

Ottawa urged to create pathway for undocumented migrants to stay as deportations rise

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Syed Hussan, Executive Director of Migrant Workers Alliance, pictured in Toronto on Aug. 23, 2020, says most people did not come across the U.S. border to Canada illegally, but with a visa or work or study permit that expired.

CHRISTOPHER KATSAROV/THE CANADIAN PRESS

Ottawa is coming under renewed pressure to create a promised program to allow undocumented workers to apply to stay in Canada, as new figures show that deportations have risen sharply this year.

An average of 39 people were deported every day in the first half of 2023, figures obtained through an access to information request show, a substantial increase over last year.

The numbers have prompted fresh calls for the government to allow an estimated 500,000 undocumented migrants – including failed asylum seekers and former international students whose visas have expired – to apply to remain in Canada.

Immigration, Refugees and Citizenship Canada has been looking at creating such a program, which follows the Prime Minister's mandate letter to the then-immigration minister in 2021 to "further explore ways of regularizing status for undocumented workers who are contributing to Canadian communities."

However, it has not yet been presented to cabinet for discussion, a necessary stage before proposals can be finalized.

Canada Border Services Agency (CBSA) figures show that in the first half of 2023 there were 7,032 deportations, compared with 4,042 in same period last year. Over all last year, 8,524 people were deported from Canada, according to figures obtained from CBSA by Mary Gellatly, of Parkdale Community Legal Services in Toronto.

There are no official figures on the number of undocumented people currently living in Canada. But Syed Hussan, of the Migrant Rights Network, estimated that around half a million people are living and working in Canada without valid documents.

He said many of them have been here for years and have children born in Canada, and most had more than one job. He said they were living in a stressful, precarious position, and facing deportation every day.

“The Prime Minister pledged dignity and rights, but now oversees 39 deportations a day at a cost of nearly \$50-million a year. It’s unfair and absurd to rip families apart today when they’ll be regularized tomorrow,” Mr. Hussan said.

Most people living without valid documentation in Canada did not come across the U.S. border illegally, he said, but came to Canada with a visa or work or study permit that then expired. Others applied for asylum but did not leave the country after their claim was rejected.

He said a program that would allow people to apply for permanent-resident status would help stop exploitation of migrants, many of whom are working for less than the minimum wage, including on farms, in long-term care homes and as cleaners.

In the European Union, 24 member states have implemented various plans to allow people living in a country illegally to stay. In 2002, Italy brought in a program that allowed 634,000 people without proper documents to stay. A 2005 Spanish program allowed 578,375 such people to gain residency.

Last year, Ireland introduced a similar program for thousands of undocumented residents, including asylum seekers who had waited more than two years for a decision on whether they could stay. The program allowed people who had spent at least four years in Ireland illegally, or three years in the case of parents with children, to apply for residence.

Three years ago, the federal Auditor-General raised serious concerns that the border agency had lost track of a large number of foreign nationals facing deportation, including criminals.

In August, the CBSA told The Globe and Mail that it is trying to track down more than 37,000 people who may pose a flight risk, may not voluntarily agree to be questioned or attend an immigration hearing, or who may pose a danger to the public.

Federal authorities had active arrest warrants for 306 foreign criminals deemed a danger to the public and facing deportation from Canada, including sex offenders and people convicted of violent crimes, according to CBSA figures.

In July, there were 37,326 active immigration arrest warrants, of which 33,032 are to remove people from Canada, the CBSA told The Globe.

“The Canada Border Services Agency is strongly committed to ensuring the safety and security of Canadians. Removing individuals who are inadmissible for criminality is of paramount importance,” it said in a statement in August.

The agency did not respond on Wednesday to a request for comment.

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