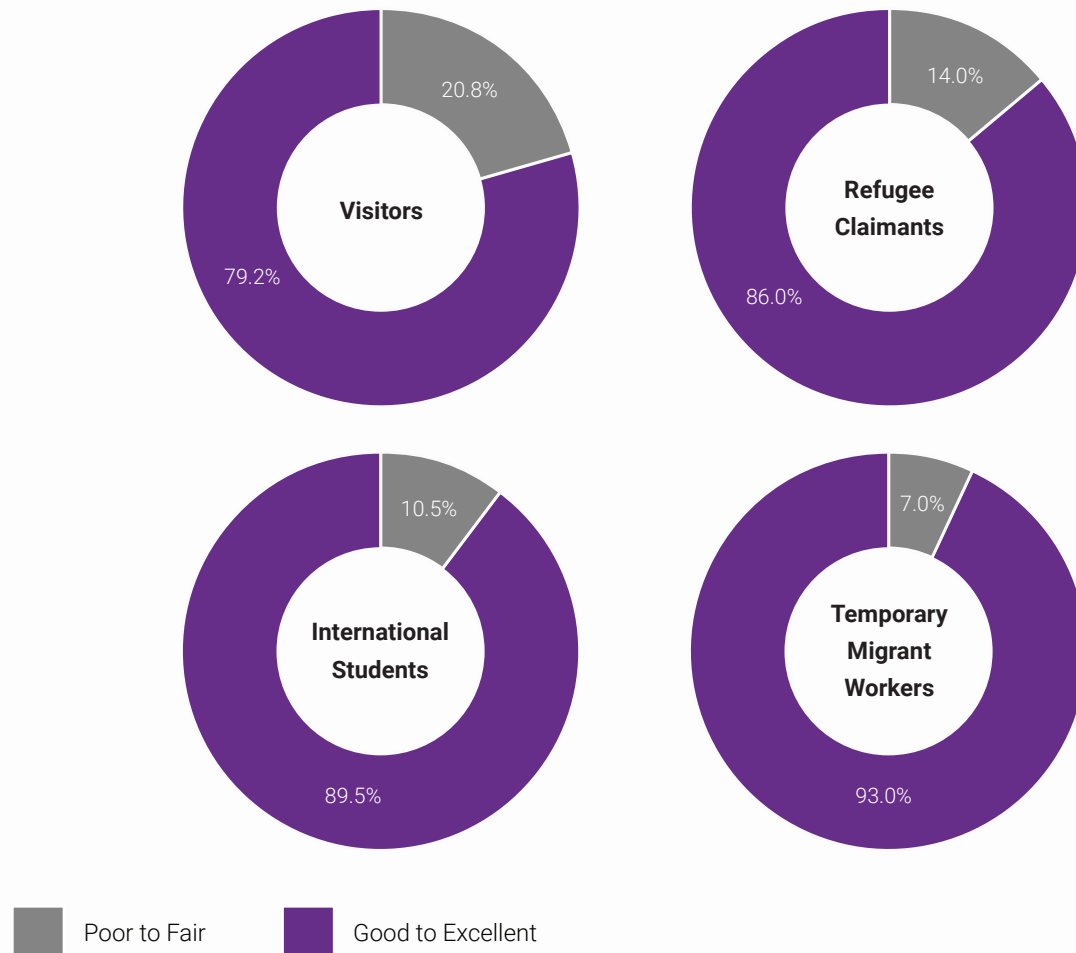


Figure 6.1: Self-Rated Health by Entrance Category

As shown in Figure 6.1, the share of good-to-excellent SRH was lowest among those who arrived as visitors (79.2%), then higher for refugee claimants (86%), followed by international students (89.5%) and was highest among those who arrived as temporary migrant workers (93%). Given that a large share of the sample had obtained PR by the time of the survey, this pattern suggests that arriving without a work permit and no access to healthcare or any social protections has long-term negative health consequences.

Our findings confirmed that arriving without a work permit and no access to healthcare or any social protections has long-term negative health consequences, even in cases where permanent residence is achieved.

Change in Status

What impact did a *change* to secure status have for survey participants when it came to their health? We found mixed and uneven impacts. We used the variable for change in status (see Methodology) to examine its effect on health.

Examining the share of participants who reported good-to-excellent health compared to those who reported fair or poor health, we found different patterns depending on whether we compared changes in status *within* each entrance category or across all of the entrance categories.

Within entrance categories, the change to secure status was only associated with a significant improvement in SRH for refugee claimants. For other entry groups, we observed variation in SRH, but it was not significant.

For those who arrived as refugee claimants, international students and visitors,

- moving from a temporary entrance category to a secure status was associated with an increase in the share of people with ‘better’ health (good-to-excellent SRH). However, as noted, the improvement in SRH was only significant for refugee claimants, and not for international students or visitors.

In contrast, for TMWs, shifting to secure status was associated with a decrease in the

- share of those with good-to-excellent health. The change is small and not significant.

The take home message is that obtaining secure status led to a significant improvement in SRH for refugee claimants, and not for international students, visitors, or TMWs. However, as we go on to discuss, shifting to secure status does not offer meaningful change across the board for PLS entrants and should be interpreted with caution.

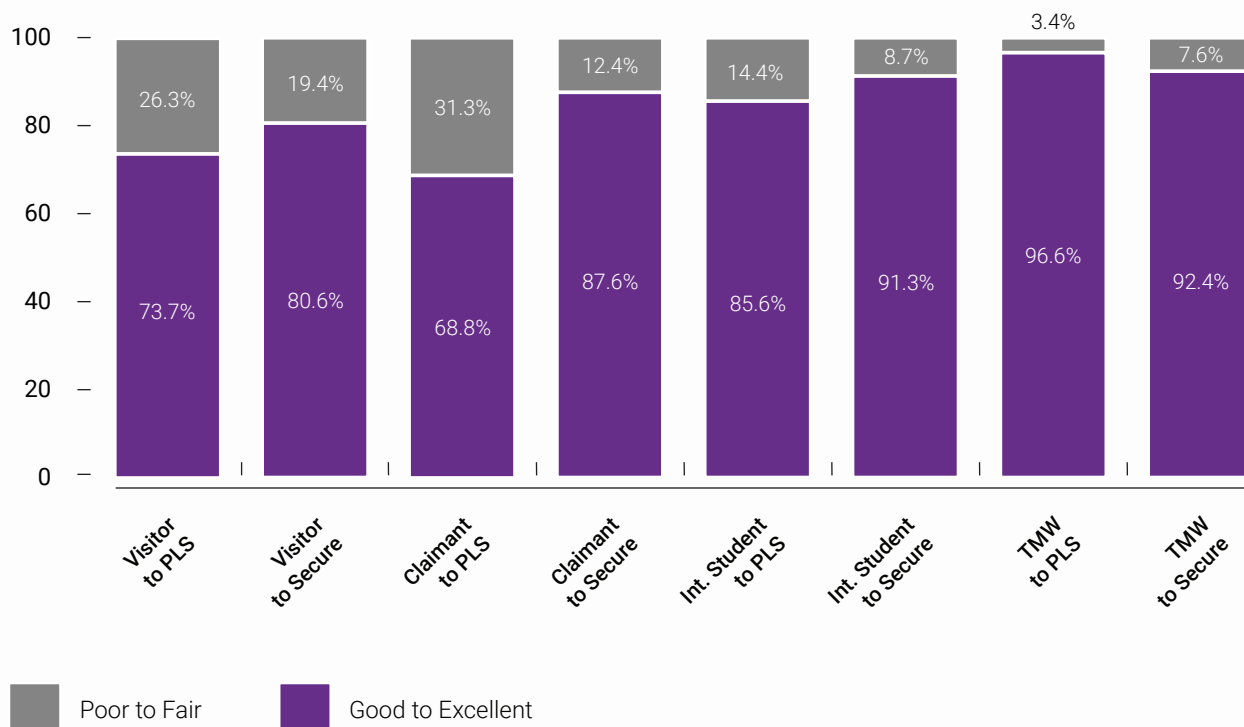


Figure 6.2: Self-Rated Health by Change in Status

Across entrance categories, the impact of a change in status on SRH is limited. We found that obtaining secure status did not significantly reverse the overall negative health consequences of arriving with precarious status.

Figure 6.2 shows a loose pattern in which the share of good-to-excellent SRH improves from left to right, across entrance categories, for those who remain without secure status (with PLS).

- Focusing on those who did not obtain secure status, marked as “to PLS” in the figure, we see that visitors had a low share of good-to-excellent SRH, it dipped a bit for refugee claimants, and then rose for international students and again for TMWs.
- Among those who did obtain secure status, visitors were still most likely to have the poorest health, followed by refugee claimants, then international students and TMWs.

Our analysis points to the shared underlying insecurity and precarity across the categories of temporary entry and changes in status, such that the change to secure status did not offer significant across the board health improvement. The change to secure status did not lead to more equitable health outcomes, but rather, it reproduced existing inequalities associated with entrance category.

In summary, entrance category establishes important differences that continue to matter, often more than the change to secure status. Starting out in categories without a clear path to PR

(e.g., visitors) or with a highly unpredictable and discretionary path (e.g., refugee claimants) was not good for long-term health. Refugee claimants who obtained secure status improved relative to those who remained without secure status, but they did not differ in terms of health compared to international students and temporary migrant workers (regardless of current status). Visitors who obtained secure status had improved SRH compared to those who had not, but they remained in worse health compared to other groups. These changes to secure status did not equalize health across the board, nor did they reduce poor health in significant ways across all categories. The long-term negative impacts of limited and insecure rights and entitlements were not easily reversed by a change in status.

Illegalization and Work of Status

To better understand what happens in between entrance category and current status, we examined the impact of experiences of illegalization (“Evers”) and the work of status (WoS) on self-rated health (SRH). Our data confirmed that these experiences of vulnerability and resource depletion played a significant role in contributing to worse health outcomes.

Participants who had ever lived in a situation of illegalization were significantly more likely to have poorer SRH compared to those who had not (Figure 6.3).

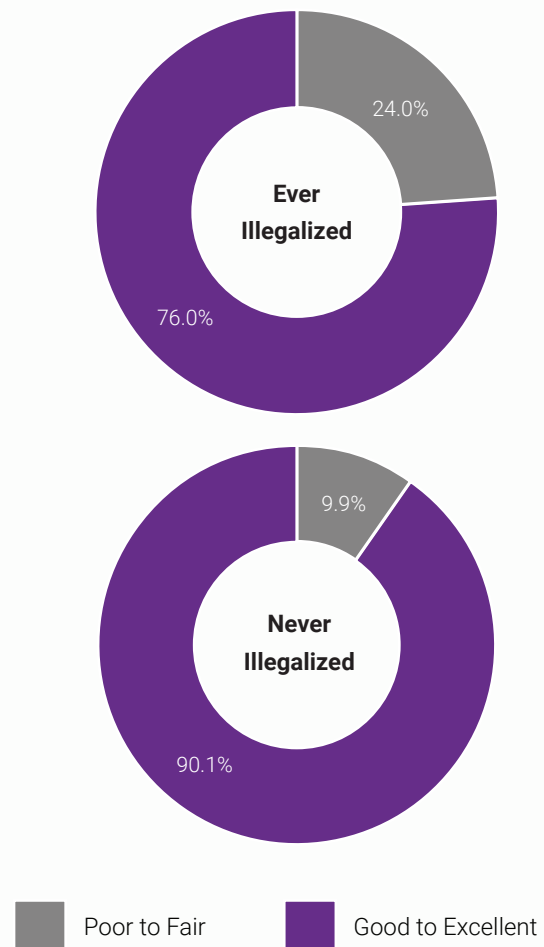


Figure 6.3: Self-Rated Health by Ever Lived in Situation of Illegalization

Similarly, participants who had engaged in any of the indicators of the WoS were significantly more likely to have poorer SRH compared to those who had not. Figure 6.4 shows that 79% of those who had engaged in the WoS had good to excellent health, while 90.7% of those who had no WoS had good to excellent health.

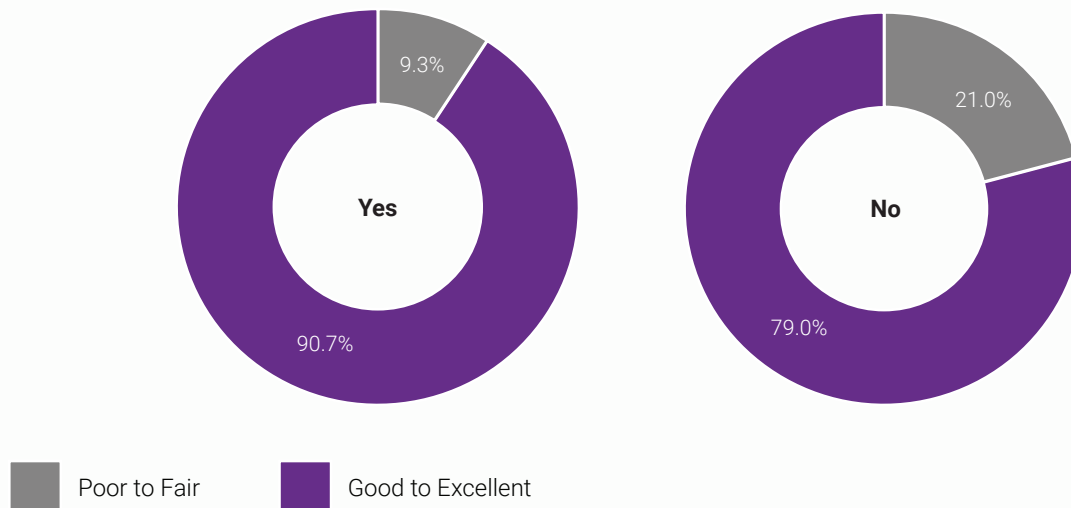


Figure 6.4: Self-Rated Health by Work of Status (n=1,237)

Time in Canada

We found that time in Canada was associated with SRH. Those with good-to-excellent health had spent an average of one year less in Canada than those with poor to fair health (11 versus 12 years). While the single year difference is not large, it was significant.

Finding that more time in Canada is bad for one’s health is consistent with the healthy immigrant effect or paradox noted in the literature (Bacong and Menjivar 2021). This concept suggests that immigration policies typically select healthier individuals, and/or that immigrant health deteriorates because of employment and other stressful conditions and exposures following arrival. Consistent with others, we suggest that the challenges of PLSTs help to explain this finding. Arriving with non-permanent entrance status and the subsequent potential for illegalization and likelihood of engaging in the work of status may erode health.

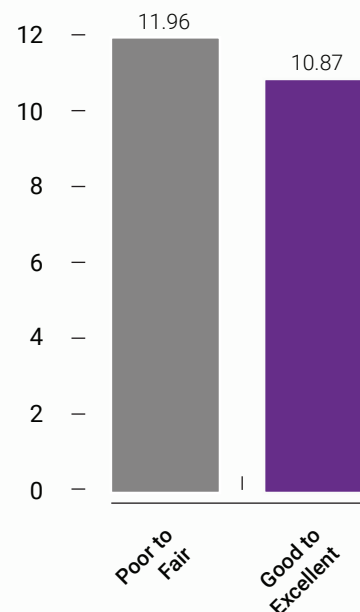


Figure 6.5: Mean Years in Canada by Self-Rated Health (n=1,237)

Impacts of PLSTs on Employment

In addition to health, we considered another indicator of wellbeing: quality of employment. We used the Index of Precarious Work (IPW) described in our Methodology (Section 3) as a multi-dimensional way of examining employment precarity (or job quality).

As we illustrate below, entrance category had a long-term negative impact on early job quality and on current job quality. Those who arrived as visitors with no rights or entitlements, or as refugee claimants, subject to tremendous uncertainty regarding the outcome of their claim, had the poorest job quality both during their early work and at the time of the survey. This suggests that entrance category combines with early work to generate long-term negative consequences in job quality that are difficult to reverse.

Moving to secure status did offer significant relative improvements in job quality. However, entrance category continued to matter for job quality, particularly for visitors and refugee claimants who had not obtained secure status. When we unpacked what happened between entrance and current status, we found that illegalization and the work of status had a significant detrimental impact on job quality.

Entrance Category

We first considered participants' early work in Canada. Our analysis showed a significant association between how people arrived (entrance category) and poor job quality for early work in Canada. The mean IPW for early work across categories was significantly different. Visitors had the highest level of employment precarity (.39 mean IPW), followed by refugee claimants (.34). International students and temporary migrant workers had the lowest levels (.26).

We then looked at current work and found that entrance category also had a long-term effect on precarious employment at the time of the survey. The differences were statistically significant. Those who arrived as visitors had the highest level of employment precarity (mean IPW) in their current work (.39), followed by refugee claimants (.37). At the time of the survey, those who arrived as international students had a current mean IPW of .28, marginally better than temporary migrant workers (.29). This indicates that entrance category had short-term and longer-term negative impacts on employment precarity.

Change in Status

We used the variable for change in status (see Methodology) to examine its effect on job quality.

Getting to a secure status was good for job quality within entrance categories (see Figure 6.6). For each entrance category, obtaining secure status was associated with significantly lower precarity in employment (mean IPW) compared to those who did not shift to a secure status.

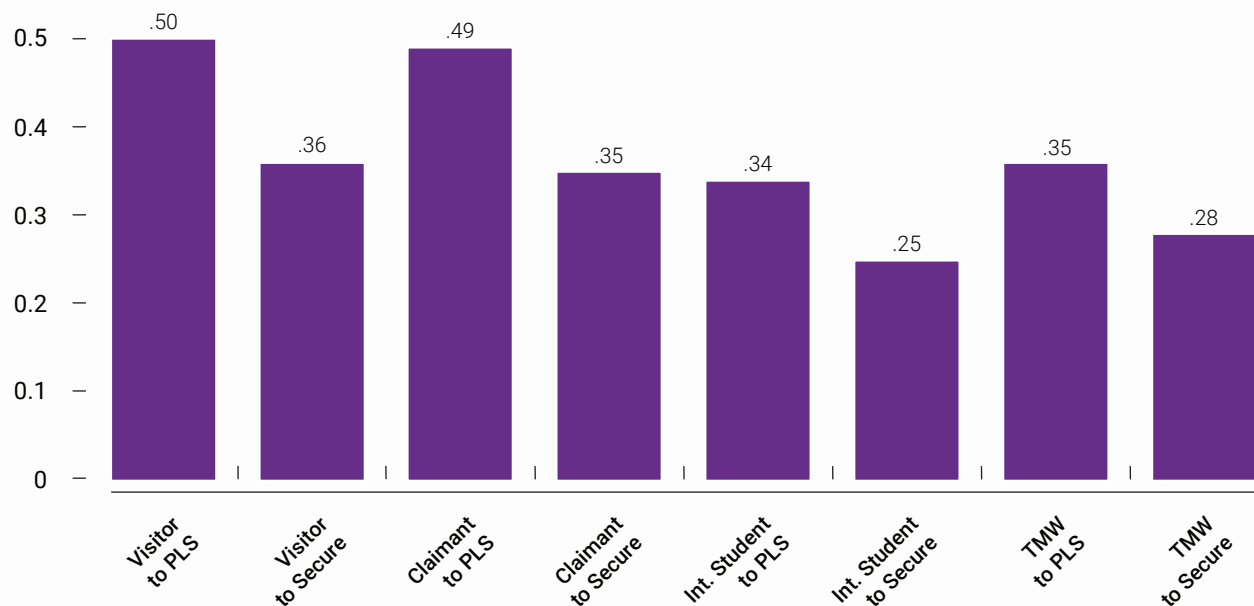


Figure 6.6: Current Job Mean IPW by Change in Status

At the same time, entrance category still mattered over the long-term, particularly for those who did not shift to secure status.

- As shown in Figure 6.6, visitors had the highest level of employment precarity, particularly when they remained without secure status (.50 mean IPW), followed closely by refugee claimants who remained without secure status (.49).
- For visitors and refugee claimants who obtained secure status, the change in status was associated with IPW levels that were similar to international students and temporary migrant workers who had not obtained secure status. That is, they remained in jobs with relatively higher levels of precarity.
- Indeed, starting out in categories without a clear path to PR (e.g., visitors) or with a highly unpredictable and discretionary path (e.g., refugee claimants) was not good for long-term job quality.

Overall, the change to secure status did not even out the playing field in terms of employment precarity.

Illegalization and the Work of Status

To understand what happens to job quality between arrival and current status, we considered experiences of illegalization (“Evers”) and the Work of Status.

Key dimensions of PLSTs – entrance category, illegalization, and the work of status – all are significant in shaping poorer employment outcomes. In other words, getting secure status brought improvements in job quality, but job quality at the time of the survey depended a great deal on entrance category, illegalization, and the work of status.

The mean IPW for current work was significantly higher for people who had ever experienced illegalization at .45 compared to .30 for those who had not.

The mean IPW for current work was also significantly higher for those who engaged in the WoS compared to those who had not (.37 vs. .30).

In summary, these findings indicate how key dimensions of PLSTs – entrance category, illegalization, and the work of status – all are significant in shaping poorer employment outcomes. In other words, getting secure status brought improvements in job quality, but job quality at the time of the survey depended a great deal on entrance category, illegalization, and the work of status.¹⁶

Health and Employment Precarity

Thus far we have considered the impacts of PLSTs on self-rated health and on job quality separately. But what is the relationship between job quality and health outcomes? We found a connection between health and employment precarity: those with good-to-excellent health were significantly more likely to have jobs with lower employment precarity than those with poor to fair health. This held true for first job IPW and for current IPW.¹⁷

Conclusion: Impacts of Precarious Legal Status Trajectories

This section examined the impact of various indicators of PLSTs on two dimensions of wellbeing: self-rated health and employment precarity. All of the survey respondents arrived without PR, and the majority had obtained PR or citizenship by the time of the survey. Respondents who got secure status spent a long time and considerable amounts of money working on getting it and ran the risk of illegalization. Based on our analysis, we concluded that differences in entrance category mattered a great deal, on arrival and over time, and in uneven ways.

Entrance category establishes different rights and entitlements, and distinct opportunities and expected pathways to PR. Subsequent changes in legal status offer those who obtained secure status some improvement in job quality and health. However, the significance of these improvements varied depending on entrance category and played out differently for job quality compared to health. Shifting to secure status matters more for job quality but does not bring significant improvements in health, except for refugee claimants. That is, obtaining secure status brings relief but does not reverse the negative and seemingly cumulative impacts of arriving without PR, particularly for visitors and refugee claimants.

The significance of illegalization and the work of status help to explain these findings. Both are associated with poorer job quality and health. In section 5 we showed that these two indicators of PLSTs occur across entrance categories. Analyzing what happens between entrance and current status supports the conclusion that entrance category together with illegalization and the work of status combine to put migrants at a long-term disadvantage, one that may persist even after obtaining secure status. This adds to our understanding of the role of legal status in generating both short-term and longer-term social inequalities.

Our approach and findings offer an important way of considering the “hidden injuries” of PSLTs –trajectories that are hidden in plain sight. These trajectories make people vulnerable to bad jobs and ill-health through various combinations of limited or no rights; discretionary, lengthy and expensive application and permit renewal processes; and indefinite and unpredictable wait times. This vulnerability must be considered alongside other factors and processes that we did not include in this analysis, which also affect the wellbeing of migrants and non-migrants. These include, but are certainly not limited to, racism and other forms of discrimination, overall stress and mental health, housing quality, income security, and food insecurity.

As mentioned above, our findings provide evidence supporting the long-standing call of policy advocates to eliminate precarious legal status on entry and implement policies and practices that reduce the uncertainty and stress associated with PLSTs. Access to regulated employment, workplace and social protections, healthcare, settlement, and other social services could mitigate the impacts of precarious legal status. We elaborate on these policy implications in our report conclusion.

Conclusion

Canadian immigration and refugee policy has established temporary entry as a widely used path to permanent residence (PR) through the “two-step, two-track” policy model. This has led to a dramatic increase in the number of temporary residents living in Canada (Tuey and Bastien 2013). It also means that an important proportion of people with permanent residence status were previously temporary residents.

The lack of available administrative data (Landolt et al. 2022) and the need to develop a quantitative dataset that would allow us to examine the impacts of immigration policy on society led us to design our own survey. The CEP survey produced the first Canadian dataset with information on migration, employment, socio-demographic data, and a range of indicators used to measure dimensions of precarious legal status trajectories. In partnership with community organizations in the GTA, we collected information on migration status on arrival, current immigration status at the time of the survey, applications to remain in Canada – whether they were successful or not – as well as indicators of illegalization, including deportation orders, and the efforts people made to achieve a more secure legal status (the “work of status”).

Overall, what our data and analysis showed is a dimension of social inequality that is often hidden in plain sight.

1. We found evidence of PLSTs across all temporary entrance categories.

All survey respondents arrived without PR, and the majority had obtained PR or citizenship by the time of the survey. Yet, rather than conforming to policy expectations, our findings showed the complicated and unexpected legal status trajectories experienced by a significant proportion of people who entered Canada as temporary migrants. In fact, while 78% of respondents had secure status at the time of the survey, they did not always get there in ways that were consistent with the two-track, two-step immigration model. This finding is significant because it establishes that there are PLSTs that are hidden in plain sight when it comes to government data on temporary entrants, which limits our ability to evaluate and understand how the two-step, two-track policy model is working in practice.

2. Arriving as a temporary entrant exposed migrants to illegalization and the work of status, regardless of whether there was a prescribed pathway to PR.

One might expect that experiences of illegalization may be specific to those entrants who do not have a clear path to PR, such as visitors. However, experiences of illegalization were not unique to a specific entrance category. Rather, there were people across all entrance categories who had experienced illegalization, which shows that illegalization is a systematic feature of the immigration system. Respondents who got secure status spent a long time and considerable amounts of money working on getting it and ran the risk of illegalization. This finding is significant because it shows

the systemic disadvantages experienced by temporary migrant workers, international students, and refugee claimants in addition to visitors or those without status, which have short and long-term impacts even in cases where they obtain PR or citizenship in Canada.

3. How people enter Canada matters for long-term health and job quality.

Starting out in categories without a clear path to PR (e.g., visitors) or with a highly unpredictable and discretionary path (e.g., refugee claimants) was not good for a person's health or job quality, even if they obtained secure status. Moreover, the long-term negative impacts of limited and insecure rights and entitlements were not easily reversed by a change in status. This finding is significant because it underscores the overall and lasting negative consequences on health and job quality of arriving without work authorization or a clear path to PR (visitors), or in a category where obtaining secure status is highly discretionary and unpredictable (refugee claimants).

4. Exposure to illegalization and the work of status also put all temporary entrants at a long-term disadvantage.

Participants who had ever lived in a situation of illegalization were significantly more likely to have poorer health compared to those who had not. Similarly, participants who had engaged in any of the indicators of the work of status were significantly more likely to have poorer health compared to those who had not. This finding is significant because it shows the crucial and lasting role of legal status precarity—with the uncertainty, stress, time and money associated with dealing with it—as a critical explanation for remaining in bad jobs and reporting worse health, even after obtaining secure status.

5. Achieving PR or citizenship was not enough to overcome the cumulative disadvantages of arriving as a temporary entrant.

While obtaining secure status offered improvements for those in some entrance categories, it did not reverse the negative impacts on health and employment precarity of arriving with precarious status and subsequent experiences of PLSTs. That is, the transition to PR did not raise the floor to even the playing field. We conclude that spending time living with the stress and uncertainty of temporariness and PSLTs has long-term negative impacts even if people can shift to secure status. Rather than addressing negative impacts through reforms to existing temporary programs, new 'pilot' programs, or new temporary work visas, we join those calling for secure status upon entry, together with employment and social protections for all. Our approach and findings offer an important way of considering the "hidden injuries" of PSLTs. These trajectories make people vulnerable to bad jobs and ill-health through various combination of limited or no rights; discretionary, lengthy and expensive application and permit renewal processes; and indefinite and unpredictable wait times and uncertain outcomes.

Our findings provide evidence that the two-step migration model does not always play out as intended. Data on PLSTs that includes information that is not available in administrative data show that these trajectories are complicated and often not limited to two-steps. While some migrants obtain PR through expected routes, many do not. Moreover, illegalization and the work of status cut across entrance categories. Basing policy on models that ignore the unpredictability and complexity of actual legal status trajectories cannot adequately identify them or accurately account for their impacts. Such models also fail to recognize that apparent complexity and unpredictability are an integral part of the system (Goldring et al. 2009; Landolt & Goldring 2016). This vulnerability must be considered alongside other factors and processes that we did not include in this analysis, which also affect the wellbeing of migrants and non-migrants. These include, but are certainly not limited to, racism and other forms of discrimination, overall stress and mental health, housing quality, income security, and food insecurity.

Researchers interested in these issues can draw on our survey and research approach to develop community-oriented forms of data collection to reveal legal status trajectories that are hidden in plain sight and to demonstrate their individual and population level social impacts. Research in other sites can offer comparative perspectives to consider how PLSTs unfold in different settings with different migration histories and migrant populations.

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End Notes

¹ Changes in immigration policy have increased the number of people entering Canada with temporary work permits since 2008, as well as the number of these workers still present in Canada. Adding figures for the other temporary entrance categories (international students, refugee claimants, “other” and visitors) drives up the number of people with forms of precarious migratory status who enter, work, and perhaps remain in Canada.

² Over the same period, the proportion of landed immigrants with “pre-migration experience” as temporary residents also climbed, from 23.6% in 2006-2010 to 36.6% in 2016-2021 (StatsCan 2022). This means that a growing number of temporary entrants have or will spend time working on becoming permanent residents, once in Canada.

³ Two-step, two-track immigration policies may contribute to ‘unexpected’ legal status trajectories in several ways. One is through migrant illegalization. The presence of illegalized migrants in Canada has been noted by practitioners and researchers (see next footnote). Here we draw attention to the process of illegalization and note that there are various ways into (and out of) illegalization (Goldring, Berinstein and Bernhard 2009; Villegas 2012; Landolt and Goldring 2016). One set of examples includes overstaying a visa: temporary migrant workers and international students may overstay or fail to comply with the terms of their visa. The latter may be due to circumstances beyond their control. Other examples of ‘unexpected’ trajectories include shifting between temporary categories (e.g., from international student to refugee claimant or from non-status to international student) or obtaining permanent residence after arriving as a visitor. Some people arrive as visitors as part of a clear path to PR, as with some sponsored partners who do not experience illegalization. However, visitors (and others) who become illegalized and then search for ways to obtain PR do not have a prescribed or ‘expected’ path to PR, which makes their trajectories ‘unexpected.’

⁴ According to the 2021 census, more than a third of recent immigrants had lived in Canada on a temporary basis as international students, migrant workers or refugee claimants (Tuey and Bastien 2023:2).

⁵ The non-status population has been identified as a topic of concern among service providers, advocates, and academics in Toronto since the mid 1990s. The “Toronto Community Services Resource Guide for Non-Status Immigrants,” published in 2007 by Social Planning Toronto and Davenport Perth Neighbourhood Center is an early example (SPT 2007). Other early examples include the Status Campaign of the 1990s supported in part by OCASI, and the Canadian Council for Refugees’ “Proposal for the Regularization of Individuals and Families without Status” (CCR 2006). Early academic studies about non-status migrants in Toronto include Simich et al. (2006, 2007); Bernhard, Goldring, Young, Wilson and Berinstein (2007); and Magalhaes, Carrasco and Gastaldo (2010). Goldring, Berinstein and Bernhard (2009) provided an early analysis of the production and institutionalization of precarious legal status in Canada.

⁶ Researchers can use these data to calculate how many people were successful in moving from temporary to permanent residence (i.e., transition rates), by type of temporary entrance category. This makes it possible to compare economic outcomes for people who go through specific types of two-step transitions to permanent residence (e.g. migrant workers in general or by designated skill level, and international students) (Ci et al. 2018; Picot et al. 2022; Nakache and Dixon-Perera 2015). Analysts can also examine how immigration status trajectories may depart from the prescribed “two steps” based on data on transitions from one temporary category to another temporary category.

⁷ This has occurred despite concerns raised about the immigration system and the effects of changes in policies that further complicate transitions to permanent residence (e.g. Gates-Gasse 2010). In 2023, as we were finalizing this report, the government issued a report on the “Non-Permanent Residents in

Canada: Portrait of a Growing Population from the 2021 Census” (Tuey and Bastien 2023). It marks the first clear acknowledgement of the dramatic size of the non-permanent resident population, 924,850 people in 2021, and situates them as part of the population. It provides an important sociodemographic profile of this population, including occupation and type of study/work permit. However, it does not address the issues of precarious legal status trajectories or illegalization.

⁸ To read the consultation report, please visit: <https://cep.info.yorku.ca/reports-briefs/> 9

⁹ See Vosko et al. (2003) for a discussion of types and dimensions of precarious work. In earlier work, we developed a multi-dimensional Index of Precarious Work (IPW) to track changes in the quality of employment for people with precarious status (Goldring and Landolt 2009). The IPW included cash payment, a dimension not typically found in government data.

¹⁰ Statistics Canada, 2017. “Immigrant population by selected places of birth, admission category and period of immigration, Canada, provinces and territories, census metropolitan areas and areas outside of census metropolitan areas, 2016 Census” October 27. Accessed at: <https://www12.statcan.gc.ca/census-recensement/2016/dp-pd/dv-vd/imm/index-eng.cfm>

¹¹ Temporary migrant workers in the Seasonal Agricultural Workers Program (SAWP) are barred from a path to PR. Other temporary migrant workers may qualify for PR if they meet the language, occupational, or other criteria – depending on their specific entrance category and current policies. There is an expectation of eventual PR, but the timeline is not always clear. Application processes that involve adjudicator discretion, such as refugee claims, are unpredictable and may vary by adjudicator (Rehaag 2012). There is an expected trajectory, but a highly uncertain outcome.

¹² Expected trajectories should be interpreted with caution. In the case of refugee claimants, there may be sampling bias in our sample. The expected trajectory for refugee claimants is that they will be granted PR as accepted claimants or be denied. The high share of PRs among refugee claimant arrivals may be the result of our sample under-representing denied claimants. Another reason for caution is that survey participants’ timelines for obtaining PR vary, and their legal status journeys did not end with the survey. We expect most international students to transition to permanent status. However, the lower share of international students with PR at the time of the survey may be because their process is lengthy. Some may not have been in Canada long enough to complete their studies, apply for a Post-Graduate Work Permit, and then permanent residence.

¹³ We use “significant” or “significantly” in this report to refer to statistical significance at the $p < .001$ level. We do not report p-values in the text.

¹⁴ As noted in the previous section, we use “significant” or “significantly” to refer to statistical significance at the $p < .001$ level but do not report p-values in the text.

¹⁵ A study of the determinants of Self-Rated Health among refugees and immigrants notes that 91.7% of Canadian born respondents reported good to excellent health, while 90.4% of refugees and 91.7% of immigrants did so (McAlpine et al. 2022).

¹⁶ More time in Canada did not have a significant impact on the quality of work. We found that the mean number of years in Canada was similar across categories of low, medium, and high employment precarity (IPW). Those with low and medium IPWs had been in Canada for an average of 11 years, and those in the high category for 12 years. The differences were not statistically significant.

¹⁷ In separate research using multivariate regression analysis not shown here (Joly et al. 2023), we find that job quality has an independent and significant impact on SRH, and it remains significant when Evers and the WoS are included in the analysis. That analysis also found that entrance category makes a difference in job quality; moreover, including Evers and WoS provides an even better explanation of health outcomes.

