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**Temporary Migration and Temporary Integration: Canada and the UK in A  
Comparative Perspective**

PhD Program in Institutions, Politics and Policies, Cycle XXVII

**by**

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## ABSTRACT

### **Temporary Migration and Temporary Integration: UK and Canada in a Comparative Perspective**

This thesis aims to compare and contrast the temporary migration policies of the UK and Canada between 1997 and 2014. These policies in the UK include the Seasonal Agricultural Worker Programme (SAWS), the Sector Based Scheme (SBS), domestic migrant workers and the Highly Skilled Migrant Programme (HSMP). The policies examined in Canada are the Seasonal Agricultural Worker Programme (SAWP), the Temporary Foreign Worker Programme (TFWP), the Low-Skilled Migrant Programme, the High-Skilled Migrant Programme (HSMP) and the Live-in Caregiver Programme. In order to examine these programmes, the websites of the CIC, Annual Reports to the Parliament on Migration, policy papers, public debates in media, fact sheets, and briefing papers have been examined, as well as scholarly articles. Policy changes have been scrutinized in order to understand how the politics of immigration had an effect on the migration and integration policies. Beyond these documents, the main method has been to carry out an analysis of 51 (27 in Canada, 24 in the UK) semi-structured, open-ended interviews with policy-makers, politicians, migrant organizations (advocacy, services), immigrant lawyers, migration experts/scholars and think-tanks. It is argued in this thesis that regardless of the history of integration in a country (i.e. whether or not it is a 'settlement' or a 'guest-worker' country) it is possible to see that the temporary migration policies and their consequences resemble each other in different contexts, such as in the UK and Canada. These results mostly emerge from the fact that these policies are employer-driven. In order to counteract the logic of these policies there is a need to think about integration as a temporary phenomenon. Only this way can the migrant workers be empowered within this inherent inequality exacerbated by these programmes and what these programmes create in terms of working conditions and rights.

## Chapter 1

### Introduction

This thesis compares the temporary migration policies (TMPs) of Canada and the UK<sup>1</sup> (1997-2015), both countries who are receiving great numbers of temporary migrant workers (TMWs), particularly in the last two decades,<sup>2</sup> and which have special programmes aiming to recruit the low-skilled and high-skilled workers. I will aspire to understand the differences and similarities between the temporary labor migration policies, to comprehend the reasons leading to the increase in the numbers but reluctance to give more rights (Ruhs, 2013), as migration and temporary foreign workers (TFWs) continue to be an extremely political debate in the last few decades. Lastly, this thesis proposes policy recommendations for a rights-based system of TMW laws. These recommendations aim to counterbalance the current employer-driven programmes, which have resulted in worsening worker conditions in both Canada and the UK. The objective of the thesis is to explore the differing practices in the two countries as well as to think about possible future developments. The reason that I chose 1997 is related to the fact that migration levels have risen in the UK since 1997 and TMPs have gained more weight since 1996 in Canada.

In recent years there has been a tremendous increase in the numbers of the temporary foreign workers —otherwise known as temporary migrant workers —in developed western countries like Canada and the United Kingdom (Hennebry, 2012; Ruhs 2006). However, despite the increase in the presence of TMWs, their possibility of ‘temporary integration’ has rarely been discussed as a solution or as a phenomenon, either in political and public discourse or in the academic literature in the field of migration studies. When comparing the post-war conditions of TFWs, their rights have been enhanced in the settlement and traditional immigration countries. The case is not the same for the Gulf Countries, where the rights of the TFWs are curbed in many respects. However, ‘temporary integration’ is not invented and is not seen as a part of the solution in these two countries. The literature has looked at the temporary foreign worker programmes (TFWPs) in a comparative perspective but a comparison of in-depth case studies has not been written in a detailed manner<sup>3</sup>.

As the numbers increase and as the temporariness of these immigrants becomes the accepted norm, there might be some reluctance to integrate them (especially the low-skilled and the medium-skilled). The reason for this is that it is assumed they will be leaving for their countries at the end of their work permits, or that they are expected to do so (by the sending and receiving state) as soon as they finish their work. However, not giving any chance for them to stay in the long term not only justifies not granting rights but also implies that these rights might not be essential for the TFWs as they are for other workers (such as natives, citizens and permanent residents). Therefore, they cannot be integrated even in the short

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<sup>1</sup> According to a private report, UK has the highest number of temporary workers in Europe, their number reaching 1.3 million, but the report does not indicate how many of them are migrant workers.

<sup>2</sup> <http://www.cic.gc.ca/english/resources/research/2012-migrant/sec06.asp> accessed on 25th of August 2015. For the UK this seems to be the case since 2000s. EMN (2011) report indicates that the UK prefers more temporary migration since 2010.

<sup>3</sup> In Canada the sectors that the temporary foreign workers are working according to these international programmes: Live-in Care Giver Program, Federal Skilled Worker Program, Provincial Nominee Program, Canadian Experience Class, Seasonal Agricultural Worker Program, Low-Skilled TFW Program, High-Skilled TFW Program. In the UK there are four tiers: Tier 1 is for the very high-skilled immigrants who are not required to have a job in the UK, Tier 2 is for the medium skilled to high skilled immigrants with a job offer who are to fill gaps in the UK labour force, Tier 3 is limited to the low-skilled workers to fill specific temporary labor shortages, Tier 4 is for general student visa, Tier 5 is for temporary workers who are skilled. The numbers have increased drastically in both countries: “In the UK the numbers of the work permits issued to non-EU workers increased from less than 40000 in 1999 to almost 80000 in 2006” (Ruhs, 2013) and in Canada, “the low-skilled immigration schemes have been created and expanded” (Ruhs, 2013) and in the last 5 years there has been an increase in the numbers of the temporary foreign workers. “In 2011, almost 191,000 TFWs entered Canada compared to about 110,000 in 2002” (Background paper for TFWPs on [www.cic.gc.ca](http://www.cic.gc.ca)) The sectors that the Canadians are working at are as such: for the low-skilled agriculture, manufacturing and construction, oil and gas; for the high skilled, business, economic development, hospitality and health care. In the UK, the sectors are similar.



term (during their stay) if these rights are not provided. I argue that the enforcement of these rights should be leading to what this thesis refers to as “temporary integration”. My definition of temporary integration is as such: “the social, cultural, economic and political integration of Temporary Migrant Workers (TMWs) or Temporary Foreign Workers (TFWs) within the timeframe of their work contract.” This definition is one of the original contributions of this thesis. The TFWs are not just factors in an economic cost-benefit analysis; there should be a rights programme that takes this fact into consideration.

My main research question is ‘what are the main driving forces behind granting or not granting rights to temporary foreign workers in Canada and the UK?’ In addition to this question, this thesis seeks to answer the question of whether there can be other mechanisms or theories involved other than the “Numbers vs. Rights” perspective (Ruhs, 2013). What are these other dimensions? In accordance with these similarities and differences of temporary labour migration policies, what are the implications of these policies in terms of temporary integration? This is particularly and important question because this thesis introduces the concept of temporary integration, which advocates more rights and better working conditions for low-skilled migrant workers on temporary contracts. In other words, it fills the gap by introducing a different concept of integration to challenge the common view of integration and it also suggests a way to grant more rights to TMWs regardless of their skills.

#### *Sub-research Questions:*

- 1) What are the similarities and differences between temporary migration policies in the UK and Canada? What are the reasons for these convergences, divergences and parallelisms? Is it more historical (path-dependent), political (change of government makes a difference), or economical (neo-liberal policies)? What is the role of public opinion? To what extent do the ideas (roles of the idea of migrants and historical ideas of migration within the nation), and expert knowledge (MAC or academics in general) play a role?
- 2) What informs the understandings of temporary migration in these countries? What are the points of similarity and differences between low and high-skilled immigrants in these countries in terms of rights given to them and open/ closed route to citizenship? What is the reason for these differences?
- 3) Not defining “temporary migrant worker” and “temporary foreign worker” in a precise manner leads to a flexibility in the way the term is used. However, this flexibility leads to ambiguity and ambivalence in the implementation of these policies. What can be the policy suggestions for these countries in order to respect the human rights of the migrant workers, ensure a healthy stay during their work and still benefit from the migrant labour without violating migrants’ rights?
- 4) Can we think of temporary integration as a solution and if we can, what would temporary integration entail?

The literature review is composed of three parts: first, I will look at the works on temporary labour migration in the UK and Canada from a historical and comparative perspective. The second part of the literature review will be about the social, political, economic and cultural rights of the TFWs and discourse regarding these rights in the literature. How have these rights been defended by some of the scholars? On which legitimate aspects have these rights have been denied, or how was the justification of granting or non-granting rights made? The third part of the literature review will examine what has been written in light of these questions: how does the literature deal with the integration policies in these countries in general? How is integration constructed as a long-term endeavour?

The third chapter is about methodology. The main method used for the thesis is semi-structured in-depth interviews with 51 people, including policy-makers, experts, politicians,

immigrant lawyers, heads of migrant organizations and academics. These interviews have been transcribed word-for-word, and they have been coded through thematic analysis. Each theme guides each thematic chapter. Accordingly, there are four analytical chapters. An examination of these themes has been made via both inductive and theoretical analysis. The inductive analysis mainly looked at the data and searched for what is more persistent and predominant in the data, while the theoretical analysis was done by thinking about the concepts and theories in the literature review. In order to provide triangulation between methods, policy papers, public opinion reports, policy briefs, legislation (statements of changes to immigration rules from 2004 till 2014) and public debate were analysed.

The fourth chapter describes the background and the context of the issue of temporary migration. The background of the development of the temporary migration policies in both countries is explicated, starting with 1997. However, for the purpose of understanding the historical pattern which is the backdrop to the immigration and labour migration policies, it has been crucial to also analyse what has changed in the nature of these TMPs, some of which were devised for instance in the 1960s (the Seasonal Agricultural Worker Programme in Canada commenced in 1966 and the corresponding Seasonal Agricultural Workers Scheme in the UK started in the post-WWII period). The increase in the numbers in each province can be seen via the tables and graphs presented in this chapter, in Canada as well as the fluctuations in the numbers of TMWs (quotas and their changes throughout the years) can be observed for SAWS and SBS for the case of the UK. This chapter also gives a brief view of the policies devised while depicting the reasons behind the policy changes by different governments. It describes the extent to which the history of immigration can guide the current policies.

The fifth chapter is about the development of the integration policies of the UK since 1997, and how these transformations had an influence on the idea of integration in the UK. What was the dominant understanding of integration during the Labour Administration and how is integration perceived together with temporary migration during the Coalition administration? What does this change from Labour to Coalition administrations imply for the temporary migrant workers, their rights and their lives? How did integration policies change for the high and low-skilled temporary migrant workers? Can one think of 'temporary integration' within these circumstances?

The sixth chapter is on the integration policies of Canada since 1997: how did the integration policies change from the Liberal Party to the Conservative Party? Were any integration policies devised for the TMWs as their numbers mostly increased in the last 15 years? What is the *de facto* situation on the integration of the seasonal agricultural workers, the low-skilled TFWs and high-skilled TFWs? How did the language of integration evolve, as used by policy-makers and all the stakeholders in migration policy?

The seventh chapter compares the rights granted to TMWs in both countries. Amongst the temporary migrant workers, seasonal agricultural workers as well as domestic workers are included. The fact is that the rights granted to domestic workers differ to a great extent in the UK and Canada. The reasons behind this are also examined in this chapter. There seems to be an ethical point of view attached to the policy in Canada, which does not appear to be in place in the case of the UK. What else can be further said about this great divergence? What do the interviews tell us about these two different sets of rights and the reasons behind them? Can we discuss rights in a perspective that does not reduce the rights of migrant workers to a "rights and numbers dilemma"? What else can have an influence on the rights of the TMWs? This chapter shows that granting rights does not mean that the temporary migrant workers are willingly being integrated to the society they are in. The fact that Canada has Provincial Nominee Programme (PNP) and that low-skilled temporary migrant workers can apply via this route in order to become permanent, does not alter the fact that there is no integration policy devised for them. The reason for that, as argued in this thesis,

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*Provincial Nominees*, Citizenship and Immigration Canada (CIC), <http://www.cic.gc.ca/english/immigrate/provincial/index.asp> (last updated Oct. 22, 2012). Access on 22 August 2015.

is: *Temporariness and integration (in terms of ideas, law and policy) are not considered in relation with each other, in either the academic literature or in policy-making.* In the UK, temporary migration has become a norm even for the high-skilled migrant workers, more so for the non-EU immigrants. To be admitted, to settle, to integrate and to transit from being temporary to permanent is made much harder for almost all the categories of migrants in the case of the UK.

Chapter 8 compares the integration policies of both countries in terms of convergence, divergence and parallelisms. Convergences are due to the fact that these TMPs are mostly employer-driven in both countries. Divergences are due to the fact that both countries view immigration, immigrants and the way immigrants contribute to their society economically, politically, historically and socially, in a different light. The parallelisms are mainly related to the global forces which lead the countries to deem themselves more attractive to the high-skilled migrant workers; and on the other side, the low-skilled migration policies which are inclusive, do not have not much marketing value for the policy-makers from a historical point of view<sup>5</sup>. This distinction between policies towards the high and low skilled, creates a discrepancy in the integration of both kinds of temporary migrant workers regardless of skills (although the system is much more resistant and exclusive to the low-skilled migrant workers). The idea that TMWs integrate much better does not seem to hold true for the case of Canada, as in the last ten years most of the migrant workers have become de-skilled and their earnings are below the natives (Lowe, 2010). The assumption that Canada and the UK have—i.e. that the high-skilled migrant workers will integrate much easier (Canada has this underlined in their annual reports to parliament on migration since the mid-1990s), is hard to validate for all cases. The high-skilled migrant workers immigrate firstly for economic reasons,<sup>6</sup> and why would economic interests be a good reason to integrate to the society and learn languages?<sup>7</sup> In other words, why would economic aspirations be sufficient for a migrant worker to integrate fully to the society?

Despite their diverse approaches to immigration, immigrants and immigrants' possible economic, social and political contributions, temporary migrants are somehow viewed in the same way: that there is no need for integration if they are not going to stay, and who would want the low-skilled TMWs to stay? "They are prone to using social services more and they are the ones who are to be unemployed in case there is an economic crisis," were amongst the familiar responses of the interviewees interviewed for this thesis. I argue in Chapter 8 that this kind of discourse adopted by the policy-makers, which mostly attributes the qualities (inefficiency, lack of education, lack of integration capacity, dependency on the social state etc.) to the migrant workers, is actually an upside-down view<sup>8</sup> of the labour market where the infrastructure and the laws are affecting the conditions of the TMWs. TMWs are not the only agents within the triangle of triple-win. It is not the low-skilled TMWs per se that are dependent on the state's services in a case of emergency but it is the unregulated labour market that creates the circumstances for the discrepancy between the conditions of the high and the low-skilled migrant workers.

Chapter 7 and Chapter 8 argue that closing these programmes, as was done in the UK, is not the best way to deal with temporary migration policies. Mayer (2005) claimed that some form of exploitation is acceptable within these programmes as he thought that the benefit the migrant workers have is more than the losses they face; while Ruhs (2013) and Ruhs and Martin (2008) suggested that there is a dilemma between the rights and numbers. Their theory implies that the number of the migrant workers should be limited so that they can benefit from more rights. While challenging them, the thesis also intends to move within the direction of thoughts of Baubock (2008) on 'stakeholder citizenship'<sup>9</sup> and the views of Lenard

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<sup>5</sup> Thanks to Prof. Ronald Skeldon for his insights at a meeting on the 21<sup>st</sup> of August 2015.

<sup>6</sup> This would hold true more for the high-skilled from developed countries rather than developing countries. Because those who are from developing countries can also have some cultural reasons in order to migrate.

<sup>7</sup> Thanks for insights to Prof. Ronald Skeldon, meeting on 21<sup>st</sup> of August 2015.

<sup>8</sup> Camera Obscura, by Marx is inspiring for this view (Bottomore, 1956: 75)

<sup>9</sup> Definition of stakeholder citizenship by Rainer Baubock (2008: 4) is as such: "If we define citizenship as equal

and Straehle (2011) on granting more political rights and the route to citizenship to the TFWs. However, the thesis has an original contribution to these aspects.

This work is original from a several perspectives: first of all, temporariness and integration has not been considered in the current academic literature; second, the TMPs of the UK and Canada have not been compared before; third, temporary integration has not been elaborated in detail by scholars. What I aim to do in this thesis is to define this term, explicate it and bring a new and more humanistic approach to integration studies considering the realities of today's world, which does not give the chance to the TMWs the right to settlement and build a future in the host country.

While the results of the interviews were analysed in chapters 5, 6, 7 and 8, the concluding chapter aims to make the original contribution to knowledge on how a temporary integration policy can be justified, and what a temporary integration policy could entail. It has been suggested that the temporary integration policies should involve cultural, social and political aspects (assuming that the economic rights of the migrant workers are fully acknowledged and granted). The cultural aspects include raising awareness of the host society about TMWs, where they come from and why they come to that locality. Cultural integration also encompasses the cultural awareness for the migrant workers about the locality they are in, the British or the Canadian culture<sup>10</sup>, providing them activities that would help them assimilate into the society they are living in. This would prevent isolation of their lives to a certain extent. Social integration would involve learning how to speak the language as a skill (even if they are staying there for 6 months), that they can transfer to their home countries and as a precaution to prevent exploitation. If this caution is taken, they would be able to express themselves more easily and read their rights in English in case the laws and rights are not translated into their language<sup>11</sup>. Another aspect of social integration could comprise providing better accommodation to the migrant workers and guaranteeing it via strengthened enforcement. Finally, political integration involves local voting rights (after two years<sup>12</sup>) in addition to the right to association regardless of the region or province they are living in<sup>13</sup>.

### **1.1 Definitions: Migrant, Temporary Migrant, Temporary Foreign Worker, Integration and Temporary Integration**

One clear problem regarding the legislation and policies is that TMW is not defined explicitly in the case of the UK and Canada. Even the word 'migrant' is dubious (Anderson and Blinder, 2015) in the UK context. This section will define all the terms that might be crucial for the rest of this thesis. Definitions of migrant, temporary migrant, temporary migration, temporary integration and integration will be presented in this section. More elaboration on temporary migration and temporary integration will be realized in the literature review.

In the UK context, a migrant is defined as "someone whose country of birth is non-UK or whose nationality is non-British. (Length of time is not used in the UK to define a migrant in the labour force survey)" (Ker et al. ONS, 2009: 9) The same definition is used in Annual Population Survey. Long Term International Migration data on the other hand adopts the

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membership in a self-governing political community, then the most plausible answer to this question is that all those, and only those individuals, who have a stake in the future of a politically organized society have a moral claim to be recognized as its citizens and to be represented in democratic self-government."

The author is aware that cultures are not homogeneous but the culture of the town or city they are living in, or different cultures within the place they are living in would be a good starting point for these migrant workers to learn what to expect, what to enjoy, and what not to do etc. This would also prevent some kind of conflict between the host community and the migrant workers.

This is also a must for the policy-makers. The rights of the temporary migrant workers should be available to them before they arrive to the host country they are going to work in. Or it should be available to them as soon as they arrive within a package. They need to know the channels through which they can defend their rights. This amount is determined as 4-5 years by Ruhs (2013) but the author thinks that it is a very long period required as the migrant workers to wait for empowerment from a political perspective.

<sup>10</sup> Not all provinces in Canada grant the right to association to their migrant workers.

definition of the United Nations (UN) “a person who moves to a country other than that of his or her usual residence for a period at least a year (12 months), so that the country of destination effectively becomes his or her new country of usual residence.” (p. 9) With regards with the second definition, anyone staying less than 12 months is excluded.

The definition of migrant in Canada is as such: “Persons residing in Canada who were born outside of Canada, excluding temporary foreign workers, Canadian citizens born outside Canada and those with student or working visas.”<sup>14</sup> As it is seen from the definition it excludes the TFWs. The exclusion of TFWs as a non-immigrant category was criticized heavily by Sharma (2001) because they were relegated to a much lower status than the immigrant. Also not defining them as immigrants in the Canadian context clearly shows that TMPs aimed to prevent their settlement.

The definition of an immigrant in the Canadian context (from another source) can demonstrate clearly how immigrants are seen as long-term settlers: “a person who comes to settle in Canada as a permanent resident.”<sup>15</sup> This kind of definition is open to immigrants and immigration but it is not open to temporary residents as possible future settlers. On the other hand, the Canadian Council for Refugees defines the temporary resident as such: “A person who has permission to remain in Canada on a temporary basis (the main categories are students, temporary workers and visitors.)”<sup>16</sup> The official definition of a foreign worker in Canada is as such:

“A foreign national who has been authorized to enter and remain in Canada, on a temporary basis, as a worker. This category excludes foreign students and people who have been issued employment authorizations for humanitarian reasons. Every foreign worker must have an employment authorization, but may also have other types of permits or authorizations.”<sup>17</sup>

The European Migration Network (EMN) (2011: 14) report defines temporary migration as such: “Migration for a specific motivation and/or purpose with the intention that afterwards, there will be a return to country of origin or onward movement.” Since some of the migrant workers’ immigration patterns are circular rather than temporary there is also a need to define circular migration, which is a term used in this thesis from time to time. The EMN (2011: 28) also defines circular migration in the UK as the “spontaneous rather than managed cross-border movement of third country nationals wanting to settle in the UK and those already settled”. This is a definition the EMN uses for the report and this is used as an analytical tool to explicate how UK immigration rules facilitate or discourage inflows and outflows.

The prominence of temporary migration comes from the fact that it was widely discussed as a solution to the brain drain problem.<sup>18</sup> Temporary and circular migration were both considered as measures to avoid brain drain as a part of EU Commission’s suggestions to the EU parliament.<sup>19</sup> An EMN (2011: 29) report points out that the “EU parliament suggested that the brain drain should be mitigated through circular and temporary migration”. However, the credibility of the firm intention to promote these policies to stop brain drain can be debated and questioned. My interviews demonstrate that there are no regrets about brain drain in either the UK or Canada. And it might be argued that TMPs for the high-skilled migrant workers are opening up channels for permanent stay in contrast to sending them back.<sup>20</sup> Temporary migration can therefore, be an excuse for longer stays for the high-skilled migrant workers, since there is a competition between the developed countries for high

<sup>14</sup> <http://www.statcan.gc.ca/pub/81-004-x/2010004/def/immigrant-eng.htm> accessed on 25th of August 2015.

<sup>15</sup> <http://www.soscanada2000.com/migration/guide/immdefs.html> accessed on 25th of August 2015.

<sup>16</sup> <http://ccrweb.ca/sites/ccrweb.ca/files/static-files/glossary.PDF> accessed on 25th of August 2015.

<sup>17</sup> <http://secure.vec.bc.ca/citizenship-immigration-terms.cfm> accessed on 25th of August 2015.

<sup>18</sup> <http://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:52011DC0743&from=EN> accessed on 25<sup>th</sup> of August 2015.

<sup>19</sup> <http://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:52011DC0743&from=ENa> accessed on 25<sup>th</sup> of August 2015.

<sup>20</sup> Thanks to Prof. Ronald Skeldon for the insights, meeting on 21<sup>st</sup> of August 2015.



skills. This approach neglects the other side of policy-making: that is, high-skilled jobs create low-skilled jobs (Skeldon, 2009).

How is temporary migration defined in the UK? The EMN (2011: 15) suggests that no member state has a clear or legal definition of temporary migration, but the UK has a working definition in place. The EMN (2011: 31) also draws attention to the fact that since 2010 there has been more of an emphasis on temporary rather than permanent migration for the third-country nationals. And the UK is one of them. UK aims to reduce its net migration by avoiding permanent settlement and using TMPs (EMN, 2011: 65). Moreover, what has been changed very recently in the UK immigration policy reveals that high-skilled migration is the easiest to cut first<sup>21</sup> (international students' ability to stay after their studies is curbed, Tier 1 is narrowed to exceptional talent, and so on). Another EMN report (2011: 4) questions the desirability in the eyes of the public of the temporary or circular migration of low-skilled temporary migrant workers. Meanwhile, the same study draws attention to the fact that these policies have been heavily supported by policy-makers, civil society organizations and businesses.

The EMN (2011: 21) clarifies the definition of temporary migration in the national legislation of the UK:

"The term 'temporary' is only officially applied in the United Kingdom to certain categories of third-country nationals entering the territory for which there is no route to settlement (Tier 5: temporary workers). However, the vast majority of immigration categories are, at least initially, regarded as temporary until eligibility requirements for permanent status are met."

The EMN (2011: 21) defines for the purpose of their report temporary migrant as such: "third-country nationals who enter the UK for the purpose of work, study or as a spouse, whose return (or the timeframe of the return) is enforced by UK Immigration Rules." EMN (2011: 29) suggests that temporary migration includes seasonal workers and intra-company transfers as well as those who come from non-EU countries for study and training purposes. For the sake of keeping the thesis more focused on the work and employment facets, international students and those who come for training purposes such as Working Holiday Makers (WHM) are not included in this study.

In this thesis, the following temporary migration types will be examined in the UK context: Seasonal Agricultural Workers, the Sector Based Scheme, the High Skilled Migrant Worker Programme, and domestic workers (to a limited extent). For Canada, the programmes that are examined are as such: the Low skilled Temporary Foreign Worker Programme (Low Skilled Pilot Project), the High Skilled Temporary Foreign Worker Programme, the Seasonal Agricultural Worker Programme, and the Live-in Caregiver Programme (for the domestic worker category). In addition to these, the Provincial Nominee Programme (PNP), the Canadian Experience Class (CEC) and the Federal Skilled Worker Programme (FSWP), which count as more traditional programmes for TMWs to become permanent, are briefly examined in the background chapter.

What is the definition of temporary migration in the Canadian case? How does Canada define TFW? It is possible to find a definition on the website of Alberta about TFW: "A foreign national who has been authorized to enter and remain in Canada, on a temporary basis, as a worker."<sup>22</sup> Other than this, there is a definition of the TFWP on the Canadian government's website: "The Temporary Foreign Worker Program (TFWP) allows Canadian employers to hire foreign nationals to fill temporary labour and skill shortages when qualified Canadian citizens or permanent residents are not available."<sup>23</sup> Besides these definitions, it is very hard to define temporary migrant and temporary migration. The reason for that is that the definitions might imply ideological positioning. Preibisch (2010:

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<sup>21</sup> Thanks to Prof. Ronald Skeldon for his insights, meeting on 21<sup>st</sup> of August 2015.

<sup>22</sup> <http://www.albertacanada.com/opportunity/immigrating/definitions.aspx> accessed on 22 August 2015.

<sup>23</sup> <http://www.cic.gc.ca/english/resources/publications/employers/temp-foreign-worker-program.asp> accessed on 22 August 2015.

406) argues that the use of “foreign worker” relegates the migrant workers to a status lower than the Canadian residents and permanent residents (Sharma, 2006 as quoted in Preibisch) and hence, she uses the term migrant worker. She defines migrant worker as such: “to refer to those people employed in Canada under temporary visas who do not hold Canadian citizenship or permanent residency (landed immigrant status)” (ibid.)

The definition of integration that I have adopted in this thesis is Berry’s definition, between accommodation and assimilation in terms of the extent of integration. More precisely, Berry (1997: 7) defined integration as such: “Integration is the option; ... there is some degree of cultural integrity maintained, while at the same time seeking to participate as an integral part of the larger social network.” The author certainly does not intend to mean assimilation when defining integration. The main reason for devising a definition for temporary integration is actually to avoid this convergence between these two terms. Integration and assimilation are by no means the same thing. But during the implementation, integration might come to mean assimilation and might be imposed as such by the states via various admission, settlement and integration policies.

In order to counteract the view that integration is only long-term a part of nation-building projects for countries that apply civic integration policies (as Hampshire, 2013 also criticized), a new definition is needed. This necessity has two main justifications. First of all, there is a need to discuss integration from the new perspective of this globalized world. Second, the TMPs are not creating ethical conditions for the lives of the migrant workers, and there is a need to speak of their integration for brief periods. The rhetoric might change the implementation as a result. Temporary integration does not exist as a policy. But the definition provided in the thesis aims at an institutional change: “the social, cultural, economic and political integration of Temporary Migrant Workers (TMWs) or Temporary Foreign Workers (TFWs) within the timeframe of their work contract.” Hence, integration does not have to be or thought of as long-term. It can have temporary elements to it, too. Rights can be enjoyed for a short period (i.e. between 6 months and 4 years). The rights must increase and strengthen over time and attachment (Carens, 2013), but in addition to this well-known suggestion, in this thesis it is argued that they should be enjoyed almost fully with other dimensions (social, cultural and political) rather than only the economic dimension, within the period of the work permit by the TMWs. This is an advocacy for prevention of exploitation during the stay of the migrant workers and it is a plea to academics, policy-makers and experts to be creative and acknowledge that there can be many other forms of integration within the current global context.

## **1.2 Numbers and Nationalities**

This section will give a brief account of who are the migrant workers are and where they are coming from. This is important in order to understand the rising numbers as well as changing nationalities of the TMWs in Canada and the UK.

Preibisch (2010) categorizes the Low-Skilled Pilot Project (LSPP) and the Seasonal Agricultural Worker Programme (SAWP) according to their years, sizes and nationalities. And it can be seen from her figures (p. 412) that most of the SAWP workers are coming from Mexico, Jamaica, Trinidad and Tobago, Barbados and the Organization of Eastern Caribbean states (nine countries); meanwhile, while the LSPP migrant workers can be from any country<sup>24</sup>. In the UK, for the Sector Based Scheme (SBS) the nationalities were mostly South Asian in 2003, while the hospitality sector was mainly composed of the Bangladeshi nationals. After the accession of A8<sup>25</sup> countries, in 2004, the Eastern Europeans replaced the labour market (MAC, 2013). The hospitality sector was closed in 2005. Eastern European immigration flows have become more apparent after 2006. From 2007, the quota was restricted to the Bulgarians and Romanians. The Seasonal Agricultural Worker Programme

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<sup>24</sup> As Preibisch (2010) emphasizes this programme was devised particularly to open the labour market to more nationalities, to have more possibilities for the employers.

<sup>25</sup> Accession countries in 2004 were as such: Czech Republic, Estonia, Hungary, Latvia, Lithuania, Slovenia, Poland, Slovakia, Malta and Cyprus.

(SAWS) were a mix of nationalities before 2004, when non-EU nationalities were included in the scheme. Chinese, Russians, Moldovans and Ukrainians were amongst the migrant workers as well. After 2004, the variety of nationalities was mostly limited to Eastern Europeans. After 2007, the quota was only for Bulgarians and Romanians (MAC, 2013). Both of these schemes in the UK have been closed in 2013.

Immigration policy for the migrant domestic workers in both countries diverged increasingly from the 2000s, and this thesis also compares the case of migrant domestic workers in both countries. The Live-in Caregiver Programme in Canada is one of the main TMWPs. It is an ethical programme<sup>26</sup> in the sense that it gives rewards to the domestic migrant workers for their hard work: a route to permanent residency after two years of work, and the right to family reunification. But this programme has had some problems that were brought to the attention of the public and policy-makers. One of these problems was the backlog of the families of the migrant workers. The current government has taken some measures in October 2014 in order to ameliorate the programme<sup>27</sup>. The programme's name has changed to the Caregiver Programme as the live-in requirement has been abolished<sup>28</sup>. The government also introduced measures to reduce the backlog<sup>29</sup>. The requirements for taking care of children and for taking care of those who need medical help are diverse, and the latter's requirements are more demanding. However, it seems that the government has taken steps to make life better for these TFWs. On the contrary, in the UK the domestic workers are still very dependent on their employers and the route to permanent residency for them have been more limited since 2012. The reasons for these major differences in migration and integration policies between these two countries is related to the historical pattern of immigration and whether or not the country in question is a "settler country". As Skeldon also underlines, the USA and Canada still believe that immigrants build the nation in contrast to the European countries<sup>30</sup>. Despite the fact that the Coalition government in the UK and the Conservative Party in Canada might be parallel in terms of policy perspective in both countries, one country is devising more liberal solutions for the migrant workers, especially the TMWs who are domestic workers, while the other one is preoccupied with limiting the numbers evermore, regardless of its consequences for integration.

As it can be seen from the criteria applied to the domestic workers to gain permanent residency, there is a certain amount of language requirement as well as an educational requirement<sup>31</sup>. Post-secondary education and some language skills are also a necessity. Although there is no such thing as temporary integration and no such thing as temporary integration policies, it can be observed that Canada has more routes to permanent residency. The low-skilled migrant workers, for instance, can benefit from the Provincial Nominee Programme (PNP) to have permanent residency. Despite the fact that the high-skilled migrant workers' numbers are much higher in terms of those who acquire permanent residency, the other skills and other migrant workers are not neglected totally. This result, however, does not mean that in Canada there are considerations for devising short-term integration policies. In short, the policy-makers are inclined to see only temporariness of temporary migration.

The case of Canada shows that from 1994 to 2003 the TFW work permit holders' numbers have doubled. In 1994 there were 15,468 permit holders and in 2003 this rose to 34,007<sup>32</sup>. The

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<sup>26</sup> Interview with Martin Ruhs, 6 May 2014

<sup>27</sup> [http://news.gc.ca/web/article-en.do?nid=898719&\\_ga=1.8140594.1833874539.1414238876](http://news.gc.ca/web/article-en.do?nid=898719&_ga=1.8140594.1833874539.1414238876) accessed on 25<sup>th</sup> of August 2015.

<sup>28</sup> [http://news.gc.ca/web/article-en.do?nid=898719&\\_ga=1.8140594.1833874539.1414238876](http://news.gc.ca/web/article-en.do?nid=898719&_ga=1.8140594.1833874539.1414238876) accessed on 25<sup>th</sup> of August 2015.

<sup>29</sup> [http://news.gc.ca/web/article-en.do?nid=898719&\\_ga=1.8140594.1833874539.1414238876](http://news.gc.ca/web/article-en.do?nid=898719&_ga=1.8140594.1833874539.1414238876) accessed on 25<sup>th</sup> of August 2015.

<sup>30</sup> Thanks to Prof. Ronald Skeldon for his insights, meeting on 21<sup>st</sup> of August 2015.

<sup>31</sup> [http://news.gc.ca/web/article-en.do?nid=898719&\\_ga=1.8140594.1833874539.1414238876](http://news.gc.ca/web/article-en.do?nid=898719&_ga=1.8140594.1833874539.1414238876) accessed on 25<sup>th</sup> of August 2015.

<sup>32</sup> <http://www.cic.gc.ca/english/resources/statistics/facts2013/temporary/1-1.asp> accessed on 25<sup>th</sup> of August 2015.



increase continued after later on, as the number of TFWs who were holding work permits tripled between 2004 and 2013, from 37,222 to 104,160<sup>33</sup>. It is seen that the average age range for TFWs is between 30 and 44 while the dominant gender is male since 2007<sup>34</sup> (prior to 2007 it was more or less balanced between the two genders). The top ten countries of TFW work permit holders were as such in 2013: Philippines, India, USA, UK, Mexico, Republic of Korea, France, Guatemala, Jamaica and Republic of Ireland<sup>35</sup>. Please see the table below for the details of the programmes designed for temporary foreign workers:

**Table 1.1 TFWP Work Permit Holders with a Valid Permit on December 31<sup>st</sup> by program, 2004-2013**

Year	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013
Live-in caregivers	15,217	18,03	21,997	27,752	32,601	31,61	29,579	21,756	18,725	16,187
Agricultural workers	437	958	2,039	3,64	5,273	5,923	5,586	7,075	6,536	8,338
Other TFWP work permit holders	21,568	24,431	29,982	46,969	72,755	75,052	56,989	52,755	61,449	79,635
Other higher-skilled	20,186	22,595	26,355	35,66	46,275	44,877	37,225	34,899	40,591	49,688
Other lower-skilled	1,261	1,64	3,318	11,008	26,066	29,782	19,404	17,411	20,409	29,428
Other occupations*	121	196	309	301	414	393	360	445	449	519
Total unique persons	37,222	43,419	54,018	78,361	110,629	112,585	92,154	81,586	86,71	104,16

**Source:** <http://www.cic.gc.ca/english/resources/statistics/facts2013/temporary/1-3.asp>

Most of the TFWs in Canada are high skilled but after one decade in 2000s, the lower-skilled migrant workers' numbers increase as well. Please see table below:

**Table 1.2 Temporary Foreign Worker Programme Work Permit Holders by Occupational Skill Level**

Year	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013
Higher-skilled	20,492	22,955	26,927	36,443	47,203	45,823	38,019	35,633	41,334	50,697
Lower-skilled	16,606	20,267	26,777	41,616	63,011	66,356	53,755	45,488	44,914	52,928
Other occupations*	124	197	314	302	415	406	380	465	462	535
Total unique persons	37,222	43,419	54,018	78,361	110,629	112,585	92,154	81,586	86,71	104,16

<sup>33</sup> <http://www.cic.gc.ca/english/resources/statistics/facts2013/temporary/1-3.asp> accessed on 25th of August 2015.

<sup>34</sup> <http://www.cic.gc.ca/english/resources/statistics/facts2013/temporary/1-1.asp> accessed on 25th of August 2015.

<sup>35</sup> <http://www.cic.gc.ca/english/resources/statistics/facts2013/temporary/1-5.asp> accessed on 25th of August 2015.

\* "Includes permit holders who hold permits with a not stated occupation and permits with a CIC synthetic occupation that is not included in ESDCs National Occupational Classification." Accessed on 25<sup>th</sup> of August <http://www.cic.gc.ca/english/resources/statistics/facts2013/temporary/1-3.asp>

\* "Includes permit holders who hold permits with a not stated occupation and permits with a CIC synthetic occupation that is not included in ESDC's National Occupational Classification" accessed on 25<sup>th</sup> of August on the webpage <http://www.cic.gc.ca/english/resources/statistics/facts2013/temporary/1-7.asp>

**Source:** <http://www.cic.gc.ca/english/resources/statistics/facts2013/temporary/1-7.asp>

The UK data is not as clear as the Canadian one. But it is possible to find the data for short-term employment on the webpage of Office for National Statistics. However, this short-term international migrant<sup>38</sup> data is not categorized as domestic workers, seasonal agricultural workers and other TMWs<sup>39</sup>. It is rather categorized according to reasons for migration: Work, study, other<sup>40</sup>.

**Table 1.3. Short-Term International Migration flows, three to twelve month migrants, for employment and business (in thousands)**

	Economic Reasons				Business Reasons			
	Inflows		Outflows		Inflows		Outflows	
	Estimates		+/- CI		Estimates		+/- CI	
Mid 2004	59	19	28	11	21	8	32	11
Mid 2005	90	24	24	10	22	9	39	13
Mid 2006	108	25	39	13	35	13	29	14
Mid 2007	76	21	43	18	28	11	24	10
Mid 2008	67	21	24	10	29	12	26	12
Mid 2009	36	10	25	10	19	8	34	11
Mid 2010	47	13	21	8	14	6	28	13
Mid 2011	34	11	24	9	24	9	29	10
Mid 2012	47	13	27	10	22	8	20	8
Mid 2013 <sup>*</sup>	53	14	30	11	27	9	37	13

**Source:** <https://www.gov.uk/government/publications/temporary-and-permanent-migration-data-may-2015>

As the programmes have evolved the ethnicities recruited have changed. It is also pointed out in this thesis that changing nationalities for the employers meant new opportunities and the ones who are preferred in Canada for instance, were those who were foreign to the culture, who generally did not speak the language and who are 'better workers' compared to the Canadians (Preibisch, 2010). A similar situation has occurred in the UK (Findlay and Mccollum, 2013; Scott, 2008), where the migrant workers were preferred according to strong work ethic, even though this work ethic belonged to different nationalities within different time periods. Although the preference for some nationalities have been notable in the post-2004 period in the UK and in the beginning of 2000s in Canada, this desire for a particular nationality has only been temporary on the side of the employer. The reason behind this is that migrant workers become less desirable to employers as they learn about their rights, integrate more, and as their working styles begin to match those of the natives (Bauder, 2006). Creating LSPP to have more access to the global market (Preibisch, 2010) meant that it is not only the numbers but also having the access to any kind of labour at any time without granting more rights. While the rules of the labour market have been more favourable to the employers, this kind of possibility and temporariness have prevented the migrant workers from benefiting more rights and integration opportunities. Hence, I argue that this is the

<sup>38</sup> Short-term international migrant is defined as an international migrant who stays in the UK less than a year.

<sup>39</sup> The data before 2008 is more similar to the Canadian one in categorization but the data after 2008 seem to be more in tiers and broad categories.

<sup>40</sup> Email correspondence with Migration Statistics Unit.

right time to discuss temporary integration for the sake of migrant workers.

## **Chapter 2**

### **Literature Review**

#### **2.1. Temporary Foreign Workers, Migrants' Rights and Temporary Integration**

This chapter underlines a gap in the current literature by demonstrating that scholars have so far underestimated the importance of working on the temporary integration of the temporary foreign workers (TFWs). The literature in the broader field of migration studies has already shown that the rights of the TFWs are violated in almost every country, and more so in the non-liberal democratic ones. However, to say that it is only the non-liberal ones that undermine the rights of the TFWs would be an exaggeration, and would also give and wrong impression that the quality of being liberal democratic is more important than other qualities such as being an immigration/settlement country or being a multicultural country or having devised immigration policies for many years. The current literature in the broader field of migration studies has demonstrated that the working conditions for low skilled migrant workers in liberal-democratic countries are not as good as it should be in the developed world (Ruhs, 2013). Although the literature deals comprehensively with the rights that should be given to the TFWs, the notion that integration could be proposed as a solution to the problems that the TFWs are encountering is seldom discussed. One of the reasons for not considering temporary integration as a possibility is that the concept runs contrary to the idea that integration is a long-term process. It is not the aim of this thesis to argue that integration is a short-term process. But this literature review draws attention to the fact that thinking of integration solely as long-term poses some limitations, especially for the TMWs. It is suggested in this thesis, therefore, that integration can also be a short-term process too, and that TMWs are an example of a group, which would benefit from such a provisions. My contribution to the literature will be on this dimension of integration: the plausibility of the temporariness of integration, by showing that the literature has considered other forms of existence, rights and integration.

This literature review has three key dimensions: an analysis of the idea of the inclusiveness and expansiveness of the liberal nation-state, differences in terms of the rights of the high skilled and the low skilled; two different camps in terms of identifying the problem which are the liberal/ ethical and neo-Marxist approaches, and finally the rights of TFWs and finally the idea of 'temporary integration' within the general literature of integration. The questions I am aiming to answer in this chapter are as follows: What are the works focused on labour migration regarding Canada and the UK and in particular on TFWs? What kind of rights are supposed to be given to the TFWs within the limitations of the nation-state, public opinion and primacy of economy over the political according to the scholars? What are the areas where the literature has not yet considered temporary integration?

The main argument of this chapter is that temporary integration can be thought as an opportunity as well as a policy. Under the circumstances that the TMWs are living, this kind of thought would have been even more important.

#### **2.2 Does Inclusiveness have to be Permanent?**

According to Freeman (1995: 896), immigration outcomes are more expansive and inclusive<sup>4</sup> than public opinion would seem to support. It is argued in this chapter that these immigration outcomes can be exclusive in terms of the rights granted. And this exclusiveness can continue even of one has permanent residency. Having said that, the illiberal sides of the liberal state can produce contradictory results at any time of integration.

The assumption that labour policy—as well as general admission and immigration policy—

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<sup>4</sup> Expansiveness and inclusiveness would mean increase in numbers as well as having settlement policies. But Freeman (1995) mostly focuses expansiveness in my opinion.

cannot be restricted in the liberal democracies could be validated for the UK and Canada (Geddes and Statham, 2006). Both countries keep a certain level of immigration and labor migration<sup>3</sup>. However, if one underlines Ruhs' thesis, it means that no policy can be expansive and inclusive at the same time: A similar dilemma is the numbers vs. rights debate (Ruhs and Martin, 2008; Ruhs, 2013). If it is expansive, it would jeopardize inclusivity and if it is inclusive, it will jeopardize expansiveness. Is this assumption true for Canada and the UK? Or can we say that it is both expansive and inclusive for both high and low-skilled? It seems that the answer to the former question is to be discussed while the answer to the second definitely is "no". It might be expansive but it might not be inclusive for the low-skilled temporary migrant workers.

The case might be such that inclusiveness (integration policies designed according to the needs of different migrant groups, for instance) does not even reflect the case of any kind of TMW, regardless of their skills. Sarah Spencer indicates that although there are integration policies for refugees in the UK ingrained in law, the case for family and labour migrants as well as international students is ad hoc<sup>4</sup>. She adds that against the barriers that some migrant groups could have (because she defends the idea that most of the migrants can integrate to a certain level by themselves), it might be necessary to have a government policy that facilitates integration<sup>5</sup>. The argument in this thesis in terms of temporary integration also runs in this direction. Even though most of the integration is being realized at the local level and local level integration has the utmost importance, in terms of setting the tone of how migrants are viewed and in terms of legal framework the central government has to assume responsibility. Why, then, is there not a scheme of temporary integration for temporary migrant workers (TMWs)?

Where do the limitations to the TMWs' rights and integration come from? Most of the time, thinking of the nation-state as a homogenous unit and the foreigner or the immigrant posing a threat to this homogeneity as examined, by Wimmer and Schiller (2002), is one of the normative barriers to integration of different kinds of groups, including the TMWs. Entzinger and Biezevald (2003) argue that most of the time immigrants are viewed as "guests" or "others" (Simmel, 1907; Rumelili, 2004; Pennix, 2007). For instance, Walzer (1983) uses the metaphor of "clubs" and "families" for the state; meanwhile, Wellmann (2008) uses "marriage" as a metaphor, as a tie that one cannot be forced into (one meaning in this case the citizen). Therefore, what we think states are, and how we consider the state's functions is crucial in terms of who is admitted and who is permitted to stay. In contrast to Wellman and Walzer, Freeman (1995) would argue the organized interests would not let the nation state decide by itself who to admit and who to exclude. But when the main topic is TFWs, the lines are blurred and the definitions of exclusion and inclusion are tricky. It is important to examine how traditionally exclusive and inclusive the state is to immigrants who possess different ethnicities and educational or vocational skills. The state can admit many immigrants to compensate for labor shortages; however, admission is just the beginning of the inclusiveness, it does not imply any continuity in inclusion.

In contrast with what Freeman has said, in Canada, for instance, even though there are some voices who claim that there is too much immigration and welfare abuse and complaints about the impossibility of establishing a common culture, public opinion has been pro-

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<sup>3</sup> In fact labor migrants were always needed historically. For instance, McDowell (2003) in her article explains in detail the labor migration recruitment policies of the UK after the Second World War, when there was clearly a real shortage of labor. Most of the labor migrants at the time were Caribbean people from the former colonies and Latvians working as laborers for the Germans in the camps. However, the temporariness of the labor migration was not the case, then. The Latvians were seen as future British wives because of their hardworking attitude and their racial qualities as well. Her article also shows that considering labor migration, the policies could still involve the racial factor for those to be future citizens. She focuses on the identity perception whereas most of the experts on labor migration or TFWPs do not look in-depth to this aspect.

<sup>4</sup> <http://www.cic.gc.ca/english/resources/statistics/facts2013/permanent/01.asp> accessed on 30th of August 2015.

<sup>5</sup> <http://www.cic.gc.ca/english/resources/statistics/facts2013/permanent/01.asp> accessed on 30th of August 2015.

immigration (Bloemraad, 2012); meanwhile, the yearly net migration of the country has not fallen below 250,000 in Canada<sup>45</sup> since the beginning of 2000s. Therefore, this can be an example of how public opinion has been effective in keeping the immigration levels high. In contrast, there is anti-immigration rhetoric in the UK not only towards the EU countries but also to the non-EU migrants. In the UK, the average net intake of immigrants yearly has been between 150,000 and 200,000<sup>46</sup> in the last years. However, the government is reiterating that they will decrease the number of the admitted immigrants<sup>47</sup>. There was an obsession with numbers since the Coalition government stated that they want to cut the numbers to be below 100,000 by 2015 but they fell well short of their attempts to reduce immigration levels to a five-figure annual number. This prominence of anti-immigration rhetoric is one crucial contrast between Canada and the UK, although we observe similar outcomes in terms of attracting the high skilled migrant workers and granting them more chances of integration.

Favell (2001: 26), when comparing the UK and France in terms of their “philosophies of integration” indicated that the “UK is still getting immigration from lower ranks through clandestine entry or family reunification, while Canada and Australia are the destination countries for the high skilled from Hong-Kong and other Asian countries.” However, this no longer seems to be true. Most immigrants to Canada are also economic migrants, refugees and also those who are benefiting from family reunification<sup>48</sup> (Vosko et al. 2012: 9). Moreover, the numbers of the TFWs being admitted to the country in certain provinces has been higher than the high skilled since 2007 and 2008<sup>49</sup>.

**Table 2.1 Categories of Permanent Residents 2000-2013**

Categories	2000	20001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013
Family class	60,61 3	66,78 5	62,29	65,12	62,27 2	63,37 4	70,51 5	66,24	65,58 3	65,20 7	60,22 4	56,44 9	65,01	79,68 4
Economic immigrants	136,2 82	155,7 16	137,8 63	121,0 46	133,7 46	156,3 13	138,2 48	131,2 44	149,0 67	153,4 91	186,9 15	156,1 18	160,8 21	148,1 81
Refugees	30,09 1	27,91 7	25,11	25,98 3	32,68 6	35,77 4	32,49 9	27,95 4	21,85 9	22,85	24,69 7	27,87 3	23,09 9	24,04 9
Other immigrants	460	206	3,782	9,196	7,115	6,779	10,37 5	11,31 2	10,73 3	10,62 3	8,845	8,305	8,96	7,039
Category not stated	0	1	0	1	0	2	2	1	2	1	7	3	5	0
Gender not stated	10	12	4	3	4	1	1	2	1	0	0	1	0	0
Grand total	227,4 56	250,6 37	229,0 49	221,3 49	235,8 23	262,2 43	251,6 4	236,7 53	247,2 45	252,1 72	280,6 88	248,7 49	257,8 95	258,9 53

Source: <http://www.cic.gc.ca/english/resources/statistics/facts2013/permanent/01.asp> accessed on 30th of August 2015.

The rhetoric in both countries is most of the time pointing out that there is a need for those who would contribute to the economy, such as high-skilled workers with a lower intake from other groups of immigrants. Despite this rhetoric, both types of immigration continue, with the low-skilled retaining the quality of being temporary and the high-skilled being provided with more chances to become permanent (Lenard and Straehle, 2012). Basically, the phenomenon continues to exist but the policies are not aiming to target temporary integration and inclusiveness.

<sup>45</sup> <http://canadianimmigrant.ca/immigrate/immigrant-intake-will-remain-at-250000-says-minister-kenney>

<sup>46</sup> <http://www.bbc.com/news/uk-23878689> accessed on 20th of April 2014.

<sup>47</sup> <http://www.bbc.com/news/uk-23878689> accessed on 20th of April 2014.

<sup>48</sup> Canada Immigration and citizenship webpage: <http://www.statcan.gc.ca/pub/11-402-x/2012000/chap/imm/imm-eng.htm?fpv=30000> accessed on 20<sup>th</sup> of April 2014.

<sup>49</sup> The details will be given in the background chapter.



There is a converging trend, on the other hand regarding these two countries: A mutual preference for temporariness compared to permanency. In Canada, this started to take place over the last two decades,<sup>50</sup> and in the UK since the mid-1990s. In one such study, Pendakur (2000: 11) compares European countries with Canada from the temporary/permanent divide perspective: “In contrast to [Canada], many European countries tend to discourage permanent migration and instead encourage the migration of ‘temporary workers’”. The situation in the last ten to fifteen years – especially since 2000s -- shows that Pendakur’s assessment has evolved, especially with increasing numbers in the last five years, showing that Canada is also receiving immigrants for temporary reasons rather than aiming at permanent stay for those admitted to the country for work purposes. Therefore, expansion continues but inclusiveness seems to be limited. The increase in numbers and the lack of interest in devising integration policies has consequences such as segregation, exploitation and the repetition of history of immigration in Europe (where currently multiculturalism is often believed to have failed<sup>51</sup>). In sum, it is not the rise in numbers that is the problem per se, but rather that there has been a rise in numbers without any integration policies thought of in tandem. In addition, it is predominantly the time employers who are lobbying for more migrant workers as they are in need of cheap labour. The role of the employers in the expansion of migration policies has been described (Freeman, 1995; Statham and Geddes, 2006) frequently. This context goes back to the beginning of the 20<sup>th</sup> century, when most of the natives started to work in the factories and there was a need for labour in the UK in the agricultural sector (Kebbel, 1907).

A similar situation was present in the case of Canada since 20<sup>th</sup> century. Morley’s review of Avery (1979) reveals this collaboration between the states and the markets in order to manage and decide on migration: “the details of the railway company’s involvement with, and control of, Canadian immigration policy and practice, provides important evidence that suggests a relationship between the state and the private interests in Canada so intimate that it may well be unique in the industrial world” (1980: 79). In short, there is this divergence between the rights that the liberal democratic countries would grant to the foreigners, and the reluctance on the side of the employers and conditions of the market economies who would never grant equal rights to the foreign workers in an under-regulated labour market (even though this would mean unemployment for the natives and a lowering of the wages).

TMWs’ case in fact suggests that the temporariness provides neither expansiveness nor inclusiveness. It is an in-between situation (Vosko et al. 2014). The next section will categorize the relevant literature according to their theoretical orientations: Neo-liberal and neo-Marxist. It will demonstrate that the works that have had more of a Neo-Marxist approach (Urs Marti and Robin Cohen) have now lost their popularity and salience in the field of international migration, which means that the structural perspective has left its place to a more liberal perspective, where an ethical perspective has come to the fore. However, neither the liberal perspective nor the neo-Marxist approach is devoid of ethics of migration.

### **2.3 The Liberal/Ethical and Neo-Marxist Perspectives, and their Implications for Temporary Integration**

This section identifies three main strands in the work on comparative labor migration: liberal, neo-Marxist, and liberal-ethical perspectives. Admission policies and the rights granted to the migrant workers have been explained using all three perspectives. Notable in this respect are the works which develop the liberal and ethical perspectives, which focus on the ethics of labor migration policy and underline the importance of granting more rights to TFWs in relation to time and attachment so that they develop during their stay, whereas the Neo-Marxist approach underlines the exploitative part of the phenomenon of labor migration with a focus on migrant workers’ rights. While touching on the main issues about TFWs, the general literature has not considered the possible content and policy of

<sup>50</sup> It could be suggested that temporariness started much earlier in 1973 as Sharma (2006: 121) suggests.

<sup>51</sup> <https://www.foreignaffairs.com/articles/western-europe/2015-03-01/failure-multiculturalism> accessed on 25th of August 2015.

‘temporary integration’. The reason for this is that the literature has always focused on *long-term* integration rather than short term. Moreover, the literature has always assumed that integration in itself implies having total rights as well as being totally in tune with all the host state institutions. However, this might not be the case even for citizens who might be alienated from their environments although they are born to it and although they legally have full rights.

Ruhs has adopted a more liberal-democratic approach towards labor migration policies, even though he claims that certain rights (political and civil rights, excluding to vote in the national elections together with full economic rights) should be taken into consideration. This is compared to Carens’ liberal-ethical perspective, as Carens wants to deliberate more on moral questions and he criticizes the empirical work for not considering such issues. Ruhs agrees with Carens’ ethical perspective that time makes a difference in an immigrant’s attachment to a place and with time the immigrant should be entitled to more rights. However, at four years, Ruhs’ threshold for granting TFWs more rights and permanent residence seems high. Moreover, the justification for why it should take four years to access permanent residence is not clear. He also does not support the idea of open borders as Carens (1987) does. Ruhs keeps the right of voting in national elections separately from the other rights and says that the TFWs should have political and civil rights except right to vote in the national elections (he also supports the idea that labour rights should be the same as those of the natives). In addition, he calls the defense of the rights of the migrants by some international organizations as “rights fetishism” and does not find this idea plausible because his main perspective is the nation-state centered perspective, because he defends the idea that most of the immigration policies are constructed according to national interest (Ruhs, 2015).

Ruhs considers the rights but he does not elaborate on the details of an integration scheme as a necessity for the TFWs. He describes the world as it is where the increase in the numbers is accompanied by deterioration in rights for the migrant workers and says that “economic efficiency, distribution, national identity, and social cohesion, national security and public order” should be taken into consideration (Ruhs, 2013: 5). Although he acknowledges the ethical aspect, his priority is not the ethical consideration but rather the most feasible policy solution. Cohen is more critical of nation-states and the global management of migration, adopting a neo-Marxist perspective. As is the originator of the term “new helots”<sup>2</sup> for the migrant workers, Cohen (2006: 204) contrasted Canadian and Australian approaches with those of France and the UK:

“Whereas the former pair has entered into an open dialogue with its settled population on appropriate numbers and criteria for exclusion, governments in France and the UK have on the whole remained secretive and patrician in the implementation of their policies, now recognizing the claims of the gang masters for cheap agricultural labour, later throwing sops to the right-wing newspapers and political parties. If they are to be legitimate at all, restrictions have to be open, consensual and clearly used to defend an existing freedom that would otherwise be in jeopardy. Restrictions, in this moral universe we are constructing, cannot be used for a concealed purpose especially if that purpose is unworthy.”

As Cohen would elaborate, some of the restrictions seem to be of unworthy purposes, while Ruhs would outline all the reasons that restrictions might be justified. While Cohen does not deliberate the issue of temporary integration as a solution, he says that restrictions should be removed, which could be seen as opening the way to integration for TFWs. On the other hand, Carens approaches the subject from a more ethical perspective and defends the idea that democratic states do not have a right to keep the TFWs temporary for a long time. He suggests (2013: 113) “Democratic states cannot keep people indefinitely in a ‘temporary’

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<sup>2</sup> Robin Cohen, 1987 *The new Helots: migrants in the international division of labour*, Aldershot: Avebury/Gower Publishing Group, pp 290; paperback edition, Gower, 1988; Japanese translation, 1989; reprinted 1993, 2003

status. That is the clear lesson of the European experience with guest workers in the mid-twentieth century. States that are not committed to democratic principles behave differently.”

According to Carens (2013), admitting the TFWs for a long time whilst being devoid of certain rights and excluding them from the citizenship is not compatible with the democratic principles of justice. He does not defend the idea that the numbers of the TFWs should be limited as labour migration in a way reduces global poverty, while Ruhs (2013) would support the idea that their numbers should be restricted if they are not granted the full political and civil rights, in addition to certain economic and social rights they are granted partially. As a result, Ruhs (2013) defends limited expansion with fuller rights, while Carens defends expansion and inclusion both as permanent integration. What about temporary integration as a midway solution to permanency, and a good to the problem of being exploited during a temporary stay?

**Table 2.2 Temporary Integration**

<i>Integration</i>	<i>Values (common and cultural)</i>	<i>Temporary Integration</i>
Two way	One way	Cultural and common values by events and language courses (changing according to the time of the stay)
Rights	Duties	Two-way approach: duties (taxes) and rights are combined (rights are not understood in a restrictive term but also as social and cultural – rights in a sense equal access to opportunities for people doing the same job and living in the same place not only as a market citizen of the EU)
Human capital and diversity	Homogeneity	Human capital and diversity to be used for development in both places / Assumed homogeneity of the host society shall be encountered
Benefits to the Immigrants	Benefits to the community	Benefits both

**Source:** Author’s categories

The next section will be based on the differences between the high and the low skilled in terms of rights granted to them. Although it is true that many countries are opening their borders to the TFWs, this does not necessarily imply expansiveness and inclusiveness. Nevertheless, amongst the TFWs there is a group, which has more chances to being admitted as a future citizen, which is the high-skilled TFW. The next section will focus on these differences and the reasons between these differences.

## **2.4 Differences between the Low and the High Skilled TFWs**

There are three trends present in Canada and the UK regarding temporary migration in the last few decades: first, there is an increase in the number of the temporary migrant workers; second, high-skilled temporary migrants are preferred to the low-skilled temporary migrants and there is greater competition on both sides to attract high skilled migrants (Ruhs, 2013; Sommerville, 2007); third, a point that is related to the second fact: Low skilled temporary migration has not got the open route to becoming permanent while the high skilled are encouraged to become permanent and become citizens as indicated by many scholars.

First, The UK has limited the numbers of the low-skilled immigrants coming from the non-EU countries and it has very limited control over the low-skilled immigration from the



Eastern Europe, Romania and Bulgaria<sup>53</sup> as a result of the rules on free movement of labour in the EU. However, as free-movers it is necessary that they should be distinguished from the third country nationals (TCNs) for whom recently the low-skilled immigration route (Tier 3) has been closed. In Canada, the academics and some migrant organizations are discussing the deterioration of the rights of the TFWs. And since 2008, there has been an increase<sup>54</sup> in their numbers: “since 2008 the yearly number of admitted temporary migrants has exceeded the yearly number of admitted permanent migrants.” (Lenard and Straehle, 2012: 3) But can we really say that the rights granted to the low skilled and high skilled have deteriorated at the same level since the increase in their numbers? Is there more deterioration in the rights of the low-skilled migrant workers throughout the years also in the liberal-democratic states?

Second, the differentiation between the high and the low skilled also has some practical implications. Rather than reducing global poverty TMPs in a way are keeping the status-quo since the sending countries are benefiting from remittances; TFWs earn more money than they would in their home country; and brains are somehow drained as the attraction for the best talents or exceptional talents is encouraged even though the host state’s rhetoric might imply otherwise. Hence, it exacerbates the inherent problems in the global economic system and besides this, for the longer term, non-integration of the low-skilled and integration of the high-skilled could lead to the stratification in the sending and receiving societies where there is not much chance for social mobility. While the low skilled and the high skilled natives have the same rights in the receiving society, there is a great difference in terms of how the high and the low skilled migrant workers access to certain rights when they enter the receiving country as unequal guests.

The distinctions between the high and low skilled are made clear by Lenard and Straehle (2012:4): “The exploitation is enabled particularly by the program provisions that make it very difficult for low-skilled workers to attain permanent residency and citizenship. Thus, low-skilled temporary migrants in Canada occupy a doubly unequal status vis-à-vis, first Canadian citizens and second, high-skilled migrants, who in most cases are able to attain, and indeed are encouraged to attain Canadian citizenship.” As explained, in the case of TFWs, it is possible to claim that wherever they stand at the global economy also determines how they fare in the host country that they are working in temporarily. Although the push factors from the home country might lead them to find temporary jobs in other countries, they have less chances to benefit from two-step migration<sup>55</sup> and have social mobility.

What type of immigrants should a nation-state allow to stay is one of the most common questions asked by the policy-makers. High-skilled workers certainly have more chances for admission and they have more chances to stay as they are supposed to be contributing to the economy more<sup>56</sup> and the public is less hostile towards the high-skilled (Hainmueller and Hiscox, 2010) generally. This is the case in the UK as well as in Canada (Triadafulopoulos, 2013).

## **2.5 Rights of the TFWs and Measures to Protect them From Exploitation**

Many authors have written about the exploitative side of temporary work, and they have also suggested ameliorating the policies, improving the rights of the workers, opening borders or even cancelling the TFW programmes altogether. Mayer (2005) suggested that the exploitation of the migrant workers is at a tolerable level, while Ruhs (2013) suggested that numbers might have to be decreased so that those who immigrate for work can benefit from a wider range of rights. Lenard and Straehle (2011), on the other hand, suggested that TMWs need to have more political rights and an eventual route to permanent residency and citizenship. The stance of this thesis is closer to the third perspective.

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<sup>53</sup> Interview with an official from Home Office, April 2014.

<sup>54</sup> The increasing numbers will be more detailed in Chapter 5 which is the chapter on the background.

<sup>55</sup> Two step migration means using the first experience of migration as a stepping stone for a better status.

<sup>56</sup> Saxenian, A. (2002) “Brain Circulation: How High Skilled Immigration Makes Everyone Better Off” The Brookings Review, Winter 2002, Vol. 20, No. 1, pp. 28-31

Most of the time, the notion of canceling these programmes is outside the boundaries of the debate, as TMWs are beneficial for both the host and the sending country and they have been supported as “triple win” policies. However, the extent to which triple-win policies actually benefit all three parties has been questioned (EMN, 2011). The migrants have given their consent to do such precarious work. Hence, one cannot ignore the agency of the TMWs in partaking in these policies. This does not conflict with the fact that their rights are violated (Ruhs, 2008, 2013; Martin, 2005; Wickramasekara, 2008) Nevertheless, none of the receiving or sending states have thought about any short-term integration policy. They have not included in their policies temporary integration as a solution or scheme that can be improved. On the other hand, the scholars have not considered it as an option, either saying that the markets and states do not work in a way that would allow temporary integration to become a reality. The work on integration considers integration more as a long-term endeavor, as it will be discussed in the next section. However, research also shows that the ambiguity embedded in the word ‘integration’ in scholarly work and when used by policy-makers, makes it possible to think of integration in diverse forms. There is a need to be creative in contemplating on integration as well as using it as a counter-balance against the cruelty of the TMPs.

In this section, those scholars who are supporting the idea of granting more rights to the TFWs in order to protect them against exploitation will be presented with other researchers who have worked on the sending state and the families that are left behind.

Engaging in TFWPs is “making temporary foreign workers unfree by the Canadian immigration law” (Sharma, 2012: 29) who have not much control over their work-lives and over their capacities to choose if they want to change their job, stay longer, get married with a native, get citizenship in the long run and live in that country that they are working for a temporary period. Similarly, another scholar who considers economic rights is Attas (2000: 78), who underlines that the basis of exploitation of the TFWs is mostly being devoid of economic rights and they are comparable to the slaves with some little differences:

“Foreign workers imported on a contract basis are in an intermediate position between slaves and free wage labor with respect to force in the sense of conditional restrictions that skew prices and wages. They are, like all, domestic workers in a capitalist economy and slaves in an economic based on slavery, subject to, and constrained by, the capitalists’ ownership rights in the means of production. Unlike slaves, however, they are not themselves assets owned by their employers. But, on the other hand, they are also subject to the existence of a set of restrictions limiting them to employment in a particular industry, sector or, sometimes even employer.”

Attas (2000) says that it is not necessary that they have all the membership rights such as full citizenship but is enough that they are free to change employers which actually not only gives them the possibility to protect themselves from exploitation. Otherwise, this current system where they cannot change employers, functions for deeming the rules of the free market effective, where the workers are actually flexible *de jure* but they are less free *de facto*, unless they are EU citizens or natives in the UK<sup>57</sup>. Walzer (1983) on the other hand, gives more weight to citizenship for the guest workers, and he defends granting citizenship if the migrant workers are to stay in the country longer than expected. For sure, citizenship does not have much to do with temporary integration and nobody can gain citizenship for a temporary period. But as a result of temporary integration, that can last for four years or more, the route to citizenship should be open (Lenard and Straehle, 2011). Temporary integration would mean that they are able to benefit from their social, economic, and political rights (political rights can be partial but the right to association and the right to vote at the local elections are crucial) during the time of their work permit. This is actually closer

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<sup>57</sup> Even in that case underregulation of a sector would have a negative effect on the livelihood of the migrant workers from the EU as well as the native workers.

to the view of Bauböck (2011), who instead offers that there could be a partial citizenship such as life-course citizenship that could be gained in the long-term if the migrants continue to be working and staying in the host country.

Ruhs (2013: 169) does not find the criticisms of Walzer and Attas convincing when he tries to answer to all the critiques made in the name of Human rights, exploitation and equal membership. He says “these three sets of interests are too narrow, they don’t place sufficient emphasis on agency, interests and actions and policies of migrants and their countries of origin,” which is a apt critique but then it is possible to criticize Ruhs from a different perspective: he also does not recognize the agency of the migrant workers any more than he recognizes how the nation-states make the temporary migration policies. Nevertheless, the *agency of the TFWs* does count (Bauder, 2006). They are the ones to take decisions to work in another country in dirty, dangerous and demeaning jobs, while they leave their families behind. They are the ones to take the risk of being isolated and exploited. Hence, it is a decision on their side for sure. The question is if they had had a better chance to work in their own country, and their living standards were good enough, would they have migrated? The answer would most of the time be no. Hence, their decisions are embedded in a way and this is what Granovetter (1985) calls “embedded rationality”.

*The sending state* chooses the workers according to marital status and whether the worker has children. Those who are married and have children are preferred so that they have an incentive to return home and go back in a circular way, so that the remittances continue as states as underlined by Nakache and D’Aoust (2012). Therefore, if this temporary migration turns into circular migration<sup>\*</sup> it is more beneficial for the sending states. There is also another side to this phenomenon which is the *migrants’ families*, who are happy that one member of the family is bringing home money, but on the other hand, this kind of temporary migration does not allow temporary family reunification, which causes social problems in the families (especially the low-skilled has much lower probability for reunification of families)<sup>\*\*</sup>. Rajkumar et al. (2012) delineate how the high skilled can benefit from family reunification immediately, while the seasonal agricultural workers and low-skilled migrant workers have to convince the migration officers about bringing their families. But most of the time, it is not a preferred way, as it is expensive and difficult. For instance, the women left behind have to assume the burden of taking care of children by themselves; some families are broken as distance makes relationships harder and children are far away from their fathers for a long time and the mothers assume great burdens while working and child-caring alone (Hughes, 2012).

There is a group of scholars who think that membership and political rights matter to the extent that it makes it easier for the migrant workers to have more control over their economic conditions and rights against exploitation and domination. Those who think that political rights matter are Lenard and Straehle (2012), Ottonelli and Torresi (2010), Ruhs (with the exception of the voting at the national elections), Sager (2012) and to a certain extent Walzer (1983). Other than that, those who think that economic rights are a big part of the problem are Attas (2000), Martin (2006) and Ruhs (2013). On the other hand (Ruhs 2013) argues that protecting the basic civil and political rights is worth the cost of restricting access to the labour market in these countries (meaning Middle East and SouthEast Asia). Those who think that the citizenship route should be open are Chang (2002: 467), underlining that “first best migrant policies would be more open borders as well as legal permanent residence with access to all citizenship rights”, Lenard, and Straehle and Walzer (1983), while Miller (2008: 376) states that the open route to citizenship is possible with fewer

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<sup>\*</sup> According to IOM (International Organization for Migration) definition, <http://www.iom.int/cms/en/sites/iom/home/about-migration/key-migration-terms-1.html#Circular-migration> “The fluid movement of people between countries, including temporary or long-term movement which may be beneficial to all involved, if occurring voluntarily and linked to the labour needs of countries of origin and destination.”

<sup>\*\*</sup> The case is more like this in the UK as it has been made harder to reunite with the third country nationals’ spouses since 2012.

admissions. Baubock (2011) also retains that the more there are temporary migrants who are granted partial citizenship, the more the democratic polities' sustainability will be challenged. There are also other theorists who claim that as people stay longer in a territory they develop place-specific duties and in order to realize these duties, they should be able to stay there and she calls this right "ius situs" meaning place-based (Ochoa Espejo, 2015). According to this theory, the place specific duties necessitate that one should benefit from one's right to stay in the host country.

Ottonelli and Torresi (2010), for instance, draw attention to the "temporary migration projects", where a person wants to spend a certain amount of time in a different country just to work and earn money, without any other ambitions. Therefore, they do not go as far to say that they should be included as members in accordance with what the inclusivists would advocate. "The aim is never to create a whole new life in the host society" (p. 7), according to Ottonelli and Torresi, but they categorize foreign students differently (as they might come and make a plan to stay). They claim that citizenship rights do not fit the temporary migration projects of these TFWs and so a different set of rights should be provided to them during their stay. This is similar to what Vosko et al. (2014) are trying to depict when they mean 'liberating temporariness'. However, these two works do not speak to temporary integration as they might well claim that integration is not the aim behind the temporary migration projects.

Walzer is especially sensitive to the situation of the labor migrants for a number of reasons. He gives importance to the family reunification and says that "labor mobility has a social price" (p. 41): "if you admit the labor migrants you need to admit their families too". This social price is not taken into account by Wellman, who conceives the nation-state as a homogeneous entity which chooses to include the ones that s/he is to marry with. On the contrary, despite his realistic approach about "clubs", Walzer says this about TFWs: "Since laborers are men and women with families, one cannot admit them for the sake of their labor without accepting some commitment to their aged parent, say or their sickly brothers or sisters." (1983: 42) However, family reunification is not the only topic he is concerned about. He also underlines the aspects that are related to the inclusion into the community (possibilities for the membership). Despite his bold comments, it is interesting that Walzer also leaves the nation-state somehow intact because he retains the analogy of a club<sup>66</sup> or family.

Walzer asks the question (p. 55) "Can states run their economies with live-in servants, guest workers, excluded from the company of citizens?" He then talks about the guest scheme, which is relevant for our case, as he says that in Europe 15% of the industrial labour force is made up of foreigners. He states (p. 58):

"The whole point of calling guest workers as "guests", however, is to suggest that they do not really live where they work. Though they are treated like indentured servants, they are not in fact indentured. They can quit their jobs, buy train or airline tickets and go home; they are citizens; elsewhere. If they come voluntarily, to work and not to settle, and if they can leave whenever they want, why should they be granted political rights while they stay? Ongoing consent, it might be argued, is required only from permanent residents. Aside from the explicit provisions of their contracts, guest workers have no more rights than tourists have."

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<sup>66</sup> Clubs in the UK would be an interesting case to study for the future. Clubs for elderly people for instance, that operate from a pub can be quite exclusive, not because they want to be exclusive but because of the old traditions that are continued and taken upon by only the British people. While not everyone can become members to these clubs, the pubs they operate at (which also provide sports facilities) seem to be very deserted because they have not other members from other migrant groups (most probably) as well as they have not young members. Recently what I have observed in Sheffield in such a pub was that the English barman was at the risk of losing his job as there was nobody coming on a Friday night. Hence, maybe it is time that the understanding of clubs becomes more inclusive, not to dilute the culture, but to revive the culture in some cases.

However, there is the view that actually guest workers and labor migrants' situation is much worse than those of the indentured laborers. Ness (2007) articulates that the labour migrants are abused within the system and that they are worse than the indentured laborers, as he talks about the Bracero Program, which established a legal guest-worker program. He points out that the TFWP is utilized by employers, so that the profits are higher, costs are lower, the wages are lower and the capitalist class in turn triumphs from all of this. In addition to these views, he claims that this temporary migration is also reinforced by World Bank (WB) and World Trade Organization (WTO), which facilitates guest worker programmes with the justification that the labor programmes are crucial to the development of the south as these labor immigrants send remittances to their countries and families most of the time (p. 441). At this point, the importance of the international organizations and their influence on policy-making comes to the fore.

On the other hand, Mayer (2005: 312) advocates the idea that some level of exploitation is acceptable:

"Then we ought to tolerate guest worker programs, even when they are exploitative. In tolerating such programs our hands do get a little dirty, but the moral costs of the dirt are less than the price foreign labor pays for the purist policy. There is such a thing as acceptable exploitation, in other words, and the Bush administration proposal may fall within that category."

There are acceptable levels of exploitation according to Mayer and he states that the TFWPs that are given as examples in general, such as the Bracero program in the USA in the 1980s and the guest worker program in Germany in the 1960s were actually beneficial for most of the immigrants as they earned good wages compared to what they could have earned in their home countries. About the Bracero Program he underlines that "the exploitation was likely [to have been] modest, not severe" (p. 329). Moreover, he says that it was the fault of a few employers in the Bracero program that some of the immigrants were exploited. According to him, the scheme of the TFWP is not to be criticized, but it is the abuse of a few employers that caused exploitation.

Mayer wants to draw a realistic perspective but actually it is not very objective. Both Bracero and the German Guest-worker program were criticized severely in terms of how they were applied and also about their consequences for the migrant workers' rights (Ness, 2007; Berger, 1975; Vassaf, 1983). There is also a need to draw attention to this aspect: The guest workers cannot stay as guest workers for the whole of their lives. As Walzer (1983) underlines, they should be given some opportunities to temporarily integrate, which could lead to permanency if they choose to do so after a while or as a result of years of successful work and years of traveling back and forth. Without this humanistic and social aspect, one would think and decide according to the rules of the global market, the receiving state, sending state and the rational decision maker who does not have many other choices as this rationality is limited by the circumstances. Decisions taken by unequally balanced debates between these actors would produce unintended consequences such as unacceptable levels of exploitation and the continuation of a globally unequal system where the agency of the temporary migrant worker is limited to circular migration.

Another problem with Mayer's understanding is to keep the threshold for the rights of the immigrants too low. According to him, a sufficiency view (that immigrants should have sufficient resources, housing, humanly conditions to live) produces a relative conception, which changes with history and culture. However, this makes his argument more unstable, cause then one can adopt the idea that actually history has evolved in such a way that rights have been internationalized and have become post-national (Soysal, 1994). Therefore, one can argue that there is an international standard to working hours and rights protected against the exploitative practices. But the implementation in most cases is far from perfect. Despite this it is seen that as Ruhs (2013) has underlined for the migrant workers most restricted rights are as such: "standing for elections and vote; the spouse's right to work;

direct access to citizenship; the security of residence". The most commonly restricted social rights are related to unemployment benefits and social housing (ibid.).

In contrast to Soysal (1994), according to Morris (2003: 79) the case is that most of the non-citizens are denied full political rights and they also do not hold full rights of residence. Therefore, Morris (2003) draws our attention to the exclusionary politics of citizenship. This exclusionary politics of citizenship is also seen in the case of the EU citizenship where the TCNs (third country nationals) are excluded. Morris (2003: 94) says: "despite a certain optimism surrounding the potential for human rights with respect to migrant groups- the area of transnational migration contains some of the most striking examples of contemporary contraction. This is one reasons why the 'post-national' argument does not entirely ring true and why the balance of rights defies easy generalization." Morris argues that the construction of the categorization of migrants creates some imbalances where the rights are 'rarely self-evident' and 'absolute' (p. 96).

Morris (2003) underlines that actually the group of immigrants who can benefit from post-national citizenship rights is just a small group and it does not apply to the temporary ones. She claims that (2003: 77) "an emphasis on the growing significance of the universal, or at least transnational, rights has some foundation, but renders an incomplete understanding." So her argument is that actually these rights are not easy to attain. When one considers the temporary migrant workers this is definitely the case that is closer to the reality. Hennebry (2014) who examines migrant workers in Canada, makes it very clear that these immigrants are the ones who are 'falling through the cracks' of social protection schemes.

These works all refer to the migrants' statuses and how important a migrant status is in determining the living conditions of the migrant workers. Hennebry (2014: 13) suggests that despite massive numbers of migrant workers worldwide and the efforts of the SPF (a migrant organization helping TMWs) to protect the TMWs' rights, "protections remain highly territorialized and mediated by state membership, employment and residency status." In addition to this debate, Bauder (2008) underlines that post-national does not apply to most of the migrant workers. He talks about the exclusive aspect of citizenship and indicates that (2008: 324) "rights do not equate with inclusion" Hennebry (2014: 12) asks: Who is responsible for the protection of migrant workers?

Lenard and Straehle (2012) look at exploitation aspect from a very different perspective compared to Mayer: They would argue that exploitation should be combatted by providing the labor migrants more rights. They say that "even if expanding guest-worker opportunities has some positive effects on global wealth redistribution, as presently constituted, temporary work programs fail to meet the demands of justice." (p. 207). They argue that in order to combat this side-effect there should be a path to naturalization for the TFWs, not that they should be given the citizenship rights immediately (p. 213): "To be clear in advance, however, we are not arguing that guest-workers should be immediately entitled to citizenship rights, but rather they should not be denied access to them as part of the contract they sign. Like migrants who intend to migrate permanently, they should be subject to a naturalization process that grants these rights over time." In this sense, it could be argued that if the numbers of TMWs are too high, not all of them would be able to get citizenship in the long term. However, not all of them would want to acquire citizenship anyway. Some would have temporary migration projects (Ottonelli and Torresi, 2012). But with a higher probability, all of them, would like to be temporarily integrated during the time of their stay, as this temporary integration would be granting them almost full access to their social, cultural, economic and political rights.

Finally, Ochoa Espejo (2015) divides the theories about immigrants' membership and rights into two groups: Membership-based and presence-based theories. She claims to lean towards presence-based theories. However, she does not find any of the theories sufficiently explanatory, which is a view shared by Carens (2013) which gives more importance to the time spent in a certain place and attachment over time. Her priority is the place-based rights and her focus is on the connection between political authority and territory, also considering

local duties specifically arising from someone's presence in a territory. Espejo (2015: 21) says: "This web of rights – this *ius situs*- I have argued, can extend so that it grants everybody present in a given place most of the social and political rights to which members of a political community are entitled. But even if they are not eligible for every right, in most circumstances, non-citizens who are present in a place will have a relation to it such that they have a right to stay."

According to Sager (2012) the neo-republican perspective would require that they should have political rights such as right to vote in local and state elections so that they will be prevented from being dominated by their employers. He takes the term domination rather than exploitation as his key word. He compares the neo-republican perspective with the social membership account, the affected interest account, the stakeholder account, and accounts based on the justification of state coercion. Since TMWs are to obey the rules of the country they come to work, not having the door open to the political rights is a great loss for them. This way they are not entitled to change the rules they are subjected to. This line of thought can be described parallel to Abizadeh's (2008), where she had underlined that those who are subjected to a certain set of rules of laws should also be the authors of these laws and rules.

Wellman's arguments on temporary labor migration are not very persuasive. However, Wellman (p. 17-18) seems to be concerned more about equality between patriots that are subjected to the same political community, while he does not seem to be preoccupied with the "*equality-if-admitted*" part of the discussion. This contrasts with Walzer, and Wellman says that Walzer is right if he is talking about "relational equality"<sup>61</sup>. On the other hand, Wellman's problem and question does not seem to be related to this transition from foreigner to citizen; when he is talking about the short term visitors and the long term residents, he almost implies that immigration and borders' openness are acceptable if the immigrants are there for a short stay and they are not prolonging their stay without the host political community's permission (p. 29). This view actually takes its roots from the Kantian view (1991), where there is a distinction between the foreigner who comes to stay and the foreigner who comes for a short period (more as a guest).

In contrast to what Wellman claims, TFWs are more than short-term residents, since they usually stay longer than a tourist or a person who comes for a short visit, as Carens (2013) has noted. Since the central topic of this thesis is the implications of temporary migration policies for temporary integration, Carens' hypothesis and ideas speak to my hypothesis, while Wellman and Miller do not apply to the priorities of this thesis as they would in many cases not consider temporary integration as a possibility. Therefore, Wellman's view is also closer to the rationale of the liberal democratic nation-state, where one is open to the long-term stay of the high-skilled but not to the long-term stay of the low-skilled. Even in the case of the high skilled migrant workers, these two scholars' claims would imply some limitations.

## 2.6 Integration as a Long Term Endeavor

Before discussing integration it is important to emphasise what is considered to be integration in this chapter. In this section, first of all, different definitions of integration will be discussed, and this will be followed by what the definitions entail and how the scholars use integration with the implication that it is a long-term process. Thirdly, what this long-term approach to integration signifies for TMWs will be explained. Fourth, the definition of temporary integration as given by the author will be discussed and the justifications behind it in regards with the previous literature will be presented.

This section argues that integration has been considered from a nation-state centred perspective (Favell 2003) as a long-term undertaking, and in some cases has been used and

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<sup>61</sup> Relational equality means "in an egalitarian society people should relate to one another as equals or should enjoy the same fundamental status (and also perhaps the same rank and power)" as in the website of <http://plato.stanford.edu/entries/egalitarianism/#RelEqu>



implemented as if it meant assimilation by the policy-makers. The scholarly works have challenged these perspectives through constructive criticism: Integration should be respectful of diversity of languages and cultures; that integration should be a two-way street (that the receiving society should also be welcoming) and that integration is multifaceted (Joppke and Morawska, 2003). But there are only a few works which have thought of integration as a possible short-term process for temporary migrants.

Before talking about integration, it is also important to note that this chapter does not recognize integration as a model that is equivalent to assimilation. For sure, there may be a common sense understanding that the immigrants need to adapt. But this section demonstrates that integration should be a two-way approach and that temporary integration as a model can make people think that integration does not have to be a long-term eradication of one culture for the sake of another, or long-term sacrifices for an allegiance to a new nation-state. In other words, integration in practice can be short term, temporary and also possible with cultural preservation on both sides as long as both sides agree that all the immigrants regardless of their wealth and their education (and skills) are able and willing to integrate to a certain level. Ignoring this level would mean that in theory they are dismissing the fact that there are thin cultures and thick cultures<sup>62</sup> and it is possible to agree on the compatibility of the thinness of the cultures, no matter where people come from. The data and interviews also prove that the Eastern Europeans—despite having been considered Europeans and being seen as integrating more easily than their non-European peers—face similar difficulties as non-EU migrant workers. This would imply that there are some barriers all migrants face in the institutions and in their opportunity structures<sup>63</sup> (Koopmans et al. 2005).

According to Uberoi (2014), there are four different approaches to integration in the UK: assimilation, liberal individualism, multiculturalism and community cohesion (Uberoi 2014, p.1). He gives the definitions that will be useful for this chapter as such:

*Assimilation:* “This approach presupposes only minorities need to integrate and become part of a culturally and ethnically uniform ‘nation’.”

*Liberal individualism:* “Liberals are more tolerant of difference as it follows unavoidably from individual liberty. They do not focus only on ethnic minorities and suggest all individuals in a culturally diverse society can feel like they comprise a political community who share the benefits and burdens of their collective life.”

*Multiculturalism:* “Unlike liberals, multiculturalists note that people are not solely individuals. The languages people speak and the traditions of thought they are influenced by unavoidably assume and relate them to others.”

*Community Cohesion:* “This approach encourages interaction and contact between local groups. If its measures work they will help the culturally diverse members of a *locality* to feel like a group but not necessarily the members of a *society* to feel like one.”

Besides these definitions, integration is a word that is too ambiguous<sup>64</sup>. Frideres (2008: 78) says that “integration as a concept has a built-in vagueness and yet its abstractness gives it a positive quality.” This is true in many cases. However, I argue that within the scholarly literature, integration is mostly conceived of and discussed as a long-term project, which is not enriching the discussion regarding the temporary migrants. Enzinger and Biezeveld

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<sup>62</sup> Kono and Clegg (1992: 2) define them as such: In thick cultures every member of that society has the same values serving to the common goals of the group, while in thin cultures the members might have different values with respect to the goals of the group. In sociology, thick cultures are the one harder to change than the thin cultures.

<sup>63</sup> The definition of opportunity structure by Koopmans et al. (2005) articulated by Hampshire (2013: 139) is as such: “Institutional opportunity structures include formal rights and duties, as well as resources and institutional channels that are available to immigrants and their opponents; discursive opportunity structures include cultural notions of citizenship and national identity that determine what claims are seen as feasible and legitimate in the public sphere.”

<sup>64</sup> <http://www.migrationobservatory.ox.ac.uk/node/856> accessed on 30th of August 2015.



(2003: 44) suggest that a good integration policy has three facets: first, all well-managed immigration policy should include provisions to think of the integration process for newcomers; second, that integration processes are long-term processes and third, that immigrant integration is more or less an autonomous process however much the states want to regulate it. The second aspect is the one that is scrutinized in this section and this thesis.

Favell (2001, 2003) says that most of the works on integration in the scholarly sphere have been focused on the nation-state perspective. This could be in line with what Hampshire (2013) said about integration: considering the civic integration policies it is a novel project for nation-building. These perspectives reflect how a long-term indication of integration is entrenched within policy-making and how hard it is made for the recent immigrants to be considered able to integrate<sup>65</sup>. These legitimized barriers are reminiscent of assimilation in some ways. Joppke (2007) distinguished between assimilation and integration in his work, also looking at the EU's common basic principles: He defined assimilation as 'imposing substantive culture of the majority society on newcomers' and claimed that integration's meaning would diverge from this approach. In line with these views, in this thesis integration is distinguished from assimilation. This thesis and this chapter agrees with Berry (1997) in the sense that "integration can only be "freely" chosen and successfully pursued by non-dominant groups when the dominant society is open and inclusive in its orientation towards cultural diversity." Therefore, the presumptions before coining the term temporary integration are the following: Integration can be short-term or temporary and integration as a concept is not considered to be equivalent to assimilation.

Pennix (2007: 10) defines integration as "the process of becoming an accepted part of society." Therefore, Pennix's definition does not imply a time period. He claims that he leaves the definition open in contrast to the assimilationist, multiculturalist or pluralist models that are developed by Baubock, 1994; Baubock et al., 1996; Brubaker, 1989, 1992; Hammar, 1990; Kymlicka, 1995; Soysal, 1994 (ibid). But actually even in Pennix's work it is seen that some aspects of integration are directly attached to time which indicates that it is a long-term process: "processes of integration of newcomers are long-term by their nature." (p. 13). Another scholar defines integration also with long-term implications: "Integration is a process or set of processes by which immigrants become full members of the host country" (Hampshire, 2013: 131). Hampshire does not mean assimilation by his definition, while he draws attention to the fact that integration can be used in many different meanings (p. 132). However, most of the definitions (even by liberal thinkers) apply this long-term approach to integration, which makes it hard to think of the integration of temporary existences.

Pennix (2007: 13) suggests that some social changes (for migrants) are more practical and easily adaptable but the normative dimensions of behavior (such as aesthetic taste) cannot be easily changed (ibid.). However, this idea could be questioned because on the contrary, newcomers would have the psychology of adaptation that might lead them to change abruptly. In some cases, the cultural shocks could lead to behavioral change. On the one hand, the changes might be just symbolic. On the other hand, if the change that occurs in their lives is to their liking they might continue in the same direction (if they do not have much societal and familial pressure that pushes them to act on the contrary). Therefore, I disagree with what Pennix when he generalizes about the whole of mankind: "Knowledge may change, but feelings and likings, and evaluations of good and evil are pretty persistent within an individual's lifetime. This is a general rule for mankind, but it becomes more manifest in those who change environments through migration" (ibid.) Migrants who have been internal migrants (within their countries before) or who have been temporary migrants in different settings and countries before might have higher adaptation levels. Temporary migrants who become circular migrants, traveling to the same country almost every year will also have a reinforced acculturation.

Integration policies should take into account the psychologies of temporary migrants and how much they are able to cope with within a short period of time. Does this not require

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<sup>65</sup> This is a term used in Vosko et al. (2014)

great flexibility and adaptability? In that sense the adaptation levels of the high and low skilled is not so different, they integrate into different classes but they can both cope with it despite their different circumstances. One reason for that is people integrate into different classes in correspondence with their previous statuses and classes in their home country. Frideres (2008: 81) says: "The process of integration can exist for several generations and may differ over time" Even this remark shows that integration is taken to be a long-term adaptation for the migrants. However, is this really the case in practice? If we take the term integration as a long-term process, does it not coincide with the term assimilation? Are we not trying to differentiate these two terms?

It is also observed that the notion of assimilation does not only exist within the rhetoric and policies of the politicians and policy-makers; it is also ingrained from time to time in the language that the migrant organizations adopt. This might not be true for all the migrant organizations. Kirkwood et al. (2014) question the discourse of integration in Scotland and they analyze how the authorities and migrant organizations use the language of integration in an imposing manner (one-sided and top to bottom and assimilative in many cases rather than empowering the immigrants). Kirkwood et al. (2014) find that actually the way organizations describe integration and the way they describe what they are doing is quite similar to the one-way process. This is opposite to the criteria that the EU has set up, which is the two-way process underlined in the 2004 Common Basic Principles of the EU: "Integration is a dynamic, two-way process of mutual accommodation by all immigrants and residents of Member states"<sup>6</sup>. The plurality of the member-states and having a more universal approach to integration might emanate from the fact that the EU agenda gives importance to integration and tries to impose certain standards to member-states.

Regarding the two-way integration, it is crucial to underline that the receiving society's receptiveness makes a great difference in terms of the integration of migrant workers. Some societies would accept foreigners more easily while the others would not. Having suggested that, Pennix's definition and understanding of integration also refers to the acceptability within the receiving society, in other words, integration being a two-sided phenomenon (Pennix, 2007: 16). He says that (p. 19) some societies of countries who do not define themselves as "immigration countries" might treat all the immigrants as temporary "guests". This is interesting because it proves that the case of temporary migrant workers is even harder as they are temporary in status in every sense. Frideres also assumes that the more a migrant is integrated the more contacts s/he will have over time (ibid), while he also acknowledges that the receiving society plays a great role in the integration process. And yet the societies that migrants are integrating are not homogeneous entities.

For sure, this complexity created in the usage of the word 'integration' is being complicated even more by the media, academia and policy makers (Hersi, 2014). Hersi (2014: 519) suggests that integration is dominated by three discourses: the "state discourse, academic discourse and media discourse." Presumably the academic discourse would be the most heterogeneous group in itself. However, Hersi (2014: 591) diagnoses the current problem of integration policies very well: "Since the events of 9/11 contemporary migrant integration literature struggles to find a balance between diversity and integration, and faces dilemmas in the interplay between terrorism, radicalization, extremism and integration." Therefore, it is important to view the cultural integration rhetoric with a degree of scepticism, because this kind of thought might imply that cultures are homogeneous.

What kind of entity do immigrants integrate into? (Pennix, 2007: 18). A nation constituted of a homogeneous society or homogeneous culture does not exist anywhere in the world. Strang and Ager (2010: 593), while not giving a definition of integration in their work, underline that in the five years between 2005 and 2010 in the UK, refugee integration was mostly discussed around notions of national identity. They question the idea and definition of "community" and, referring to the definition of the word in the Oxford English

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<sup>6</sup> [http://www.eesc.europa.eu/resources/docs/common-basic-principles\\_en.pdf](http://www.eesc.europa.eu/resources/docs/common-basic-principles_en.pdf) accessed on 31st of August 2015.

Dictionary, they have questioned the meaning of it: “locality, shared values, shared interests, and shared purpose”. In line with this definition, they scrutinize the citizenship tests introduced by the government (p. 603) by looking at the unsuccessful results by many British families who tried to solve the test, and yet they did not achieve good results. What kind of shared experiences can we talk about when integration and community are on the agenda?

The multidimensionality of integration is acknowledged by many scholars, but not for temporary migrants. Frideres (2008: 79) suggests that “integration is a process best conceived as multi-dimensional – social, cultural, political, identity and economic.” That is why it is suggested that temporary integration can contain all of these aspects. Most of the time policy-makers focus only on one aspect of integration. And they also do not acknowledge that most of the immigrants’ integration will be one-faceted (Maxwell, 2012). But it is not only because of the deficiency of integration policies designed by the states (Hampshire, 2013) but also because naturally not everyone can integrate at the same level in all aspects: socially, culturally, and economically (Phalet and Sywngedouw 2003 in Frideres 2008: 79). Adding the economic dimension to it, Hampshire (2013: 134) defines these terms as such:

“Economic integration entails *inter elia*<sup>67</sup> participation in the labour market and educational outcomes; social integration involves residential patterns, friendships with members of the host society, and intermarriage rates; political integration includes participation in the public life of the receiving society – for example, voting, party membership or other forms of political activism; while cultural integration embraces language acquisition and convergence with the majority’s values and beliefs.”

These definitions clearly show that temporary migrant workers are only economically integrated and cannot benefit from the other dimensions as much as they would like (Hennebry, 2014)<sup>68</sup>. One reason for that is that when integration is discussed it is not discussed in relation with the temporariness. Since temporary migration signifies a lower status compared to the migrants in Canada (Sharma, 2001 and Basok, 2004) and temporary migrant workers in the UK mean a lower status compared to the EU migrant workers (Morris, 2003), Alasdair Murray<sup>69</sup> who is from Center Forum (2014: 10) suggests that it is “good to encourage more long-term migrants to become British citizens in order to foster greater integration”. As seen from this remark, integration is related directly to long-term migrants and becoming British citizens, implying a linear process. Vosko et al (2014: 4-5) suggest alternative ways to counterbalance temporariness without necessarily resorting to citizenship and long-term integration. Vosko et al. (2014: 5) say that liberating from temporariness can be understood in two ways. One way is:

“Freeing of individuals and social groups from temporariness as an assigned inferior status or condition. By this meaning, we do not simply intend to denote pathways to permanence. In our view, following such pathways does not free one from temporariness insofar as being rendered temporary – through, for example, new laws or ascribed violations – always hovers as a possibility for those on the road to permanence”

This perspective is in line with Ozcurumez (2009), who claimed that permanent residence will not guarantee integration. Therefore, what is granted to the EU citizens (social, economic and political rights within the EU without becoming citizens) is a very unique way although it has created other exclusions (Ruhs, 2013; Bauder, 2006). Sklair (2000) in her article drew attention to how it was possible for the transnational capital class to move, and

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<sup>67</sup> Inter elia means ‘amongst other things’

<sup>68</sup> The author does not see the cultural integration as a great necessity for TMWs but social, economic and political rights seem to be more important for them to feel less isolated and less dominated by the employers.

<sup>69</sup> <http://www.centreforum.org/index.php/mainpublications/583-migration-a-liberal-challenge> accessed on 20th of August 2015.

change things around them, have a greater influence as well as have greater rights than the rest of the immigrant classes. This seems to hold true for the high-skilled migrant workers, too. She (2000: 81) argues that “no social movement appears to be even remotely likely to overthrow the three fundamental institutional supports of global capitalism that have been identified, namely Transnational Companies, the transnational capitalist class and the culture ideology of consumerism”. Although the low-skilled migrant workers are able to benefit from some of the rights while working in the host country, and although they have become as mobile as the other classes, they are unfortunately not able to benefit from most of the rights as the high-skilled and transnational capital class does (Vosko et al. 2014: 8).

This literature review does not suggest that integration should not ever be long term, it just suggests that integration can be short term and temporary as well. Therefore, the criteria utilized in this discussion revolve around the fact that to be integrated temporarily is a possibility, considering the current conditions of mobility, short-term contracts and temporary migration policies (temporary visas for both high and low skilled migrant workers). Hence, it is argued that one does not have to give up his/her previous traditions, thoughts, attachments but at the same time, does not have to deny the new cultures, traditions and attachments. These two allegiances can co-exist, as the literature on transnationalism underlines<sup>20</sup>. Transnational and post-national perspectives capture this co-existence. But despite their grasp of reality, they do not discuss temporary integration as an alternative way of thinking about the nation-state, temporary migration policies, rights of the migrant workers and integration.

The arguments against the integration of temporary migrant workers are twofold. One side of the argument says that the temporary migrants might have short-term goals and projects which means they might not want to stay permanently (Torresi and Ottonelli, 2013). And the other aspect considers them as only “foreign workers” rather than immigrants, despite the fact that the laws and policies consider short-term migration as one year and most of these migrant workers stay in the host country for up to four years or they return repeatedly (circular migration). Hence, it is argued that the literature has not discussed temporary integration with an aim to avoid the complications that could arise from being a temporary foreign or migrant worker; temporary integration also has not been debated within the development and migration nexus because it is not considered as a solution for better skills transfers; and finally it has not been discussed as a possible preparation for future stay and integration that would ease societal cohesion and inclusiveness. It seems that the literature is following how the policies are made: enforcing the temporary and permanent divide.

Dichotomies of temporary and permanent, short term and long term, non-citizens and citizens, foreigners and nation-state, contribution vs. rights, come to the fore. These dichotomies explain very well why governments choose temporary migration despite the fact that temporary migration could be permanent (Martin, 2006). As Entzinger and Biezevald (2003: 12) underline “the distinction of temporary and permanent is less useful as a basis for developing integration policies. This distinction is too strongly preoccupied with the initial economic determinants of migration.” With regard to temporary migration policies, the other facets of integration are usually overlooked in favour of the economic dimensions.

Temporariness is a preference but at the same time a challenge for the policy-makers. Latham (2010: 187) questions the single-citizenship, assimilationist and integrationist models of incorporation in his article and says that this kind of approach further strengthens the divide:

“While slippage occurs between the temporary and permanent once migrants are inside a society (e.g., marriage or application for permanent status) – permanence can mean permanently present but restricted (in poverty or a banlieue) – there is no real room for migrants other than the elite to negotiate

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<sup>20</sup> However, it is argued here that transnationalism does not have to revolve around the idea of citizenship or permanent residence.

their presence; to define it on terms other than the state/society/territory complex; to break the permanent versus temporary divide that begins with entrance and which reinforces the current single citizenship frame.”

Vosko et al (2014: 12) differentiate between institutions that make temporary status continue and artefacts of temporariness, and they say that through direct encounters with these artefacts, people experience “temporariness as uncertain rights to residency, as precarious jobs, and as limited access to language training, with tangible effects on their daily lives.” They talk about how these artifacts are becoming multiplied, such as different work permits, types of residency statuses, and employment schemes (pg. 13). Latham (2010: 10) says that the claim to permanence justifies the whole system in a way rather than providing liberation.

Vosko et al (2014: 7) make a crucial comment with regard to why there should be different ways in which to counteract the policies of the states and collaboration of states with markets in a way that utilizes the migrant workers: “Policy-makers are deepening the articulation of rules, codes, and access in increasingly restrictive ways for growing numbers of people who are rendered temporary.” As suggested above, this temporary-permanent divide is being used more and more by the policy makers, interestingly contrary to the historical patterns of immigration policies in Canada and more predictably in the UK context as a way of keeping numbers under control.

There has been a significant difference between Canada and the UK in terms of the rhetoric of integration. In Canada, settlement has also the same significance as integration: Integration implies settlement most of the time. Canada, when compared to the UK, has a longer history of integration and settlement programmes. In the UK, on the other hand, debates have mostly focused on integration of refugees and asylum-seekers<sup>7</sup> and other groups on an ad-hoc basis but not on the integration of temporary migrant workers. Some other issues regarding integration in the UK has involved terms such as community cohesion and de-radicalization (in the last five years or so). However, there have been criticisms by scholars that in Canada, too, the approach to integration has started to change. Li (2003) indicated that the integration policies have been promoting conformism more than they have diversity. Abu-Laban (1998) pointed out that the term integration has started to become disconnected from multiculturalism and became more intolerant of diversity.

Temporary integration is offered for many reasons above but also because a humanitarian solution to the situation of temporary migrant workers is urgent. Nobody would like to believe that any nation-state would take care of the TMWs as much as they care about the permanent residents. However, there needs to be a way to think of integration differently, benefiting from the ambiguity that this word encompasses in itself. Temporary integration is suggested by the author as a necessity first and foremost being inspired by the TMPs and the conditions that they create for the TMWs. The definition of “temporary integration” offered by this thesis is “the social, cultural, economic and political integration of Temporary Migrant Workers (TMWs) or Temporary Foreign Workers (TFWs) within the timeframe of their work contract.” The definition of integration used in this thesis is the definition of Berry (1997: 7), as it has been explained in the introduction and it implies a meaning that is more than acculturation and less than assimilation. To be more precise he defined integration as such: “Integration is the option; ... there is some degree of cultural integrity maintained, while at the same time seeking to participate as an integral part of the larger social network.” It is suggested in the thesis that the literature that dealt with integration has always thought of integration as a long-term. However, in a time when TMPs are commonly used by the states, integration can be both temporary and short-term.

## 2.7 Conclusion

This chapter has discussed the literature on the exploitation, domination, and rights of the TFWs, and it has concluded that the scholars can be grouped differently according to which

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<sup>7</sup> <http://www.migrationobservatory.ox.ac.uk/node/856> accessed on 30th of August 2015.



entity they take priority of. First of all, those who are concerned about exploitation and domination of the TFWs have underlined the importance of guaranteeing certain rights to them so that they are not disadvantaged; some scholars, on the other hand, defend the idea that the state as an entity has the right to choose for the sake of its citizens and common culture that these citizens share which in the end leads to a more exclusionary result and policy for the TFWs; those who defend the idea of membership tie it to the attachment and time that has been spent in a country: but they are also divided amongst themselves in terms of time and attachment aspects. But they have not considered temporary integration because integration in the literature has always been discussed as a long-term phenomenon. This view, however is not critical enough of TMPs and states.

The literature examined here has not connected the temporary migrant worker to the process of integration. It has also failed to connect temporariness to integration. Mostly the focus has been on the rights and citizenship or the inclusiveness or the exclusiveness of the state. This is no surprise as integration of TMWs has been neglected for many years by policy-makers and some of the scholars, despite the fact that temporary workers would become permanent, at least in the non-settler countries. The trend seems to be that now in the settler countries as well temporariness seems to be a solution to the problems that the labour market is creating or facing. In contrast with the needs of the labour market, the needs of the temporary migrant workers have not been attached to wishes to integrate or necessity to integrate in order to provide some protection against domination and exploitation. The most famous quote regarding TFWs was this: *"there's nothing more permanent than a temporary worker"* underlined by Martin (2001). However, details of what a temporary integration scheme could be have not been delineated. It is taken for granted that the low skilled are not wanted in any of the countries (developed or developing) in great numbers if they seem to be staying longer than expected, and meanwhile high-skilled are wanted and desired in acceptable and necessitated numbers. What about temporary integration as a position where a migrant can choose not to stay or can step forward to a place that guarantees more secure membership? And this way within the limbo, they can have a fuller access to their rights.

*What this review of the literature suggests is that temporariness is a precarious situation, and there are different ways of approaching the rights of the TFWs with different justifications behind them. Despite the foundational work by the scholars, the gap in the literature does not address why the vision towards temporariness (regardless of the skills of the migrant workers) should be changed and challenged. This thesis aims to disrupt this trend.*

Integration is still thought as a long-term commitment where the minority has to abide by the rules defined by the majority, which is supposedly formed by the citizens of a homogeneous polity of a nation-state. Hence, it would not be wrong to say that this effort and 'assumption behind integration' are impediments to the integration of "foreigners". The convergences and divergences in integration policies in the UK and Canada highlight this perspective. It is true that integration policies are still very national rather than multicultural in Europe. Despite this established fact, the presence of temporary migrants challenges this assumption. For this reason, looking at temporary migration policies and the conditions that temporary migrants are living in is a good beginning to approach the integration policies from a critical point of view.

## Chapter 3

### 3.1 Methodology: Comparing the UK and Canada

In this chapter my aim is to explain the methodology that I am using to understand the different policies for TFWs in Canada and the UK. The method is qualitative, using semi-structured and in-depth interviews, with open-ended questions with people in relevant sectors and industries stakeholders. Since the aim is to understand what informs these policies, policy-makers, politicians, experts, scholars, bureaucrats and migrant organizations have the priority in conducting these interviews. Additionally, in order to attain a deeper understanding of temporary migration, the annual reports on immigration and public opinion reports are also examined. The aim is to understand what are the linear, convergent and divergent policies and their reflections on the temporary integration as a topic.

In this thesis, the immigration policies of Canada and the UK will be compared with a specific focus on temporary migration policies (TMP). The time focus will be after 1997, as the UK becomes even more diverse with the liberalization of the immigration policies of the Labour Party. 1996 also corresponds to a time when Canada starts to use temporary migration policies heavily. The reasons behind the changes in policies from Labour to Coalition in the UK and from Liberal Party to Conservative Party will be explained in this thesis, but also it is crucial to have a look at how TMPs have gained weight in these countries in the last two decades and what the comparison tells us about these differences and similarities.

This thesis is a two-country comparative case study of temporary labour migration in Canada and the UK, with a specific focus on measures related to the integration of temporary migrants. This chapter will outline and justify the use of a qualitative approach and analysis of qualitative data.

The dependent variable is temporary integration and rights of the TFWs and, more specifically, policies on temporary migrant workers/temporary labour in the UK and Canada. I will try to understand which factors are more influential on possible temporary integration policies. Despite the fact that Canada is one of the countries of the New Commonwealth and they have similar political systems and regimes, there are great cultural and historical differences compared to the UK. Economic and political interests certainly have a great affect on the policies regarding temporary migrant workers, however the analysis will test the impact of other independent variables' affects, such as their respective immigration traditions, electoral politics and public opinion. The analysis will also explore links between migrant organizations and policy makers and examine the extent to which migrant organizations have an influence on temporary migration and integration.

The research will seek to build upon the findings of Ruhs' comparative analysis of labour migration policies. His findings are as such: high income countries are more open to high skilled migration than the low-skilled migration; second, labour migration programmes targeting the high skilled, grant more rights than the programmes targeting lower skilled migrants and third, greater openness might mean fewer rights for migrant workers (2013: 5-6). His findings are relevant to my research since I am interested in the rights vs. numbers dilemma as well as differences between the temporary integration of the low and high skilled (temporary integration as a policy does not exist but it is important to see if there is any integration at any level for temporary migrant workers and if not, the thesis is aiming to fulfil the definition of temporary integration as well as what it might contain as a policy scheme). In order to examine my independent variables, I will be collecting data on political party positions and migrant organizations through interviews, look at the reports on public opinion and their role in shaping temporary migration policy. I will generate my own data through 51 interviews (plus three email correspondences with relevant actors) in Canada to account for the federal dimension in Canada, as well as in the UK.

All three hypotheses of Ruhs apply to Canada and the UK. Both are high income, more open to higher rather than lower skilled immigration, and higher skilled immigrants get more rights than lower skilled as the global race for the high skilled has been considered crucial in

both of these countries for the last two decades (Sommerville, 2007). In both cases, greater openness seems related to fewer rights for the low-skilled migrant workers.

My hypothesis for this thesis are as such:

*H1: In a country where the understanding of immigration and migrants is more positive, the ideas, historical path dependency and positive public opinion will have a greater role in granting more rights to the immigrants regardless of their skills. Although political and economic factors in interaction with each other will dominate the lives of the temporary migrant workers, history/ideas and expert knowledge will make differences in terms of ameliorating their rights.*

*H2: In a country where the gap between the rights of the low and high skilled is smaller, the positive historical ideas and understandings on immigration and temporary migrants are more influential. Where the rights of the low-skilled migrant workers are more guaranteed, the ideas of race and zero-immigration are less influential. Therefore, historically less restrictive country will also be less restrictive in their immigration policies regarding temporary high-skilled migrant workers.*

*H3: Despite the fact that there is a difference between these countries in terms of their histories and understanding of immigration, there is no aim to have temporary integration for the temporary migrant workers in either country. This is because of the nature of these temporary migration policies. Therefore, in both countries there is not an attempt to devise temporary integration programmes.*

*NH: There is no difference between these two countries in terms of temporary migrant worker programs and policies, and in terms of the different reasons of treatment of the migrant workers.*

In terms of the timeframe, the UK analysis will cover the period since 1997, which was a significant turning point as the country became less restrictive in terms of its Labour migration policies compared to the Conservative governments from 1979-97. Policies also became more selective when the Labour Party came to power:

The direction of policy has been one of 'selective openness' to immigration, with a commitment to economic migration on one hand and development of a tough security and control framework on the other. The change in economic migration has been accepted across the political divide, and, consequently, limiting and restricting immigration is no longer a prerequisite for UK migration policy<sup>2</sup>

However, this does not necessarily mean that there were no concerns about overall migration during the Labour administration. Despite being a centre-left party Labour Party had concerns about immigration control, particularly about asylum-seekers (Sommerville, 2007).

1997 is important for the case of the UK because the Labour Party changed the immigration system substantively. For instance, Blair had a commitment to increase the numbers of students (Sommerville, 2007: 36) and "economic migration policy was redesigned to maximize the potential economic gains of immigration" (p.37) 2001 was also a turning point in terms of securitization as 9/11 affected the western countries and their cognition towards security and immigrants (especially the Muslims) deeply.

In Canada I will analyse the period between 1997 and 2015. In Canada, until 2004 the Liberal Party had the most of the seats in the parliament. After 2008 the New Democrat Party (NDP) became prevalent in the elections and popular amongst the voters while the Liberal Party lost a lot of votes. In 2008 the NDP had 37 seats while in 2011 they had 103. In 2006 the Liberal Party had 103 seats while in 2008 they had 76. The Liberals and New Democrats were not strong enough to gain the majority by themselves, since 2006 the Conservatives had increasing votes and increasing success. According to Moodley and Herbert (2012: 433), "Historically Canada's Liberal party was associated with the immigrant vote and considered the champion and inventor of multiculturalism," but "since 2006 the LP was replaced by the

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<sup>2</sup> <http://www.migrationpolicy.org/article/united-kingdom-reluctant-country-immigration/> accessed on 22 may 2014. Visas for highly skilled migrants were introduced in 2002.



conservatives in no small measure due to a substantial share of the ‘ethnic vote’” (Moodley and Herbert, 2012: 434). Therefore, it is interesting to see the parallels between these two countries covering 17 years in the UK and Canada.

As this is a comparative case study, I also would like to give some insights about the method and why I use it. Case studies provide a description which is both rounded and detailed, and which is referred to as a ‘thick description’ by Clifford Geertz (1973). “Compared to the single slice of data provided by a survey, case studies look through multiple lenses, mixing history and analysis, specific detail and wider implications, in an often compelling combination.”<sup>73</sup> However, there are pros and cons of using the case study as a method as it will be deliberated in the later sections of this chapter.

Although they seem to be similar, there might be some question marks about the choice of case studies, since the UK has a centralized government while Canada is decentralized. For instance UK and Canada might seem to share many cultural and political values but there are also sufficient differences that can lead to misunderstandings (Peters, 1998: 155). For instance, the written character of basic freedoms appears in Canada but not in the UK. Another disadvantage of the case-work is that unless another person does the similar cases, there are not many checks on the findings of the researcher (Peters, 1998: 155).

In the next section the level of analysis will be explicated together with the reasons behind the choice of the countries. The subsequent section explores the comparative method in political science and looks more specifically at comparative migration studies as well as exploring the strengths and weaknesses of the case study approach and small N analysis. The final section will specify the research techniques utilized and assess their strengths and weaknesses.

### **3. 2 Case Selection**

There are a few reasons why I decided to compare these two countries. There are many benefits of doing transatlantic research as the North American countries are both settlement countries like Canada while the UK can be thought as a post-colonial immigration country. Therefore, they have diverse approaches towards temporary and permanent migration and who can become a part of the society or not. Canada is open to all kinds of immigration. But in the last ten years, the rhetoric in Canada regarding immigration has also been altered and this is one of the convergent points with the UK. But they are still quite different: Public opinion in the UK is much more negative and the policies do not allow for permanent stay; in fact temporariness is encouraged while in Canada public opinion is pro-immigrant. These points draw attention to similarities between them. Doing a transatlantic research could shed light on what integration means in different continents and why similar or diverse policies occur in one place but not the other.

#### **3.2.1 Differences and Similarities between the Cases**

Before comparing these two case studies it is important to see similarities and differences in terms of their political and economic structure as well as geostrategic qualities and how these relate to immigration generally and more specifically to labour migration and temporary migration policies. In this section, why these cases are being examined and compared will be justified.

The first justification for choosing these two countries is that both have borders that are not proximate to crisis ridden countries when compared to other countries of immigration that are in the south or southeast of Europe or compared to the USA (Ruhs, 2013: 34), which has a long border with Mexico and perceives undocumented immigration as a great problem. In short, neither Britain nor Canada has borders with low-wage countries, so they would ostensibly appear ‘protected’ from unexpected migration flows against undocumented migration compared to the USA or Germany for instance (ibid.). On the other hand, when one looks at the other indications of borders there is always the likelihood of irregular

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<sup>73</sup> <http://poli.haifa.ac.il/~levi/res/case1.htm>

migration by immigrants overstaying their visas, and with the UK having one of the busiest airports can be considered as one of those places prone to this 'risk'. Additionally, one should be careful not consider borders as merely territorial entities. Borders are also organizational and conceptual (Geddes, 2005). As the case studies are studied further, I will be elucidating how these three conceptions of borders are applied to the temporary migrant workers in the years I am taking into account and what it means for temporary integration.

The second justification is that they are both liberal democratic countries and are amongst those who give their immigrants (temporary or permanent) certain social and economic rights (Freeman, 1995). Third, they are both liberal capitalist in terms of how their economies function<sup>74</sup>. Liberal market economies will always be in need of skills and competition for the high-skilled but they will also need to acquire labour that is needed temporarily by the domestic market since the domestic work force might not be willing to do certain jobs and might not possess certain skills (for instance in mining). Hence, temporary migrant workers are required to do the "three-D" (dirty, dangerous and demeaning) jobs. Fourth, they have similar political systems as the Canadian system shares some characteristics with the UK. Finally, both the UK and Canada have not signed the UN International Convention the Protection of the Rights of All Migrant Workers and Members of Their Families.

Ruhs (2013: 20) gives the reasons for not signing in both countries and the concerns seem to be similar as well: "In Canada, for example, a key obstacle to ratification of the CMW is the government's view that signing the convention would create serious problems – and may well be incompatible with- Canada's temporary migration policy for low-skilled migrant workers, particularly its ability to restrict the employment of migrants to specific sectors and occupations that are suffering from labour shortages."<sup>75</sup> For the UK, Ruhs says: "Similarly the UK government has made it explicit that a critical reason for not ratifying the CMW is the associated costs for Britain and impacts on the government's ability to manage migration in the best interest of Britain" (ibid.).

These countries are also similar in terms of the sectors that the labour migrants are working at and in terms of the increases in their numbers. In Canada the sectors that the temporary foreign workers are working in are divided in line with these international programmes: the Live-in Care Giver Program, the Federal Skilled Worker Program, the Provincial Nominee Program, the Canadian Experience Class, the Seasonal Agricultural Worker Program, the Low-Skilled TFW Program, High-Skilled TFW Program. In the UK there had been two important TMPs: Seasonal Agricultural Worker Programme and Sector Based Scheme. In addition to these, there are five tiers: Tier 1 is for the very high-skilled immigrants who are not required to have a job in the UK, Tier 2 is for the medium skilled to high skilled immigrants with a job offer who are to fill gaps in the UK labour force, Tier 3 is limited to the low-skilled workers to fill specific temporary labour shortages, Tier 4 is for general student visa, and Tier 5 is for temporary workers who are skilled. The numbers have increased drastically in both countries: "In the UK the numbers of the work permits issued to non-EU workers increased from less than 40,000 in 1999 to almost 80,000 in 2006" (Ruhs, 2013) and in Canada, "the low-skilled immigration schemes have been created and expanded" (Ruhs, 2013) and in the last 5 years there has been an increase in the numbers of the temporary foreign workers. "In 2011, almost 191,000 TFWs entered Canada compared to about 110,000 in 2002" (Background paper for TFWPs on [www.cic.gc.ca](http://www.cic.gc.ca)) The sectors that the Canadians are working at are as such: for the low-skilled agriculture, manufacturing and construction, oil and gas; for the high skilled, business, economic development, hospitality and health care. In the UK, the sectors are similar. For instance, in the UK most of the migrants work on particular economic sectors such as financial services, healthcare, construction, food processing, and the hospitality industries<sup>76</sup> (Geddes, 2005: 727).

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<sup>74</sup> Hall, Peter A., and David Soskice, eds. *Varieties of capitalism: The institutional foundations of comparative advantage*. Oxford University Press, 2001.

<sup>75</sup> House of Commons International Development Committee 2004, 11– 12 in Ruhs, Martin (2013-08-25). *The Price of Rights: Regulating International Labor Migration* (p. 25). Princeton University Press. Kindle Edition.

<sup>76</sup> Control of Immigration Statistics United Kingdom, 2003.

The differences are less objective than the similarities, as the line of differences might not be drawn really clearly. First of all, as also mentioned by Ruhs (2013) Canada is a settlement country and “race” ceased to legislatively matter much earlier than in the UK. Favell (2001) addresses this point showing that until the 1990s it was possible to observe the importance of race in UK legislation regarding immigration. However, in terms of the admissibility of the non-Europeans it is possible to say that the 1960s were a turning point for both countries. Second, being a settlement country, for Canada cultural diversity and maintenance of this diversity has been amongst the important factors that have been guiding immigration policies (Reitz et al. 2009). The third difference is that Canada is only a part of an intergovernmental economic agreement in the form of the North American Free Trade Agreement (NAFTA) while the UK is a member of the European Union which influences migration flows more than NAFTA does. EU migration policy has a great influence on the member-states as freedom of movement allows large numbers of high and low skilled workers to move to the UK and look for jobs<sup>7</sup>. For Canada, to be a member of NAFTA has implications such as those professionals who are generally high skilled and who come under the roof of NAFTA for instance, without the Labour Market Opinion<sup>8</sup>.

The more research and interviews I had, the more I found that there are many divergent qualities and many nuances between them. One of the most important of these divergences was public opinion and how detailed the policies of integration and temporary migrant worker programmes are. They are most similar politically and economically as well as having a multicultural society but they are geo-strategically and demographically quite different. Canada would like to increase its population via immigration, while the UK is against increase in population via immigration.

Membership to the EU is also a great factor that explains some of the concerns about the EU and its migration effects in the UK. In Canada, membership to a supranational actor does not exist. Hence, they are similar in many ways (economic and political institutions), but there are also many factors such as the demography, geography and also at the federal/unitary distinction as well as being a member of the EU that lead to different policy choices.

The two countries’ histories of migration and understanding of temporary migrant also have great dissimilarity in terms of how they perceive issues of admission, integration and multiculturalism. Hence, these factors can also be explanatory in terms of understanding the divergences in policy making in integration and temporary migration policies. As Favell (1999) has argued, researchers who are looking at the immigration and integration patterns should also be aware of the fact that most of these works have focused on the perspective of the nation-state and I will try not to fall into that category.

Why these two countries? Please see the tables below.

**Table 3.1 Similarities**

	UK	Canada
<i>Political system</i>	Liberal-democratic	Liberal-democratic

<sup>7</sup> EU labor law and EU regulations, provide that there is freedom of movement for workers within the EU. Non-Europeans who stay as many as 5 years in any of the European countries as a third country national, can have a right to long term residency according to the Long Term Residence Directive.

<sup>8</sup> Taken from the backgrounder for the Temporary Foreign Worker Programmes in Canada, a 9-page document named “Consultations on the Temporary Foreign Worker Program”. “A [Labour Market Opinion](#) (LMO) is a document that an employer in Canada may need to get before hiring a foreign worker. A positive LMO will show that there is a need for a foreign worker to fill the job and that no Canadian worker can do the job. A positive LMO is sometimes called a Confirmation letter.” Accessed on the webpage <http://www.cic.gc.ca/english/helpcentre/answer.asp?q=163&t=17> on 12th of May 2014.

<i>Varieties of capitalism</i>	Liberal market economy	Liberal market economy
<i>International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families</i>	Not signed	Not signed
<i>Borders with low wage countries</i>	No	No
<i>Multicultural</i>	Yes	Yes
<i>The sectors where the low skilled migrant workers work</i>	healthcare, construction, food processing, and the hospitality industries	Construction, food processing, agriculture, manufacturing, oil and gas
<i>The sectors that the high-skilled migrants work</i>	Financial services, business, economic development	Financial services, business and economic development
<i>More opportunities for High skilled migrant workers</i>	Yes	Yes

**Table 3.2 Differences**

	UK	Canada
<i>Settlement country</i>	No	Yes
<i>Open route to low skilled migrants</i>	No	Yes for the domestic worker from Philippines and PNP programme
<i>Provincial differences in migration policy</i>	No (central governance)	Yes (mostly with Quebec)
<i>Integration policy</i>	Decentralized, but the central government decides on the common problems occurring in each region and puts forwards decisions accordingly	Centralized but Quebec differs, while there are also some provincial differences
<i>Has colonial history and ties</i>	Yes	No
<i>Integration Policies (not implementation but the ones in place) – MIPEX data</i>	Except political participation it does not fare well in labour mobility, family reunification of third country nationals, education and long term residence	It does not fare well in political participation while access to nationality does not show great difference between Canada and the UK even if Canada fares better in the end.

**Table 3.3 All the Programmes in Both Countries**

	UK	Canada
<i>Low skilled</i>	No programmes for domestic workers – the rights of domestic migrant workers have become more and more limited	Live in care giver programme
<i>Based on federal needs</i>	n/a	Federal skilled worker programme
<i>Route to permanency</i>	If you are an EEA national after five years you can apply for permanent residency	Provincial Nominee Programme

<i>High-skilled</i>	Tier 1 is for the very high-skilled immigrants who are not required to have a job in the UK	High Skilled Migrant Temporary Foreign Worker Programme
<i>Low-skilled</i>	Tier 3 is limited to the low-skilled workers to fill specific temporary labour shortages (this tier has not been used by the government)	Low Skilled Temporary Foreign Worker Programme
<i>Medium to High-skilled</i>	Tier 2 is for the medium skilled to high skilled immigrants with a job offer who are to fill gaps in the UK labour force	Canadian Experience Class
<i>Low-Skilled</i>	Seasonal Agricultural Worker Scheme	Seasonal Agricultural Worker Programme
<i>Students</i>	Tier 4 is for general student visa	
<i>Temporary works</i>	<a href="#">Tier 5</a> : This category contains six sub-tiers of temporary worker including creative and sporting, charity, religious workers, and the youth mobility scheme, which enables about 55,000 young people every year to work in the UK on working holidays. The visas are awarded to young people from countries that have reciprocal arrangements with the UK.	
<i>High Skilled Temporary Foreign Worker Programme</i>	No –Tier 1 and Tier 2, some parts of Tier 5	Yes
<i>Low Skilled Temporary Foreign Worker Programme</i>	No	Yes

### 3.3 Why are Case Studies and Comparisons Important?

In this section, I would like to explain the importance of the comparative work in politics and also in migration studies. What the pros and cons of having a small-N method are and what the problems that a researcher might encounter when doing research will be narrated in detail.

#### 3.3.1 Comparative Works in Migration Studies

First of all, why do comparative work? One very simple answer is that comparative politics can tell us more about these two countries and contrasts can lead to more useful policy suggestions. On the other hand, comparisons enable one to understand a case in-depth as it is compared one-to-one with the other case. As Bloemraad (2013: 42) says “You cannot know what is unique, or common, about a particular case unless you have a comparative point of reference.” In this section the advantages and disadvantages of making a comparative work will be discussed.

There are many different types of works comparing migration in different countries. Those who compare the same ethnic group of immigrants in different countries/cities, those who compare countries/cities in terms of their migration/integration policies and those who are comparing different generation of migrants in one country (Martiniello, 2014). The EU and North American countries have been the subject of comparison from a transatlantic perspective.

One of the earliest works of comparison has been Hammar (1985), who compared migration policies and patterns in six European countries (Germany, Switzerland, Britain, Sweden, the



Netherlands, and France). Brubaker's (1992) famous work compares citizenship regimes of France and Germany by looking back at the historical origins; Soysal's (1994) book "The Limits of Citizenship" considers countries in terms of incorporating immigrants on an individual or corporate basis comparing France, Germany, the Netherlands, Sweden, Switzerland, and the United Kingdom. Favell (1998) compares France and Britain with in regards to the different understandings of immigration and integration that the two countries had in the 1980s and 1990s. When examining comparative migration policies one is also required to look at the transatlantic comparisons, such as Joppke (1999) and Schain (2012) who have compared Britain, France, Germany and the USA. Additionally, Geddes's (2003) work has looked at the Europeanization of migration policies in France, Germany the United Kingdom, the newer southern European countries and the enlargement states of Eastern and Central Europe.

In addition to Martiniello, two decades ago Green (1994: 13) categorized the migration studies as follows: "Three basic inter/national comparisons are possible, which I call linear, divergent and convergent. But each comparative project implies different perspectives on the culture/structure issue that also need to be examined." Therefore, if I had to put my cases into a category "linear, divergent and convergent". Linear policies will be relevant to those policies enacted with common incentives and aims. Divergent policies will those policies that lead to differences in terms of the rights and integration of the temporary migrant workers. Convergent policies will consist of those policies which have similar rationales behind policy-making and which have similar results in terms of integration of temporary migrant workers.

Green (1994: 6) also praises the comparative method for what it is: "through a comparative method we can explore the universalism inherent in certain processes while understanding the diversity of both their representations and realities. However, to compare is not enough. While two cases are better than one, we also need to be aware of how comparisons are constructed. As Simiand (1903) underlined, in any science there is a choice and an observation that could presume an idea. Therefore, being sceptical about objectivity one has to consider the mistakes that can arise from observations, interviews and interpreting the documents. The lenses we have determine how we do research as well.

To be sure, there are limits to comparative work and some aspects of it are very well underlined by Bloemraad, which range from practical to theoretical costs:

"Comparative research projects also carry significant costs. These costs run from the practical – limited time, money and skills make comparative data collection harder – to the analytical: each additional comparison makes drawing conclusions more complex and writing about all the moving parts of a project more difficult. Depending on the particular method employed, a comparativist also faces specific methodological critiques from peers. For ethnographers and historical researchers, critics might challenge the depth and quality of data since the research effort is spread across cases." (Bloemraad, 2014: 41).

In line with the constraints stressed by Bloemraad, one of the issues that was faced during the research for this thesis was unfamiliarity with the countries and the context that had to be learnt in a short period of time with some historical and also technical details. There were travel costs and also costs related to undertaking the interviews with all the people who are scattered in different parts of the big cities or the country. Therefore, "limited time, money and skills" has forced me to narrow down the places where I could conduct interviews and this limited my capacity to generalize about the whole country, especially for Canada. In the UK, the interviews have been more scattered in terms of the geographical location that they were undertaken in. However, what I try to do in this thesis is to incorporate the methods of qualitative work of the interviews along with the examination of secondary resources (public opinion reports, annual reports to the parliament on migration, expert reports, policy papers, and documents which show the historical understanding of migration in that

country). Therefore, use of secondary reports and documents in order to support the information generated via the interviews is a way of countering any bias to have existed.

### **3.3.2 Limitations and Opportunities for doing a small- N Comparative Work**

There are specific opportunities and problems with doing a two-country case study. The problems relating to a comparative work in which there are only two countries has pitfalls, such as having too many variables, and the limited possibility of generalization. Another problem is related to factors such as the choice of countries itself, which can be biased and which has to be justified. This section will elaborate on the problems and opportunities of doing such kind of work.

One of the most important problems is to have so many variables that they cannot be measured sufficiently. Peters (1998: 65-66) has warned against the problem of a large number of variables that come with a small-N case study:

“The problem with this mode of analysis is not small N per se, but the mismatch between a rather small number of cases and a large number of variables (Lijphart, 1971:686). When a country is selected for a comparative analysis, it brings with it a large bundle of variables. The history, culture, economy and society all come along with the particular political dimensions in which the researcher is interested primarily. Therefore, there are a huge number of sources of extraneous variance, but only a few cases in which to attempt to discover the manner in which all those variables operate. In statistical language, the dependent variable is over-determined, with too many possible explanations, so that no real choice can be made (Lopez, 1992). The researcher may focus on a few variables he or she thinks are particularly important, but unless the cases are selected carefully to falsify a hypothesis, any number of explanations will still be acceptable.”

Since this is a qualitative work where there are more variables and lesser number of countries, this forms one of the difficulties of the research method. How can one control for the factors, and how can one say that a particular factor is more influential than another factor? This forms perhaps the hardest part of my research. To counter the problems of validity what I try to do is to meet the different actors and stakeholders involved in policy making. This helps with triangulation for a more balanced perspective on the topics that I am inquiring about. Therefore, this form of interviewing different sides will be used to reduce the likelihood of one-sidedness. Peters (1998: 146) makes the following observation about triangulation:

“The multiple case employed could lead to several alternative sets of questions concerning the case which should, in return, lead to a more complete understanding of the case. This is the way of doing triangulation with the multiple cases while in the small-N cases it is a bit different way of doing triangulation, increasing the number of interviews with different groups can be a way to guarantee triangulation, for instance.”

Why do I have to undertake triangulation and why is triangulation so important in social sciences? According to Guion et al. (2011: 3), “verifying involves checking the credibility of the information gathered and a method called triangulation is commonly used to achieve this purpose. Triangulation involves using multiple perspectives to interpret a single set of information.” Triangulation can also mean gathering complementary information (Hammersley, 2008: 27). The primary sources, which are the interviews, will be supported by the secondary documents such as the annual migration reports, public opinion articles and policy papers. Interviewing different groups with different interests as well as in the use of the secondary resources which is including the public debate and legislation will give a deeper understanding of why and how policies are made. In short, during triangulation I try to see how each actor is involved in the process of decision-making.

Despite all of these diligent steps there is another general problem with the research. Like most of the studies comparing countries, the approach is mostly from top to bottom. According to Martiniello (2014) most of the comparative migration work has not addressed the local processes and the works have in turn neglected the migrants' points of view in terms of integration. "Except for Soysal's research, they were all quite normative or policy oriented and they did not really pay attention to grassroots incorporation processes from the migrants' point of view. They also neglected the importance of the local dimension in explaining the variation in integration processes" (Martiniello, 2014: 13). In my research too there is a problem of not looking in detail to the grassroots incorporation processes from the migrants' point of view, as the plan has not been to interview the migrants. Not speaking to the migrants already might give the impression that the migrants are not contributing to the policy-making. However, by speaking to the migrant organizations I am trying to mitigate the heavy nation-state or policy maker perspective that is not the only influential factor in making labour migration policies and deciding on the circumstances of integration of these workers. Casual encounters with migrant workers during my research have been an opportunity to have some insight on temporary integration, undoubtedly.

What are the shortcomings of choosing these two countries, and how are these shortcomings addressed? The results cannot be generalizable to the whole of the western world as well as the recent immigration countries. As Peters (1998: 173) underlines, "[t]he case method is suitable for interpretative analysis but seems to be ill suited for developing scientific generalizations." However, I am not trying to develop a scientific generalization; rather, I am choosing the method that fits the purpose of the thesis the best. To assume that quantitative works are better suited to do scientific generalizations compared to qualitative works is not particularly plausible. I adopt the perspective of Fylvbjerg (2004: 432), who argues:

"Good social science is opposed to an either/or and stands for a both/and on the question of qualitative versus quantitative methods. Good social science is problem driven and not methodology driven, in the sense that it employs those methods that for a given problematic best help answer the research questions at hand. More often than not, a combination of quantitative and qualitative methods will do the task best. Fortunately, there seems currently to be a general relaxation in the old and unproductive separation of qualitative and quantitative methods."

Another issue is that the data that is found may create a 'methodological nationalism' (Wimmer and Schiller, 2002). Fitzgerald (2012: 1731) defines methodological nationalism as such: it "is a term used to describe the problem of viewing the nation-state as the natural societal container and unit of analysis. The production of statistics by every country promotes this line of thinking." Therefore, he concludes that the researcher should be aware of the in-state variation. Therefore, in my research too I needed to be aware of that especially for the case of Canada, which has a federal structure, has great variations in terms of temporary migrant worker programmes and integration. However, the limitedness of time and resources led me to do research only in the specific province of Ontario. Despite this limitation, one does not stop thinking beyond the nation-state or differences existent within the nation-state.

Another concern that Fitzgerald (2012) states in the research could be related to the methods of difference and methods of agreement. He says that not everything can be figured out looking at the methods of difference and agreement (p. 1728):

"That is similar outcomes across cases cannot be necessarily ascribed to similar conditions in each case (as in the method of agreement) and different outcomes amongst cases with different conditions cannot necessarily be ascribed to those different conditions (as in the method of difference). In a world of rapid mobility of people, ideas and goods, the cases themselves may be influencing each other in what Goldthorpe (1997) has elaborated 'Galton's problem'"



Galton's problem here is referring to the diffusion of ideas, institutions and practices in terms of the policies between different states. For instance, identifying the best practice in many policy issues is an example of it. Therefore, in my thesis this difficulty can manifest itself as comparing Canada and the UK; it is not possible to know how much these two countries would influence each other in terms of the labour migration policies in specific and temporary migration policies in general. For instance, adopting the points based system Canada, the UK and Australia have had influence upon each other as well as welfare cuts to the asylum-seekers and refugees for the states that aim austerity.

Last but not least, there is a great explanatory power of the small – N work, despite its pitfalls of generalizability, too many variables problem, the risk of being trapped into methodical nationalism and doing triangulation in a different manner. Fitzgerald (2012: 1725) underlines in his work that even if some works are more generalizable that might neglect some different aspects in migration research such as the contexts and exact mechanisms of causality:

“Large-scale censuses and surveys promise to yield more generalizable propositions, yet even if researchers are able to resolve the formidable challenges of the comparability and validity of data collected across different cases (Massey 1997; Bloch 1999; OECD 2003) large-N studies alone cannot explain the mechanisms of causality or provide an interpretative appreciation of how migrants engage multiple contexts of origin, transit and destination.”

Does this mean that the case research is easier or less complex? On the contrary it is not less complex at all. For sure it has other specific difficulties, such as burdening the researcher in various ways. Peters (1998, 137) notes that “The small-N comparisons all depend upon the capacity of the researcher to perform effective case research.” Why is it dependent on the effectiveness of the researcher? The reason is that it is not only the outcome one looks at when making a case study; one has to consider the context and the political events that are influential in the time period examined. Peters (1998: 141) says that the case studies are embedded within the cultural and historical context and therefore, isolation from the context found in the large-N studies is not repeated in the small-N works.

Last but not least, another source of variance and error is the researcher herself. Peters (1998: 144) says “in the case study research the researcher himself is the major source of error variance as well as a major source of extraneous variance.” And one of the reasons for this is, as Ragin (1992: 8-9) indicates, that “differentiation between cases that are found and those that are made by the researcher” (Peters, 1998: 145) As the differences and similarities sometimes can be constructed according to the subjective viewpoint of the researcher there might be some problems with this kind of construction and justification. Hence, there will always be the risk that I am not objective because of the way I construct the context for these two cases such as the UK and Canada, which can be dependent on my biases. How do I try to resolve these biases and look at the cases in a more objective way? I tried to avoid bias as much as possible via looking at a large range of documents.

Despite all the shortcomings of small-N and case studies, these are the methods that best fit my research aims. Moreover, a specific and detailed comparison of the temporary migration policies and integration policies of the UK and Canada with an in-depth qualitative analysis have not been done before. Hence, the method and the countries are not novel areas of research but this thesis will contribute to the larger body of literature by using comparative case study method in terms of temporary labour migration policies, how these policies are made and how they influence the integration of the TFWs. In regards with the creation of the concept of temporary integration, this work is novel and original from a methodological and comparative aspect. Future works that are related to temporary integration, following from this unique attempt to define and create temporary integration schemes looking at the UK and Canada, can be further built upon this thesis.

In the next section I will be explaining the benefits of the interviews, benefits as well as the

problems related to them.

### **3.4 Research Ethics: Anonymity and Confidentiality**

All 51 interviews were transcribed which gave me a feel for the range of material I had. I read through all interviews several times before making sections and preparing the outlines of the chapters. I did not code all the interviews but I adopted an inductive approach where the emerging themes such as temporariness, political rights, integration, TFWs, rights in general, transition to permanent residency helped me create an overview of all the data. I have then used the interviews to support my arguments referring and quoting them.

Since they are interviews with individual people ethical concerns regarding anonymity and confidentiality had to be taken into consideration. I have asked my interviewees before recording if I could use their quotes with their names or not. Some of them preferred their name would be kept anonymous and some of them indicated that I cannot quote them at all. Some others did not want to be recorded. So their concerns were respected before and while writing my thesis. On the other hand, some of them suggested that I send them the quotes after having written them. Therefore, after finishing writing, I sent the chapters via separate emails to my interviewees, and asked them if they are happy with the quotes or not. Some of those who had claimed not to be anonymous before wanted to be anonymous after seeing the quotes. Some of them decided that the quotes were fine. Some of them wanted me to delete or rephrase the quotes. All these wishes were respected during the corrections. Therefore, before and after recording I double-checked their informed consent as well as other confidentiality in line with their interests. Because without their contributions, writing this thesis would have been impossible.

### **3.5 Interviews as a Method: Limitations and Opportunities**

This section is organized as follows: the qualitative method that is used in the thesis will be further explored, and the opportunities presented by the interviews and how the analysis has benefited from these interviews will be discussed. Secondly, the shortcomings that have emanated from the interviews and how the analysis tries to address these issues will be underlined.

First of all, who are interviewees? The interview groups in Canada and the UK are as such: migrant organizations (those of advocacy, settlement, integration), migrant lawyers, politicians, organizations that train employers about diversity, organizations that help immigrants find jobs and that are a link between the employer and the employed, local MPs, in some cases experts, scholars, those who give advice to the governments, business interest groups and unions, and a few bureaucrats specialized in migration policy (from CIC and also from Home Office). The number of interviews in Canada is 27 while the interviews in the UK are 24-25 (please see annex). Eight of these interviews in Canada are migrant organizations with connections to the government; two are bureaucrats; six of them are independent migrant organizations (four of them are ethnical); five of them are MPs; two of them are immigrant lawyers; one is a research think-tank; one is an international organization; one is an academic; one is a union member and one is a from the chamber of commerce. In the UK, nine of the interviews were with independent migrant organizations (NGOs and research focused), two were with state-related migrant organizations, one with an immigrant lawyer, three with academics, one with a former Labour Party MP, four with bureaucrats, three with unions and one with someone from Confederation of Business Industry.

There are opportunities and limitations related to the interviews as well. While interviews give a very good impression of the representative of the party or the organization they also need to be approached with caution as they might still not be objective. While some interviews reflect the party or the organization's views, some of them might be composed of personal opinions and the researcher when explaining should take these nuances into account.

Another issue is related to having a high quantity of interviews within a short space of time,

as well as keeping the same quality in each interview. However, one should also consider that the numbers of the interviews matter as much as the quality and the relevance of these interviews. For instance, having interviews just to reach a certain number might be disadvantageous for the researcher if it makes him or her lose time and resources. This has happened to me a few times as I was trying to meet all the different types of migrant organizations in Canada, I lost the coherence of the interviewee list. That is why Bloemraad (2013: 30) in her article underlines this aspect by saying: "If the goal of ten additional interviews is merely to increase confidence in the generalizability of results, however, additional interviews will contribute little if selection is not based on probability sampling<sup>9</sup>. Increasing your N in this situation involves more work but limited analytical payoff."

I conducted 51 semi-structured interviews with open-ended questions between September 2013 and June 2015. I will explain shortly why I find these kinds of interviews more useful. But before that I would like to describe some of the difficulties that I have faced during my interviews. A part of the problem I had witnessed in my interviews has been negative responses along the lines of, "You can find this information on the website" or basically reluctance to interview. This was probably caused by the interviewee not wanting to answer the questions as the conversations could go into depth, and they probably do not feel enough trust to do the interview. Therefore, in order to combat this problem, I used phone calls or shortened introductory e-mails that I was sending to the potential interviewees saying that I will not take more than 30 minutes of their time and I will keep their answers confidential. Another strategy that worked for me was that being as kind and as polite as possible. I had to convince some of the experts that to meet them was very crucial for my thesis and it was indispensable to learn their views. What has also worked for me has been suggested by Leech (2002) in her article (p.665): "The interviewer should seem professional and generally knowledgeable, but less knowledgeable than the respondent on the particular topic of the interview." The interviewees feel more in ease with good listeners who know when to interrupt and how to interrupt when the main topic of conversation digresses.

Why semi-structured and open-ended interviews? The reason for choosing this type of interview is that "unstructured interviews used by ethnographers are more like conversations than interviews and do not guarantee that the interviews will be a consistent source of reliable data" (ibid.). On the other hand, as Leech (2002) observes structured interviews with close-ended questions also have their disadvantages: "Political scientists are most familiar with this type of interview because of mass public opinion surveys. Such close-ended approaches can sometimes backfire, however, if we assume we are familiar with an area but end up asking the wrong questions in the wrong way or omitting an important response. We may find ourselves with reliable data that lacks any content validity." (ibid.) According to Leech the semi-structured interviews with open-ended questions that are used for elite interviews can produce better results with some precautions.

These precautions include for instance to "talk with you" as a term rather than "interview with you" (Weinberg, 1996: 83) and it has been a strategy that has also worked with my research as I got more responses when I used a 'middle ground' term like "can I talk with you?" The second important consideration is to show that you listen and that you are using the respondent's language (words that s/he is using); the third important issue is the question order where I also tried to apply to my questions as the questions were ordered in such a way from general to specific ones to probe more deeply into understanding of the issues (Weinberg, 1996: 85). When talking to the organizations, it is important to shift the onus to the organization rather than the individual so that the individual does not feel in the spot-light (p. 666). Sometimes while asking questions I used prompts as described by Leech (2002: 667): "Prompts are as important as the questions themselves in semi-structured

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<sup>9</sup> She says "If a researcher uses a probability sample, increasing the number of the cases can improve the precision of estimates generalizable to a larger population and reduce error around coefficient estimates in inferential modelling. If, however, cases are not chosen using probability sampling, as is usually the case with in-depth interviewing, increasing the sample from forty to fifty has no effect on the statistical generalizability of results. For a related discussion on problematic reasons to 'increase your N', see Small (2009).

interviews. Prompts do two things: they keep people talking and they rescue you when responses turn to mush." I sometimes failed to use prompts this prevented me from reaching detailed information. Prompts should definitely be used in interviews to move from general information to specific information. Lastly, what are the benefits of semi-structured interviews? As Leech (2002: 668) states "It is true that the type of interview you use depends on what you already know, but if you already knew everything, there would be little reason to spend time in a face-to-face interview. Semi-structured interviews allow respondents the chance to be the experts and inform the research."

Another important concern in conducting interviews is to respect the issues of confidentiality, anonymity, informed consent and safety. All three are indispensable for using this qualitative method in an ethical way. Confidentiality means that the "personal information or identifiable data should not be disclosed without participants' consent"<sup>80</sup>; anonymity refers to the notion that "data and samples collected should be kept secure and anonymised where appropriate"<sup>81</sup>; consent means "consent to participate, withdraw from, or refuse to take part in research projects,"<sup>82</sup> while safety means "participants should not be exposed to unnecessary or disproportionate levels of risk."<sup>83</sup>

One thing that is difficult about the interviews is that the transcriptions take a lot of time for the researcher to complete. Sometimes an hour interview results in 9-pages transcription, which takes 5 hours or so to transcribe. This means that analysis and transcription should go hand in hand as suggested by Bryman (2008: 453) as he makes a reference to Lofland and Lofland (1995) who emphasize that "the analysis of qualitative data is not left until all the interviews have been completed and transcribed" (ibid.). After the transcription, the aim is to analyse the data according to thematic analysis. For this reason, the transcriptions have been read several times with a different focus on these themes: integration policies of the UK, integration policies of Canada, integration and temporariness, rights of temporary migrant workers and finally and more generally the temporary migration policies. Divergent, convergent and linear answers are categorized accordingly to explain these cases in detail in each analytical chapter.

There are three types of 'levels of analysis',<sup>84</sup> macro, meso and micro. My research is at the meso-level as it does not talk to each individual labour migrant involved in a migration programme but it also is not only looking at the policymakers and their decisions. Therefore, the middle ground is between the policy makers and the immigrants where I also interview with the experts and migrant organizations, which I find very useful for the analytical purposes and triangulation. As Peters (1998) indicates in his book the macro level analysis sometimes neglects the details and micro does not tell us about the logic of policy making. Therefore, there is a question of structure and agency involved. The agency of the workers should not be neglected doing this type of research. But I try to have an insight about the viewpoints of the migrant workers from time to time although it will not be as detailed as it would be with another method.

This method can be considered as a limitation itself because in order to increase the capacity of explanation one needs both macro and micro levels of explanation. Mayer (1989: 46) underscores the importance of "putting structural factors together with micro level analysis

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<sup>80</sup> [http://www.shef.ac.uk/polopoly\\_fs/1.112642!/file/Full-Ethics-Policy.pdf](http://www.shef.ac.uk/polopoly_fs/1.112642!/file/Full-Ethics-Policy.pdf) accessed on 17th of September 2014

<sup>81</sup> [http://www.shef.ac.uk/polopoly\\_fs/1.112642!/file/Full-Ethics-Policy.pdf](http://www.shef.ac.uk/polopoly_fs/1.112642!/file/Full-Ethics-Policy.pdf)

<sup>82</sup> [http://www.shef.ac.uk/polopoly\\_fs/1.112642!/file/Full-Ethics-Policy.pdf](http://www.shef.ac.uk/polopoly_fs/1.112642!/file/Full-Ethics-Policy.pdf)

<sup>83</sup> [http://www.shef.ac.uk/polopoly\\_fs/1.112642!/file/Full-Ethics-Policy.pdf](http://www.shef.ac.uk/polopoly_fs/1.112642!/file/Full-Ethics-Policy.pdf)

<sup>84</sup> Peters (1998: 111) explains levels of analysis as such with different dilemmas involved: "Systems analysis which is a macro-level analysis can ignore individuals and the necessity that those individuals should make decisions that are manifested at the system level. On the other hand theories that concentrate on individuals run the risk of ignoring institutional and system level variables that can shape and constrain the autonomous behavior of those individuals. This distinction between structure and agency (Dessler, 1989; see also Lane and Ersson, 1994b; Hay, 1995) remains one of the fundamental questions in social and political theory asking whether structures or the individuals within them are the most important source of explanation."

to extend the capacity for explanation.” I am not able to integrate the individual factors with the structural ones but by interviewing with the migrant organizations some of which I am assuming are defending migrants’ rights, they are the voice of the immigrants, which gives the hope and attempt to close some of the gaps. Since my work is concerned with policy (Peters, 1998: 120) “rather than the full range of political institutions and behaviours,” it has its limits that I acknowledge. However, there are also strengths of doing this small-N qualitative and comparative work and strengths of semi-structured interviews as much as I try to combine macro and meso-levels in conducting research.

To sum up, this will be the way to analyse the data I have:

**Table 3.4 Research Question and Method of Examination**

Research Question	Data	Examination Method
What are the similarities and differences between temporary migration policies of Canada and the UK?	Interviews Annual Reports to the Parliament on Immigration Statement of Changes to Immigration Rules	Thematic analysis (Braun and Clarke, 2006)
What are the reasons behind these similarities and differences?	Interviews Public Opinion Policy papers	Thematic analysis Discourse Analysis
What informs the understanding of temporary migrant in these countries?	Interviews Public Debate Speeches of the leaders of the parties Reports, policy papers, public opinion reports Documentaries	Thematic analysis Discourse analysis
What are the implications of these policies for temporary integration?	Interviews	Normative analysis and more political theoretical aspect of the thesis (conclusions)

### 3.6 Conclusion

In this methodologies chapter, I discussed why I had chosen these two countries as my case studies, why to compare, how I compare, the shortcomings of the choice of the cases, the disadvantages and advantages of doing a comparative work as well as doing a small-N work, pros and cons of having semi-structured, open-ended and in-depth interviews. How to address the issues such as bias, the use of triangulation within the methodology and how to counter the problem of methodological nationalism are clarified.

In the end, this thesis aims to have an unbiased comparison looking at the philosophies and understandings of immigration, immigrants in general and temporary migrant worker in particular via analyzing electoral politics, parliamentary reports, public debate and public opinion. The interviews, on the other hand, will provide the background as well as certain details on how temporary migration policy is shaped. Moreover, they will also provide a perspective on how different interests are represented by certain stakeholders. The linearity between the interests and the aims of the policies will reveal who has a stronger influence in shaping the temporary migration policies and the implications of this influence.

The limitations within this thesis, other than bias and other methodological shortcomings, have been that at the micro-level the agencies of the immigrants might have been neglected. However, this criticism would be too harsh. Interviews with different migrant organizations, those either funded by the state or independently funded, will reveal what the shortcomings are in a possible and imaginary scheme of temporary integration. The interviews are examined by both thematic and discourse analysis. Hence, in order to be able to answer the research questions above (Why they are different? Why are they similar? What do the policies imply for temporary integration? What are the tenets of temporary integration?), secondary resources as expert knowledge which informs the policies, public opinion reports, annual migration reports, changes to the immigration rules and policy papers will be analyzed in regards with themes such as temporariness, integration and rights.

## Chapter 4

### Comparisons of Histories of Immigration in Canada and the UK

#### 4.1 Introduction

Despite different immigration histories, Canada being a settlement country always welcoming foreigners while the UK always wanting to control or 'manage' or limit immigration –hence, a language that mostly implies limitations- (Joppke 2009; Hansen, 2014; Piper, 2008), it has been seen that their policies on some points are converging in the last ten to fifteen years. The desire to have more high-skilled immigrants and limitation posed on the low-skilled migrant workers, have been common points. But Canada has chosen to reform and the UK has chosen to close the low-skilled migration programmes. What is more interesting is that high-skilled migration is also being restricted into the UK. The desire to have more high-skilled immigrants and limitation posed on the low-skilled migrant workers, have been common points between the two countries.

The restraints are brought to the Canadian Temporary Foreign Worker Programme (TFWP), as the numbers will be diminished throughout the years<sup>85</sup>, the enforcement of the laws will be tougher as well. In addition to this, the Labour Market Opinion<sup>86</sup> (LMO), which is necessitated so that the employers should be able to prove that there are no Canadians available to do a certain job, is now being replaced by the Labour Market Impact Assessment (LMIA)<sup>87</sup>. The advertisement for a job was two weeks and with this reform it will be four weeks. For whom LMIA is not required is the International Mobility Programme (IMP), which is formed of the Canadian Experience Class, the Provincial Nominees as well as spouses of the high skilled<sup>88</sup>. Intra-company transfers are also within IMP.

While the current Conservative government has taken these measures, they made it easy with Expression of Interest<sup>89</sup> (Express Entry) to pick up the skilled workers. In the UK, the Seasonal Agricultural Worker Scheme (SAWS) and the SBS (Sector Based Scheme), which were both short-term routes for low-skilled jobs have been abolished in 2013. Issue of migration has become really important in terms of the choices of the electorate recently in the UK<sup>90</sup>. One of the reasons that the Labour Government had lost its credibility to the voters was that it allowed and liberalized low-skilled immigration besides high skilled on a large scale. Therefore, the response by other parties have been made on the grounds that the government "lost control" of immigration, despite the fact that most of the academic work claims the choices of the Labour administration was intentional.

To give a background to this chapter, one needs to compare the public opinion about migration in these two countries. It is seen that public opinion has always been pro-immigration in Canada while we can say the opposite about the UK. According to the "Transatlantic Trends: Mobility, Migration and Integration Report in 2013" Canada seems to be immigrant prone and Canadian population is much less worried about immigration and integration compared to the European counterparts: For instance, in Canada 65% said immigrants were integrating well (compared to 45% for Muslims) (p. 17). "In Canada and in all five continental European countries surveyed, majorities said that immigrants do not take jobs away from native born; 58% of British and 56% of U.S. respondents disagreed, saying that they do" (p. 25). Support for legal immigrants remaining permanently also is the highest

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<sup>85</sup> [http://www.esdc.gc.ca/eng/jobs/foreign\\_workers/reform/index.shtml](http://www.esdc.gc.ca/eng/jobs/foreign_workers/reform/index.shtml) accessed on 30th of October 2014

<sup>86</sup> Labor market opinion (LMO): An assessment of the impact that hiring a temporary foreign worker is likely to have on the Canadian labor market. The LMO is being replaced with the Labor Market Impact Assessment.

<sup>87</sup> Labor Market Impact Assessment (LMIA): A more comprehensive test of the impact that hiring temporary foreign workers would have on the labour market and Canadian workers using more and better labor market information. The LMIA is replacing the Labor Market Opinion.

<sup>88</sup> <http://www.cic.gc.ca/english/resources/statistics/facts2013/temporary/1-6.asp> accessed on 26th of August 2015.

<sup>89</sup> <http://www.canadaimmigrants.com/immigration/policy/canada-the-expression-of-interest-eoi-system/> accessed on 22 November 2014

<sup>90</sup> <http://www.migrationobservatory.ox.ac.uk/briefings/uk-public-opinion-toward-immigration-overall-attitudes-and-level-concern> accessed on 26th of August 2015.



in Canada compared to the other main immigration countries such as USA, Germany, Spain, France, Netherlands and the UK (p. 26). Actually, the lowest support comes from the UK (ibid.)

In line with these data, recent work by British Future reveals interesting results. They (Katwala et al. 2014: 12) underline in their work that 61 percent of the public think that “Immigration brings both pressures and economic benefits, so we should control it and choose the immigration that’s in Britain’s best economic interests” while 24 percent say “immigration is bad for the economy and we should have as little as possible” and 7 percent think that it is “good for the economy and we should have as much as possible”. In regards with Canada, Bauder (2008: 31) looks at the immigration debate in the newspapers between 1996 and 2004 and finds out that the economic topos<sup>91</sup> is used for both supporting immigration and thinking of immigration as a liability. And he also looks at the times of crisis and aftermath of 9/11 and finds out that ‘war on terror’ did not result in an increase of the negative association between immigration and humanitarianism (p. 306). More importantly, he finds out that culture is not mostly amongst the topoi<sup>92</sup> (p. 307). The contrary would be true for the UK: British culture and values (as opposed to “foreign” values) are underlined more in the recent five years<sup>93</sup>.

The integration policies of these countries and its implications for temporary migrants will also be compared in the next chapters. However, it is important to keep in mind that temporary migrants turn into permanent residents most of the time (Khoo et al. 2008), and sometimes this happens regardless of skills or cautious policies. A low skilled immigrant uses the low-skilled job as a transitory job in order to gain higher skills. Khoo et al. (2008) found that it is more probable that the high-skilled immigrants from developing countries tend to turn from temporary to permanent stayers compared to the high skilled from the developed countries. These findings partially confirm the economic theories on migration<sup>94</sup>. However, this does not emanate from the fact that low skilled would not return either, as there is evidence that most of the Bulgarian immigrants who came under the SBS scheme turned back<sup>95</sup> (MAC report, 2013). The research shows that temporary migration as an experience does not seem to be just temporary, rather it is transitory. Although it is found out that temporary migration is not a substitute for permanent migration (Khoo et al. 2008; Balaz et al. 2004; Lenard, 2012), TMPs would make a clear separation between temporariness and permanency.

This thesis does not deny that there can be TMPs<sup>96</sup> but the author suggests that TMPs can coexist with temporary integration policies<sup>97</sup>. Balaz et al (2004: 12) find:

“There are two hypothesized relationships between temporary and permanent migration. First, that temporary migration is a substitute for permanent migration – it satisfies the desire for new experiences and boosts marketable skills in the domestic labour market, obviating the need for permanent emigration. Alternatively, temporary migration is a learning experience which provides enhanced knowledge and self confidence, thereby facilitating permanent migration.”

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<sup>91</sup> Topos is the plural for topoi. “Topoi is the plural of the Greek word (koinos) topos, representing models of argumentation that express a distinct rhetorical perspective and scheme of thought (Böke et al. 2000, pp. 24–25).” (Bauder, 2008: 297)

<sup>92</sup> Topoi is the singular of topos.

<sup>93</sup> Department for Communities and Local Government (DCLG) Creating the Conditions for Integration, 21 February 2012.

<sup>94</sup> The basic premise that the people migrate mostly for economic reasons.

<sup>95</sup> The percentage given in the MAC report is almost 50 percent.

<sup>96</sup> Scott (2015) was also making the case for TMPs with just implications and implementation.

<sup>97</sup> This does not mean that there are any temporary integration policies invented by any government, it is implied that the temporary migration policies could be combined with temporary integration policies to achieve just results for the lives and rights of the temporary migrant workers.



Finally, they find out that for the case of the brain drain, temporary migration with a very high probability turns into permanent if the immigrants are coming from developing countries especially. And they also find this result across different categories and cases composed of high and low to mid-skilled: professionals, students and au pairs. In Balaz et al (2004: 18) “the key point, in terms of motivations, is that although temporary migrants are informed by a variety of goals, including educational and cultural objectives, permanent migration is dominantly motivated by economic considerations.” There are certainly other considerations than economic such as social and cultural\*.

What is argued in this chapter is that there is a reason why the UK decides to discontinue the policies regarding low-skilled migration and why Canada reforms them. The historical approach towards immigration and immigrants can actually explain this difference, as well as public opinion. As Geddes (1996: 1) argues, ‘immigrant’ as a word is new in the vocabulary of the UK legislation as all those first major inflows were by the Commonwealth citizens. On the other hand, the definition of the word immigrant in Canada (as explained in the Introduction chapter) is someone who will settle and who will be a permanent resident. This partially explains why the approaches of these two countries are very different to immigrants.

The breaking point for immigration policy in the UK is 1997, while Canada has gone over that phase two to three decades before that date. However, the inclination in both countries’ policies is similar: Preferring the educated and high skilled causes restrictiveness and selectivity in both of these countries. And this is one of the main reasons why TMPs are used to attract the high-skilled migrant workers (integrating them via various channels) and to stop the low skilled for settlement again via TMPs. However, it is argued in this chapter that the political authority in the UK is more susceptible to restraining immigration for historical and public opinion reasons, to the extent that even the policies towards the high-skilled migrant workers can become more prohibitive.

First, the case of Canada will be examined and secondly the case of the UK will be analysed. In the third section the comparisons will be made and the chapter will conclude.

#### **4. 2 A Brief History of Canada’s Immigration and Temporary Migration Policies**

Even though Canada is known now for its positive attitudes towards multiculturalism, and the economic success achieved with the immigrants chosen on the points-based system, these areas of success praised so much internationally were not relevant before 1960s. Before 1962 Canada was making a selection based on race, mostly receiving immigration from Europe for permanent purposes which was not a part of a temporary migration scheme (Kelley and Trebilcock, 2010: 325) as these were the admissible categories between 1945 and 1962 by a 1931 Privy Council Order):

1. British subjects as defined in P.C. 1923-183 – ‘British by reasons of birth or naturalization in Great Britain, Newfoundland, New Zealand, Australia and South Africa’;
2. US citizens;
3. The wives and unmarried children under eighteen and fiancé(e)s of legal residents of Canada;
4. Agriculturalists having sufficient means to farm in Canada.”<sup>99</sup>

The 1962 regulation was a turning point after such restrictive admissions. It is very interesting that the UK and Canada have affected each other in terms of their immigration

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\* If the developing country is improving economically but is lagging behind in terms of democratic measures, this situation coupled with cultural divergences could create a discrepancy within the society. The divided society will be composed of citizens who are discontent with the situation of their countries and who are equipped with higher skills. They will in turn, want to emigrate not only for economic but also for cultural and social reasons.

<sup>99</sup> PC 695 (31 March 1931)

policies whole throughout the history, as in 1961 “Britain began to pressure Canada to change its policies” (p. 337). In 1962 the Minister of Citizenship and Immigration, Ellen Fairclough proposed new regulations which underlined that skilled migrants should be promoted and the discrimination based on race, color and creed for the low-skilled immigrants should be abolished (p. 338). After 1962 the demographic profile of the immigrants is transformed and it had become more liberalized.

As Kelley and Trebilcock (2010: 351) underline in their work that British immigration in Canada declined while southern and Central Europe became the source countries for immigrants. Refugees from Europe were a part of this stream (ibid). Scrutinizing the Canadian immigration policy, Epstein et al. (2003: 393) argue that “Canada’s immigration policy during the first half of the twentieth century can be characterized as nationalist and even racist in wording and intent: Non-white, non-European immigration was openly discouraged and/or prohibited.”

From 1963 to 1973, till the global oil crisis, the immigration policy continued to be open and inclusive (Kelley and Trebilcock, 2010). However, the direction of inclusiveness has changed in a way as the 1966 White Paper was indicating that the high skilled, who can contribute to the economy more for the long term should be considered and immigration policy should become more selective. As Kelley and Trebilcock (2010: 360) state in their work, “according to the White Paper, the best employment opportunities existed for immigrants who possessed education, training and skills.”<sup>100</sup> In addition to the White Paper, a Green Paper<sup>101</sup> was also submitted to the Cabinet in the fall of 1974, which was called “A Report on the Canadian Immigration and Population Study” (Kelley and Trebilcock, 2000: 374). The Green Paper underlined that the immigration should be revised for the needs of the labour market and that immigrants should live in places that are not only central and urban but also rural and suburban (p. 375). Today in Canada the immigrants are mostly concentrated in big cities such as Ottawa, Vancouver and Montreal, as they are also in the UK where 2/3 of the foreign workers are in the Southeast England especially in London<sup>102</sup>.

In line with the policies and priorities indicated above, the Norms of Assessment points scheme was devised in 1967. “Despite major revisions to the Immigration Act over the last three decades (i.e., in 1978 and 2002), the Point System has remained at the core of assessing which Independent (or Economic) class immigrants will obtain entry visas” (Beach et al., 2006: 8). And as Reitz (2014: 92) indicates, the PBS introduced in 1967 increased the potential employment of migrants in the labour market. The system therefore, has evolved from a race selective basis to skill-selective basis. This, however, did not stop the temporary migration of the foreigners who could do low skilled labour.

Epstein et al. (2003) show how Canada had taken the issue of immigration policy seriously by establishing “the Department of Manpower and Immigration” in 1965 to give power to the provinces in terms of immigration management. On the other hand, with respect to substance, The 1967 Regulations finally removed all explicit traces of racial discrimination from Canada’s immigration laws.” (Kelley and Trebilcock, 2010: 357). This has resulted in the increasing Asian immigration (ibid.) and rising diversity of countries starting with 1960s. During 1980s this diversity is well-established:

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<sup>100</sup> White Paper, 8.

<sup>101</sup> According to Trebilcock and Kelly (2010: 374) “Unlike a White Paper, which is intended to be a government statement of its position on an issue, a Green Paper is designed merely to provide factual background on policy issues and present policy options with a view to forging a consensus on new legislation” in Anthony Richmond, ‘Canadian Immigration: Recent Developments and Future Prospects’, *International Migration* 13 (1975: 174).

<sup>102</sup> Although there are findings that this trend is changing (Piper, 2010)

**Table 4.1 Top 10 Countries of birth of recent immigrants, 1981 to 2006**

Order	1981 census	1991 Census	1996 Census	2001 Census	2006 Census
1	UK	Hong Kong	Hongkong	People's Republic of China	People's Republic of China
2	Vietnam	Poland	People's Republic of China	India	India
3	USA	People's Republic of China	India	Philippines	Philippines
4	India	India	Philippines	Pakistan	Pakistan
5	Philippines	Philippines	Sri Lanka	Hongkong	USA
6	Jamaica	UK	Poland	Iran	South Korea
7	Hongkong	Vietnam	Taiwan	Taiwan	Romania
8	Portugal	USA	Vietnam	USA	Iran
9	Taiwan	Lebanon	USA	South Korea	UK
10	People's Republic of China	Portugal	UK	Sri Lanka	Columbia

**Note:** 'Recent immigrants' refers to landed immigrants who arrived in Canada within five years prior to a given census. **Sources:** Statistics Canada, censuses of population, 1981 to 2006. Available on the website <http://www12.statcan.ca/census-recensement/2006/as-sa/97-557/table/t1-eng.cfm> accessed on 14th November 2014

The 1970s were when multiculturalism came to the fore. A turning point here is the speech made by Trudeau as a Prime Minister announcing the Multiculturalism Policy on October 8<sup>th</sup> in 1971. Reitz (2012) summarizes Trudeau's speech: "1) *Promoting contribution to Canada*, 2) *Full participation in Canadian institution*, 3) *Interchange between groups in the interest of national unity*, 4) *Acquisition of an official language*." What also makes Canada special is not only the Multicultural Policy or being a settled country; historically it has been bilingual and bicultural. Trudeau was the one who also pushed for making it bilingual and bicultural legislative wise. He asserted for Royal Commission on Bilingualism and Biculturalism via the Official Languages Act (Canada), which would make French and English both official languages of the government. Winter (2010: 184) says that in 1990s Canada's multiculturalism policy became severely circumscribed but the negotiation between the two nations (English and French) and the fact that the non-English and non-French demonstrated their will for unified Canada facilitated the continuation of the policy.

The New Immigration Act of 1976 was also a turning point, as it was supported by a large group of stakeholders such as private and public interest groups, academics and the media (Kelley and Trebilcock, 2010: 379). "The act would curtail administrative and executive discretion, increase due process protection for immigrants, and create a relatively generous refugee policy." (p. 379) Canadian immigration policy has become more and more debated within the global context in 1980s and 1990s as the conflicts and collapse of the USSR caused high number of refugees. Later in 1990s, Canada launched a five-year immigration plan (Epstein et al. 2003). According to this plan introduced by the Conservative Government, more expansion was suggested. According to Kelley and Trebilcock (2010: 415) this plan "marked the first time in the post-Confederation history of Canadian immigration policy that a government committed itself to an increase in immigration in recessionary economic times." It is interesting to see that the Conservative Government did not take into account the recession and increased migration levels. However, the same thing seems to have

repeated after the crisis of 2008.

It is important to underline the importance of this change for the case of labour migration. By the 1990s it was already decided that Canada would have a very liberal immigration policy both politically and economically. On the other hand, the period of 1995 to 2008 that is summarized by Kelley and Trebilcock (2010) shows that there was a return to executive discretion for different reasons, including securitization of migration after 9/11.

In contrast with the previous policies of immigration, from mid-1990s, TMPs were devised based on the justification that Canada is in need of skills that are not present in the labour market<sup>103</sup>. This is when TMPs are being used prominently as an immigration policy tool<sup>104</sup>. The idea that the high-skilled migrants integrate faster made it possible to create temporary programmes firstly for the high skilled.

Another reason behind devising TMPs was that the provinces have become more independent in terms of recruitment of migrant workers. For instance, Provincial Nominee Program (PNP) provided this liberty to the provinces. “PNP will allow each province to meet special regional needs and/or to receive priority attention for immigration processing each year.”<sup>105</sup> “Under the PNP, provinces signed agreements with the federal government permitting them to nominate prospective immigrants likely to contribute to the specific economic and labour needs of the province.” (Trebilcock and Kelley, 2010: 431).

Another category that is important for temporary integration was also devised which is the Temporary Foreign Worker Programme (TFWP). According to Kelley and Trebilcock (2010: 433), “Despite this economic rationale, these workers were not included in the economic class because of the temporary nature of their admission with no right to permanent residence.” (p. 433) Another important route for the temporary workers to gain permanent residency has to be mentioned as well: the Canadian Experience Class (CEC), “which permitted temporary workers after one year of employment in Canada to apply from within Canada for permanent residence status provided they fell with certain employment categories” (p. 435). The CEC, however, is not open to low-skilled migrant workers but only high skilled can benefit from this programme to become permanent residents<sup>106</sup>.

In the 2000s the trend is more about attracting the high skilled and decreasing the numbers of the low skilled migrant workers. One of the main reasons behind this is that the IRPA (Immigration and Refugee Protection Act) was enacted. There are two sides to IRPA (Bill C-11). One is that IRPA made it possible for CIC (Canada Immigration and Citizenship) to securitize migration policies:

“To further enhance public safety and security by introducing new inadmissibility grounds, strengthening authority to arrest criminals and people who pose security threats and restricting access to the refugee determination system for certain categories of people, such as people who have been determined to be inadmissible on security or other serious grounds.”<sup>107</sup>

The other aspect to the IRPA was that it would “shift the admission criteria from previous jobs to skills; strengthen family reunification and refugee protection; redesign TFWP to introduce a simple, efficient process for skilled workers and to allow spouses to work; facilitate the transition from temporary to permanent resident status by allowing qualified TFWs to be processed for landing in Canada.”<sup>108</sup> Hence, with the IRPA the idea of temporariness has continued and maybe even become entrenched.

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<sup>103</sup> Annual Report to the Parliament on Migration (1996), p. 21

<sup>104</sup> Annual Report to the Parliament on Migration (1996, 1997, 1998, 1999, 2000, 2001, 2002)

<sup>105</sup> Annual Report to the Parliament on Migration (1996), p. 10

<sup>106</sup> <http://ccrweb.ca/sites/ccrweb.ca/files/tempworkersen.pdf> accessed on 26th of August 2015.

<sup>107</sup> Annual Report to the Parliament on Migration (2002), p. 11

<sup>108</sup> Annual Report to the Parliament on Migration (2002), p. 11

From 2004 to 2008 the number of the TMWs doubled<sup>109</sup>. The most important change that has been done recently is overhauling the TFW by the Conservative Administration. They give the reasons why they do this overhauling in the official document quite clearly indeed (p.11):

“For many youths, these jobs are their first opportunity to participate in the labour market and each time an employer hires a temporary foreign worker in one of these jobs it potentially deprives a Canadian from that all-important first job. This measure will reduce the number of temporary foreign workers by approximately 1000 each year.”

The next section will provide the data for temporary migrant workers in Canada and show that their numbers have increased tremendously in the last ten to fifteen years. Those who gained permanent residency are mostly via the PNP and CEC programmes.

### 4.3 Temporary Migration

There are five main programmes that are examined for understanding temporary migration in Canada: the PNP, established in 1997, from which the low skilled can benefit for permanent residency<sup>110</sup>; the CEC established in 2008, for TFWs who can apply for permanent residency after one year of employment (Kelley and Trebilcock, 2010: 435); the Seasonal Agricultural Worker Programme (SAWP), a programme in place since 1966, the Live-in Caregiver Programme (established in 1992) in which most of the domestic migrant workers can apply for permanent residency after two years of work. In addition to these, there are two other programmes such as the Low Skilled temporary foreign worker programme (LSTFWP) and the High Skilled TFWP (HSTFWP).

Regarding the TFWP in general, it was heavily criticized by Alboim (2009), as she indicated that this is mostly the low-skilled route and there are not enough checks regarding this programme and it should be abolished rather than implemented<sup>111</sup>. The reasons she gave were as such: Guest worker programmes are not functioning well as the immigrants will continue to stay and since they do not have access to permanent residency they might turn into “undocumented underclass” and that temporary residents do not have access to the same supports and services as permanent residents<sup>112</sup>. Another reason for criticism is that Canada had historically always had permanent immigration rather than temporary immigration paths. As Alboim (2009: 1) argues, it was the first time in Canada’s history that in 2007 and 2008 the numbers of the temporary residents were higher than the permanent residents. For the HSTFWP the same concerns do not exist.

#### 4.3.1 Data on Temporary Stay

Findlay et al. (2010) found that complementarity explains the need for seasonal migrant workers in agriculture in the UK case, rather than the replacement of the local unemployed population. The same theory can be applied to the Canadian case where the TFW has been expanding in the last ten years but this is not only a matter of complementarity, as the data demonstrates. What the data shows is as follows<sup>113</sup>:

- “In Canada, the number of TFWs increased 451 per cent from 61.323 in 1987 to 338.189 in 2012.
- The extensive use of the TFWP has shown an uninterrupted growth trend since 1997.

<sup>109</sup> <http://ccrweb.ca/sites/ccrweb.ca/files/tempworkersen.pdf> accessed on 26th of August 2015. Also it can be seen from the webpage <http://www.cic.gc.ca/english/resources/statistics/facts2013/temporary/3-5.asp> accessed on 26th of August 2015.

<sup>110</sup> PNP is different from Federal Skilled Worker Programme (FSWP) in the sense that those who do not qualify under PBS system for FSWP can benefit from PNP. See <http://www.canadavisa.com/provincial-nomination-program.html> accessed on 26th of August 2015.

<sup>111</sup> Author’s interview with Naomi Alboim confirms this information.

<sup>112</sup> [http://maytree.com/PDF\\_Files/MaytreePolicyInFocusIssue10.pdf](http://maytree.com/PDF_Files/MaytreePolicyInFocusIssue10.pdf) by Naomi Alboim, summary of her report accessed on this website on 22 November 2014.

<sup>113</sup> <http://www.canadaimmigrants.com/immigration/statistics/temporary-foreign-workers-1987-2012/> accessed on 26 August 2015.

- On a year-by-year comparison, the highest increase (25 per cent or 50.493 workers) was registered in 2008
- In 2012, 45 per cent of TFWs came from the Philippines, USA, Mexico, India and France
- The number of temporary foreign workers with non-declared skills level has increased from 27.595 (25 percent) in 2003 to 153.668 (45 percent) in 2012.”

As it is seen, the numbers are by no means a significance of complementarity but it is beyond that. The rise in numbers after the economic crisis in 2008 also supports this view. Moreover, there are many TFWs who have acquired the status of permanent residents.

**Table 4.2 International Mobility Programme Work Permit Holders who Have Become Permanent Residents, 2004-2013**

Program	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013
Entrepreneur	24	35	40	56	27	46	31	16	11	13
Investor	7	12	9	11	~17	14	~10	~16	~7	10
Self Employed	25	23	34	35	22	32	14	19	15	18
Canadian Experience Class	0	0	0	0	0	508	861	1,344	2,36	2,609
Provincial/Territorial Nominees	327	668	1,762	2,534	3,933	5,529	5,901	7,127	9,815	12,254
Skilled Trades	0	0	0	0	0	0	0	0	0	12
Skilled Workers	2,832	2,89	3,911	4,552	5,065	4,588	4,387	2,909	4,424	4,883
Total unique persons	3,215	3,628	5,756	7,188	9,065	10,717	11,21	11,431	16,636	20,096

**Source:** <http://www.cic.gc.ca/english/resources/statistics/facts2013/temporary/9-5.asp> accessed on 26th of August 2015.

**Table 4.3 Temporary Foreign Worker Programme Work Permit Holders who Became Permanent Residents by Programme and Landing Year, 2004-2013**

Program	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013
Live-in caregivers	1,022	579	309	281	334	304	334	244	163	132
Agricultural workers	102	104	102	165	204	243	264	289	226	173
Other Temporary Foreign Worker Program work permit holders	2,938	2,558	3,434	4,235	5,672	6,962	7,014	5,623	7,055	6,152
Other higher-skilled	2,123	1,671	2,419	3,512	4,795	5,758	5,431	4,4	5,536	4,388
Other lower-skilled	67	60	67	99	234	488	847	536	686	642
Other occupation	748	827	948	624	643	716	736	687	834	1,122
Total unique persons	4,062	3,241	3,845	4,681	6,21	7,509	7,612	6,156	7,444	6,457

**Source:** <http://www.cic.gc.ca/english/resources/statistics/facts2013/temporary/9-1.asp> accessed on 26th of August 2015.



The data examined confirms Bauder's idea that "without immigrant labour, economies in North America would suffer or even collapse." (Bauder, 2006: 5). In other words, without the international migration and especially migration of labourers neo-liberal economy would have not survived any kind of crisis.

The data regarding the skill levels has also been examined to see the gap between different skill levels and to track their changes according to the years. What is important here is to understand why high skilled ones have shown stability and decline and why C and D (which are intermittal clerical, elemental and labourers) have increased compared to the other groups. Level B (mid to high skill) has been stable most of the time. How much of it can be explained with the economic crisis? In response to crisis, the rise in the numbers of the "level not stated"<sup>14</sup> seems to be worrying and it is a phenomenon that should be analyzed in depth.

If migrant labour is complementary or a substitute shows just after the crisis when the immigrants leave or not. Most of the time in Canada the numbers of the low-skilled migrant workers increase after 2007 and 2008 tremendously, compared to the rise in the numbers of the high-skilled migrants. It seems that the migrant force is absolutely crucial for the Canadian economy. Looking at the unemployment rates in Canada and in different provinces, it is seen that there is a slight rise in the percentage of unemployment. In Canada it is 6.1 per cent in 2008 while in 2009 it is 8.3 per cent<sup>15</sup>. However, further research is needed to see if there was replacement of the natives by the migrant workers or if the results of the economic crisis left many people unemployed in those sectors other than where migrant workers work at.

What can be inferred from these tables? One theory regarding the crisis and that migrant workers are the first ones to be discarded (Ahearne et al. 2009) does not seem to be true for the majority of provinces such as British Columbia, Alberta, Saskatchewan, Manitoba, Ontario, Quebec, New Brunswick and Nova Scotia. After the crisis there is a stability or fall in the number of the high skilled ones, which are stated by Level A while there is an increase in the categories such as C and "level not stated". The increase starting with 2007 and 2008 can also be as a result of the government's policy on Expedited LMO where the employers could reach to low-skilled labour easily and as it has been emphasized before the temporary residence has been higher for the first time in 2007 compared to permanent residence (Alboim, 2009).

In addition to the information above, it can also be inferred that provinces are not uniform in terms of the increase in different levels of skills. This could be related to the different sectors in different provinces and their necessities. On the other hand, what is common in all provinces is that foreign workers' numbers increased in total, in some cases more than tripled.

#### **4.3.2 Transitions from Temporariness to Permanency: Trends in Different Provinces**

Another variable looked in the data regarding Canada was the PNP increase and the number of those who have switched from temporary to permanent status. This variable is important in order to understand how much it is a possibility for the migrant workers to be integrated through open route to permanency and to see which categories have the priority in terms of passing to the permanent status. These questions will be highlighted in this section.

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<sup>14</sup> The ones whose numbers have increased in terms of levels which are the "level not stated" (as it will be seen below on the graphs) cannot be defined and clear information cannot be reached about that category. However, regarding the "level not stated" correspondence with a helpful research officer from CIC -NHQ Research and Evaluation Department has been established and his answer was as such: "The level not stated section applies to education or skill level only. This would refer to persons who did not indicate their specific education level on their application, or this information was incorrectly entered into the processing systems. This could happen in the case of refugee claimants or temporary workers with specific job offers, among other categories applicants."

<sup>15</sup> <http://www.stats.gov.nl.ca/statistics/Labour/PDF/UnempRate.pdf> accessed on 1st of September 2015.

From a historical point of view, it has been most common for high skilled workers to make a successful transition from temporary to permanent status. This kind of result would be convergent with the immigration policies of the past, since the PBS was invented and Canada started to ascribe more importance to the high-skilled recruitment and integration starting, with the 1990s via various programmes. The PNP shows another trend: The programme seems to have achieved its aim and the provinces have recruited those who they are in need of as the numbers of PNP expands a lot.

What has been found was that in terms of the transitions from temporary to permanent residency, these two categories have the highest numbers: the first category is those who have gone through the Provincial Nominee Programme (PNP) and the second category was the skilled workers. Basically these two categories are under the name of economic migrants and economic migrants in Canada are categorized as such in the data: PNP, skilled workers (definition) and "other economic migrants". What is also important to understand is that TFWs can also be transferred to permanent status through PNP: "PNP applications receive priority processing from CIC, and have an acceptance rate of more than 95%. TFWs currently in Canada can also be nominated for permanent residence under the PNP. As of June 2012, CIC had finalized 80% of PNP applications within 16 months."<sup>116</sup>

According to the personal correspondence of the author with a research officer from Canada, at the department of Research and Evaluation in Citizenship and Immigration in Canada (CIC), the changes from one temporary residence status to another (e.g., from foreign student to temporary foreign worker), or from a temporary resident status to permanent residence, are defined as such:

"Transitions from one temporary resident status to another refer to the number of temporary residents whose yearly status has changed from the previous year or from an earlier year if the individual is returning to Canada. Transitions from a temporary resident status to a permanent residence refer to the number of temporary residents who have acquired permanent residency during the year or from a previous year if the individual is returning to Canada. A transition is reported in the calendar year in which the event happened."<sup>117</sup>

The data has shown that the provincial nominees in New Brunswick have increased tremendously from 2005 to 2006. The PNP<sup>118</sup> number has almost tripled.

In Quebec it is interesting to see the most transitions from temporary to permanent are skilled workers. In 2009 the number was 2539, in 2010 it was 2512 and in 2011 it was 2442. In Quebec until 2007 it is seen that it was mostly students who were passing to permanent residency status as principle applicants, which changes after 2007. In Quebec after 2007-2008 the transition from temporary to permanent declines for the humanitarian category. Instead the numbers of foreign workers who attain permanent status increases. The reason that there is not much PNP in Quebec is that Quebec and Nunavut have signed nominee agreements with the federal government as the roles and responsibilities for the PNP are defined through bilateral agreements between CIC and PT governments (provinces and territories) and besides this, Quebec has a separate arrangement under the Canada-Quebec Accord<sup>119</sup>.

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<sup>116</sup> <http://www.cic.gc.ca/english/resources/publications/employers/provincial-nominee-program.asp> accessed on 18th of November 2014.

<sup>117</sup> Personal correspondence via email of the author with a research officer in NHQ on 15-16 October 2014.

<sup>118</sup> "The Provincial Nominee Program (PNP) gives provinces and territories (PTs) an active role in immigrant selection as it authorizes them to nominate for permanent residence individuals who will meet specific local labour market needs. PTs have various streams in their PNPs, but they tend to fall into five clusters: skilled workers; semi-skilled workers; business/investors; international student graduates; and family/community connections." Accessed on the website <http://www.cic.gc.ca/english/resources/publications/employers/provincial-nominee-program.asp> on 18th of November 2014.

<sup>119</sup> <http://www.cic.gc.ca/english/resources/publications/employers/provincial-nominee-program.asp> accessed on 18th of November 2014.



In Ontario, the transition from temporary stay of the TFWs to permanent residency by immigration category illustrates that skilled workers rather than provincial/territorial nominees and other economic migrants<sup>120</sup> switched to the permanent residency easily until 2009. After 2009, higher numbers of other economic immigrants seem to be obtaining more permanent residency compared to the high skilled category. In addition to that, foreign workers seem to be obtaining permanent residence more easily compared to the foreign students, too. The 'other economic migrant' category has been observed to be incrementing after 2009 in almost every province.

In the province of Manitoba, provincial nominees rather than skilled workers gain permanent residency as their numbers are higher. This appears to have been the situation from 2002 to 2011. In Manitoba, the number of foreign workers that gain permanent residency had been high compared to foreign students and the humanitarian population since 2007.

Since 2004 in Saskatchewan, those who are mostly transferred to permanent resident status are provincial and territorial nominees. In 2009 the numbers who had obtained permanent residency are much higher compared to 2008 (it has almost doubled). The transition of the skilled workers to permanent status in terms of numbers is more or less stable in Saskatchewan: It has not been higher than 100 from 2002 to 2011. Since 2002, the percentage of those PNPs, who have had permanent status has increased.

In Alberta there has been a rise in the numbers of those who have passed from temporary to permanent status in both of the categories: The skilled workers and also provincial/territorial nominees. After 2009, the transition to permanent residency has been more common in Alberta for those Provincial and Territorial nominees rather than the skilled ones. In Alberta, transitions from temporary to permanent for the foreign worker category seems to be 6 times higher than it was in 2002.

In British Columbia, skilled workers' transition to PRS (permanent residency status) is more or less stable throughout the ten years. From 2010 to 2011 there is even a decrease in terms of the numbers of the skilled workers' transition to PRS. It is striking to see that the numbers of PNs and TNs (provincial and territorial nominees) who obtained PRS was 60 in 2002 but it became 2450 in 2009. In 2006 it tripled from what it was in 2005. The skilled workers' transition has been much lower compared to other categories: In 2002, 31.4 percent attained PRS, while in 2011 10.2 percent attained PRS. Other economic migrants' PRS attainment percentage between 2002 and 2011 increased from 25.3 percent to 30.7 percent. PN and TNs increased tremendously as in 2002 it was 4.1 per cent who attained PRS and it has become in 2011 as high as 39.6 percent.

In Yukon, Northwestern Territories and Nunavut (which has not signed up for the PNP agreement with the Federal Government) there are not significant changes in between the categories. Therefore, all the data presented above prove that there is a high number of PNPs obtaining permanent residency status especially changing the parallelism with the high-skilled workers in these provinces. From 2002 to 2011 the trend is that foreign workers are the first category to obtain permanent residency compared to foreign students and humanitarian population. This is not the case only for Quebec, which always had more high skilled attaining permanent status.

#### **4.3.3 Summary of the Data: Transitions from Temporariness to Permanency: General Trends in Canada**

Two important amendments in the immigration laws had effects on the transitions from

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<sup>120</sup> Email correspondence with a researcher officer in NHQ - Research and Evaluation indicates that other economic migrants are including these groups: 'Permanent residents in the other immigrant category include post-determination refugee claimants in Canada, deferred removal orders, retirees (no longer designated under the *Immigration and Refugee Protection Act*), temporary resident permit holders, humanitarian and compassionate cases, sponsored humanitarian and compassionate cases outside the family class, and people granted permanent resident status based on public policy considerations.'

temporary to permanent residencies in Canada. These changes were mostly made in 2007 and 2008. In 2008 they were related to the enhancement of CEC, which made it easier for those who have recent Canadian work experience or have graduated or recently worked in Canada to gain access to permanent residence. Another important change was that ministerial instructions modified the way the economic immigrant cases are processed under the IRPA (Immigration and Refugee Protection Act). This amendment aimed to ensure that the backlogs in applications would be eliminated by limiting the acceptance rate, and by accepting workers whose skills were needed quicker, in order to address the labour market needs<sup>121</sup>. However, which skills are prioritized is not clearly indicated and it seems that the PNP and the CEC had benefited greatly from this change as their numbers have arisen after 2007 and 2008.

Looking at the picture more generally what is seen is that the transition to permanent residency shows these trends:

- 1) The numbers of the Canadian experience class<sup>122</sup> (CEC) transitions increased after 2008 and 2009, as the programme have been enhanced in 2008. The results have proved to be in the direction of the aim of the policy. Their increase seems to be short term despite the fact that it is in high numbers.
- 2) The numbers of skilled workers indicates little change (in 2002 the numbers of those who attained permanent residency status (PRS) are 3144 and in 2011 they are 4416). It is stable in terms of the numbers of applicants, but it can be said that it has even decreased compared to the increase in provincial and territorial nominees observed in 2007, 2008 and 2009. Those who have attained permanent residency have decreased from 33 percent to 14.8 percent for the high skilled.
- 3) Economic migrants have increased tremendously in numbers and permanency. (In 2002 those economic migrants who had PRS were 4869 and in 2011 they are 20600). The numbers of the TFWs who have attained PRS more than tripled between 2002 and 2011.
- 4) The numbers of the live-in caregivers are roughly stable, although in general they are constantly high. The percentage of those who attain PRS from 2002 to 2011 change as such: from 15.9 percent to 16.8 percent.
- 5) The number of the Provincial Nominees increased dramatically between 2005 and 2006. In general, the numbers of PNPs in transition expanded extraordinarily. Those who have attained PRS have increased from 1.4 percent to 25.3 percent.

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<sup>121</sup> <http://www.cic.gc.ca/english/department/media/backgrounders/2008/2008-07-03.asp> accessed on 23 November 2014.

<sup>122</sup> "After you have lived in Canada for some time, you may have good English or French skills, the right kind of skilled work experience, and be used to Canadian society. The Canadian Experience Class (CEC) was created to help people like this take part in the Canadian economy. If you are a foreign worker or a foreign student, and have skilled work experience in Canada, you may be in a good position to move from temporary to permanent residence under the (CEC)." <http://www.cic.gc.ca/English/immigrate/cec/index.asp> Accessed on 18<sup>th</sup> of November 2014

**Table 4.4 Temporary Residents by Yearly Status**

	2002	2011
Prince Edward Island	250	1189
Nova Scotia	3699	6721
Quebec	18709 (year 1987)	63471
Ontario	70200 (year 1987)	152697
Manitoba	3464 (year1987)	8207
Saskatchewan	2659	9548
Alberta	13628 (year 1987)	83344
British Columbia	16950 (year 1987)	109015
Yukon	266	713
Northwest Territories	647	425
Nunavut	72360	119703

**Source:** Prepared by the author in order to show the increase in temporary residency in the last 10 years from the resources available on CIC and from the Digital Library Cd, which has been sent from Canada where the data is available till 2011.

In the next section there will be a summary of UK immigration policies in terms of the Labour Party's policies from 1997 to 2010, and Coalition's significant changes to immigration policy since 2010 will be examined briefly. SBS and SAWS will be explored in particular as they are the temporary programmes.

#### **4.4 A Brief History of Immigration Policies in the UK**

Labour migration to the UK is not a new phenomenon, starting as it did with Irish labour migration in the nineteenth century. Castles (1984: 41) describes in his book that there had been immigration of the Irish to the UK in the post-war era and it had continued since the 1830s. Kebbel (1907) in detail, explained how it was hard to find an agricultural labourer as it was the times when all the young and able men immigrated into the cities to work in the factories. Hansen (2014: 201) says "From 1905 to 1948 policy distinguished between two types of migrants: British subjects who could enter the UK largely freely and to aliens who could not". Castles mentions a second wave of immigration of 460,000 people who came from other European countries in order to fill the labour shortages between 1946 and 1951 (from refugee camps 90000 European Voluntary Workers –EVW- were recruited) (ibid.). Macdowell (2009) in her article focuses on these two groups of EVW where the Caribbeans and Lithuanians immigrated in order to fill the labour shortages.

Castles (1984: 41) adds that "the voluntary workers were not regarded as permanent settlers and their civil rights were restricted." Hence, it is possible to say that temporary migration, although not planned, was always a part of the policy and would be temporary with no further rights. First of all, most of the immigrants in 1950s were from Italy while in the 1960s mostly they were from Spain and Portugal (ibid.) Another source of immigration was the New Commonwealth (p. 42), and this continued until the declining economic demand of the country in the 1960s, and as a result of the migrant controls. The restrictiveness of migration policy was increased with the Commonwealth Immigration Act of 1962, which required an employment voucher for people to come to the UK and Commonwealth Immigration Act

1968<sup>123</sup> and Commonwealth Immigration Act of 1971 which replaced employment vouchers with work permits while allowing only temporary residents<sup>124</sup>.

Hansen (2014: 201) writes that in 1962, as the immigration figures were growing, the Conservative government placed controls on British subjects of the UK. The immigration of those that are not ethnically British was considered to be temporary such as the ones that came in 1970s as those who came to work from the Philippines, Morocco and Latin America (Castles, 1984: 42). For instance, for the Black immigrants the situation seemed to be tougher (Castles, 1984: 43).

In 1973 the bill that finalized the British subjects' privileged access and right to work was given to European Economic Community workers (Hansen, 2014: 201). Finally the 1981 Nationality Act came into force in 1983 which had underlined that the Commonwealth citizens could obtain British citizenship automatically through registration while aliens had to apply to become naturalized (p. 45-46). In 1981, the CUKC (citizens of the United Kingdom and colonies) was replaced by British Citizenship (ibid.). Hansen (2014) also underlines that from the 1970s to the 1990s British immigration policy was very restrictive and Thatcher made her opposition to migration apparent in 1978 and for the following ten years she supported a restrictive migration policy.

Additionally, the 1981 Nationality Act removed the right of children born in the UK to become citizens automatically, and instead their parents had to be legally settled in the UK during the time of their birth (Castles, 1984: 46). What could be inferred from all these policy changes is this: In the UK, there was always anxiety on the side of the public opinion as well as conflicts between migrants and racists, while on the side of the policy makers there was always an attempt to respond to this turmoil through various acts and policies that were restrictive to certain groups. Race has been predominant as well throughout the 1990s (Favell, 1998). Therefore, it seems that until today the path dependence has not been replaced by any kind of significant change in the openness of the country (except in 2004). It would not be wrong to claim that the inclusiveness towards the British and the Commonwealth has been extended to European Union citizens in a way and now it is the non-EEA migrants who are mostly coming via temporary channels because their permanent migration is not backed by the government.

As will be observed in the next section, during the Labour Administration the numbers increased greatly and this was a breaking point with the restrictive policies of the past. However, some scholars find it plausible that the idea of restricting the numbers of asylum seekers and liberalizing economic migration are not mutually exclusive from a neoliberal logic (Flynn, 2009).

#### **4.4.1 Labour Party and Its Immigration Policies**

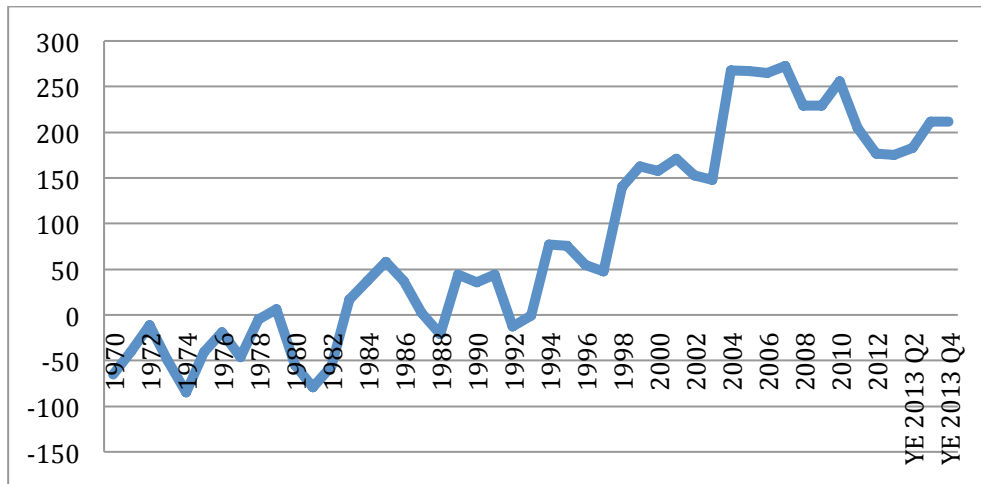
From 1997 to 2005, the policies followed were very different compared to the ones in history, although the contexts have not been different regarding the labour shortages and recruitment of migrant workers from developing countries. According to Hansen (2014: 200), the British immigration policy was based on these three pillars from 1997 until the present day: "1) The expansive migration policy from 1997 to 2010, 2) The restrictive asylum policy through this period, and 3) The 2010-present clampdown on immigration." Since the asylum policy is not within the context of this thesis, only economic migration and expansion in that direction will be discussed.

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<sup>123</sup> Asians from Kenya and Uganda were not subjected to the Act. See website <http://www.nationalarchives.gov.uk/cabinetpapers/themes/commonwealth-immigration-control-legislation.htm> accessed on 27th of August 2015.

<sup>124</sup> Patrials were exempted from the act. Please see <http://www.nationalarchives.gov.uk/cabinetpapers/themes/commonwealth-immigration-control-legislation.htm> accessed on 27th of August 2015. Those who were expelled from Uganda by Idi Amin were permitted, as 27000 Asians came.

**Table 4.5 UK Net Migration in thousands 1970-2013**



**Source:** Table prepared by the author according to the data taken from Office for National Statistics UK.

The liberalization of immigration policy under Labour is documented by Consterdine and Hampshire (2014), Geddes and Statham (2006), Flynn (2003) and Hansen (2014). According to Hansen (2014: 199-200) the policy change was not because there was a policy gap or a loss of control of migration during the Labour Administration, but that the Labour had made an essential break with the previous Conservative practice via these policies: “to increase sharply the number of work permits issued; to create new temporary migration schemes; while expanding existing ones; to open Britain’s borders to newly acceded EU member states; and to adopt an Australian style points system.” What is argued in this section and in this thesis is that, although the migration policy was liberalized during Labour, the necessary conditions for integration of short-term migrant workers were not provided to the fullest extent. This negligence actually got worse during the time of Coalition administration.

**Table 4.6 Work Permit Holders and dependants given leave to enter the UK excluding EEA and Swiss nationals, 1999-2008 (Employment for less than 12 months)**

	All Nationalities	Europe	Indian Sub-continent	Middle-east and Remainder of Asia	Americas	Africa
1999	28445	5385	2970	2710	13790	1915
2000	30785	5190	4785	2765	14100	2090
2001	30785	4665	5610	2620	13030	2885
2002	34095	6970	5665	2420	13855	3160
2003	36870	7625	6440	3045	14935	2965
2004	40420	7345	8130	3380	16870	2955
2005	40350	6825	7555	3355	18000	2460
2006	39060	5050	7055	3390	19195	2405
2007	37575	3710	5640	3340	20455	2355
2008	37975	3610	4660	3735	21605	2125

Source: ([available at http://www.homeoffice.gov.uk/rds/immigration-asylum-stats.html](http://www.homeoffice.gov.uk/rds/immigration-asylum-stats.html))

The data regarding the temporary migrants is not as clear as it is in Canada. Short-term



international migrant data has been collected in the case of the UK. This data, however, does not show the outflow of the short-term migrant workers (Outflows include the residents in the UK). Mid-2006 Short-term Migration Estimates for England and Wales show that (ONS, 2006: 2) “inflows of short-term migrant workers are estimates to have increased between mid-2005 and mid-2006. In particular, visits for 3-12 months for employment rose by 20 per cent in this period. This was less than the rise between mid-2004 and mid-2005, the first year of post accession.” In 2007, “the largest decrease is to the number of short-term migrants for employment staying 3-12 months, which has fallen by 30 per cent during the period (from 108,000 to 76,000).” After 2008, the representation of data has changed and the categories turned into tiers. As seen below, Tier 2/5 who are the temporary categories with work permits possess the highest numbers:

**Table 4.7 Number of Temporary and Permanent in-country visa applications received for each route**

Quarter	Spouse/ Partner	HR/Complex Case	Other Non PBS	Visitor	Tier 1 Entrepreneur	Tier 1 General	Tier 1 Other	Tier 2/5	Study
2014 Q1	4.334	17.711	2.876	465	3.256	1.229	283	11.867	18.510
2014 Q2	3.801	16.669	1.300	373	2.496	951	157	10.675	13.366
2014 Q3	3.984	18.984	1.159	448	3.519	437	214	13.279	34.032
2014 Q4	4.313	19.365	1.066	370	871	445	422	10.189	19.033
2015 Q1	4.475	20.429	2.124	410	1.099	921	353	11.082	10.315

Source: <https://www.gov.uk/government/publications/temporary-and-permanent-migration-data-november-2014> accessed on 2nd of October 2015.

As Tony Blair resigned from the party in 2007 there were two important facets: Open migration for the economic migrants and being restrictive for the asylum seekers (Hansen, 2014; Geddes and Statham, 2010). Interestingly economic migrants were composed of both low and high skilled immigrants. One should not underestimate the rise of the high skilled migrant workers’ numbers, especially numbers of the ICT (Information and Communication Technologies) workers rising immensely (Salt and Millar, 2006). Hospitality and catering were also very important sectors to recruit low to mid-skilled workers. However, Hansen (2014: 200) underlines that in 2010 the Conservative and Liberal Democratic Coalition agreed on a cap to reduce economic migration radically and skilled migration would have been one way to do it.

In 2002, the Highly Skilled Migrants Programme (HSMP) was set up (Consterdine and Hampshire, 2014: 279). According to Salt and Millar (2006: 349), the programme was designed for highly skilled people to migrate to the UK for work and self-employment. Although the HSMP was firstly for India and Pakistan later it was open to all over the world<sup>125</sup>. Salt and Millar (2006) also make a reference to the fact that many British are at the same time leaving the country to find jobs in North America and Australia<sup>126</sup>. This programme was replaced by Tier 1 in 2008<sup>127</sup>.

<sup>125</sup> The statement of Changes in immigration rules, laid on 7<sup>th</sup> November 2006 (HC 1702) indicate that the programme was open to two countries in the beginning but then it was expanded. In addition to that, in 2006, language requirement was brought for high-skilled migrant workers.

<sup>126</sup> Their work is unique in that sense as most of the articles focus on immigration but not emigration.

<sup>127</sup> [http://www.workpermit.com/uk/highly\\_skilled\\_migrant\\_program.htm](http://www.workpermit.com/uk/highly_skilled_migrant_program.htm) accessed on 28 August 2015.

In addition to the programmes above, low-skilled migration programmes were also expanding. Two main low-skilled temporary migration routes were the Seasonal Agricultural Worker Scheme (SAWS) as a historical scheme (60 years old) and the Sector Based Scheme (SBS) opened in 2003 (later discontinued by the Coalition in 2013). However, during the time of Labour these sectors mostly recruited immigrants from A8 countries and especially SAWS was an expansive programme while SBS was not seen as efficient (MAC, 2013). Another reason for closing SBS was that it was a channel for transition from temporariness to permanence (MAC, 2013). Please see the changes to these programmes below:

**Table 4.8 Changes to SBS: Nationalities, Years and Turning Points**

Years	Changes
2003 May	SBS was introduced
2004	Quotas of each nationality to 20 percent introduced
2004 -18 June	Bangladeshi have reached their quota
2004 -21 June	No more Bangladeshi application was accepted (closing of the hospitality sector is related to that)
From 2004 on*	The Southern Asian have been replaced by the Eastern Europeans
2005 July	Termination of the hospitality sector which accounted over 70 per cent of it
2003-2006**	Food processing sector accounted for more than 70 percent of it in between these years. From 2003 to 2006, 81 to 96 per cent of SBS workers were from one of the two regions: Eastern Europe or Southern Asia (MAC report p. 24)
2003-2006	Most of the immigrants that came from the Eastern Europe were Ukrainians and Bulgarians (5000 to 4000 which makes the quarter of all SBS applications)
2007 – 2011	Quota restricted only to Bulgarians and Romanians
2008	The quota fell almost half percent
Since 2009	The intake has been very slow for SBS
2012	Only a quarter of the quota has been fulfilled

**Source:** \*MAC analysis of UK Border Agency Management Information Data and United Nations Statistics Division (2013)<sup>128</sup>

<sup>128</sup> \*\* According to UN Statistics Division Eastern Europe includes the following countries; Belarus, Bulgaria, Czech Republic, Hungary, Poland, Republic of Moldova, Romania, Russian Federation, Slovakia and Ukraine. Southern Asia includes the following countries; Afghanistan, Bangladesh, Bhutan, India, Iran (Islamic Republic of), Maldives, Nepal, Pakistan and Sri Lanka.  
Source: Mac Report p. 25-26



**Table 4.9 Changes to SAWS**

Years	Changes
2000	Quota was 10000
2004	Quota has increased to 25000
2004	A8 Accession
2005	Quota was decreased to 16250
2005	Introduction of fines for employees who are caught employing illegally residing immigrants
2007	40 percent of the quota allocated to A2
2008	SAWS fully restricted to A2
2007/2008	Labor shortages reported
2008	The MAC recommended an increase in the quota from 16250 to 21250
2009	The quota was increased to 21250 with the suggestion of the MAC

**Source:** Prepared by the author based on the evidence given by MAC (2013: 48-49)

Salt and Millar (2006: 350) state that the SBS, introduced in May 2003, was devised to address labour shortages. It was mainly food processing and hospitality (hotels and catering) sectors with a quota of 1000 for each sector (ibid.). But the quota was reduced by 25 percent in 2004 and in 2005 the hospitality sector was drawn out of the scheme (ibid.) As most of the labour policies were employer driven the employers' reaction is worth mentioning: In 2005 there were 'outcries from the hospitality sector employers who claimed that migrant workers are crucial and the British are not ready to do their jobs' (Mayhew, 2010: 55).

Salt and Millar (2006: 351) describe SAWS as such: "SAWS originates from immediately after the Second World War to facilitate the movement of young people from across Europe to work in agriculture, in particular as an additional source of Labour in peak seasons. Although the numbers of people participating in the scheme have increased over the years, its principles and features have largely remained the same." It would be meaningful to add that SAWS in the UK and SAWP in Canada have diverse reasons for existence. While the first one was devised to attract Eastern European students, the Canadian one was a measure to alleviate poverty in the beginning<sup>129</sup>. As these programmes expanded, the nature of the programmes have evolved in a similar way and the same concerns started to dominate the discussion regarding these two programmes. The lack of integration measures and policies for these programmes were the main reasons of criticism in both countries.

SAWS was firstly for students between the ages of 18 and 25 (Salt and Millar, 2006: 351). The scheme used operators who recruit participants, allocate them to farms and ensure they receive appropriate wages and conditions, including suitable accommodation. Annual quotas were used to manage the numbers of people that may participate in the scheme. The scheme later evolved and the upper age limit was removed<sup>130</sup> (MAC, 2013). 81 to 96 percent of

<sup>129</sup> Author was informed about it by Ben Rogaly, meeting in January 2015.

<sup>130</sup> Statement of Changes in Immigration Rules – HC1224 (November 2003)

SAWS workers came from Eastern Europe between 2004 and 2007: “Ukraine (33 per cent of Eastern European SAWS workers, 2004 to 2007), Bulgaria (23 per cent), Russia (15 per cent), Romania (11 per cent), Belarus (9 per cent) and Moldova (6 per cent).” (MAC Report, 2013: 58).

Consterdine and Hampshire (2014: 277) look at the “historical institutionalist (HI) literature for theoretical insights” and they find out as a result of elite interviews that Labour’s second term (2001-2005) was a ‘critical juncture’ in terms of economic migration. Like Consterdine and Hampshire (2014) and Hansen (2014) also focused on the institutions to understand the changes. However, Hansen also adds that the “Marxist critical and functionalist approach offers also important insights” (p. 214) On the other hand, he finds this theory overdeterministic, as he compares the history of immigration and migration policy starting with 1950s and says (p. 215): “First British immigration policy had shifted from periods of great liberality (1950s and 1960s) to great restrictiveness (the 1970s to mid 1990s) and back to (relative) liberality (the mid 1990s to the present).” Geddes (2005) also underlined that the migration policy was more in line with the EU migration policy after 1990s which also meant that a more liberal path was followed. This actually aligns with what Zolberg (1989) has indicated, where there are great walls and doors which open and close according to the context. With the Coalition those small doors were made even smaller.

#### 4.4.2 Restrictions and Salience of Immigration in the UK

In 2013, two of the temporary programmes (SBS and SAWS) were closed by the Coalition Government, despite the contrary opinion of the farmers and MAC<sup>131</sup> the (Migration Advisory Committee), who have proposed evidence from the employers that this kind of labour is necessary and needed. Moreover, there is the risk that the formal schemes that are not used and not regulated might possibly be replaced by the gangmasters (labour agencies) who provide labour to the employers but who actually are prone to exploiting the workers on the basis that they make them indebted first and help them be recruited in the country of destination. Therefore, closing the schemes to restrict immigration or to give these jobs to the British workers<sup>132</sup> do not seem to be realistic reasons and they might produce results that are far from the main aims of closing these schemes.

Recent changes to the UK immigration policies show that the restrictiveness of the state Triadafilopoulos (2011) and Joppke (2007) has prevailed in addition to the fact that anti-immigration UKIP (UK Independence Party) and the Coalition Government have shifted the direction of rhetoric to the right and the Labour Party was forced to shift its rhetoric accordingly<sup>133</sup>. The Coalition government made it more difficult for the undocumented migrants to find places to stay and they are also made it harder for the immigrants to be trusted<sup>134</sup>.

In accordance with the statements above, the surveillance has shifted to the different actors in addition to the border guards, visa officers and consulates/embassies<sup>135</sup>. For instance, with Immigration Act 2014 UK (which came into force in April 2015) government has embraced a new strategy of immigration control aiming to encroach of immigration and control into areas of civil life<sup>136</sup>. But what is more, the landlords will be subjected to penalties if they let the properties to undocumented immigrants. This is called by Eric Longo as “third sector

<sup>131</sup> Last but not least, Migration Advisory Committee (MAC) was set up during Labor’s time in order to provide suggestions to the government on migration making thorough research and impacts assessment on different programmes and policies.

<sup>132</sup> <https://www.gov.uk/government/speeches/seasonal-agricultural-workers-scheme-and-the-food-processing-sectors-based-scheme> accessed on 27th of August 2015.

<sup>133</sup> Even recently Yvette Cooper, from Labour Party claimed that Labour got things wrong on immigration accessed on <http://labourlist.org/2014/04/yvette-coopers-immigration-speech-full-text/> accessed on 20<sup>th</sup> November 2014

<sup>134</sup> Kukathas (2015) underlines in his recent piece of work that the migration controls have also become related to controls of the native society via different methods that the state utilizes.

<sup>135</sup> Insights from Eric Longo’s presentation.

<sup>136</sup> <https://www.gov.uk/government/news/west-midlands-to-be-first-landlord-right-to-rent-check-area> accessed on 22 November 2014

policing and deputisation”<sup>137</sup> as it gives the people the burden of controlling immigration as Longo has underlined in his presentation. This is just one of the illiberal means that the liberal state has taken in order to control immigration on the borders, transnationally and finally domestically.

What kind of effects will this restrictiveness have on the integration of the migrant workers who have been residing in the UK for a long time? For the sake of integration it seems that the Immigration Act of 2014 is an obstacle to the integration of any kind of immigrant. This brings the question if the UK is turning back to adopt a zero-immigration policy again (Joppke, 2010). For sure this act will make integration more difficult as without trust in immigrants integration cannot be realized at the social and cultural level.

Life has become harder for temporary migrant workers in the UK. The Coalition Government also wanted to restrict the transitions from temporary to permanent as well. It was suggested in policy papers (Gower, 2015:12) that “the government believed that it has been ‘too easy’ for migrants to move from temporary residence to permanent settlement in the past.” In line with this insight, the time to get permanent residence for spouses of British/settled persons’ spouses has been raised to 5 years rather than 2 years (ibid.). In addition to this, a new requirement for temporary migrants to pay a contribution to NHS was introduced (p. 14). The other changes during the Coalition Government can be summarized as such (Gower, 2015: 1):

- The visas available to skilled workers with a job offer (Tier 1) was limited and a stricter criteria is defined in order to decide who can stay in the UK permanently
- The visas for the high-skilled migrant workers without a job offer was closed while a more selective visa procedure was introduced for high-skilled/ ‘high value’ migrants (such as investors, entrepreneurs and those with ‘exceptional talent’)
- Student visa conditions were made harder (limited working hours, interview obligations before arrival, limits to family reunification, more demanding requirements)
- Closing the post-study work visa
- Restricting new migrants’ entitlements to certain welfare benefits
- Introducing a threshold of £18,600 ‘minimum income’ requirement for a partner visa, in order to encourage integration and protect public funds.

As seen above, the changes have been restricting the possibility to immigrate and become permanent residents in the UK. The immigration process is disrupted and the immigration experience is interrupted as a result of these amendments. Almost in an unnatural way most of the immigration experiences in the UK are becoming temporary. The students are also on the category of temporary migrants although they are not examined in this thesis. Family reunification and access to welfare have been limited as well. What is more interesting is that the limitation on the high-skilled migrant workers. First HSMP was changed with the PBS system into Tier 1. The channel for Tier 1 has been limited to entrepreneurs, investors and exceptional talent and other high skilled do not have much chance to benefit from this tier. Even the numbers of high skilled are trying to be curbed in the UK. Although the current Home Secretary Theresa May suggested that the aim is to “attract the best and the brightest at the same time as we reduce the overall number” (Gower, 2015: 3) it seems that the obsession to reduce the net migration have had a spill-over effect on restricting the inflows of high-skilled migrant workers, too.

## 4.5 Conclusions

It is very interesting to see that in both countries temporary programmes are being cut back or closed. The causes of these are similar: It has been closed to give priority to the British

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<sup>137</sup> Presentation made by Eric Longo at University of Sussex in September 2014.

workers in the UK case, while in the Canadian case they had been reformed and restricted by “Putting Canadians First”. However, in Canada this kind of rhetoric is coupled with the public debate that Canadian immigration policies have always been for permanent purposes. Hence, regarding the TMPs, cutting the programmes is the solution of the UK while Canada reforms them.

This restrictiveness in the UK is due to the public opinion becoming more and more anti-immigrant, and there is reluctance to integrate the low-skilled migrant workers. Accordingly, Labour<sup>138</sup> has been forced to talk about immigration in a similar way to the Conservatives and Liberals. It is only the Green Party that does not have a similar rhetoric of restrictions and limitations. The restrictions to TMWPs in Canada are related to the cases of abuse by employers, problems in integration of migrant workers and anxiety on the increase of low-skilled migration.

Both countries have had a similar rhetoric since mid-1990s about the attraction of skills (‘best and the brightest’) and global competition for skills. But what was argued in this chapter is that despite this liberal rhetoric that is common between these two countries, policies regarding the high-skilled migrant workers started to diverge. The case had been more so with the Coalition government making the channels to recruit the high skilled narrower as well as canceling possibilities for high skilled to stay longer (non-renewable visas), in short, by making almost all kinds of migration temporary.

Although not mentioned in this chapter, it is important to arrive at the distinction between the laws governing the domestic workers. It is possible to see that the domestic workers’ acceptance to Canada has become the norm (they can have permanent residency after two years of domestic work) and there is not much discontent with this policy while in the UK migration laws regarding domestic workers’ have become more and more restrictive in 2000s as it can be seen from the table below. Looking at the changes, it seems that domestic workers have no choice but to be dependent on one employer almost for five years and there is no guarantee that they would be able to work in another kind of job after that period. What is worse, they have lost their entitlement to change employers and settle permanently in the UK (Gower, 2015: 7).

**Table 4.10 Changes in Laws Regarding Domestic Workers in the UK**

<b>March 2009</b>	Tiers 1, 2 and 5 of the PBS were amended from 31 March 2009. This included changes to the points awarded for particular qualifications and previous earnings for those applying for entry under Tier 1. Private servants in diplomatic households in the country under Tier 5 (International agreement) were allowed to apply for settlement after five years’ continuous stay.
<b>April 2012</b>	Private servants in diplomatic households applying under Tier 5 (International Agreement) will be allowed to stay for the duration of the stay of the diplomat for whom they are working, up to a maximum of five years, whichever is shorter. They may not switch employer or settle in the UK from this route, but may sponsor dependants.
<b>April 2012</b>	Overseas Domestic Workers coming to work in the private household of their employer are only allowed to accompany an employer (or their spouse, civil partner or child) who is visiting the UK and must leave the UK with

<sup>138</sup> <https://www.youtube.com/watch?v=saOGTZpVHhI> Jim Corbyn is different in terms of approach to immigration.

	the visitor after a maximum of six months, and may not extend their stay, switch employer, sponsor dependants or settle in the UK from this route.
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**Source:** Office for National Statistics

The conclusions from this comparison can be analyzed as such: Temporary migration will turn to permanent migration and this transformation cannot be hindered by the policy makers nor the restrictive policies. But the policy-makers would like to diverge temporary and permanent migration (Vosko et al. 2014) even though it is intuitively against the national interest (especially for the high-skilled migrant workers). Entzinger and Biezevald (2003) also draw attention to this fact that “temporary versus permanent immigration distinction is less useful as a basis for developing integration policies.” Zolberg’s theory (1989) was right that migration policy, rather than becoming totally restrictive, becomes restrictive in some areas while it becomes open in other areas. However, what we are witnessing now in the UK is restrictiveness, both to low skilled immigration as well as to mid and high skills in addition to the asylum seekers. Cutting TMPs and creating new TMPs is an ambiguous way of dealing with migrants’ lives. Canada is moving in a restrictive direction, too in some ways but much less so. Canada has chosen to reform programmes rather than close them down entirely. And this is mostly true for the low-skilled migration programmes, because the numbers of TFWs have increased tremendously as it was observed in this chapter. They are not complementary, they have become crucial as Bauder (2006) suggested.

The data of Canada from 2002 to 2011 demonstrate that most of the migrants who pass to the permanent residency are foreign workers rather than foreign students or compassionate cases. What is more, in Canada the attainment of the permanent residence status by the high skilled and live in caregivers are high and stable but for the PNP and CEC class which can also include temporary workers and SAWs are also obtaining more permanent residency, particularly after 2008. There is no data showing how many of them are SAWS workers. Overall, the examination of the data demonstrates that the thesis of Ahearne (2009) who said that the TFWs are most disposable once there is crisis seems to be questionable. On the contrary, they are more desired but at the same time they are more susceptible to exploitation.

The main arguments of this chapter can be summarized as such: Complementarity does not explain the increase in the numbers of the TFWs in the labour market in both countries; restrictive rhetoric, public opinion and historical understanding of migration can be entrenched so deeply in the migration history that the political authority has to abide by this path dependence. For instance, the political party change in Canada did not cause completely adverse results in immigration policy, while it made a great difference in the case of the UK. And the reason for this is that the positive public opinion and historical understanding of immigration are comparably based on control and limits in the UK. This understanding is very hard to erase as it is a path dependency ingrained in the institutions and the political parties feel obliged to abide by this structure.

## Chapter 5

### Integration Policies and Their Implications for Temporary Integration in the UK

#### 5.1 Introduction

Temporary migration policies (TMPs) reflect the behaviour expected from migrants by the host state: To work and to leave. This does not mean that these policies correspond with the motives and actions of migrants themselves, which might be more related to longer stays and integration. This is more so for the temporary migrant workers (TMWs), who are discouraged to integrate as the states have an interest in preventing their settlement. Wickramasekara (2011) has defined temporary migration as “labour without people”, which is exactly what the UK policy aims towards. Moreover, the aim of rendering migration temporary and circular, either to prevent brain drain or to appease the public in the member-states, has been a choice by the EU migration policy-makers as well (EMN, 2011). The aim of this chapter is to depict the changes from Labour to Coalition regarding TMPs and integration of TMWs.

For the purposes of their report, the EMN (2011: 21) a temporary migrant as a “third-country nationals who enters the UK for the purpose of work, study or as a spouse, whose returns (or the timeframe of the return) is enforced by UK Immigration Rules.” The EMN (2011: 29) suggests that temporary migration should include seasonal workers and intra-company transfers as well as those who come from non-EU countries for study and training purposes. For the sake of keeping the thesis more focused on work and employment, international students and those who come for training purposes such as Working Holiday Makers (WHM) are not included in this study. Most of the temporary migrants that are the focus of this thesis are those from the following programmes: the Seasonal Agricultural Worker Scheme (SAWS) and the Sector-based Scheme (SBS).

This chapter on the integration policies of the UK takes into account both the EU and non-EU migrants, and the reason for this is that despite having different rights, huge policy gaps and divergences in implementation, both of these groups face similar barriers in integration. *De jure* EU citizenship does not turn into *de facto* EU citizenship unless the institutions are aware of their obligations and the migrants are aware of their rights. This result has also been suggested by the interviews. While the rights of the migrant workers will be examined in a different chapter, this chapter aims to focus on general integration policies of the UK and how these policies imply that temporary migrants are not a focus of integration policies. It is argued that further cuts to the integration policies and the discontinuation of the TMPs signify the lack of ability or willingness on the side of policy-makers to enact policies that are protective of the rights of TMWs.

In contrast to Canada, where integration is linked directly to immigration, the UK has practiced an integration which is disconnected from migration policy. However, both countries have made a clear distinction between temporary and permanent migration. The logic behind this distinction was that an alternative to permanent migration would be temporary migration. Another reason could be what Wickramasekara (2011) states: temporary migration requires smaller integration costs for the host society. The differentiation between temporary and permanent, and the reluctance to invent integration policies for the short-term migrant workers can be observed from the policies that are made in the UK, as will be examined in this chapter. However, it is also wrong to generalize by arguing that there is no consideration of the rights of the TMWs as there is some evidence<sup>139</sup> that both<sup>140</sup> countries include integration and rights in its report discussing the temporary employment. However, it is very hard to see the effects of these discussions on the real

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<sup>139</sup> Economic Migration to the EU, Report with Evidence, House of Lords, EU committee, HL Paper. 58. This document is important in the sense that they discuss in House of Lords a lot about the integration of the third country nationals especially and they try to link immigration to integration.

<sup>140</sup> As it will be examined in the next chapter in Canada some main migrant organizations such as OLIP has indicated that the integration of temporary migrants should be taken into account and they put it in their agenda.

policies. In other words, these thoughts are not integrated into the policy-making.

Geddes (2003) has argued that different migrant groups have different requirements at different stages of their integration. It will be seen that there have not been many projects or funding to help the integration of the TMWs. This is not only because the official preference is that they leave; it is also because a separate budget would not be spared for it. Tom Papworth, who is the Associate Director of Centre Forum, indicated that if there was a temporary integration programme there would be minimal budget spared for it<sup>141</sup>. However, it is also because integration has always been thought of as a long-term issue. Moreover, it has been thought of as labour market integration (Hampshire, 2013: 144). Currently, in the UK, integration policies in general have lost their importance. The only thing that still counts is labour market integration, while the other types of integration are neglected by the policy-makers. In addition to these factors, cultural integration has been understood more as preventing radicalization rather than as a means to better worker conditions. However, considering temporary and permanent migration separately is one of the root causes of long term integration challenges. This separation between these two policies in the long term leads to a lack of integration or to no integration policies for the newcomers, despite the fact that the newcomers are the ones who need guidance the most.

This chapter predominantly examines the general integration policies dividing the period into two: the 1997-2010 Labour Administration and the 2010 -2015 Coalition Administration. The immigration policies have become more and more restrictive during the last years as immigration has become one of the most important issues in public opinion, and has turned into a prominent issue for the political parties to contest electoral campaigns. After the examination of the changing policies, the third section will look at the effects of the EU on the integration policies of the UK and to what extent it affects the TMWs. The EU influence on integration policies will also be explicated briefly.

This chapter makes the following arguments: firstly, it is argued that the Labour Administration followed more multicultural integration policies compared with the Coalition, whose focus was more on community cohesion and preventing extremism. On the other hand, preventing extremism, targeting Muslims as a part of their integration policy, and challenging extremism all have their origins in the policy-making of the Labour Administration. Secondly, there is a policy of “disintegration”<sup>142</sup> during the Coalition Administration for different groups of immigrants, not only for TMWs. And it would not be wrong to underline this aspect, since the interviews conducted with a diverse set of policy-makers and migrant organization representatives have pointed to that direction. Moreover, even EU citizens are being encouraged, via different methods, to return to their countries through, as observed from the interviews. It seems that the official preference for the TMWs to leave the country seems to be true also for other groups of immigrants. There is a general atmosphere of discouraging the stay of more immigrants.

Thirdly, there are no temporary integration schemes for TMWs, although there have been some discussions in the House of Lords regarding this issue. Finally, it is possible to say that the “market citizenship” (Shuibhne, 2010) in the EU has been parallel to the understanding of EU citizenship in the UK (there is a correlation but not a causation between these factors). Being a “good immigrant” who can easily integrate has been equated with economic contribution, while rights carry much less weight in the public debate. On the other hand, the scholars have discussed rights heavily but they have not touched upon the issue of integration for TMWs.

In addition to these findings above, the European Integration Fund has been used to improve the language skills of the migrants in the UK, shows that the two-way approach to integration adopted by the EU for integration of the third country nationals (TCNs). However, it is argued in this chapter that these attempts are not enough to overcome the

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<sup>141</sup> Interview with Tom Papworth, 20<sup>th</sup> October 2014

<sup>142</sup> Disintegration was used by one of my interviewees. The meaning that I could gather from the context was preventing integration.



shortcomings of the integration policies. This is because the perspective behind the integration policy as a whole has lost its multiculturalist perspective more so in almost the last two decades in the UK.

The chapter's sections are as follows. First, a simple introduction of the UK case will be presented; second, the Labour Administration's integration policies will be discussed; third, the Coalition Administration's integration policies will be examined; fourth, the EU's effects on the integration policies of the UK will be examined from a general point of view; fifth, the results of the interviews will be discussed; sixth, concluding remarks will be presented.

## 5.2 The UK case: the limits of labour market integration?

In order to understand the philosophy behind integration in the UK there is a need for a clear definition. Since scholars have struggled to define the concept, it is not surprising that it has also been difficult to define for policy-makers. Spencer (2014: 3) argues that what is meant by integration is not clear in the UK<sup>143</sup>. She claims that it has sometimes come to mean assimilation (2014: 4), and sometimes it is thought of as an anti-multiculturalist stance (ibid), since the critics of multiculturalism<sup>144</sup> have often defended it. On the other hand, the current definition that was adopted by the Coalition government reflects another aspect of integration: "Integration means creating the conditions for everyone to play a full part in national and local life."<sup>145</sup> (2012: 2). It seems that the document reveals a two-way approach to integration, albeit based on conditionality. In the recent documents on integration (2012) by the Coalition administration, the references to national and British values are emphasized. Hence, there is a shift from multicultural understanding of integration to a more nation-state centered and assimilative perspective. However, civic integration policies have their past within the Labour administration (Joppke, 2007).

The liberal individualist perspective on integration, which was a dominant perspective during the Labour and Coalition eras, was also supported by the emphasis on the 'economic contribution' dimension. Contribution through skills and through wealth, are underlined, although wealth is less pronounced. Within this understanding, high-skills are in demand and desired, while low skilled are not seen as contributing either in terms of skills or economically. This approach, however, does not consider that the low-skilled migrants might have been high-skilled in their countries and have been 'deskilled' because of lack of a certain criteria demanded by the receiving country's policies, such as the language skills or in some cases, networks to provide them better jobs. Moreover, family reunification also has become harder for the low skilled.

There is evidence for discrimination against the low-skilled migrants in the UK in terms of admission policies. As indicated by Triadafilopoulos (2013), high-skilled migrant workers are preferred and admitted more than the other categories on the assumption that they are thought to be more "eligible" for integration than other skill groups (Vosko et al. 2014). Jesse (2013: 257) clarifies this perspective in his analysis of EU integration and immigration policies: "the three states (Germany, France and the UK) have indeed shut the door tightly for unskilled and low-skilled immigrants who want to immigrate for the purposes of employment." However, it is not only disputable how the high skilled are given priority but also it is also questionable how they define the high skilled migrants. According to Jesse (2013: 262), "all three states define the status of 'high skilled' with reference to *current and future salary*. Salary seems to be the first factor determining whether one is considered 'high skilled' and as such eligible for facilitated procedures." Therefore, the criteria has been liberal individualistic and only 'exceptionally talented' migrants (the criteria even excluding

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<sup>143</sup> <http://www.migrationobservatory.ox.ac.uk/node/856> accessed on 20th of August 2015.

<sup>144</sup> The definition of multiculturalism is borrowed from Will Kymlicka (1995). "Multiculturalism is a body of thought in political philosophy about the proper way to respond to cultural and religious diversity. Mere toleration of group differences is said to fall short of treating members of minority groups as equal citizens; recognition and positive accommodation of group differences are required through "group-differentiated rights," a term coined by Will Kymlicka (1995)" accessed on this website: <http://plato.stanford.edu/entries/multiculturalism/> accessed on 14<sup>th</sup> of August 2015.

<sup>145</sup> Communities and Local Government, Creating the Conditions for Integration, 2012, p. 2

the merely 'talented') have been more acceptable according to the new understanding of desirable immigrants.

What is also seen is that the UK prefers its high skilled workers to be from non-European countries, which is also one of the reasons why Tier 3 (low skilled migrants coming from non-EU countries) had been closed. This is an area that the UK definitely would like to keep under control. Jesse (2013: 266) underlines that "the UK is not bound by the Directive and therefore did not introduce any free movement rights for TCNs from other member states" (directive 2003/109), but he also says that low-skilled migration will occur through other channels and that there is a demand for them (p. 266). Most of my interviewees<sup>146</sup> have emphasized that the supply for low skilled jobs would be coming from the A8 and A2 countries. The statistics also show that this is the case as most of the SAWS workers, who came from Belorussia, Russia and the Ukraine before 2004 were replaced by Eastern Europeans after 2004; and after 2007, they were replaced by the Bulgarians and Romanians (MAC, 2013).

There is also a need to underline the link between the national and the local integration policies, which is a complex and intricate one. Integration in practice is realized at the local level but it is very much determined and influenced by the central government (as well as the EU)<sup>147</sup>. There are local partnerships, which make it possible to coordinate between local authorities and bring solutions to the problems that are observed at the local level (for instance, homelessness, under-wage working conditions, exploitation etc.). As my interviewee from South East Strategic Partnership for Migration<sup>148</sup> has explained, the evidence found at the local level is presented at the national level, and if there are other localities that are experiencing the same challenges or opportunities, they inform each other and then a national agenda is prescribed to direct how the local authorities should act in persisting common problems.

Local level integration has been seen as at risk if the government does not direct many resources towards a diverse set of projects. According to Spencer (2014: 6):

"While local authorities are closest to many of the issues raised by the presence of migrants within their communities they do not control some of the layers that affect integration outcomes. It is central government that determines the extent of migrants' rights to participate; has the capacity to inform national media and public debates; funds most English language tuition, can incentivize civil society leaders to contribute to this agenda and to ensure for instance that local authorities have an evidence base to inform their interventions."

This is why the acts of the central government are crucial to demonstrate that integration is actually taken seriously in the UK and if not, there are many civil society leaders and migrant organizations who try to create sources themselves and this sector mostly depends on voluntariness. Voluntariness is also promoted by local projects<sup>149</sup>.

The next section will discuss the reasons behind these changes and look at what the Labour administration had done for and against integration, and how sustainable these policies were. In addition to this, the Administration's approach to integration will be interrogated in order to understand what it had foreseen for temporary migration, and whether it ever considered temporary integration policies.

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<sup>146</sup> Interviews with Trade Union Congress, Migrant Forum and Haringey Migrant Center implies this result.

<sup>147</sup> Interview with Roy Milard from South East Strategic Partnership for Migration, on 5<sup>th</sup> April 2015.

<sup>148</sup> One of the councils in the UK. <http://www.secouncils.gov.uk> accessed on 31<sup>st</sup> of August 2015.

<sup>149</sup> Some of the projects that are seen in the Written Statement (HCWS154) of House of Commons by the Secretary of State for Communities and Local Government (Mr Eric Pickles) on 18 December 2014 lists these projects on voluntariness: Youth United, A Year of Service, Searchlight Education Trust-English Defence League Project, the Jubilee Hour etc.

### 5.3 The Labour Administration and Integration Policies: Priorities and Changing Understandings

Labour had done more than the Coalition Administration in order to have a proper integration policy but these projects were mostly eliminated shortly after the Coalition came to power; since then other projects have replaced these policies, and the global economic crisis of 2008 resulted in changes in priorities. What is observed in this section is that the integration policies might be designed mostly for the high-skilled migrant workers, refugees and also to a certain extent for the newcomers (in case there is a high number of flows to a certain region in the UK) during the Labour Administration. After the 2001 Prevent<sup>150</sup> initiative came to the fore as a policy, which is more related to the de-radicalization of Muslim groups in the UK, and accordingly, the other facets of integration (rather than economic and cultural facets) are neglected. Besides these, there was an effort to help the local communities to deal with high levels of immigration, with the help of the Migration Impacts Fund (MIF). But these transformations were not long lasting. And temporary migration or TMWs has not been at the forefront where integration policy is considered.

The Labour Government had initiated certain programmes to make it easier for the immigrants to settle and local governments to help the settlement of the newcomers. One important funding was the MIF, initiated in 2000. This fund had included 'small-scale projects such as multilingual police community support officers and citizens advice bureaux'<sup>151</sup> Spencer (p. 6) said regarding the Fund, which was set up in 2009:

"The Labour government's rationale in establishing a Migration Impacts Fund resourced by a levy on visa fees was in part to demonstrate that migrants were contributing to the cost of local initiatives. It suggests that employers should contribute towards the provision of language classes for migrant workers equally reflected the view that who benefit from migration should contribute to any costs that arise."

Alex Glennie<sup>152</sup> from the IPPR also underlined that the host community do not like the 'churn' if the immigrants are coming and going in circular patterns and not settling properly. Therefore, she claimed, even though circular migration is a good way to create economic development in the sending countries the integration policies at stake are negatively affected by this kind of immigration:

"We have been doing a lot more on integration recently. And saying that this is really the key because while people are concerned about the numbers coming in they also don't like churn, so they don't like masses of people coming into the community and then leaving again and having their neighbours changing all the time. And you know that is one of the things that concerns people mostly about immigration is that uncertainty and change to the frames but there is really no policy to help support the integration of people many of whom are going to be working for crazy long hours and they don't have really the time or opportunity to engage with their communities and become a part of them. But we are arguing that kind of thing is essential. If people are going to come for the long term with migration creating opportunities for settlement, making it easier for people to integrate, mix and mingle, because without that you end up with isolated communities who live by themselves by their own rules, and they don't like that."

According to Vertovec and Wessendorf (2010), in 2005 the Home Office emphasised that

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<sup>150</sup> Prevent is a strategy and a policy to prevent people from becoming terrorists and intervening from time to time to the communities where there is a risk of it. Please see <https://www.gov.uk/government/publications/2010-to-2015-government-policy-counter-terrorism/2010-to-2015-government-policy-counter-terrorism#appendix-2-prevent> accessed on 1<sup>st</sup> of September 2015.

<sup>151</sup> <http://www.theguardian.com/uk/2010/aug/06/fund-impact-immigration-scrapped> accessed on 3rd of April 2015.

<sup>152</sup> Interview with Alex Glennie on 12 June 2014.

integration matters and they underlined that the immigrants should achieve their full potential as members of British society, as well as contribute to the community and have access services to which they are entitled (HO 2005: 14). During the twenty-first century the key issue regarding the integration debate has always been related to the “contribution” made by the immigrants. Public opinion in the UK also indicates that the immigrants become more acceptable once they are contributing to the economy, according to the IPPR research<sup>153</sup>.

This debate is certainly also linked to the disputes over citizenship. Questions have been raised over whether citizenship is earned, which was an understanding adopted by the Labour administration (Houdt et al. 2011). Vertovec and Wessendorf (2010) pay attention to the fact that citizenship, especially after the Borders Citizenship and Immigration Bill of 2009, fits more to the understanding of “citizenship through volunteering” (p. 528). Hence, the willingness of the British state to maintain diversity and to accommodate different societies into a multicultural society has been replaced by concerns to provide a more homogeneous society. This latter understanding, however, undermines the two-way approach towards integration.

After the 7/7 terrorist attacks in 2005, the PREVENT strategy was established, which funded local projects in areas with high migrant populations. However, at this juncture the state shifted the responsibility from national to local without transferring sufficient resources to local communities. The government has taken decisions as if national plans do not affect the local communities’ responsibility to act. This is in line with what Hersi (2014) had suggested: integration, diversity, anti-terrorism, and Islam were all discussed within the same context and discourse, and the prevailing policies have also been affected by this trend. Sahraïda and Phoebe (2014: 9) argues that “for its part the Labour Government sought to reassert British identity as inclusive, patriotic and forward thinking, and introduced a more practical agenda of community cohesion. (But it was later accompanied by cutting ethnic-specific funding, translation services, and the promotion of ethnically mixed housing policies)” Therefore, the changes to the later understanding of integration had their roots in the Labour Administration.

Haverig (2013) has compared the responses to integration in the UK and Germany in the post-2001 period, and argues that the Labour administration has focused mostly on community cohesion and integration, but much less on languages since the immigrants were mostly post-war and post-colonial. With Muslims as the focus of integration, British integration policy had the risk of alienating some of the migrant populations (ibid.). The approach was that 9/11 was seen as radicalization and it was argued that this radicalization should be prevented (ibid) (with programmes such as Prevent). The fact that the Labour administration did not focus on languages at the beginning has other repercussions, such as for newcomers like those from Eastern Europe. As one of the service provider migrant organizations in the UK indicated, language and housing have been the two greatest difficulties confronting Eastern Europeans.

This section has analysed how integration policies evolved during the Labour administration from supporting local projects against a strain of high numbers of inflows of immigrants, to preventing Islamization and radicalization. However, neither of these understandings has dominated the Labour Administration period. The Refugee Integration Forum was another policy that helped refugees integrate, and which considered more than one dimension of being a refugee. This organisation nonetheless existed for a very short period of time. On the other hand, “Britishness” as a cohesive identity started to be emphasised to a greater degree (after 2005). However, notwithstanding Prevent, other policies have been scrapped for different reasons. In the next section, the focus of the Labour Administration on High skilled immigrants will be examined.

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<sup>153</sup> <http://www.ippr.org/publications/a-fair-deal-on-migration-for-the-uk> accessed on 1st of March 2015.



### 5.3.1 Policies for the High-Skilled Migrant Workers

MAC (2014: 33) shows that the view of the British public is positive towards the high skilled and it is negative towards the low skilled. This makes it more likely that the low skilled stay temporarily, while it also creates more possibilities and channels to become permanent for the high skilled immigrants. However, even for the high-skilled migration, the temporary route was a common policy. There was a cooling period after three years of work for the HSMP migrant workers<sup>154</sup>. HSMP as a programme started in 2002 and ended in 2008 when the PBS was devised. As Devitt (2012: 10) indicates, "HSM would be granted a year's leave and a 3-year extension if they show that they had taken all the steps to become economically active in the UK." This policy is criticized by both the business organizations and research organizations for not achieving the main aim of recruiting high skilled workers in the labour market. David Geary<sup>155</sup> who used to be a policy analyst at REC (Recruitment and Employment Confederation) criticizes the policy for different reasons (because they think that the high skilled immigrants' recruitment policies are not sufficient despite the fact that there is a need for them).

According to Devitt (2012: 10-11) "the HSMP was a scheme attracting highly skilled migrants without a specific job offer in the UK. Candidates had to reach 75 points based on the following attributes: qualifications; previous earnings; age; prior UK experience; and the successful completion of an MBA programme from a specified list." As it is seen, the criteria is not very telling in terms of the skills, so it seems that it was not sufficient to capture all of the different skills in the different sectors.

Devitt (2012: 30) indicates that the UK immigration policy gradually began to prioritise the non – EEA skilled foreign workers. One reason behind this could be the research made by MAC (2014) on low skilled migrant workers, which shows that the non-EEA migrant workers are actually "older, have larger families, are retired and have lower employment rates". Devitt (2012: p. 30) emphasizes that HSMP (2002-2008) and tier 1 of PBS migrants enter the UK based on their attributes (skills, age and whether they are a graduate from any UK institution) rather than a specific job offer based on the assumption that such talented individuals will find jobs and will be able to contribute to the economy. In 2011-2012 Tier 1 was narrowed down and exceptional talent was included within the tier. In 2014 the numbers who would be recruited via exceptional talent was decreased<sup>156</sup>. But as previously indicated, exceptional talent, despite limiting the numbers who can come through this route, is not successful in terms of attracting potential talents. It is highly selective and narrow.

Despite these facts, the high skilled are prohibited to stay for more than five years, and this aspect has been criticized by Cavanagh (2011: 20), who claims that making immigrants leave after five years causes a loss of skills and is also an impediment to integration of the high skilled. According to Cavanagh (2011: 20), "those proposals are to hinder the integration of new permanent residents, decreasing the amount of stay to five years. If migrants know that their stay is strictly limited it may reduce their incentive to improve their English or to build relationships and bonds with local communities. And it may also reduce the incentive of local communities to engage with them." In contrast to this idea, the opposite can be true too: sometimes people knowing that they are staying in a place for a shorter time can in fact build stronger ties with their communities, since they feel a pressure to integrate over a shorter space of time.

Raghuram (2007) is critical of integration policies in the UK, particularly with regards to the nurses who are supposed to adapt to certain settings. Raghuram (2007: 2748) highlights how integration is always considered as assimilation<sup>157</sup>. It is interesting how Raghuram defines the

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<sup>154</sup> Interview with Tim Harrison from Migration Advisory Committee, 24 February 2015.

<sup>155</sup> Interview with David Geary on 23 February 2015.

<sup>156</sup> <http://www.workpermit.com/news/2014-03-31/uk-will-issue-fewer-than-200-tier-1-exceptional-talent-tech-visas-per-year> accessed on 1st of September 2015.

<sup>157</sup> The preferred definition of assimilation here is Castles (1999): "policy of incorporating migrants into society through a one sided process of adaptation: immigrants are expected to give up their distinctive linguistic, cultural or social characteristics and become indistinguishable from the majority population."

assimilation policy as conflated with integration policy by saying: “The normative element of integration means that the vectors of integration are therefore largely already prescribed, i.e. we know what a well-integrated nurse looks like” (ibid.). In line with this, it would not be an exaggeration to suggest that the state also knows what the ideal migrant worker looks like and what is the best migrant worker that is integrated.

For the sake of keeping the chapter concise, race and how it affects integration will not be examined. However, it is necessary to keep in mind that even the high skilled have difficulties integrating as a result of both restrictive immigration policies, the rigid admission criteria for being “high-skilled”, and finally as a consequence of some assimilative experiences that are faced by those working in the health sector. The next section will focus on the Coalition Administration’s successes and failures in the area of integration.

#### **5. 4 The Coalition Administration (2010-2015): Undermining Integration?**

Although some patterns of integration policies (such as preventing de-radicalization, promoting community cohesion, giving weight to the high skilled migrant workers but not being able to devise integration policies to keep them, and emphasising ‘Britishness’) had started with the Labour Government, the decisions taken by the Coalition government had yielded more questionable results. The Labour party had not captured the whole picture when it stressed cohesion and de-radicalisation; but it seems that the Coalition government did not make any positive attempts to ameliorate the integration policies for either the refugees or the newcomers. Furthermore, the Coalition provided benefits for EU citizens conditionally<sup>158</sup> in the name of reducing the welfare state and created more temporary positions that would not allow migrant workers to benefit from British healthcare, for instance<sup>159</sup>. Generally, temporariness justifies cutting some social benefits. Hence, it is not possible to say that there were rooted integration policies since the net migration rate has been the primary concern since the Coalition Government was elected.

Labour had liberalized its immigration policy without completely changing its scope in terms of integration policy. Whether or not their efforts were worthwhile or successful is open to debate; but what is undisputable is that the administration attempted to devise diverse integration policies in line with diverse migrant groups’ needs. In contrast, “the Coalition Administration has been supportive of refugees but there have been significant cuts to advice services and employment training programmes. There is no meaningful refugee integration strategy today” (Somerville, 2014). Moreover, amongst the many projects listed in the document on the written statement of the House of Commons, there is not one project on refugees. The efforts the Labour administration did were short lived rather than institutionally entrenched (programmes that lasted five to seven years). Moreover, the Coalition Administration easily dismissed them, since they were not considered as priorities.

Sahrajda and Phoebe (2013: 10) indicate that during the Coalition government the ‘connecting communities’ programme was terminated and the MIF was scrapped (immigrant visa fees was helping this scheme to self-sustain itself). The money saved from scrapping these programs was instead used to fund non-governmental and local projects. In addition, the ESOL (English for Speakers of Other Languages) budget was cut in 2011. Also, there was a cut of £4.5 million from the learner support fund, which is designed to help low-income migrants (ibid.). Hence, sometimes migrants are supposed to pay through their own resources. The Ethnic Minority Achievement Grants (EMAG), used to encourage the integration of new arrivals, has been channeled into the general education budget (ibid.). The refugee integration and employment service was abolished in September 2011 along with the closure of many local, non-governmental organizations and services providing activities, advice and support (p. 11).

In contrast to the policies mentioned above, English language-match funding for European

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<sup>158</sup> From 19<sup>th</sup> of March 2015, the EU citizens will not be able to benefit from the public services directly if they had not worked in the UK for a while. Please see “EU job-seekers prevented from claiming Universal credit: <https://www.gov.uk/government/news/eu-jobseekers-barred-from-claiming-universal-credit>

<sup>159</sup> Temporary visitor visa for non-EEA is one of these categories.

Integration Fund funded projects are still supported in Slough, Tower Hamlets and Bradford<sup>160</sup>. There is also another project called the “English Language Community based programme” which “supports six projects providing English language tuition to 24,000 isolated people in selected target areas” (ibid.). In addition to these, there is English language training providing for learners who are very poor and unemployed but there are no more details on the written statement about this project. The impact assessment of these projects shall be made in order to see if they could replace the university budget cuts that caused chaos for the organizations, who taught English to migrant workers<sup>161</sup>. It is observed in my interview with Roy Millard from the South East Strategic Partnership for Migration that the migrants are taught English in Scotland from day one while it is not the same case in the South East of England, as this might be understood as giving a wrong message to the temporary migrants. In other words, the local authorities do not want them to think that they are going to stay if they benefit from these language courses<sup>162</sup>.

In line with a one-sided approach, integration would be realized only after the migrant worker’s economic situation makes him or her eligible to be integrated. The family reunification policies became much more restrictive under the Coalition government. The threshold of self-sufficiency to bring a spouse to the country had been set at a higher level. This law came into force on 9<sup>th</sup> of July 2012<sup>163</sup>. The threshold of self-sufficiency for an immigrant wanting to bring his family to the UK (£18,600 for British nationals and permanent residents) for family reunification also confirms this neo-liberal logic where one has to earn and be economically independent. This is the highest threshold of income after in Europe after Norway,<sup>164</sup> and in Canada there is no such threshold. The Government chose the lower of the two possible thresholds proposed by the MAC following a review in 2011.<sup>165</sup>

What is seen is also a more assimilationist stance according to Vertovec and Wessendorf (2010: 529). Uberoi (2014) stresses that during the time of the last Labour administration prevalent policies mostly emphasized liberal multiculturalism and community cohesion. Is it possible to consider the Coalition Government’s efforts ‘assimilative’? It would not be easy to label them this way if we were to look only at the projects’ funding integration. And the securitization perspective is still included in the Coalition’s policies against radicalization. Finally, the lack of diversification of integration policies could be caused by indifference on the side of the government.

By eliminating the funds directed to migrants, the Coalition government could not cope with integration issues adequately. Some of them are meaningful amongst these projects such as those targeting youth and preventing discrimination against Muslims, but there is not even one project that targets the prevention of discrimination against the Roma. My interview with South East Strategic Partnership for Migration has proved that the Roma are having greater problems in finding decent employment and are facing homelessness as they are being underpaid in the jobs they find. Therefore, all these problems such as language, education for children, homelessness and problems arising from homelessness (such as health issues) are all interlinked and there needs to be a project solely devoted to the Roma.

Despite the Coalition Government’s preoccupation with decreasing the number of immigrants to the tens of thousands, the numbers of the migrant workers are not decreasing. As long as there is a demand for low skilled, low-paid jobs such as in the agricultural sector, this is unlikely to change. A2 immigrants might replace the A8 migrants as indicated above and they are coming with new needs. It seems that there are no projects for these low skilled workers to integrate either. It is indicated that fifty percent of the SAWS workers coming

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<sup>160</sup> House of Commons: Written Statement (HCWS 154) (2012) Department for Communities and Local Government, written statement made by the Secretary for Communities and Local Government (Mr Eric Pickles) on 18<sup>th</sup> of December 2014, p. 2.

<sup>161</sup> Interview with Carlos Cruz from UNITE, on 21 November 2014.

<sup>162</sup> Interview with Roy Millard, on 5<sup>th</sup> of April 2015.

<sup>163</sup> Report of the Inquiry into New Family Migration Rules (June 2013) All Parliamentary Group on Migration

<sup>164</sup> <http://www.mipex.eu/blog/cant-buy-me-love>

<sup>165</sup> Interview with Tim Harrison from MAC (Migration Advisory Committee), 24 February 2015



from A2 countries have returned (MAC, 2013). And yet there is not a certain figure on how many are temporary, and how many are to stay<sup>166</sup>. There is only some data on the tier admissions, which shows that there are many applications from Tier 5 combined with Tier 2, which are not TMPs but temporary admission channels (for medium to high skilled).

Temporariness has become more of a rule and the transitions that the local communities in the UK have gone through are well depicted by Sahrajda and Phoebe (2014: 23). They illustrate that not only the immigrants themselves but also the local community is disturbed by this temporality:

“In some parts of Normanton [say where in the UK this is], for example, this is reaching a breaking point with established residents feeling helpless and frustrated in the face of so much flux and change in their community. In Newham there are lots of people with a temporary attachment to their area – which can be double-edged, as the area is undergoing lots of regeneration but there are also many people moving up and out.”

Therefore, it is not the churn that disturbs people the most, the churn with an unregulated labour market and a weakening of the institutions of local welfare that causes public opinion to turn negative. Even though the unregulated labour markets such as Canada, the UK and the United States are better in terms of the integration of migrant workers into the labour market (Hampshire, 2013: 144), this integration does not mean that the migrant workers will be integrated in other parts of their lives.

This section has analysed the cuts to the previous projects, the deficiencies in the current integration projects and introduction of a threshold of salary for family reunification. The next section will look at the policies of the Coalition more in detail and examine the reasons behind these changes. It is shown that these policies enacted during the last three years of Labour Administration (2007-2010) paved the way for more restrictiveness during the Coalition Administration: Family reunification became more difficult, citizenship tests were introduced for indefinite leave to remain, and therefore, long term residence have become harder to attain.

**Table 5.1 Changes in the Integration Policies – MIPEX**

Years	Main Changes
April 2007	Long term residence: ESOL / Citizenship course or ‘life in the UK’ test required for indefinite leave to remain
October 2007	<b>Long-term residence</b> UK Borders Act enables Home Office to deport foreign national criminals.
July 2008	<b>Family reunion</b> 21-year-old age limit announced for sponsors and spouses for family reunion.
September 2008	<b>Education</b> Diversity and Citizenship curriculum revised based on Ajegbo report <sup>167</sup> .
July 2009	<b>Long-term residence</b> Borders, Citizenship and Immigration Act – May take effect in July 2011.

<sup>166</sup> Details on SBS and SAWS are in the background chapter.

<sup>167</sup> Curriculum Review: Diversity and Citizenship, by Keith Ajegbo, Dina Kiwan and Seema Sharma.

July 2009	<b>Access to Nationality</b> Borders, Citizenship and Immigration Act – May take effect in July 2011
April 2010	<b>Anti-discrimination</b> UK Equality Act makes law and equality duties simpler and more coherent.

Source: <http://www.mipex.eu/uk> accessed on 24 February 2015.

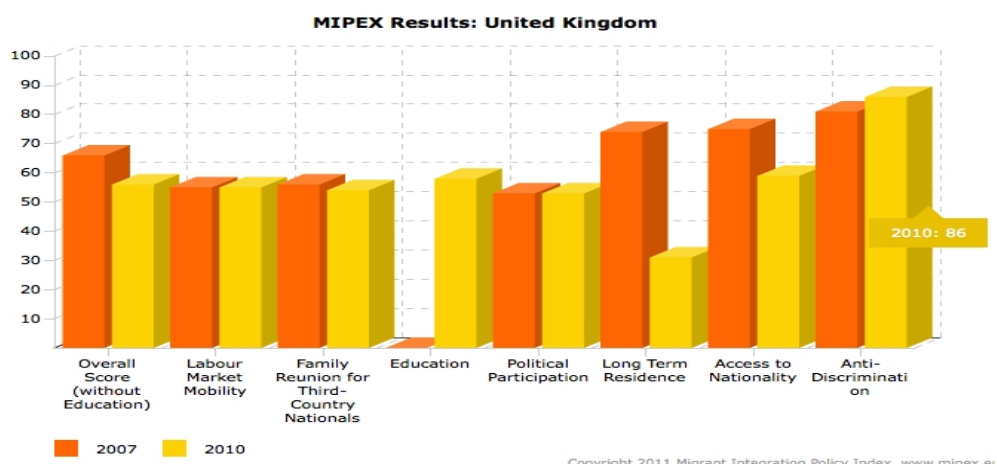
#### 5. 4.1 Citizenship and Language Tests as Requirements

Somerville (2014) underlines in his explanation that during the Labour Administration, “citizenship and naturalization law has changed and it maybe marks the biggest direct impact on integration policy”. There are controversial ideas on how citizenship tests have affected the migrants’ integration. They have, for example, had a detrimental effect on those who do not speak the language and who might be coming from a very different country as a result of family reunification.

Some argue that the citizenship test is not hard to pass (Sahrajda and Phoebe, 2014: 26) and it is demonstrated by the interviews conducted by the IPPR that everyday integration might be more challenging than the integration tests. Therefore, it is questionable as to whether citizenship tests are a part of what can be called the one-way approach to integration in as opposed to the two-way street of integration. What is an important finding in the IPPR report is that the “preservation of another culture is not a barrier to integration” (p. 31). This reminds us of Kymlicka’s (1995) point on multiculturalism and how the phenomenon can contribute to a more inclusive integration policy.

It is possible to see some changes to the integration policies in the UK since 2007. Please see the graph below:

**Table 5.2 Changes to Integration Policies (2007 to 2010)**



Source: MIPEX.

As it is seen from the graph, education has improved but long term residence and access to nationality has become harder. The family reunification has declined slightly by 2010 but if the current data had also been available, my hunch is that family reunification would have declined even more as a result of the current policies.

#### 5.4.2 Changing rules and the Rationale behind These Changes

The main changes that will be examined in this chapter are related to language requirements for foreigners and citizenship tests, and also to family reunification. Family reunification had been much more arduous since there is an age limit for sponsors, spouses and partners. In the parliamentary debates of the 1980s, one reason for this was that the spouses were living

isolated lives not totally integrated to the society and hence, it was seen as a necessity to do these tests. Besides these, they also agreed that the tests are not particularly difficult but they would help guide the immigrants in their integration to society and interaction<sup>168</sup> with the institutions they need to face on daily basis. The current reasons stated for making family reunification harder by the Home Affairs section are related to these three issues: reducing the net migration target, preventing the abuse of the system (in this case referring to the older system) and the rhetoric of “being a burden” to the taxpayers.

What is the rationale behind the changing immigration rules, especially the ones for non-EEA regarding settlement in the UK? Why were the family reunification rules made tougher? Gower responds to this question by arguing that “the government considers that the previous rules for family members were vulnerable to abuse, didn’t encourage migrants to integrate, and placed a burden on the UK taxpayers. It has also referred to its desire to reduce net migration levels as a reason for changing them.”<sup>169</sup> However, there are serious concerns that this will exacerbate the migrants’ difficulties for integrating and there had been criticisms on the side of *Migrants’ Rights Network* for instance:

“Critics argue that the changes will exacerbate migrants’ difficulties in integrating, and that the financial requirement for spouse/partner applications will have a disproportionate impact on certain groups of sponsors, such as women, ethnic minorities and low-learners.” (Gower, p. 1)

It is interesting that integration is defined in economic terms when the rationale behind the policy change is examined. The discourse mainly centres on certain buzzwords such as ‘abuse’, ‘taxpayer’ and ‘burden’. First of all, income is shown as an opportunity and possibility of being able to integrate and also to invite and support a spouse. Hence, according to this understanding the rich could integrate better, since the more wealth you have the greater the possibility for integration. A complementary view and legislation change is on the trickle-down effect<sup>170</sup> of inviting the rich (Through tier 1), which was a policy initiated in 1970s but it is definitely continuing till this day despite the fact that some of the economists reject the notion of a ‘trickle-down’ effect of inviting the rich immigrants (see Piketty, 2014).

The first barrier to integration is discrimination towards the low skilled who might not be able to reach the threshold. The second type discrimination occurs in the form of cultural capital (in the sense that Bourdieu -1986- uses the term) as Bauder (2006) depicted; the one who cannot speak English –and hence has to take a test- has lower probability of being admitted and being integrated as well as becoming a citizen. The third type of discrimination is occurring through institutions and rights. Although the rights are existent, the access to rights is prevented either through institutions, public services, employers or gangmasters.

In the UK, the EU migrant workers have the same rights as the natives, as they are EU citizens (Bulgarians and Romanians had different sets of rights before 2014). But how much they are able to benefit from these rights is open to debate. Two social workers from Haringey Migrant Center, who were interviewed for this thesis but chose to be anonymous,<sup>171</sup> indicated that an EU migrant was deported because he worked illegally. However, he had the right to stay as he is an EU citizen. This type of discrimination can be in the form of the denial of rights through institutions: The understanding that the migrants have no rights to benefit from social services (de jure they have the rights but de facto the social workers might be preventing them from benefiting their well-deserved, earned rights). Currently this

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<sup>168</sup> <http://hansard.millbanksystems.com/commons/1981/jun/04/requirements-for-naturalisation> accessed on 17 March 2015.

<sup>169</sup> Gower, Melanie (2013) “Changes to Immigration Rules for Family Members” Home Affairs Section, SN/HA/6353, p.1

<sup>170</sup> Trickle-down effect can be defined as such: “Of or relating to the economic theory that financial benefits accorded to big businesses and wealthy investors will pass down to profit smaller businesses and consumers” accessed on the webpage <http://www.thefreedictionary.com/trickle-down> on 16th of March 2015.

<sup>171</sup> Interview with two social workers from Haringey Migrant Centre on 21<sup>st</sup> of October 2014.

policy has changed for the EU migrant workers as indicated above: Now they cannot benefit from public services unless they work.

This is what was put forward by the Haringey Migrant Center, which is striking and straightforward:

“Because when we deal with statutory services we face a lot of racism and bad thinking about our migrants. And sometimes migrants are not helped as they have the right to because the social workers or whoever is out there thinks that they can’t help them because they are migrants or they have less rights and because they are not from the UK. So that happens. It is not just people, as we were saying about information, we need to train and inform like all statutory (public) services out there. People who give public support. The state the government criminalized so much migrants and even when they have rights sometimes they cannot access them. Because people who are supposed to help them lets say social services or whatever other job center or what could be citizens advice bureau or any kind of public office might be able to help these people. But it happens that they actually do not help them just because they are migrants because they think that they don’t have the right to be helped. And then you know we might be able to do it. Because we know what the rights of these people are and we just pick up the phone, and say ‘you should do this’ but if there are not people or either organizations that are supporting people’s rights people sometimes cant access the rights. That is a huge problem.”

Racism especially is an important barrier as one symptom of it might be a society does not want to accommodate a particular group. Legrain (1996) accepts that integration is a two way process and he claims that the immigrants will not be able to integrate even if they want to, so long as the society shows resistance in a racist way.

As Boswell (2008) argues, expert knowledge can be used to legitimate the decisions of a government in order to change laws or requirements. This change in minimum annual income requirement is justified by Gower (2013: 3) as such:

“The Government believes that family migrants and their sponsors must have sufficient financial independence not only to be able to support themselves without recourse to the State, but also that they should have the wherewithal to allow the migrant to participate in everyday life in a way that enables them to integrate and play a full part in British society. This requires a level of income higher than the current maintenance requirement, which is equivalent to the level of income support, is inadequate to prevent migrants and sponsors becoming a burden on the welfare system and in turn inhibits proper integration. The new minimum income threshold needs to be simple and consistent and must be met without the sponsor seeking or needing help from the taxpayer.”

#### *Rationale behind the cuts to the English Courses*

In contrast to other European countries as indicated by Spencer (p. 3), there are no language courses for the new arrivals in the UK but there are ESOL classes they can attend. ESOL provision expanded after the 2004 EU enlargement, and thanks to new language requirements for those seeking citizenship resulting in an increased demand. But some of these courses were terminated in 2010 in line with the budget cuts to the universities.

A worker from the Unite union<sup>172</sup> indicated in an interview that after cutting the budget to the universities, ESOL teachers who were working with migrant workers and who also had their jobs at universities could not come to teach anymore. Hence, with the help of other universities in London, they were able to find voluntary teachers and the migrant workers

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<sup>172</sup> <http://www.unitetheunion.org> accessed on 1<sup>st</sup> of September 2015. Interview on 21 November 2014.

could continue to take English courses. He drew attention to the fact that the educational understanding they have is not exactly one way where the teacher imposes everything, and hence they are not obsessed with the professional teaching but they also think that voluntary teaching has had advantages for the students, too.

The rationale behind an “appropriate level of English and British values” legislation is very vague because it is not easy to describe what these British values are. Citizenship tests are based on daily knowledge about living in the UK as well as some historical and cultural knowledge about the state’s institutions. The questions are of general knowledge and although they are considered to be about the strengthening of civic integration they do not seem to be very exclusionary, but passing those tests might not significantly mean that the people are totally integrated either. Hence, doing well in a test cannot be an indication that that person is well integrated. In general, tests can contribute only to a specific knowledge that might emanate from over-night learning or short-term learning.

Gower (2013: 3) indicates in the Home Affairs report that if migrants cannot speak the language it places a significant burden on the taxpayer. And the costs for the DWP for translating and telephone interpreting services are indicated as costs in the report (ibid). These costs of translation to the taxpayer, have also been underlined by a senior official from the Home Office in an interview for this thesis. However, the same official also suggested that “although the Government clearly had a mandate to reduce the public deficit, cutting the budget for language courses will inevitably have hindered integration efforts”.<sup>173</sup>

#### *Family reunification has become harder*

Another important family reunification policy change is that a migrant’s spouse that is overseas can only apply for permanent settlement after five years of living with the British partner. Previously, the figure had been two years. After 2.5 years of settlement, if the relationship is still continuing, another 2.5 years application has to be made. This change was made on 9 July 2013. The rationale behind it is explained as such:

“The government considered that it was unfair that migrant partners who may have never been to the UK or made any tax or national Insurance contributions should be given immediate settlement and access to welfare benefits. 2055 of these settlement visas were granted in 2010 (MAC, Review of the minimum income for sponsorship under the family migration route, November 2011, paras 2.26-2.30; 5.15)”<sup>174</sup>.

The rule of “genuine and subsisting relationship” is also used in order to prevent forced and sham marriages. It seems that the new system is mostly built on mistrust. Home visits and interviewing are used as techniques to understand whether the relationship is subsisting or not. Some criteria, such as long-term relationships and the sharing of financial responsibilities were added as well. Therefore, there is strict control of relationships between foreigners and the system also seems to be relying on the mistrust of the foreigners. Hence, being a family is not sufficient in itself for being able bring his or her own family: The means to do that is dependent on both the cultural and the economic capital of the one who immigrated first. The sincerity of the marriage is also put into question. However, this policy would put a strain on the social and familial lives of the migrants already living in the UK.

#### *Language Tests and Citizenship Tests*

The new language test requirement was that from October 2013 the migrants’ English test results on listening and speaking should be B1. “From October 2013 persons applying to stay permanently in the UK will have to demonstrate intermediate English skills and pass the life in the UK test”<sup>175</sup>. Adult dependents also have to pass the ‘Life in the UK’ test and also the

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<sup>173</sup> Interview with Tim Harrison, 24<sup>th</sup> February 2015.

<sup>174</sup> Gower, Melanie (2013) “Changes to Immigration Rules for Family Members” Home Affairs Section, SN/HA/6353, p. 4-5

<sup>175</sup> Gower, Melanie (2013) “Changes to Immigration Rules for Family Members” Home Affairs Section, SN/HA/6353, p. 1

language test with B1 (ibid.). B1 is a high level to demand from the immigrants and their spouses, and without offering them English courses this demand realizes the goal that those with the similar cultural capital should earn the right to stay in the UK and right to reunite with their spouses.

The bad news is that integration is understood as a very limited and restricted term as well, since it is considered to be a one-way process. Moreover, this perspective is very assimilationist. The policy report by Gower (p 10, 11) gave an example from the Migrants' Rights Network, which claimed that the new minimum income and English language skills requirements may in fact undermine migrants' integration prospects. Meanwhile, Migration Watch, considered these changes as a valuable progress. These are examples of how integration can be considered either negatively or positively. One approach decides that integration facilities should be provided to migrants and their families as an opportunity for further rights, and the government's approach emphasizes that the migrants are cannot benefiting from any integration policy unless they prove that they are worthy of it. Within this framework temporary integration could offer a middle ground between these two sides.

It seems that so far the public debates in the UK have revolved around the agenda of limiting numbers. The issue of TMWs has not been taken into account by policy-makers; most of the interviews I conducted show that there is no such concern for the integration of TMWs. In fact, most of the people I interviewed asked me to define the concept and they were confused about the definition of 'temporariness'. In line with this, one intern, Francesca Valerio,<sup>176</sup> from Migrant Forum, very clearly identified how thin the line is between temporariness and permanency:

"Temporary migrants I just don't really know if we can define them in the category of temporary migrants. There are people who say that they just want to come to the UK for making enough money to build a house in their home but then they end up staying for ten years. So I don't really know if we can define them like with accepted holders or temporary migrants because if you don't give me a temporary timeframe I don't really know."

Other interviewees from CentreForum, the Haringey Migrant Center, and Unite also asked me what I meant by 'temporary migrant' and 'temporary migration'. Clearly there is no single accepted definition of the concept. It can indeed be quite an elusive category. In fact Geddes (2015: 15) draws attention to this vagueness in the definition and argues that "ambiguity can create institutional and political opportunities for actors seeking to impose their preferred meaning on temporary and circular migration as solutions to the 'migration problem' (as understood)".

Within this thesis it is argued that even the EU citizens can be TMWs, although they can stay within the host country as long as they would like. The life plans of the migrant workers change, similar to the way it changes for the natives. They might come with temporary intentions and they might end up staying longer. But this elusiveness in the definition cannot be used as a justification to refrain from implementing any kind of temporary integration policy. That is why the definition that I have given for temporary integration encapsulates other aspects of migrant workers' lives (not only the economic contribution they make or the economic integration of the TMWs that the nation-state is mostly concerned about): "The social, cultural, economic and political integration of Temporary Migrant Workers (TMWs) or Temporary Foreign Workers (TFWs) within the timeframe of their work contract."

All of these changes carried out during the Coalition administration show that the system of inclusion has been built on a lack of trust and an excess of suspicion. It would not be wrong to say that anti-integration has been a dominant theme during the Coalition era: i.e. policies which reduce integration rather than foster it. The small gains in integration policy during the Labour era have been forsaken for various different reasons. The coalition's policies made it impossible for certain groups of immigrants to stay. And this is not promoting assimilation,

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<sup>176</sup> Interview on 7 January 2015.



but rather it is preventing integration of a diverse group of people, and prioritising groups with certain levels of cultural capital.

## 5.5 EU Policies' Effects on Integration

The EU had a great effect on immigration policy, since freedom of movement had made things different for the UK to a great extent. Despite falling behind in certain integration policies, the UK was one of the three countries, together with Ireland and Sweden, to lift the transitions to A8 countries in 2004. The same did not apply to the Bulgarians and Romanians because the public opinion was negative by the time Bulgaria and Romania entered the EU, so the UK government preferred the transitional controls. In line with lifting of the transitions, Article 39 EC which is about the freedom of movement of workers – equal rights-equal treatment of workers of the Member states in the fields of employment, remuneration and other conditions of work had to be accepted. However, the EU has also defended the idea of circular and temporary migration and this approach of the EU may have influenced the member-states within this direction as well. Geddes (2015: 9) argues that “Member-states may have already decided that temporary and circular migration could form part of the solution to the migration problem because they prefer flexible and mobile labour rather than migrant settlement, and this understanding has then informed the context for engagement.” However, this common understanding has some consequences: The urge to find solutions to the ‘migration problem’ led to other problems that temporary migration policies had created.

Voicu (2009: 74) examines the changes in the integration policies of the UK briefly and says that temporary migration becomes a very important phenomenon. She underlines that it was difficult for the EU to make a European migration policy and that the UK opted out on family reunion, long term residents, the entry and residence of students and volunteers. These are the areas where the UK has not improved in terms of the integration of migrants from 2007 until 2010.

The Coalition Government understood integration as both cultural and economic but it seems that it was considered to be more of an economic issue. An IPPR report shows that British people accept immigrants as long as they contribute economically and work hard<sup>177</sup>. This idea of an ideal foreigner also fits in with the understanding and framework of EU citizenship from a critical point of view. Even though the role of the integration policy of the EU has been liberalizing and defending two way integration, it is also understood mostly in economic terms, some resources prove that (Shuibhne, 2010). Shuibhne (2010) emphasises the role of market forces in influencing the idea of citizenship in the EU and refers to EU citizenship as ‘market citizenship’. In addition to this, Jesse (2012) says that the preference of the high skilled and potential citizens is mainly economic.

Jesse also examines the EU’s policies towards TCNs (third country nationals) and claims that borders will be ostensibly porous but actually highly permeable by the high skilled (Jesse, 2012)<sup>178</sup>. Why is it important to look at the EU and its borders? Because as indicated by Anderson (2014: 6) “good citizenship is not only asserted through naturalization processes but also through controls over entry and exit.... Only the right kind of women, mothers, daughters and worker can be allowed entry onto the territory and into citizenship”. Therefore, the possibility of integration starts before the borders are crossed. And the fieldwork done for this thesis suggest that there is a difference between the conceptual and external borders that the high and the low skilled face. The hierarchy between these two groups in their home countries continues even after they emigrate. However, one thing that does not change either for the high or low skilled in the UK is that the high skilled are not guaranteed most of the rights either, even if they stay for five years (Cavanagh, 2011).

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<sup>177</sup> <http://www.ippr.org/publications/a-fair-deal-on-migration-for-the-uk> accessed on 18th of March 2015.

<sup>178</sup> Looking at the current high skilled migration policies of the UK it is hard to say that the borders are porous for them.



Geddes and Scholten (2013: 3) suggest that migrant integration refers to “a range of policies and actions involving a wide variety of actors across levels of governance (sub-national, national, and international) that focus on forms of adaptation (socially, culturally, politically and economically) by both migrants and host societies.” As they explain, the EU action has two roles on integration. A soft power role would be non-legally binding and a hard power role would be legally binding. But mostly the case is actually non-legally binding.

Geddes and Scholten (2013: 8) underline that the “2000s saw the first steps towards EU action on migrant integration”. The conclusions of the meeting of European council held at Tampere, Finland in October 1999 outlined a policy plan for the period until 2004 dealing with key aspects of migration policies including both the internal (‘fair treatment of third country nationals’) and external dimensions (‘root causes’ approaches) of policy. Between 1999 and 2004 several directives were adopted that codified EU competencies in the area of migration regulation and had impacts on national migrant integration policies. Of particular importance were the Racial Equality Directive adopted in 2000 (2004/42/EC), the Employment Equality Directive (2000/78/EC), the family reunification directive (2003/86/EC), and the directive on the rights of long-terms resident third country nationals in 2003 (2003/109/EC). The most important directive of the EU, according to Spencer was the Employment and Race Equality Directives in 2000, which required the member states to implement legislation on discrimination.

Geddes and Scholten (2013: 1) indicate that “immigration policies have developed as a strong EU component, the EU’s involvement in the domain of migrant integration has remained relatively weak” and they also draw attention to the “revalorization of the ‘national models’ like citizenship tests and language requirements. On the other hand, Goodman and Howards (2012) do not consider this as a restrictive turn in citizenship policy where they examine the UK (p.127). And they also claim that language tests are not a part of the backlash (ibid.). The argument of the chapter supports the former understanding.

Spencer (p. 3) summarizes the EU policies on integration as such: “Until the Lisbon Treaty in 2009 integration was not within the discretion of the EU. Later, Common Basic Principles on Integration was decided in 2004<sup>179</sup>. It was followed by a programme that focused on “sharing good practice” and also at the state and local level Integration Fund was brought forward. The European Integration Fund makes it possible for local governments to fund English courses, for instance<sup>180</sup>. These English courses are actually focusing on certain parts of the UK, probably those places where there is a particular need for them. For example, the “DCLG (Department for Communities and Local Government) match-funded three community-based English language projects supported by the European Integration Fund to teach English and integration skills in Slough, Tower Hamlets and Bradford.”<sup>181</sup>

In addition to this, in the same document it is indicated that there are translation services to encourage people to integrate by making translations of documents into foreign languages: “Issuing guidance to councils to discourage the translation of documents into foreign languages, to help encourage English language learning and strengthen integration of those who do not speak English into mainstream British society.”<sup>182</sup> What is important here is that there is some effort on the side of the government to encourage the people to speak English and to take steps towards achieving this goal. However, in none of these integration programmes is there any project related to the temporary migrants. Integration is mostly understood in terms of enhancing the language capacity and reconciling the identity of ‘Muslim’ and ‘British’.

Despite the fact that there are concerns that EU migration policy is more prone to being

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<sup>179</sup> [http://www.eesc.europa.eu/resources/docs/common-basic-principles\\_en.pdf](http://www.eesc.europa.eu/resources/docs/common-basic-principles_en.pdf) accessed on 1st of September 2015.

<sup>180</sup> House of Commons: Written Statement (HCWS54) Department of Communities and Local Government written statement made by: the secretary of State for Communities and Local Government (Mr Eric Pickles) on 18<sup>th</sup> of December 2014, p. 2

<sup>181</sup> *ibid.* p. 2

<sup>182</sup> *ibid.* p. 3

considered as market citizenship, there is also a need to consider the most important aspect of EU citizenship: the ability to vote locally in each country. This raises the score of the UK in the MIPEX data, and it also makes it comparable to Canada in terms of the political rights that the UK grants. The only point where the UK scores better compared to Canada is the electoral rights (however, the TCNs cannot benefit from these local electoral rights).

This section has discussed how the EU's policies effect integration policies in the UK. There is not much policy diffusion at the supranational level. The Discrimination Act in the UK is seen to be more improved than the one in the EU. In addition to that, political rights apply mostly to the EU citizens. The next section will give a summary of the findings and conclude.

### **5.6 'No Country for Temporary Migrant Workers'**

This chapter firstly discussed and analysed the integration policies of the Labour Administration and the Coalition Administration. The changing priorities have been examined and it has been seen that with the Coalition government, the attraction for the high skilled in immigration policies has lost its significance as well as the integration policies that were supporting refugees. There are not any specific integration policies either for the high skilled or the low skilled temporary migrant workers in the UK. And this has not changed from Labour to the Coalition Government, despite the fact that they both applied and preferred temporary migration policies. While the projects for different needs of different groups of migrants have decreased in content as well as in number from Labour to the Coalition, there have been some continuities on some of the integration policies. For instance, preventing extremism has continued via different projects funded by the government, as well as civic integration policies.

English courses related to the universities (where teachers were given the jobs from the universities to teach migrant workers in London area) have been cut and voluntariness has filled the void. Through other projects, teaching English continues in some areas where there are greater numbers of minorities. On the other hand, the European integration fund is being used for this purpose as well.

During the Coalition government family reunification policies were made stricter through language tests' higher requirements as well as an increase in the years to become citizens via marriage with a British citizen or a long-term resident. Since these tests are at the beginning of the naturalization process it shows reluctance on the side of the state to accept those who are not willing to adapt and assimilate and also those who have totally different cultural backgrounds. Another recent event is that it has also become difficult for the EU citizens to claim benefits without working. Distrust towards the foreigners seem to be more ingrained in current policies as, for example, house-owners are now required to ask for documents from the immigrants to see if they are legally residing (as discussed in the previous chapter) demonstrates these aspects.

In addition to the analysis above, the document called "Creating the Conditions for Integration", published in 2012 by the Department of Communities and Integration, was scrutinized, and there are five aspects that can be mentioned in this report<sup>183</sup>. These are: Tackling extremism and intolerance, social mobility, finding a common ground, assuming responsibilities, and participation. Analyzing their definitions and their meanings within this document, there is definitely a two-way approach in the document. It could have been much better for the sake of integration if 'tackling extremism' and 'intolerance towards the minorities' as themes were examined together as two possibly related problems. Last but not least, this document also resembles more of an interculturalist<sup>184</sup> (finding a common ground

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<sup>183</sup> Department of Communities and Local Government (Feb 2012) "Creating the Conditions for Integration", p. 5-6

<sup>184</sup> Interculturalism has not been defined in the previous chapters. Meer and Modood (2012: 177) indicate the differences of interculturalism from multiculturalism and point out these aspects: "interculturalism is more directed to dialogue; it is something less 'groupist' compared to multiculturalism; and it is committed to a stronger sense of the whole, such as societal cohesion and national citizenship."

for instance) rather than a multiculturalist approach.

Both administrations do not appear to have done much in terms of migrant workers' language acquisition. But during the Labour administration the Migration Impacts Fund was helping with lifting some part of the burden from the shoulder of the local authorities by funding the local governments who were experiencing high numbers of immigrants. This fund was cut by the Coalition but it is not certain that the necessary impact assessment of cutting this fund was made. The reason given was that it was not a priority policy. Therefore, the Coalition is contradicting itself by saying that integration (related with immigration) is not a priority whilst during the pre-election period, all the parties are indicating their strict lines regarding immigration (knowing that immigration is the most important issue after the economy as the polls show). A rhetoric, focused on control and decreasing immigrant inflows is also preventing any kind of sensible talk about integration. This result emanates from the fact that integration would mean in this case accepting higher numbers and accepting them as a part of the society either through multiculturalism or a greater willingness. But the parties do not mention integration at all. When permanent integration is not taking place in the public debates, newcomers and temporary migration are also forgotten.

Another approach that was adopted in integration during the Coalition Government represents the idea that actually integration is not only the job of the government but that whole society should be contributing to it. "And the changes to laws would not be the solution but changes to the society would be the solution"<sup>185</sup> (p.6) This document does not necessarily shift the responsibility of the government to create the conditions to integrate but urges the communities and municipalities to support the integration process while at the same time tackling some unrealized integration such as extremism. However, the document is mostly dominated by concerns over extremist Muslims. The priority has shifted more from the integration of refugees and newcomers to the communities where there are extremists. On the other hand this document emphasizes that the local governments will promote "British liberal values" (p. 9, p. 11), however it is not clear what these values mean and there is a need for more detailed explanations regarding this aspect. Later in the document British values are elaborated slightly during a reference to teachers who, it is suggested, should abide by these British values during the treatment of their students: "The new teachers' standards set a clear expectation that teachers must not undermine fundamental British values, including democracy, the rule of law, individual liberty and mutual respect, and tolerance of those with different faiths and beliefs." (p. 17)

Another point that is underlined in "Creating Conditions for Integration" is that integration is mostly a local issue (p. 10). This document interestingly makes the mistake of referring to Christianity, arguing the religion had a profound effect in the making of the nation: "Recognizing that Christianity – and faith in general – plays an important part in the heritage and culture of our nation, the Secretary of State for Communities and Local Government has now taken immediate action to bring forward the commencement of the "general power of competence" (p.11) Considering that this is a document on integration in a multicultural society this reference could have been interpreted as carrying out a natural dichotomy that would ideally not promote integration but prevent it. On the other hand, there are positive parts of these policies: focusing on youth and also pupils from poorer backgrounds are very sensible initiatives.

Most of the time integration is not thought of in tandem with temporary migration and temporary migrant workers. Integration is often understood as cultural and economic integration or as indicated in the beginning as assimilation. But as a social worker from the Haringey Migrant Centre claimed, "there can be no integration without any rights". In order to be aware of their rights and realize them the migrants need to speak or understand the language. Hence, integration depends on benefiting from one's basic rights<sup>186</sup>.

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<sup>185</sup> Department of Communities and Local Government (Feb 2012) "Creating the Conditions for Integration"

<sup>186</sup> Rights will be discussed separately in the upcoming chapters.

Under these circumstances, there is no possibility of the temporary migrant workers to be integrated or think of integration as a short-term goal. Because it has been dismissed as a long-term goal as well. However, in order to achieve temporary integration the governments should start to see TMWs are more than visitors. This does not seem to be the current case.

Cavanagh has indicated that actually it is not only the governments that are proposing temporary migration but that there are other reasons behind it. He also talks about the advantages but he also underlines the conscious choice of the government in choosing temporary migration as a tool to reduce numbers and according to his analysis reducing the numbers does not always result in increasing rights (2012: 27). Thinking of integration together with numbers does not work for the benefit of the immigrants. Most of the time the numbers prevent the debate from becoming what is really at stake and it does not encapsulate the migration experience by the TMWs and the host society.

It has been shown that there is a preference for the economic and European migrants. However, this immigration policy has been accompanied by a one-way approach to integration, too. As the interviews have suggested, most of the time the migrant workers from the EU countries also cannot integrate well, since they have difficulties in language learning even if they are not temporary *de jure*. They are now recently also prevented from benefiting from their rights. Moreover, the cuts to the language courses had made it more difficult for any migrant workers (either European, Middle Eastern or Latin American) to have access to the opportunities to integrate. The life in the UK tests as well as language test scores required for the spouses (as well as a long term waiting policy) restricts people from coming to the UK and reuniting.

Income being introduced as a threshold for bringing a spouse to the country only makes it possible for the wealthier and higher skilled to bring their spouses. All of these policies, as well as the requirements to prove that a spouse is not applying for residence in the UK (such as controls, stricter checks), show that underlying the integration policy is a distrust for the third country nationals particularly. But when the politicians talk about immigration they do not distinguish between the EU and the non-EU citizens, which might lead to further repercussions as different needs of different communities are ignored. Another issue that was raised by one of the migrant organizations was that the migrants cannot have access to justice in terms of appeals<sup>187</sup>. What is more, there is also some deterioration in the rights of the high skilled as well. In line with this, Rosa Crawford<sup>188</sup> from the TUC had indicated that the high skilled, who come through intra-company transfers are not paid the wage that they should be paid. Therefore, there is no guarantee that the economic integration for the high skilled can be realized. Rights will be discussed in detail in another chapter.

Another criticism regarding the high skilled came from Cavanagh's report on the high skilled. He says that for those migrant workers who are high skilled and who are to leave after five years (especially the non-EU ones), it is problematic from a few points of view and one of these is that they cannot integrate since they know they are temporary and the community they are in knows they are temporary (Cavanagh, 2012: 20-21). Whether they can integrate or not in the short term is a debatable issue, as some of the migrants might want to integrate as soon as possible thinking that they have limited time. So nobody can say that 5 years is a short time to integrate, but as Cavanagh argues, if these people want to stay and become permanent then they have no chance to stay further. Hence, it comes to the point where Triadafilopoulos (2006) was saying that it is necessary (regardless of the fact that in the end it is producing good or bad results) to have integration policies devised by the state, not only thinking of the long term but also thinking of the short term. This is because short-term integration corresponds to how the labour markets operate currently and how people have become trapped in temporariness.

Thinking of integration as temporary takes it out of the context of assimilative discourse. However, to make integration policies that are temporary is also difficult because it is not

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<sup>187</sup> Interview with Haringey Migrant Center on 21 October 2014.

<sup>188</sup> Interview on 12 June 2014.

clear who is temporary and who thinks that they are temporarily here. The migrant workers from Eastern Europe can also consider themselves temporary as well as an immigrant from Trinidad might consider himself temporary even though he has lived in the country for 15 years<sup>189</sup>. The idea to go back might always be in the backs of the minds of people who are residing in the country temporarily, and the extent to which integration affects this perception is a question that paves the way for further research on this topic.

The opposite view to Triadafilopoulos' (2006) would be the *laissez faire* integration model which is defined by Bloemraad and Graauw (2006): an individual migrant being integrated as much as the conditions allow and with an antidiscrimination legislation. Hence, it is not hard to see that the UK model is resembling this *laissez faire* integration and abandoning one way of the two way street, leaving all the responsibility to the one who comes and who wants to integrate to whichever cost. This however creates other types of discrimination. Antidiscrimination laws do not seem to be very effective when the disparities in wealth/economic opportunities and capital effect the preference of the nation-state, which sees it as in its interest to receive certain types of migrants who have the economic and cultural capital. Hence, the ones who can be assimilated more easily.

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<sup>189</sup> An Trinidad origin commonwealth citizen reading a piece of my work on temporariness indicated that actually he always felt that he was temporary and that he came here temporarily and stayed here 15 years. But this self-perception that he will go home one day has not changed as he explained to me and this idea of going back is always making him feel temporary.

## Chapter 6

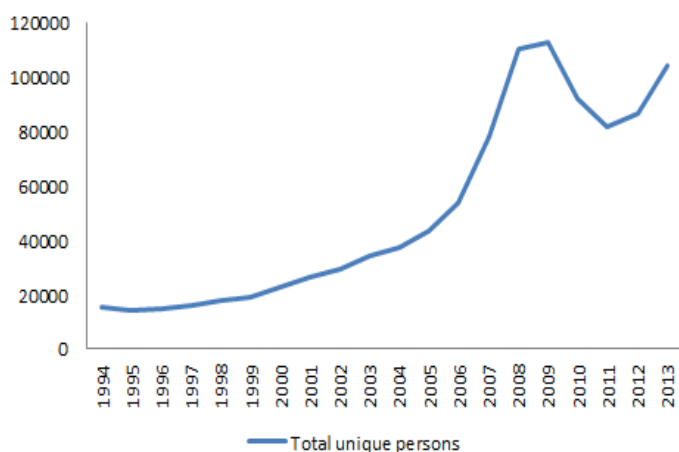
### 6. 1. Introduction: Is the Organic Link Between Immigration and Integration Broken for the TMWs?

What is the definition of temporary migration in the Canadian case? How does Canada define TFW? It is possible to find a definition on the website of Alberta about TFW: “A foreign national who has been authorized to enter and remain in Canada, on a temporary basis, as a worker.”<sup>190</sup> Other than this, there is a definition of the TFWP on the Canadian government’s website: “The Temporary Foreign Worker Program (TFWP) allows Canadian employers to hire foreign nationals to fill temporary labour and skill shortages when qualified Canadian citizens or permanent residents are not available.”<sup>191</sup> Besides these definitions, it is very hard to define temporary migrant and temporary migration. The reason for that is that the definitions might imply ideological positioning. Preibisch (2010: 406) argues that the use of “foreign worker” relegates the migrant workers to a status lower than the Canadian residents and permanent residents (Sharma, 2006 as quoted in Preibisch) and hence, she uses the term migrant worker. She defines migrant worker as such: “to refer to those people employed in Canada under temporary visas who do not hold Canadian citizenship or permanent residency (landed immigrant status)” (ibid.)

Another important issue is to distinguish between the definition of circular and temporary migration. This difference was indicated in the first chapter, in Introduction, but it is also necessary to emphasize once more. Although reports, scholarly work and policy-makers would like to put them under the same roof, circular migration implies more justification to grant rights to migrant workers than temporary migration. And when temporary migration turns into circular migration, this would result in different obligations on the side of the states. Canada is a very good example of this case.

There has been a great increase in the numbers of the temporary work permit holders in Canada since 2000s. The steep increase corresponds to the years after 2007-2008. Please see the table below:

**Table 6.1 TFWs in Canada (1993-2013)**



**Source:** <http://www.cic.gc.ca/english/resources/statistics/facts2013/temporary/1-1.asp> accessed on 1st of September 2015.

The findings from the interviews conducted in Ottawa for this thesis suggest that there are

<sup>190</sup> <http://www.albertacanada.com/opportunity/immigrating/definitions.aspx> accessed on 22 August 2015.

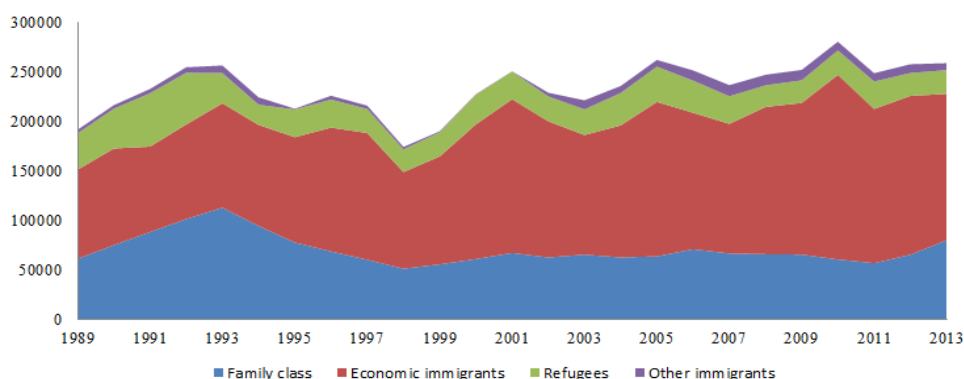
<sup>191</sup> <http://www.cic.gc.ca/english/resources/publications/employers/temp-foreign-worker-program.asp> accessed on 22 August 2015.

some great similarities between the Canadian and the UK case: for example, the labour migration policies are mainly employer-driven and a great leverage is given to employers. There is also an organic link between immigration and integration policy in Canada. Examining some reports and government documents, it is seen that the migrant category that one comes in determines the integration level of that person and this is a very important indicator<sup>192</sup>. The reason for that is that the category that a migrant worker has is mostly determined by the employer and the receiving state. This category and status is almost fixed in the case of the TMWs. Therefore, a limitation that a category implies would reflect decreasing chances of integration.

The two-way approach to integration, which combines the roles of the receiving state and the immigrants in enhancing integration, is more valid in Canada compared to the UK but there are some objections to that as the research shows. Amongst the most prominent barriers to integration are language, discrimination, recognition of educational and work-related credentials, and a preference for the high skilled. These barriers are not unique to Canada. On the other hand, there is a 'common sense' understanding that the state and the society (through voluntariness) should support the integration of migrants. Shano Bejkosalaj,<sup>193</sup> who is the head of the Ottawa Muslim Women Organization (OMWO), also underlined the spirit of voluntarism and humanitarianism, which, she argues, forms the backbone of inclusiveness in a society: "This is very, very important. Each country has their own way of doing things. In Canada, voluntarism and the humanitarian spirit is very strong. The government would not have enough money to pay our services for volunteers... and it is a good thing." This kind of voluntariness exists in the case of the UK, too. Especially when the migrant organizations are poorly funded, the volunteers become crucial in order to provide support to a larger share of immigrants.

Canada is well known for having one of the best family reunification programs in the world (ARM, 2013: 7). However, currently the family reunification route is not the most commonly used one to immigrate to Canada. It seems that the share of economic immigration has been higher than the shares of refugees and family reunification since 2000s. "From 1987 to 2012, economic immigrants had the highest percentage increase of 116.8% while family class increased 20.6% and refugees 7.5%"<sup>194</sup>. Please see the table below:

**Table 6.2 Canada Permanent Residents by Category 1989-2013**



**Source:** <http://www.cic.gc.ca/english/resources/statistics/facts2013/permanent/01.asp> accessed on 1st of September 2015.

<sup>192</sup> "The immigration category of a newcomer, whether a skilled worker, family class or refugee, will have an impact on how quickly a newcomer is able to integrate both economically and socially" footnote in Integration Branch – Citizenship and Immigration Canada (2001) "Immigrant Integration in Canada: Policy Objectives, Program Delivery and Challenges" Draft for Discussion, p.23

<sup>193</sup> Semi-structured in-depth and face-to-face interview on 28 October 2013, Ottawa.

<sup>194</sup> <http://www.canadaimmigrants.com/immigration/statistics/permanent-residents-1987-2012/> accessed on 1<sup>st</sup> of September 2015.



Family reunification, although still an important route, has lost some of its importance. My interview with NDP<sup>195</sup> (New Democrat Party) member Irene Mathysen had confirmed that the family route had been made harder by the current Conservative Party Administration. Moreover, the backlog of applicants together with the difficulties people are encountering have risen. Moreover, Mathysen criticized the fact that there is no family reunification scheme for the TMWs even if they stay for three or four years. And it was discussed during the interview that this could be one of the reasons why these people might want to go back home rather than trying to stay. But this fact is also linked to the immigration policy itself where the married-with-kids workers are preferred (Hennebry and Maclaughlin, 2012).

Mathysen was very open-minded about the possibility of turning temporary migration into permanent migration as she acknowledged that actually the country shall be open for TMWs and that Canada should welcome them and give them the route to citizenship. This kind of discourse is not at all considered in the UK. In the UK, temporary migration is always considered temporary although *de facto* situation is different. While in Canada no party can criticize the levels of immigration, in the UK parties all would like to control and limit immigration to a certain level. Considering the debates on permanent migration in both countries, the discussions regarding temporary migration are revolving around restricting the rights of the low-skilled migrant workers.

As Bloch and Schuster (2002: 402) suggest, “micro factors include the desires and expectations of an individual migrant; meso-level variables relate to collectives and social networks; macro level factors are concerned with nation-states (i.e. sending and receiving countries) as well as transnational relations.” This chapter only looks at the integration policies of the receiving state and the meso-level variables such as the migrant organizations, which have the prominent roles in Ottawa and a union as well as immigrant lawyers, which can be thought as meso-level research. In addition to these five policy makers have been interviewed as well.

This chapter is organized as such: first of all, the organization behind the integration policies in Canada will be discussed; secondly, the main integration programs will be examined; thirdly, the barriers to integration and cracks in the system will be drawn attention to; fourth, integration prospects of the TMWs will be discussed. Finally, the conclusions will analyze the findings of the interviews and the annual reports on migration as well as information gathered from MIPEX (since 2007).

## **6.2 Introduction to Integration Policies in Canada: Multiculturalism and Organizational Setting**

After talking to organizations in Canada it is possible to see that they work with each other in close connection<sup>196</sup>. What is observed is that bridge-building and intersectorality between integration policy actors (collaboration between different sectors of integration policy implementation) reveals great importance in terms of understanding how meso-level functions. Since the interview method I had used was snowballing it was surprising for me to see that most of the people in the settlement agencies in Ottawa knew each other as well as some of the migrant organizations. There seems to be great interdependence between different types of organizations. In addition to this, the heads of a specific community were familiar with the local politicians; in some cases they were supporting them. This sense of collaboration is useful in terms of preventing migrants from falling through the cracks.

Allison Collins<sup>197</sup> from World Skills argues that settlement and employment finding go hand in hand in many of the organizations in Canada. It seems that the Canadian government has been impressively efficient in terms of providing services for labour market integration of

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<sup>195</sup> Irene Mathysen interview on skype, 18 March 2015. New Democrat Party has received more seats than the Liberal Party in the last federal elections.

<sup>196</sup> This can be said only for the organizations in Ottawa as no interviews have been conducted in Toronto or Vancouver. SGI (Sustainable Governance Indicators) Report (2009) also indicates that there is some lack of coordination amongst the provinces (p. 3) in terms of harmonizing integration policies.

<sup>197</sup> Interview in September 2013, Ottawa, Canada.

the migrant workers. She said that they have 50 partners, including: the Catholic Center for immigration, the Immigration Women Services Organization, the Somali Center for Family Services, the Lebanese Arab Services, the Ottawa Chinese Community Center, OCISO (Ottawa Community Immigrant Services Organization), the Jewish Families Center, etc. These are all settlement agencies but they also have some kind of employment assessment just after the immigrant arrives in Canada.

Collins said that it takes three to five years for a recently landed immigrant to find a better job, and what happens is that the first jobs are 'survival jobs'. World Skills is helping the migrants find jobs by helping them in resume writing, providing them with information on interview skills and they are also showing them the hidden job market where the majority of the jobs are not posted but dispersed through word of mouth or through networking. For each migrant, what they do first of all is to carry out an assessment and interview so that the migrant is registered for a future job possibility. They also have workshops where they have a team of employment counselors and job match specialists. They are funded by Catholic Center for Immigration Canada, United Way, and the Provincial Government.

One of the most important organizations which has very strong connections with the state, and which has a central role in terms of organizing integration of the immigrants, is the CCI (Catholic Center for Immigrants). They are focused on referral, providing information and orientation for immigrants. They also give suggestions to the government about the difficulties that migrants and refugees are going through. This is a major organization with many sub-organizations regarding different groups of immigrants and their needs. Carl Nicholson<sup>198</sup> who is the head of the organization said:

"We are 11 agencies to serve immigrants and refugees. And we have some specialities. So we have got an agency that focuses on the education system, that focuses on Jews, we got an agency that focuses on Somalians. Another one that focuses on Chinese, another one that focuses on women, one that focuses on the labour market."

Therefore, they have many branches and they are well organized with good networks and they are all professional and experienced with immigration issues. Immigration is a fact of everyday life in Canada and it is one of the most important areas that the Canadian government and the organizations take into account. Carl Nicholson defined the current immigration policy in regards with absorptive capacity and said that the government have priorities in terms of recruitment of immigrants:

"The government thinks that our absorptive capacity is that big and it wants to deploy that absorptive capacity primarily for those in their minds who are going to contribute to building the economy directly rather than any long term social capital issues so this is the dichotomy/this is the dynamism we work with all the time."

Organizationally in Canada, the CCI is receiving funds from many different sources. One source is government funding, and the other is through charities but the government funding makes a big part of the integration scheme. Publicly people can join too, and become members very easily. Therefore, the funds are diversified in this manner and this is good for the sustainability of the funds of the organization. This fact definitely reflects what Joppke (1998: 273) was writing: "In a settler nation nation-building coincides with immigration, immigration policy is a highly institutionalized process, in which pro-immigrant interests have a legitimate entrenched role in policy making. (In a settler nation, like USA and Canada)"

Another important local organization, which facilitates the services at the city level is Ottawa Local Immigration Partnership<sup>199</sup> (OLIP). Hindia Mahmoud<sup>200</sup> said regarding their work:

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<sup>198</sup> Interview on 24 October 2013, Ottawa, Canada.

<sup>199</sup> "The City of Ottawa Municipal Immigration Strategy brings many of these initiatives together under a common goal: to be strategic and to coordinated in pursuit of a common vision of attracting and successfully

*“We are funded by the government and we are created with a clear mandate. Local Immigration partnerships have the mandate of working with local communities, to build the capacity as a whole and all in its institutions to be more welcoming to immigrants, to attract immigrants, to settle them and to integrate them.”*

Attracting immigrants, helping with settlement and integration are still considered as the ultimate and important goals of the governments as well as the reason behind the existence of all migrant organizations working in close connection with the government. It is also interesting to see that provinces themselves want to attract more immigrants, because the funding from the federal government is dependent on how many immigrants they can attract and vice versa. Hindia Mahmoud made it clear that as OLIP it is a given that they need more immigrants and they need to integrate them:

*“we work with local organizations and we created a partnership of all local organizations and we have done a lot of research and consultation to determine what needs to be done in Ottawa by local organizations and we developed what you call Ottawa Immigration Strategy<sup>201</sup> which acts as a guide for the work of all Ottawa stakeholders, to improve how they serve immigrants, to understand the needs of immigrants, to engage them our vision, developed vision by the community and is to help Ottawa benefit from immigration. Because we come from the premise and the understanding that immigration is useful for Ottawa. Without immigration you cannot have population growth, you can't have labour force growth. So Ottawa needs immigrants, there is no choice about that. They are not having enough children. However, immigrants find so many difficulties in their integration process. We analyze these difficulties and we set a long-term plan for all local stakeholders to improve what they do. So that immigrants can be better integrated.”*

The above quote by Mahmoud summarizes the general approach of the Canadian state, and even public opinion, towards immigration. Economy and demography<sup>202</sup> were categorized as the most important reasons by my interviewees<sup>203</sup> for not having any kind of decrease in the annual intake of immigrants to the country (annual average of 250,000 immigrants) since the beginning of 2000s, despite the changes in the government (from Liberal to Conservative Party leadership). What is striking is that integration policies and programmes have not been transformed greatly<sup>204</sup> either.

As seen from Mahmoud's emphasis, integration is a must in the eyes of the agencies working for immigration. They are providing services or they are advocacy groups or they have bridge-building or inter-sectoral collaborative functions, they all have a similar goal: better settlement and integration. This proves the point of Conrick and Donovan (2010: 342): “The federal government and the Quebec government pursue very different policies with regard to language, integration and immigration and yet both seek the same ultimate goal: the successful integration of immigrants.” The interviews with the migrant organizations

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integrating immigrants in Ottawa.” (City of Ottawa, Municipal Immigration Strategy, Strategic Community Initiatives Branch, Community and Social Services Department, August 2013) This organization is “OLIP was founded by the City of Ottawa and Local Agencies Serving Immigrants (LASI) in October 2009, and is one of more than 40 Local Immigration Partnerships funded by Citizenship and Immigration Canada (CIC) in Ontario, the Prairies, and Atlantic Canada.” Accessed on <http://olip-plio.ca/who-we-are/> on 1<sup>st</sup> of September 2015

<sup>201</sup> Interview in December 2013, Ottawa, Canada.

<sup>202</sup> Ottawa immigration strategy document includes within the integration scheme temporary migrants. It acknowledges their presence.

<sup>203</sup> Demography is an interesting reason for receiving immigrants. In Canada birth rate is 1.61 and in the UK it is 1.90. Although there is not such a great difference, demography is not taken as a reason for more immigration in the UK.

<sup>204</sup> Politicians, policy makers, immigrant lawyers and migrant organizations are all agreeing that demographic and economic growth of Canada is dependent on migrants.

<sup>205</sup> Individual email correspondence with a former Citizenship and Immigration Canada employee.

suggest that integration and immigration are closely linked in the rationale of the migrant organizations.

The success of the organizations also depend on how much they can collaborate and how much they can do bridge building. This is a phrase that one cannot easily hear in the interviews in the UK. Settlement programmes, intersectorality and bridge building are important part of building and sustaining integration policies of Canada. One example of it is given by Shano Bejkosalaj,<sup>205</sup> who is the president of the Ottawa Muslim Women Organization (OMWO):

“well, bridge building is working with other cultures to work together and to share our culture and to share our religion for them to understand who we are and we have been very successful with that and we have volunteers and shelters and foodbanks and we help several newcomers. We help when people are in need. Sometimes you have a single mother who hasn’t had very much and somebody comes and they need furniture necessities. We buy halal meat each month and send them to food banks. So we provide this for them. We perform many other services. Whatever the need is we respond.”

Another important aspect in Canadian integration policies is the indispensable role of multiculturalist policies that makes a great difference as it is in their tradition to keep this policy, even after September 11. The Canadian Multiculturalism Act passed in 1988. “Multiculturalism is an official policy of the Canadian government, a constitutional principle and a marker of Canadian national identity.” (Tremblay, 2009: 1-2). In 2013 Annual Reports on Migration (ARM), it is indicated that “the majority of Canadians support immigration and their support is underpinned by their pride in Canadian Multiculturalism” (p. 32). Kymlicka (2003: 203) explains the high rates of naturalization in Canada and its link with multiculturalism as a very positive result from both the eyes of the host society and the immigrants, showing a will to integrate and contribute to the society. Moreover, as Reitz (2012) would underline Canada owes its success and distinctiveness to a good combination of multiculturalism and successful integration policies, which is generally thought to be not very compatible currently. Quebec, however, is an exception in the sense that it has more interculturalist approach towards integration (Chiasson, 2012).

In 2013 a new program was devised which is called Inter-action<sup>206</sup> and its main aim was “to provide Multiculturalism grants and contributions for multiyear projects and small community based events to promote intercultural understanding between various communities” (ibid.) In the 2014 Annual Report on Migration, too, there is a mention of the Multiculturalism Program and its aim is indicated as such: “to build an integrated, socially cohesive society, improve of institutions to the needs of a diverse population; and engage in discussions on multiculturalism, integration and diversity at the international level.”<sup>207</sup> The interviews also show that multiculturalism definitely has not lost its essence in Canada.

The centrality of multiculturalism has not been shaken but its nature has changed. The relationship between the agent and the helper (social service provider) has been transformed through giving more weight to the agent throughout time. Director of IWSO<sup>208</sup> (Immigrant Women Services in Ottawa) Sarah Spencer has underlined that first it was the social workers, who could not understand why women from different cultures would act in different ways and the cultural interpreter would try to interpret the culture in the name of the migrant. But later the interpreter has solely been used to act as a translator and to let the woman explain her culture herself. This is a result of years of experience, effort, funding and transformation in multiculturalism as well as transformation of the approach to integration.

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<sup>205</sup> Interview on 28 October 2013, Ottawa, Canada.

<sup>206</sup> <http://www.cic.gc.ca/english/multiculturalism/funding/index.asp> accessed on 23 April 2015.

<sup>207</sup> <http://www.cic.gc.ca/english/resources/publications/annual-report-2014/index.asp> accessed on 23 April 2015.

<sup>208</sup> Interview on 12 November 2013, Ottawa, Canada. Currently IWSO (established in 1988) has 185 interpreters working for them and 60 languages. Besides these there are 23 people working as staff.

This approach gives more freedom to the agent who is expressing herself:

“We also looked at the language issue and so we started the language interpretation service, at that time it was called cultural interpretation services. Cultural because the interpreters were when they went to the mainstream agencies like doctors, lawyers, nurses, social workers etc. They always had to explain the culture from which the individual came. And so at that time it was called ‘cultural interpretation’. We have since changed that to ‘language interpretation’. If there is a need to explain the culture it is the role of the client to interpret her culture (to the service provider) because it empowers the women. It is not that you are constantly speaking on her behalf but here she is in a situation in need, she cannot articulate what she wants through that worker who is there to help her and then coupled with that she is expected to talk about, these inspectors have to talk about the culture of the client. What we did was we changed it from culture to language thus giving the client an opportunity to explain her culture to the service-provider. Hence, the term we use now is language interpretation. So we continued offering these two services...”

What is seen is that the Immigration and Refugee Protection Act (IRPA) passed in 2002 and it has not changed the level of importance that is attributed to integration in Canadian society. For instance, in ARM (2009: 23) the integration section starts with this remark: “The successful settlement and integration of new immigrants is an important objective under the Immigration and Refugee Protection Act. Immigration is fundamental to the development of Canada’s economy, society, and culture, and Canada arrives to be a world leader in maximizing its benefits.” But at the same time IRPA had an ambiguous role of promoting temporary migration. Therefore, these two goals do not seem to coincide: Temporary migration and integration. This aspect in the Canadian case creates a policy gap.

This section has examined three important factors that come up with the interviews: the evolution of multiculturalism whilst retaining its central importance; the fact that migrants are chosen in terms of how much they can contribute to the economy (the salience of economics and demography); diversified funding (in addition to the assistance from the federal government); the provinces’ needs to attract immigrants and linkage of migration and settlement in the migrant organizations’ discourse. The next section will question closely the main programs of integration policies in Canada.

### **6.3 Main Programs and Their Transformation throughout the Years**

There are major integration programs that have continued since the end of the Second World War and remain in place today. They are traditionally funded by the federal government and they still retain their importance. The major integration policies will be examined in this section<sup>209</sup>. The rationale behind these programs reveals that integration starts in the sending country before the immigrants and refugees arrive in Canada; it also demonstrates that language teaching programs have always been funded because language is seen as one of the first conditions for the newcomers to integrate to the labour market and finally, it is inferred that despite the changes in political administration, the integration policies preserve their importance since most of the actors in the Canadian context accept the indispensability of immigration while linking immigration with integration and settlement. Integration comes immediately after immigration in the minds of the migrant organizations and policy-makers. Labour market integration seems to be the foremost incorporation as it is in the UK.

First, an example of initiating integration before one arrives to the host country, is the Canadian Orientation Abroad (COA) programme, which was established in 1998. This programme is not only for refugees: “COA is a project implemented by International Organization for Migration (IOM), funded by Citizenship and Immigration Canada (CIC). COA provides pre-departure information and orientation to Refugees, Immigrants and

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<sup>209</sup> To see all of the programs please see appendix Table B.



Caregivers to help them adapt to life in Canada.”<sup>210</sup> and COA is informing the immigrants by giving them “introduction to Canada, Transit, Cultural Shock, Employment, Rights and Responsibilities, Climate, Finding a Place to Live, Living in a Multicultural Society, Cost of Living, Social Welfare, Family Life, Communications, Education and Adjusting to Canada.” (ARM, 2001: 9)

Second, the Canadian Immigrant Integration Program (CIIP) was established in 2007. According to this program, there are CIIP offices located in different countries such as China, India, the Philippines and the UK (Alexander et al 2012: 15) and they “give information regarding the documentation they need, where to access services when they arrive, are connected with organizations in Canada to receive early language assessments and training, and taught Canadian social values and norms” (p. 15). This programme has been effective as 93 percent of those who came through this program found a job within six months (ibid.).

Third, The Immigration Settlement and Adaptation Program (ISAP) was established in 1974. ISAP provides:

“funds to businesses, non-profit corporations, non-governmental organizations, community groups, educational institutions at the individual and community levels, and provincial, territorial and municipal governments to deliver direct and essential services to newcomers. Settlement workers help newcomers with the initial adjustments of day-to-day living. Newcomers also receive information concerning Canadian values and their rights and obligations under the Canadian Charter of Rights and Freedoms.” (Report, 2001: 10).

Together with ISAP there is another program called Language Instruction to Newcomers in Canada (LINC), which gives language courses to the newcomers in the two official languages at a basic level and it is funded by the CIC. LINC was launched in 1992<sup>211</sup>. In addition to these programs other coordinative ones were added. In 1999 the Working Group on Integration and Settlement was established to create cooperation between federal and provincial governments in the common areas of interest. In 2004 the Settlement and Integration Joint Policy and Program Council (SIJPPC) was established in order to facilitate joint planning. In May 2006 the Canadian government increased the funding for immigrant settlement<sup>212</sup>.

Fourth, an essential part of Canada’s approach towards integration policy is related to where citizenship is on the line of integration.<sup>213</sup> In other words, citizenship is seen as an important part in the process of integration. This perspective is slightly different from the integration perspective of the UK where citizenship is ‘earned’<sup>214</sup>. Canada’s approach to integration is a long-term commitment where a more two-way approach is adopted compared to one-way integration and assimilation of the migrants<sup>215</sup>. 2009 ARM says: “citizenship is an important step in [the] integration process” (p. 24) Citizenship policies had changed in the years 2009-2010 and 2011. In 2009-2010 the CIC introduced a Citizenship Action Plan, which had focused more on the civic integration, civic participation and feeling of belonging to Canada<sup>216</sup>. The Canadian values and history have been given more importance in the new

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<sup>210</sup> <https://www.iom.int/about-coa> accessed on 1st of September 2015.

<sup>211</sup> <http://www.cic.gc.ca/english/departement/media/backgrounders/2013/2013-10-18.asp> accessed on 25 April 2015.

<sup>212</sup> Annual Report to Parliament on Immigration (2006) by CIC

<sup>213</sup> There is also the mistake of thinking integration as a progressive line that has no ups or downs or backlashes. But it is very probable that most of the integration processes include these dilemmas. Policy-makers though make policies as if they are linear and we tend to think integration as linear.

<sup>214</sup> The Labour Party and Conservative Party in the UK do not diverge on this perspective.

<sup>215</sup> There are for sure oppositions to this view by Li (2003) who claims that conformity has become more important in integration of immigrants than diversity.

<sup>216</sup> <http://www.cic.gc.ca/english/resources/publications/annual-report2010/section4.asp> accessed on 25 April 2015.



guide for Canadian citizenship<sup>217</sup>. In 2011, for those applying for citizenship, language proficiency gained more prominence (AMR, 2012: 26). This aspect is similar to the transformation of citizenship tests in the UK. Another similarity is about the rise of the spouse's or partner's age for eligibility to immigrate to Canada: While in Canada this age is 18<sup>218</sup> it has become 21 for the UK.

Fifth, the system is geared towards the high-skilled who have educational and language skills already in possession before they immigrate. The high skilled are mostly wanted and none of the interviewees deny that fact. There is a program called Enhanced Language Training which started in 2007 and aimed at giving skilled workers further training regarding the language skills:

“Research has shown that language proficiency is a determining factor in how quickly immigrants integrate into the labour market. Current training provides immigrants with the language skills required for social interaction and employment in service and industrial contexts where advanced language skills may not be required. The Enhanced Language Training (ELT) initiative will provide higher levels of language skills that will help immigrants enter and remain in the labour market, especially in information intensive positions for which many skilled immigrants have training and experience.”<sup>219</sup>

However, even before taking these courses, the skilled immigrants are quite advantaged in terms of the possession of knowledge of one of the official languages of Canada and this provides them great leverage. Hence, amongst the skills, language skills gain importance compared to those who have no knowledge of English or French and who do only low-skilled labour. My findings show that the language education (and its connection with skills) therefore, is much more essential than it is thought. However, for the TFWs and the SAWS there are no language courses. These courses are mostly designed for the permanent residents and the high skilled.

Shano Bejkosalaj (Ottawa Muslim Women Organization leader) explained why there is a high preference for the high skilled rather than the low skilled. This is not a policy of the recent decades but it has been like this since 1960s when the high skilled migrants were given eminence over the low skilled migrant workers, but in reality still the other skills are sought for:

“Well the things are that the foreign workers now that Canada is bringing are mostly plumbers, electricians welders because what has happened 20-25 years ago they closed these (... college) schools where they learn trade. In Canada they had a lot of trades schools. But in the 1960s the government decided that we wanted a population that was much more educated, university graduates. So now the government is doing their best to bring in these trade workers. And they are taking priority in fact even more than immigrants who are professionals and speak English you know, their requirements to immigrate here”

What has been said in the previous chapter about the UK is also seen in the case of Canada where bringing the economic migrants matter to a great extent. Melissa Fama<sup>220</sup> who is an Assistant Director at Citizenship and Immigration Canada, indicated that bringing economic migrants is thought to be ‘contributing to Canada’s future’. And she mentioned that there is a skills gap in terms of the high skills. She denoted: “A lot of our research shows that high skilled immigrants have tended to do better in labour market. They have higher earnings and they also do better during economic downturns.” Therefore, preferring the high skilled

<sup>217</sup> <http://www.cic.gc.ca/english/resources/publications/annual-report2010/section4.asp> accessed on 25 April 2015.

<sup>218</sup> <http://gazette.gc.ca/rp-pr/p1/2015/2015-04-04/html/reg1-eng.php> accessed on 1st of September 2015.

<sup>219</sup> <http://www.cic.gc.ca/english/departement/media/backgrounders/2004/2004-05-07.asp> accessed on 23 April 2015.

<sup>220</sup> Interview on 6<sup>th</sup> of November 2013.

in immigration policy might seem to result in integration of the high-skilled (which is a view that can be counterargued against). However, a parallel intake of the low to mid-skilled continue too, because they are needed as well<sup>221</sup>. But the integration of the latter might be neglected as a result of the assumption that Canada attracts only high-skilled immigrants.

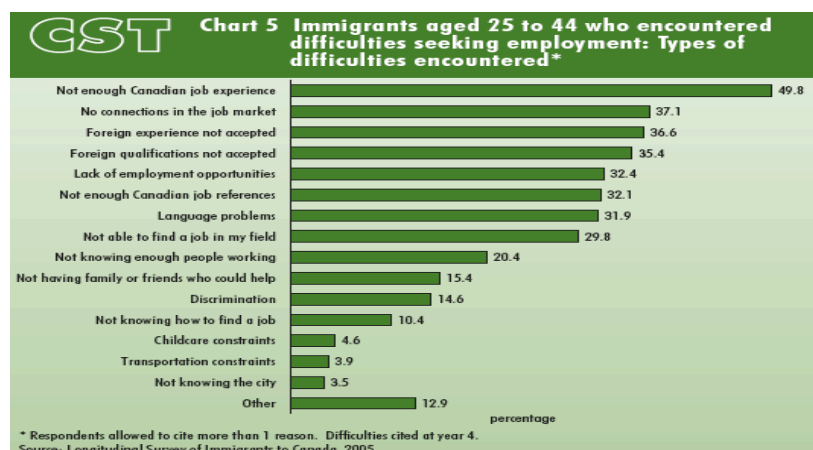
Amongst the range of programs of integration that Canada has, it would be difficult to argue that most of them are geared towards the high-skilled as many of the programs target refugees, too. Regarding the TMWs there are no integration programs as they are temporary. Since it has been found out that the high-skilled migrants with education and language skills integrate better, the immigration policies are directed towards attracting them such as the Expression of Interest program mentioned in Chapter 4. In 2007 Foreign Credentials Referral Office<sup>222</sup> (FCRO) was set up to recognize foreigners' skills. However, when it comes to the integration of the low-skilled there are not many target-specific programs.

This section has examined the most important integration programs in Canada. The main points that were underlined were as such: the importance of starting integrating before moving to the country (the case for the refugees and live-in caregivers as well as other immigrants); citizenship being a process of integration rather than an ending point (Paquet, 2012), and the importance of language and its link to skills and integration. But this is not the whole story. The next section will underline the shortcomings of the integration policies and it will be argued that the high-skilled migrant workers have certain difficulties too.

#### 6.4 Barriers and Cracks

What are the faults of the Canadian integration system? It has been criticized by Li (2003) for encouraging conformity rather than difference; Arat Koc (2005) has argued that after 2001 the approach to Muslims has undermined the multiculturalist aspect as the foreign policy and relations with the USA caused greater securitization; and another criticism comes for the case of TMWs that there are no integration schemes for them (Hennebry, 2012). The draft discussion<sup>223</sup> report by CIC in 2001, on the other hand, lists these barriers: language, education, credentials recognition, discrimination, and 'absorptive capacity'. The report on integration by CIC (2001: 23) categorizes language and education as individual<sup>224</sup> barriers while discrimination and credentials recognition as structural<sup>225</sup> barriers. Some of these barriers have also been observed as a result of the interviews too.

**Table 6.3 Encountered Difficulties in Seeking Employment: Types of Difficulties Encountered**



<sup>221</sup> As it is indicated in the background chapter, their numbers have risen tremendously after 2008.

<sup>222</sup> <http://www.cic.gc.ca/english/departement/fcro/> accessed on 26 April 2015.

<sup>223</sup> Integration Branch – Citizenship and Immigration Canada (2001) "Immigrant Integration in Canada: Policy Objectives, Program Delivery and Challenges" Draft for Discussion

<sup>224</sup> "Individual barriers to integration are defined as changeable characteristics of individual immigrants such as education and language ability." (CIC draft report, 2001: 23)

<sup>225</sup> "Systemic barriers are defined as conditions or practices that prevail in Canada outside of the control of immigrants and interfere with the process of integration." (CIC draft report, 2001: 23)

Source: <http://www.statcan.gc.ca/pub/11-008-x/2007000/c-g/4097864-eng.htm> accessed on 6th of October 2015

European countries have been blamed mostly for unequal treatment towards the immigrants who came as a part of the guest-worker schemes (Rodriguez, 2007). Canada could be criticized in terms of TMWP for the same reason. But there are more criticisms beyond this. For instance, Li (2003) argues that integration in Canada is mostly understood as a one-way street where immigrants have to show conformity rather than a fair two-way process. According to Li (2003) the institutions are neither questioned nor changed and conformity becomes the first priority of integration. Li (2003) underlines that Canada should change for the sake of integration, too. However, the Annual Reports on Immigration to Parliament demonstrate that actually under the name of integration there are not many values ingrained that 'need to be adopted and abided' by the immigrants as it was the case with the UK official document on Creating the Conditions for Integration<sup>226</sup> (2012).

One of the main problems is the labour market integration of the newcomers (who are mostly high skilled) in the Canadian market:

"In 2001, 60 percent of immigrants to Canada had post-secondary education compared to 43 percent of Canadian-born adults. However, one year after arriving in Canada, university-educated immigrants earn less than half the salary of Canadian-born workers with a post-secondary education. It can take up to 10 years for university-educated immigrants to match their Canadian-born counterparts in earnings."<sup>227</sup>

One reason for that is the lack of Canadian work experience. Ahmad Fahim,<sup>228</sup> from IOM, said regarding this aspect: "You will not have work experience in Canada, so you could have a very well paid and well respected employment wherever you work for but when you come to Canada you could not expect that would be recognized and you could start from that level." This is one of the reasons why de-skillization can occur.

Integrating into the workplace seems to be harder for those who have post-secondary education than those without (Alexander et al. 2012: 5). It seems that the immigrants who came between 2000 and 2004 earned just 61 cents on the dollar relative to the average native citizen (p. 6) One of the reasons for this according to Alexander et al. (2012) could be the fact that the previous immigrants were mostly from Western Europe and America while since mid-1990s sources they are mostly from Asia and this implies that there might be some difficulties regarding the use of language (ibid.) When I asked my interviewees about the common barriers to the immigrants' lives, they said that mostly the barriers that migrants are facing is starting with the language.

Although the high-skilled are thought to be better integrated, as a result of de-skillization sometimes this is not the case. One part of this problem is individual barriers as the language skills of the person might not be developed and it could be as a result of systemic barriers such as the credentials recognition. Triadafilopoulos (2006: 88) suggests that the labor market integration is missing in Canada for the high skilled migrants. Hence, this is generally observed for those migrants who immigrate to work as doctors and engineers and they end up being taxi drivers. And this aspect has also been proved by my interviewee Irene Mathysen, who is an NDP MP. She said that the main body who decides who qualifies to be a doctor or a nurse has not been very much careful about choosing the right people with the right skills. Hindia Mahmoud, the head of OLIP also articulated de-skillization and she also explained how they are trying to collaborate regarding this problem:

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<sup>226</sup> [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/7504/2092103.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/7504/2092103.pdf) accessed on 1st of September 2015.

<sup>227</sup> <http://www.cic.gc.ca/english/departement/media/backgrounders/2004/2004-05-07.asp> accessed on 23 April 2015.

<sup>228</sup> Interview on 31 October 2013, IOM Office, Ottawa, Canada.

“Another example of need for intersectoral collaboration is for example, we have high unemployment amongst immigrants. People who have a long experience and really highly, high levels of education, secondary education, PhDs, masters, they don’t access employment but there are so many reasons. Generally this problem is oversimplified. Once it is investigated you find that the one problem is when there is a lot of job vacancies in one area for example and we may not have a lot of immigrants supply who have these qualifications. And when we investigate it for instance in the areas of teachers, we find that immigrants are actually not going into teacher training. So how do you support universities to attract high school graduates from immigrants actually go into the teacher training? So that kind of information that people make their life decisions would go a long way with resolving employment gaps. So that is one example of cross-sectorality. So the fact that we have universities, employers and the school boards at the same table helps that problem, right?”

Barriers as explained by Hindia Mahmoud, the leader of OLIP are as such:

“All that you said [housing, language, discrimination, xenophobia, finding a job] apply. There are challenges related to immigrants’ access to jobs. But there are also other various challenges: there is discrimination certainly, there is language capacity challenges, cultural and intercultural communication challenges. There is also the awareness of employers. They have to do things a bit differently if they want to tap into immigrant talent. And they don’t necessarily always know what that is. And there is not enough capacity in the community to help employers’ access to immigrant labour supply force. So these are challenges related to labour market mechanisms, access to information, hiring practices challenges and so on.”

And in particular Mahmoud said that sometimes discrimination occurs because a woman cannot speak the language or has an accent. On the other hand, Mahmoud indicated that OLIP has reasonable influence on the policies as they write position papers and they are a part of CCI, which is composed of 200 agencies. But they are not an advocacy organization, therefore their influence is limited.

Desmond Doran<sup>229</sup> the former Head of Jamaican Association has underlined that finding employment is one of the major problems that the immigrants are facing. He also gave crucial information especially about the settled lives of Jamaicans revealing that after a few generations settlement and integration can be much easier as social networks are built up amongst the immigrants:

“Jamaicans share many of the problems faced by newcomers to Canada. Finding employment is probably the most important. Often, the problem is stated as ‘no Canadian experience’. When the general economy is doing badly, then all immigrants face the difficulty of finding employment. Immigrants face a major difficulty in the trying to get their foreign credentials recognized. Many face language barriers, if they do not speak English or French. Many are not familiar with the Canadian social customs, with the institutions and systems, with the sports being played. Jamaicans face some of the above, to some extent, but have generally good opportunities in comparison with many immigrants, because of the following: Jamaicans have been coming to Canada for a long time, and have many contacts all over Canada. Generally, Jamaicans come as independent, single applicants, or as a family unit; they already speak English, are accustomed to the institutions, the political system, the educational system, etc. Jamaicans are seldom political or other refugees; do not come to Canada as the result of any crisis at home in Jamaica.”

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<sup>229</sup> Interview on 16 October 2013, Ottawa, Canada.

Another finding, as a result of official documents' analysis and the interviews, is that even though there is not predominantly discrimination based on race and color, there is indeed discrimination towards the low skilled in Canada. The former director of the Jamaican Canadian Association, Desmond Doran, has underlined this aspect:

"My impression is that the rules and regulations are being made more strict and rigorous; many changes are in response to past abuses of the system. For a long time, there has been special attention in one way or another, of the economic value of various immigrant groups. For example, at various times special groups were favoured or sought, e.g., "domestic workers" from Jamaica in the 1950s; Philippine child-care workers. The points system always favoured those with trades, professionals, higher education. An 'economic' class, those with large amounts of capital to invest, receive special welcome. The policies discriminate against under-educated, low-skilled immigrants who speak neither English nor French."

In relation with the high numbers of TFWs who are low skilled and who have no prospects of integration, another finding from the interviews demonstrates that in Canada there has been a kind of political discomfort with regard to hosting people temporarily and sending them back. In other words, accepting people not for any purpose of integration or settlement, which is a historical anomaly. For instance, Liberal Party member John McCallum<sup>230</sup> said:

*"And that there was abuse in the system and I think that the Canadian pattern historically has not been TFWs or what the Germans call guest-workers. Our philosophy is that we let people in with their families, they become citizens, they become Canadians as opposed to that we let them in for a little while and shut them out again. So I think we have gone too far in the direction of temporary foreign workers."*

McCallum stated that this policy used to be better when there were not too many numbers and the ones who came were accepted. Naomi Alboim<sup>231</sup>, a professor working on immigration policies, who I interviewed on the phone, said that the new TFWP for the low skilled might actually lead to an underground economy, since those who are coming might not leave at all since the necessary controls are not made on exit and they are not accompanied to the airport, their tickets are not bought and many other necessities are not realized as such. She claimed that the program should be closed as it opens the route to low-skilled workers and it prepares the background for them to be exploited. Therefore, the discomfort arises from both facts: Exploitation and underground economy are the risks as well as the stay of a large number of low-skilled migrant workers. Under these concerns, devising a policy to integrate the TMWs does not seem plausible for the policy-makers.

The Annual Report on Immigration to Parliament in 2013 shows that the economic class has always been higher than the family and the protected persons. The report also indicates that (p. 11) actually non-discriminatory migration policy exists but at the same it would not be wrong to say that the investors<sup>232</sup>, entrepreneurs and those who have economic power are welcomed. Hence, there is not significant discrimination based on race, age, ethnicity but the discrimination seems to be more in the area of economic inequalities as in the UK and it can be avoided depending on the availability of the resources on the side of the migrant workers and how much political power they have. Most of the policy-makers disagreed with the idea that TMWs should be able to vote either at the national or local level<sup>233</sup>. Only one MP from the Liberal Party indicated that if they are present for a longer period this could allow them to vote at the local level.

This section has discussed the individual and systemic barriers to integration. It has shown

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<sup>230</sup> Interview with John McCallum on 4 December 2013, Ottawa, Canada.

<sup>231</sup> Interview with Prof Naomi Alboim on 9 October 2013, Ottawa, Canada.

<sup>232</sup> <http://www.cic.gc.ca/ENGLISH/immigrate/business/investors/index.asp> accessed on 26 April 2015.

<sup>233</sup> Three Liberal Party MPs and one Liberal Party Member of Provincial Parliament



that the most important problem is the labour market integration of high-skilled workers and from an ethical perspective not having any integration policies for the low-skilled migrant workers despite the fact that they are more than temporary migrants. In many cases they become circular migrants. So the policies are mostly separating the temporary and permanent for the case of the low-skilled while creating routes for the high-skilled to become permanent. Despite these routes, de-skillization is unavoidable. And the state policies also choose to handle circular and temporary migration together (as if they are the same thing), but this dichotomy does not take into consideration that the more circular the migrants are the more justification there is for granting them more rights.

### 6.5 Integration for Temporary Migrant Workers: Any Place for Temporary Integration?

Observing different guest-worker regimes that existed in Europe, Bauder argues that (2008: 326) “conceiving citizenship as capital and a mechanism of distinction and reproduction contributes to an explanation of why ‘European countries have been reluctant to give citizenship status to migrants,’ and why immigrant countries such as Canada maintain a ‘permanent’ workforce of TFWs”. Having a temporary workforce for many years without an attempt to integrate them has been criticized by many scholars (Sharma, 2012; Lenard and Straehle, 2011; Hennebry and McLaughlin, 2012). Therefore, integration, which is conceived as a temporary process for TMWs is not an easy task to work on.

First of all, de facto integration exists to a certain extent, but since they are temporary their area of freedom is very limited with working, paying their taxes, visiting the local restaurants, going to the local church, learning through observation and maybe through some interaction with the locals about the Canadian culture<sup>234</sup>. However, even though they stay for four years (eight months in every year) they do not have the right to family reunification. The conditions they live in (especially for the SAWs) are not promising. A striking fact is that most of the time Mexican Consulates and Employers have a chance of keeping the workers more under control if the workers are allowed to complain for instance<sup>235</sup>. On the other hand, they have some counseling services, which listen to the complaints of the Mexican workers but it seems that their power to change the conditions is limited. Moreover, some of the workers come for 10 – 15 years to the same farm. And yet they are the easily ‘disposable’ ones.

The interviews show that the TMWs are the ones who would be the first ‘dispensable’ force if a decrease in numbers is to be seen in the future of the immigration policies of Canada. Gilles Paquet,<sup>236</sup> who is an economics professor at the University of Ottawa, indicated that the migration levels are too high and that it is not a very good idea to take in more than what the absorptive capacity necessitates. He said that the climate in Canada is not going to be easily anti-immigrant and there is no party that can defend the idea of decreasing the numbers of immigrants coming into the country, but that there are preferable and less preferable categories amongst the immigration flows:

“As a time when we double almost the number of people that we take in, no no, it is all right but it is phoniness, for me it is a manufactured consent. But the idea is that when you have that sort of background, then obviously the temporary workers become an irritant, a major irritant. Because since we have already too many and we have had too many people who are family related people who therefore don’t speak the language, are not able to get a job. All of this has been and to add to it, this peak in TFWs, which is indefensible, then it makes the argument that we have those, who want to reform the policy, even stronger. But keep in mind that in the background

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<sup>234</sup> Documentary named *El Contrato* by Min Sook Lee (2003) about Mexican Seasonal Agricultural workers in Leamington in Canadian farms [https://www.nfb.ca/film/el\\_contrato](https://www.nfb.ca/film/el_contrato) accessed on 26 April 2015.

<sup>235</sup> Documentary names *El Contrato* by Min Sook Lee (2003) about Mexican Seasonal Agricultural Workers working in Canadian farms [https://www.nfb.ca/film/el\\_contrato](https://www.nfb.ca/film/el_contrato) accessed on 26 April 2015.

<sup>236</sup> Interview at the University of Ottawa, 14 November 2013, Ottawa, Canada.



now 25 percent of the population of this country are born outside of Canada. It will be 30 percent by 2030. When you are close to a third of the population born outside the country, anytime you threaten to reduce or immigration of any sort, the sort of reaction is always very violent. We know that all the political parties in the last election have all promised more and more immigration.”

Hindia Mahmoud also explained her opinions about the temporary class and said that temporary class might be vulnerable even if they are high skilled:

“You know that there is a greater focus on economic integration now and there is a greater emphasis on you know different pathways if you will for whoever comes to Canada not only did they change who is preferred immigrant but also the pathways of arrival changed significantly. You may know the system that has been created, it is not officially out yet. Expression of interest system where the employers would choose from a pool of prospective immigrants. Government would fast track immigration documents of the person chosen and also those persons who would come and also those persons would come under temporary class, which kind of makes immigrants a bit more vulnerable and potentially more exploitable. If I was responsible for bringing you to Canada then there is some sort of a power that is put in the hands of the employer, so what would that deduce? These are new changes but impacts of these are still to be seen.”

She said that as a part of the understanding that prioritizes the economic integration, the newcomers have to be self-sufficient (similar to the understanding in the UK). She drew attention to the fact that most of there is a competition amongst the provinces in order to receive the funding from the federal government for settlement and integration:

“In November, there was a conference organized by citizenship and immigration in Canada called Vision 2020 national settlement program. So government made a lot of changes to the immigration policy and system, now they are going to make changes in how the government helps immigrants settle. So you may already know that: the government already invests a lot of money in immigrants’ settlement and integration. ... Now, in theory there has been a number of cuts on money spent on settlement of immigrants and the funding formula which is the number of immigrants that a province receives... so Ontario has been losing ground to other provinces in the last cuts of the job creation capacities of these other... so we have been seeing a lot of immigrants choose these provinces which means that settlement money follows/goes to these provinces.”

The politicians on the other hand seemed willing to welcome the TFWs with better conditions and with better rights, but neither the Liberal Party nor the New Democrat Party think that TFWs should have electoral rights, for instance. Judy Sgro<sup>237</sup>, a liberal party MP admitted that the TFWP has been prone to being exploited:

“So having it is good but it also says that we failed in another areas, of getting Canadians prepared because it is almost 300,000 people have come on Temporary Foreign Worker Programs, so that is double the number that normally is. Clearly we haven’t done the job of making sure that skill sets are more easily needed here. We are talking about people working in Tim Horton’s. Canadians do not want to go to work in Tim Horton’s. I don’t buy that either. I think that they bring people in some cases they exploit them. And pay them less. I think that it is a program that I know too well that is easily exploited. There is not always enough controls there to protect the people coming on a TFWP. Sometimes it works well for both sides but often it

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<sup>237</sup> Interview on 11 December 2013, Ottawa, Canada.

doesn't."

When I asked her about the best immigration programme, she said that CEC (Canadian Experience Class) and PNP (Provincial Nominee Program) are well functioning ones, followed by the FSWP and then Live-in Caregiver. She thought that SAWP is the one that is the most exploited.

In line with SAWP, Stan Raper<sup>238</sup> who is the national coordinator of Agricultural Workers Alliance/UFCW Canada has given the information on labour migration policies, indicating that most of the policies are "economically driven and also politically driven and made by the employers and for employers." The Agricultural Workers' Alliance has members from Canada, Jamaica, Mexico, Honduras and Guatemala. They give services on a diverse set of issues, ranging from workers' compensation, and wages, to housing issues, sickness, and learning English; they also have translation services. I asked him about the differences between the Canadian worker and the migrant worker and he gave this comparison:

"Canadian workers do not work at the weekends and overtime. They have their own cars and nobody is enforcing the laws, who cares, who would know? They do not live on farms' property. The Canadian worker can quit and leave, and find another job. Work permit workers, on the other hand, are assigned to that employer and he cannot move and stuck, so they are free to be unfree."

This differences between the TFW and the native migrant worker makes it clear that integration conditions are not in place for a TFW. And one of the reasons for that is that integration in Canada has always been thought as a long-term goal, and it was thought that those admitted would stay. On the other hand, all the conditions remind the migrant workers that they are temporary. Raper also made a comparison between the Live-in caregivers and SAWs as well as high skilled migrant workers and SAWs. He stated that the "live-in caregivers and the high skilled have a right to stay here. They are brought here and they have a path to citizenship even if it is employer driven."<sup>239</sup> Lastly he describes the situation as he sees it should be:

"I would like to believe that as Canadians people should be treated decently; they should not be separated from their families for four years. Historically we had a good system that worked. TFWP they say is best practice in Canada, they missed it a few years. Immigration system was much better... most of us got here, as long as we have paid our bills/ our families come here part and parcel of the whole experience. So that they have a path to stay here as it was before."

He also claimed that the sending countries also rely on a system that is 'inhumane'. He indicated that a temporary shortage, which is for fifty years, has been like this with the agricultural sector especially. He said: "Bring them and let them stay here, it was human and Canadian and it is not like this anymore. It is gone. We need to bring this old system back." The old system was more open to people to stay but since the priorities of the immigration policies have become directed more towards the high-skilled and since mid-1990s there is a race amongst the western nations for attracting the high-skilled immigrants (Shachar, 2006), the result of these priorities can be seen in every part of life for the low-skilled and TMWs.

Raper also drew attention to some of the facts that are related to workers' separation from families. He claimed that being separate from families causes people certain troubles: "kids growing without their fathers, divorces, family separations". He also suggested that they should benefit from the PNP, which allows them a route to the citizenship after two years. The union helps them get the benefits, to be accepted under PNP and help them in their

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<sup>238</sup> Interview on 4 November 2013, Ottawa, Canada.

<sup>239</sup> The fact that these policies are employer driven is not a novelty. Alexander et al (2012 : 6) in their research denote that the nominee programs that are supported by the provincial and territorial governments (except Nunavut) are employer driven and they mostly target skilled migrants.

community. They had some opportunities in the last 20 years to improve the conditions. For instance, they are able to prevent exploitation by publicizing it through going to the media and publicizing indecent employment practices. Moreover, they have managed to increase the wages in the last 20 years. Raper defends the idea that families too should be able to come here and they should have a right to work here, too. Nevertheless, Raper indicated that if they are paid the right wages more Canadians would have been employed.

Making an evaluation of the programs, it is easy to see that the Low Skilled TFWP is seen as less successful because it has not led to integration. And even a senior official from CIC, discussed TFWs as such:

“So Canadians first and then other people are exempt from the LMO (Labour Market Opinion) process. So we have in 2010 over 180,000 TFWs who came to Canada and that number continues to rise and the main provinces that they are coming to are big provinces: Ontario, British Columbia, Quebec and Alberta. And so the main recent changes to TFWP include new worker protection regulations so to make sure that employers are hiring temporary foreign workers and paying them the right wage, treating them properly and things like that. In general, TFW can work up to four years and then they have to return to their home country.”

And she answered the question about different programs saying that CEC, PNP, Foreign Skilled Worker Program are the main programs:

“SAWP is not one of our main programs. And then low skilled. With that respect to that High Skilled TFWP (Temporary Foreign Worker Program) those are... it is hard to rate in terms of success. If you look at the permanent streams, CEC, PNP and FSWP (Federal Skilled Worker Program) those are really the main programs to look at very high quality foreign nationals that are already integrated to a certain extent to Canadian society that have experienced requirements to stay here as permanent residents, so from that standpoint it was the government objectives to bring in more you know to help the Canadian economy and things like that. I would have thought that those are some of our more successful programs.”

Her understanding of success revealed that the ones with permanent routes are more successful programs as well as those who bring high-skilled migrant workers. Hence, the philosophy of the immigration policies in Canada, from the view of the policy-maker, are based on receiving, settling, integrating immigrants and making it possible for them to stay as citizens. But this logic does not apply to temporary ones. CEC, PNP and HSTFWP (high-skilled) have been successful in some ways while the Low-skilled TFWP has been very rapid and expansive that in the meantime it seems that there was no possibility to develop integration policies in different provinces. FSWP remained steady but PNP increased fifteen fold and TFWs' numbers increased from 120,000 to 180,000 annually (Alexander et al 2012: 6-7). Although some services have been developed, they have developed in an unorganized fashion and many migrant workers probably and unfortunately fell through the cracks (ibid.). And yet nobody amongst the policy-makers has mentioned integrating TMWs. But this approach of the policy-makers in Canada is not a unique example<sup>240</sup>.

## 6.6 Conclusions: Ambiguities in Discourses

It is argued in this chapter that if one is circular migrant s/he is not a temporary migrant worker anymore, and should be entitled to different rights and integration programmes. In both chapters on the UK and Canadian integration policies, the argument is based on the fact that integration is set as a long-term goal in both of these countries and this is preventing the states to take action upon creating new temporary integration programmes

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<sup>240</sup> For a detailed change of policies in integration and settlement areas, please see the appendix.

for their non-resident and non-citizen guest-workers.

The interviews examined in this chapter have shown criticism on the side of the migrant organizations about creating temporary class. However, this self-criticism was also made by the policy-makers. In addition to this, successfulness of a programme by the policy-makers was judged upon the condition that it provides channels for permanent routes and paves the way for the stay of the high-skilled migrant workers. Therefore, TFWP was not considered as a success story and many of the politicians thought that there is not a match between the previous immigration policies of Canada and the current temporary migration policies that did not allow the TMWs to integrate. However, ambiguity in their discourses arise from the fact that giving importance to high-skilled immigration does not necessarily mean that they can be integrated naturally without any doubt. Another neglected view is that the low-skilled migrant workers might have the capacity to integrate after long years of circular migration. SAWP was firstly made of Jamaicans and many Jamaicans are integrated citizens in Canada. The same could be true in ten or twenty years for the Mexicans. Then temporary migration policies will turn to other countries and nationalities for recruitment, neglecting that they will need temporary integration measures as well.

All these interviews reveal different and important aspects. The most important ones are related to the willingness of the Canadian state to intake, integrate and settle the immigrants. The political parties do not disagree on the notion that it is in their tradition to take immigrants, welcome them and grant them citizenship thinking that integration is a long-term process. However, this view can have its shortcomings as having integration as a long-term goal, ignores that there are great numbers of TMWs in Canada and that integration could also be temporary and state can take some measures regarding potential vulnerabilities.

Being temporary, the TFWs are the most easily dispensable migrant category despite the fact that they are a major part of the flexible working class and they are needed in most of the provinces. The immigration policies, which aim to attract the high-skilled gained more importance during the 2000s but also the number of the TMWs have increased after that decade. While family reunification of the former has been given more credit, the latter's right to family reunification has been ignored. While the permanent residents and the high-skilled (and their spouses/partners) can benefit from most of the integration programmes, those under Low skilled TFW and SAWP cannot utilize the similar rights.

The common barriers to integration were mostly related to lacking language skills and this problem has been also correlated with deskillingization<sup>241</sup> (Lowe, 2010; Man, 2004) especially from those sending countries such as India, Mexico and the Philippines. Therefore, it seems that there could be even more integration policies regarding the prevention of the de-skillingization of the high-skilled migrant workers.

The competition between the provinces to attract the migrant workers adds another dimension to the story where the provinces are keen to receive more immigrants and more funding for achieving settlement and integration services. Another important aspect to keep in mind is the fact that economic integration is given great leverage, a more individualistic and self-sufficient highly skilled individual is the target and the main actor/actress of the new programs. The idea behind this policy is that the high-skilled are able to integrate better and contribute more. But at the same time all these high-skilled immigrant oriented policies are devised in a parallel understanding that low-skilled need not stay as they cannot integrate. This dichotomy between temporary and permanent should be questioned, as the policies do not correspond to the real situations.

After 2009, there have been some changes that could affect cultural and social integration.

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<sup>241</sup> One reason that the current migrants might be deskilled is related to the fact that in 2008 Federal skilled worker applications would be limited from 351 job occupations such as doctors and nurses to only 38 (Alexander et al 2012: 8) and this was reduced to 29 occupations in 2011. Therefore, it seems that there are limits on which jobs can be chosen by the migrants who come to Canada to work.

The recent changes to citizenship, where civic integration and responsibilities of citizenship are underlined, point to a similar direction that the UK has taken. However, the values in the Canadian context exist in a multiculturalist framework despite the criticisms of Li (2003) that integration policies ask for conformity. My fieldwork also proves that the organizations have taken multiculturalism as a raw material and transformed it through experience of immigration and years of work with immigrants.

Alexander et al (2012: 10) also acknowledge that the TFW program should be protecting the migrant workers from abuse as well as opening the route for workers to become permanent residents with quicker approval times. In regards to this aspect the migrant organizations mostly appreciate the Conservative government's move to open Canadian Experience Class, which allows the TFWs to become permanent through application (p. 11). On the other hand, the Conservative Party has recently changed the TFWP and decided to decrease the numbers and punish the employers who do not act in accordance with the law. While cutting the numbers seem to be a short-term solution, integration policy for the current TMWs shall still be considered. Because all the assumptions behind the policy orientations about the high-skilled, integration of the high-skilled, and that temporary is solely temporary, are based on wrong premises.

## Chapter 7

### Rights of Temporary Migrant Workers: Gaps and Dilemmas

#### 7.1 Introduction

The main themes of this chapter are: the rights of temporary foreign workers (TFWs) in the UK and Canada; the gaps between these rights and uses of these rights (Cornelius et al. 2005; Ruhs, 2011); and the reasons behind these gaps. Rights will be discussed in terms of social, political and economic rights. As already touched upon in prior chapters, the differences and similarities between high and low-skilled TFWs will be underlined. I argue in this chapter that despite the different histories and understandings of immigration in these two countries, the situation of the TFWs is qualitatively similar (except the EU citizens who are *de jure* more advantageous, even if not in practice). However, for the case of domestic migrant workers<sup>242</sup> these two countries differ immensely. In Canada, they had been integrated more successfully by being granted more rights and through routes to permanent residency. How and why it has occurred in Canada but not in the UK will be briefly analyzed as well.

Most of the time temporary migration policies have been discussed in terms of numbers and the rights of the costs perspectives (Ruhs and Martin, 2008; Ruhs 2010; Ruhs, 2013). It has been argued that the more there are low-skilled migrant workers, the less the rights granted to them (*ibid.*). Cummins and Rodriguez (2010) argued against this trade-off and said that there is no correlation between rights and numbers of migrant workers. This chapter will argue the background and the context of that correlation between these numbers and rights.

Geddes and Boswell (2011: 84) indicate that the free movement and liberal migration policies can ease labour shortages and –more controversially- can help businesses employ labour at lower costs. On the other hand, there are problems with this kind of free movement. As Piore (1980) claimed there is a secondary economy created through free movement and most of the immigrants get trapped into this ‘underclass’ through these secondary jobs in this segmented labour market. In line with Piore (1980) many researchers examined the case of guest workers in Europe and North America. Pugliese (1992) analyzed the case of the guestworkers in Germany, the Italians, Greeks and Spanish who worked in the secondary labour market; Constant and Massey (2005) compared remuneration of German and immigrant workers. Granovetter (1985) made structural explanations regarding embeddedness of economic behavior. Therefore, when Ruhs (2013) underlined the rights and numbers dilemma, one of the topics he did not consider was that the rational behavior of the migrant workers to migrate could be an example of the embeddedness of the economic behavior. Therefore, in line with these perspectives denoted in terms of the secondary labour market, the TMWs’ conditions are not so different from those TMWs in 1960s and 1970s. What’s more their situation could actually be worse than what Soysal (1994) predicted in her post-national understanding of citizenship.

There is a tension regarding migrants’ rights and state’s impositions. That is undoubted. For instance Mayer (2005) considering that the migrant worker is a rational actor, underlined that if a person with sufficient means is accepting an offer then it is not exploitative and that exploitation does not carry so much importance as long as it is not to the extreme levels. He was assuming that these programmes despite their exploitative aspects, come along with their advantages. However, this approach could be used as a justification for the exploitative methods of the temporary migration policies (TMPs). The limits to exploitation could have been enforced as Ruhs and Martin (2008) would suggest exerting a limit on the numbers of the migrant workers since they had found the negative correlation between rights and

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<sup>242</sup> According to the webpage <https://www.gov.uk/domestic-workers-in-a-private-household-visa/overview> these are the cleaners, chauffeurs, cooks, those providing personal care for the employer and their family, nannies. In the UK they have to come with the employers and are supposed to leave when their employers leave. In Canada, they can come via applying for Live-in Caregiver Programme.



numbers of migrant workers. So decreasing the numbers of migrant workers is thought as a way to secure the rights of migrant workers. On the other hand, Lenard and Straehle (2011) suggested that there is no need to eliminate the programmes because they are unjust; but there is a way to make these programmes just by granting rights in a gradual manner and opening the route to citizenship in the host country.

The extent of exploitation and isolation changes depending on the specific TMWP<sup>243</sup>. Martin (2006: 13) creates three categories for these programs: the first one is the one that is seasonal programs and seasonal jobs; the second one is TMWs with possibilities of permanent jobs and the third one is the high-skilled migrant workers. The second category would fit more to the situation of the domestic workers who have some chance of becoming permanent in the case of Canada, but not in the case of the UK. This category is also similar to the case of the Sector Based Scheme (SBS) in the UK, which allowed for some permanent jobs after staying in a low skilled job for one year. He claims that there are more rights guaranteed for the third group of migrant workers as their duration of stay lengthens (ibid). However, this is not true for the first category of the seasonal workers. Exploitation and isolation are observed mostly in the first and second categories.

This chapter argues that the categorization of skill levels via immigration policies and perceptions of how skills contribute towards the economy, are the two main reasons why low-skilled TMWs are not allowed the same benefits as the high skilled. For instance, Straubhaar (2000) says that the skilled and creative people can help generate new jobs. Some of my interviewees also agreed with this perspective. In my interview with Tom Papworth<sup>244</sup> Associate Director of Economic Policy from the CentreForum has also supported this notion:

“It is a truism that that high skilled contribute more to the economy than the low-skilled. You know the salary reflects the value you produce. At the end of the day, the NHS is full of foreign nationals who come here as doctors, nurses, surgeons; sometimes the bankers are producing that value, it is hard to tell but they are ... more likely to be creating opportunities for other people as through complementarity you know... the low skilled create benefits too, through the trickle-down effect, but it is very little.”

At the same time, the high-skilled jobs create low-skilled jobs (Skeldon, 2009). This approach by Skeldon, however, is most of the time neglected. The first perspective proposed by Straubhaar (2000) shadows the unequal approach towards the high and low-skilled in making the immigration policies. Hence, as stated by Skeldon (2005: 7) “the policies towards the low skilled tend to be more restrictive than those aimed at the high skilled.”

In line with what has been said above, high-skilled workers are motivated to stay and become citizens in both Canada and the UK. In addition to that, Wickramasekara (2008: 1250) underlines in his work that the restrictive immigration policies of today are preventing low-skilled migrant workers from settling, since they are stressing that the demand is generally temporary (although the reality is far from what these policies predict). Martin (2006: 7) argues these programs generally “rotate the unskilled while accept the skilled ones with their families to settle.” Castles (2006) also underlined that the current immigration policies are only caring for the needs of the high skilled rather than the low skilled. This is especially true for the rights to family reunification.

Temporariness is the preferred option by the public opinion in the UK. There is more support for reducing permanent immigration (57%) than temporary immigration (47%)<sup>245</sup>. Freeman (2006: 237) supports this view, arguing that “the temporary character make[s] these programs more politically acceptable than permanent visa programs.” In addition to this finding, temporariness of the low skilled is preferred and justified in public opinion. Supporting this view, public opinion polls show that there is majority support for reducing

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<sup>243</sup> Temporary Migrant Worker Programmes (TMWP)

<sup>244</sup> Interview on 20 October 2014, in CentreForum in London

<sup>245</sup> <http://migrationobservatory.ox.ac.uk/understanding-uk-public-opinion/executive-summary> accessed on 30th of July 2015.

immigration of low-skilled workers (64%)<sup>246</sup>. My interview with Tom Papworth from CentreForum confirms these aspects. Papworth said these about public opinion:

“They [the public] are more concerned about the workers and there is some evidence that they are less about high skilled workers than the low skilled workers. I also suspect that they care about where the foreign workers come from. They are generally not concerned about the German or the Irish, or the Americans or Canadians. Or the French, despite the fact that they are the largest immigrant group in London, you don’t see people complaining about French. People’s concerns are not with the educated Western Europeans. It is with people who are different from them. They don’t like Eastern Europeans, they definitely don’t like non-Europeans except North Americans; they are fine.”

States’ policies and public opinion therefore have similar preference: the low-skilled people coming from certain nationalities in general are not as welcome as the high skilled from the Western European countries<sup>247</sup>. Having such a strong public opinion at the background, the deterioration of the rights of the migrant workers cannot be only explained by the ‘numbers vs. rights dilemma’. Another reason why numbers vs. rights dilemma cannot explain the whole picture is that the EU migrant workers’ rights have increased gradually as their numbers increased (and Ruhs gives this example himself). Another example is from Canada. For instance, the domestic workers there were able to gain more rights since 1980s. However, even in Canada, a similar approach to the low and high skilled dichotomy exists together with what these programs entail for family reunification rights and political rights.

Regarding the political rights of the TMWs, I asked a Canadian Liberal Party member, Judy Sgro,<sup>248</sup> which programs she thought were successful in terms of granting rights to the migrant workers. Sgro thought that the programs designed for the high skilled are more successful compared to the low skilled ones, and she acknowledged that the seasonal migrant workers are exploited more than the other groups of migrants. Also the success of the programs depended on not only the skills that they brought to Canada, but their historical consistency, persistency and settled position in the institutions. So she said that Provincial Nominee Programme (PNP) or Canadian Experience Class (CEC) is the best one, one of two is the second. High Skilled Temporary Foreign Worker Program being third, fourth the federal skilled worker program (FSWP) and Live-in Caregiver while she also admitted that SAWP has a tendency to be exploited more than any other programme.

As it has been proved, by other scholars and researchers, the low-skilled migrant workers are not preferred in Canada as much as the high-skilled migrant workers. There are basically two reasons for this, as indicated by scholars as well as policy-makers: Firstly, the low skilled are thought to be lacking job mobility (although it is not only dependent on their skills but also on the programs which do not allow them to have the mobility), and they are thought to be benefiting from social assistance more than the high-skilled migrant workers. However, the issues inherent in working in dangerous, dirty and demeaning jobs (so-called ‘3-D’ jobs) require that there shall be great safety provided by the employer regardless of the skills of persons. The laws and policies actually require that the TMW’ mobility and demand for other jobs in other sectors are limited. But, when this dilemma is mentioned by the policy makers or migrant lawyers, they attribute this immobility to the migrant workers themselves, not to the policies. Mike Bell,<sup>249</sup> who is an immigrant lawyer working in Ottawa, said:

“The government has always found the Live-in Caregiver Program

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<sup>246</sup> <http://migrationobservatory.ox.ac.uk/understanding-uk-public-opinion/executive-summary> accessed on 30th of July 2015.

<sup>247</sup> <http://migrationobservatory.ox.ac.uk/understanding-uk-public-opinion/executive-summary> accessed on 29th of July 2015.

<sup>248</sup> Interview with Judy Sgro on 11 December 2013.

<sup>249</sup> Interview with Mike Bell, on 21 November 2013, Ottawa.

problematic, it has always been a problem, right, so low-skilled workers are... The whole programme has been geared for high-skilled individuals, and now there is a special programme for high-skilled trades, so that is sort of for medium skilled individuals, but low skilled individuals are... the government does not want the low-skilled individuals to get the permanent residence permit to Canada because of the same reasons lack of mobility or likely to withdraw social assistance systems or social programmes.”

This chapter therefore analyzes the complexity of the dynamic between the low and high-skilled workers and discusses what is beyond the rights vs. numbers debate. In addition to that it contemplates the reasons why the domestic workers in Canada are provided with more rights in comparison with the UK where domestic migrant workers' rights have deteriorated over time. How much the TMWs benefit from the political rights will be discussed briefly too.

First, the rights vs. numbers debate will be examined. Second, the result of the interviews will be discussed for the UK; third, the results of the interviews will be analyzed for Canada; fourth, they will be compared with their divergent, convergent and parallel perspectives; lastly, the concluding remarks will follow.

## **7.2 Rights of Temporary Migrant Workers: Preliminary Debates regarding Canada and the UK**

My findings show that the political rights of TMWs seem to be the least attainable ones, and the justification is that they are not citizens nor potential citizens; the second finding is that there is a more complex structure than rights and numbers, and in this case the context should be taken into consideration; third, the rights of the migrant workers are heavily discussed but the solution is never posed as integration policies for TMWs; the solution seen by policy makers, in general is to cut the numbers or close the programs, especially as it happened in 2013 in the UK, but as long as the TMWPs exist, it is not certain that these solutions of cutting and decreasing numbers make sure that the rights are respected. This is because, as it is argued in this chapter, temporary migration is more complex than the numbers vs. rights dilemma.

Another finding in this chapter is that there might be some relationship, however tenuous, between public opinion and the rights of the migrant workers. It is possible that Freeman's (1995) inclusiveness theory is questioned and the relationship between public opinion and inclusion is more assertive than it is assumed. In Canada for instance, the public debate involves both aspects: firstly, Canadians shall be given priority in TMWPs and this programme shall not be overused by the employers as it leads to exploitation and replacement of the Canadian workers. Second part of the public debate in Canada is that the TMWPs are not the way via which Canada would have historically dealt with migration, as immigration policies always had aimed at permanency. In the UK, the second part of the debate does not exist as immigration has been promoted to be temporary (even for the high skilled) and public opinion supports this view as indicated above.

### **7.2.1 Challenging the Differentiation of Low and High-Skilled Migrant Workers**

In the recent decades, there has been a cost and benefit analysis in the debate as well as a rights and numbers analysis, which leads us to think of migration and migrant work with very limited tools. Migrant status has become the main point of reference to talk about a migrant's contribution to the economy (Ryan, 2005). This section aims to challenge this view and introduce a more complex perspective to this debate through the discourses of the interviews conducted.

Ruhs (2012: 1287) says that migrants' rights cannot be discussed without the role or any consideration of the interests of the state in granting and restricting migrants' rights. This is

more so in the case of the UK as my interviewee Ruhs<sup>250</sup> has approved that interests of the state are guiding the immigration policy.<sup>251</sup> A senior public servant from the Home Office has also expressed that “there are things that are in declaration that the rights of migrant workers that go further than the British policy would like to go.” Therefore, the national interest aspect could in some cases conflict with the interests of the migrant workers, indirectly but more so, with their rights.

Ruhs (2012: 1288) says: “in practice, nation-states have used their immigration, integration and naturalization policies to limit and tightly regulate migrants’ access to citizenship status and to specific citizenship rights.” He then compares different types of immigrants, saying that the permanent residents cannot vote, and temporary migrants’ social and economic rights are restricted (ibid.). For instance, the TMWs in Canada and non-EU TMWs in the UK also do not have all the political rights such as the right to vote (some in Ontario and Alberta for instance do not have the right to unionize, either). In general TMWs can become members of unions and they have a right to strike, in liberal democratic countries. However, most of them would prefer not to benefit from their own rights because they would not be able to take the same job the following year, if they are seen as too rebellious, and this is an important fear leading their working lives<sup>252</sup>.

Ruhs (2012: 1288) argues that the state considers three issues while recruiting labour migrants: 1) how to regulate the numbers (PBS or quotas), 2) how to select (skill or nationality), 3) what rights will be given after admission. While Holmes and Sunstein (1999) claim that rights have costs, Ruhs indicates that they have more benefits (p. 1289). It is inferred from one of my interviews that this cost is taken seriously by the Recruitment and Employment Confederation (REC), since they describe the cost mostly belonging to the employer as it is the employer who is benefiting from the situation the most. David Geary<sup>253</sup>, a former policy analyst from REC, told me:

“In so far as the labour migration policy is employer-driven, there is a cost attached to employers as well. So they pay for the privilege towards their needs more than anyone else. When you think about the legal advice or becoming a certified sponsor, for example. This is an investment employers have to make in order to gain access to immigration system at first instance. So they do pay for that. Because there are fees and applications, you have got to get a lawyer to make sure that everything is up. So there’s a definite cost notwithstanding the cost for applicant you look forward to. Employers will absorb the cost in application right? Even for ICT, which is another short-term measure by which a migrant can access the UK economy and there is requirement for paperwork and process different information to which requires advice and guidance as well. So there’s a definitive cost involved, which is right and proper because ultimately employers want to benefit. An employer is the one that will get the profits from the workers and so it is right that they should contribute to the mechanisms which check the applicant is safe, secure and has skills that are needed in the UK.”

Later, Geary had made distinctions between the small and big businesses, because it is observed in general that the big businesses are able to pay for the costs but the small businesses cannot do the same. Hence, if the costs of application are very high, small businesses have difficulty in bringing the skills they need.

Beside the costs that are related to visas and restrictions in immigration and admission policies, there are other costs for the employer. These include accommodation and meals, but whether or not these costs are deducted from the migrant workers’ wages is unclear. On

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<sup>250</sup> Interview on 6 May 2014, University of Oxford.

<sup>251</sup> Interview with him on 5 April 2014, Home Office, London.

<sup>252</sup> Documentary on migrant workers in Leamington accessed as <https://www.youtube.com/watch?v=117Afbsoq3E>

<sup>253</sup> Interview on 23<sup>rd</sup> February 2015, at REC.

the other hand, for the low skilled especially the costs might be higher in terms of their health (Preibisch and Hennebry, 2011) and in terms of their life chances if they are working in dangerous jobs<sup>254</sup>. Therefore, the stakes on the employers' side and the migrant workers' side are not the same kind of costs.

Since the high skilled are supposedly benefiting the economy more, the costs incurred for the high skilled are not seen as heavy as the costs for the low skilled. Don Flynn, director of the Migrants' Rights Network, also criticized Ruhs for taking for granted the differences between the high and the low skilled workers. Flynn<sup>255</sup> also admitted that the high skilled have a few more rights than the low skilled and he says that the rights issue is more complicated than how Ruhs considers them in terms of the rights vs. numbers:

"In principle, at least there are blocks of rights for migrants, and they have difficulty accessing those rights at the moment the political climate isn't very good for them, but in principle they are supposed to be treated on an equal basis to the citizens that the country that they are in ... and I don't think he is particularly, he seems to be assuming that when nation-states are talking about migration, they are only talking about migration and they generate a set of policies, which exclude like about the terms of access to the group of migrants that they want. And if they are skilled migrants and they are in short supply then they are ready to conceal a few more rights but if they are unskilled migrants there are plenty of them they would not grant them any more rights."

Flynn thinks that there should not be a distinction between the low and high-skilled migrant workers. And he also does not agree with Ruhs since Ruhs (according to Flynn) is very pessimistic about the possibility that the migrant workers might gain family reunification rights, for instance:

"But he says that the real case could be different and that there should be an immigration program that maximizes their opportunity to benefit from these rights: and with the expectation that these are strengthened over time. After five years also people would be considered integrated and they will have access to general... I don't particularly see why you should make a distinction between skilled workers and unskilled workers on that basis. It seems to me that if the decision is being taken to admit someone into the country in a poultry farm in East Anglia which is generally a low-skilled job but very hard to find someone to do that work, or you have been admitted as a surgeon to work in a hospital providing you basically obey the rules and you fulfilled your side of the bargain, then you should look forward to the same pathway that leads to more rights over time and to settlement whereas Martin's view seems to be ...that you will never be able to get rights to family reunification for unskilled migrants. And so there is no point in really pushing for... What low-skilled migrants want is to work for two years and earn as much money as they possibly can and then go back home with it. And we should put together an immigration programme, which maximizes their opportunities to do that. And whereas I think that is a very problematic way to proceed."

Canadian Liberal Party MP Judy Sgro agreed that there should not be differences between the rights given to the low and high-skilled migrant workers "they should have similar rights. Whether you are high skilled or low skilled, you should have the same rights in this country. It will all be equal when it comes to your rights to have a job, and to do the basic things that should not make a difference." However, the policy-making and implementation are divergent from this perspective.

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<sup>254</sup> Interview on 4<sup>th</sup> November 2013, with Stap Raper, who is the national representative of UFCW (United Food and Commercial Workers' Union in Canada).

<sup>255</sup> Interview with Don Flynn, 11 June 2014, London.

The fact that there are diverse TMWPs for the low and the high skilled, leaves little room for the social mobility and the improvement of the life standards of the low skilled. Nonetheless, when the immigrant lawyers or most of the policy makers are interviewed, it is observed that the responsibility of this lack of social mobility (on behalf of the low skilled) is not attributed to the policies but to the migrant workers' own capabilities; while the necessity of benefiting from the social services is not attributed to the nature of the dangerous, dirty and demeaning jobs but to the migrant workers again. What is inherent within the system is attributed to the qualities of the migrant workers within the structure. Hence, the rationality of the migrant workers is acknowledged but embeddedness related to the pull and push factors is not.

It is suggested that actually some rights are more under risk but not because those rights are more expensive or costly to the employer. I argue that which rights are at stake depends very much on the context and generally it is the political rights that are not given easily by the states regardless of the skills. For instance, the case in Canada shows that the provinces, which had the highest numbers of TMWs between 2005 and 2010, are Ontario (over 18,000 each year) and Quebec (over 3,000 each year) (see table 1 and Table 2 Russo, 2012: 99-100). However, the wages in Ontario for SAWP within this time period are over the minimum wage while in Quebec they were below the minimum wage (p. 100). But, there is no right to association for the SAWP workers in Ontario. Hence, the economic rights might not be at risk while the political rights might be deteriorating if the numbers are increasing.

**Table 7.1 Distribution of SAWP workers in Canada and by provinces**

Province	2005	2006	2007	2008	2009	2010
Prince Edward Island	56	78	135	120	145	190
Nova Scotia	232	337	410	625	805	895
Quebec <a href="http://migrationobservatory.ox.ac.uk/understanding-uk-public-opinion/executive-summary">http://migrationobservatory.ox.ac.uk/understanding-uk-public-opinion/executive-summary</a>	-	18	25	15	25	50
Ontario	18,227	18,100	18,745	18,550	17,940	18,325
Manitoba	311	301	295	345	365	405
Saskatchewan	-	42	80	100	120	130
Alberta	419	535	685	950	1010	970
British Columbia	684	1559	2615	3765	3405	3540
Canada-total	23090	24146	26585	28230	27595	27835

**Source:** Russo (2012: 99) Thesis submitted to University of British Columbia

**Table 7.2 SAWP wage comparisons by province**

Province	SAWP Wage January 1, 2012 (in terms of Canadian dollars)	Expected Minimum Wage Increase in 2012 (in terms of Canadian dollars)
AB	9.40	0



BC	9.56	10.25 on May 1 <sup>st</sup>
MB	10.00	0
NB	9.50	10 on April the 1 <sup>st</sup>
NFLD	10.30	0
NS	10.00	0
ON	10.25	0
PEI	9.60	10 on April the 1 <sup>st</sup>
QUE	9.65	9.90 on May 1 <sup>st</sup>
SASK	9.67	0

**Source:** Russo (2012: 100) thesis submitted to University of British Columbia

Another criticism by Wickramasekara (2008: 1258) is that Ruhs and Martin giving Gulf countries as examples is misleading since these countries do not even provide social assistance to their own citizens. He says that the international instruments do not provide the temporary workers absolute rights such as job mobility, social security and family reunification (ibid.). He summarizes that the global tools are not efficient enough to deal with the problems encountered by migrant workers all over the world in terms of rights and class mobility. The next section will show how the international conventions dealt with the rights of the migrant workers, and where the TMWs are placed within this system.

### 7.2.2 Rights of the Migrant Workers and International Conventions

The most prominent conventions in place to protect the rights of migrant workers are the International Labour Organization (ILO) Conventions 97 and 43, and the 1990 UN Convention. Besides these, the 2005 adoption of the ILO Multilateral Framework on Labour Migration offers guidelines on labour migration policies while stressing cooperation between the sending and receiving countries, employers and also the migrant workers (Martin, 2006: 53-54).

As Ruhs (2012: 1287) underlines, the idea of personhood and human dignity are in opposition to citizenship rights, and they are used against any kind of injustice that can be experienced by foreigners. One of the most important aspects of rights for migrant workers comes from the post-national rights theorists such as Soysal (1994) and Sassen (1996). In her work Soysal has demonstrated that the guest-worker regimes gave the social rights first and political rights much later. On the other hand, these theorists who defend universal personhood have been criticized for different reasons. One reason is that these international tools are not applied at the national level, and that there are 'hierarchies of citizenship' (Morris, 2003). Therefore, even if the rights are present in theory, migrants are not able to benefit from them for various reasons.

The policies of recruiting the migrant workers (choosing the ones who are less accustomed to the receiving countries' policies and language) make it more difficult for the migrant workers to be aware of their rights and successfully exercise them. Hence, there are tensions between what the governments do and what the international regimes suggest: "the migrants' rights are abridged by governments so that they keep migration under control which runs counter to ILO and other conventions calling for equality." (Martin, 2006: 14).

Martin (2006: 55) underlines that amongst the International Convention on the Protection of

the Rights of All Migrant Workers and Members of Their Families the articles 25-27<sup>256</sup> are especially important for both authorized and unauthorized migrant workers. These articles are illuminating in terms of arranging the conditions under which migrant workers are working, the hours of work, safety, weekly rest, holidays with pay; minimum wage and also equality of treatment, both of which shall be covered by the principle of non-discrimination towards foreign workers (Article 25). This article also delegates responsibility to protect the migrant workers to the states even if they fall into irregular conditions. And even if the employees are irregular, this article demands that the employers are not devoid of any obligation under these circumstances.

Article 26 provides workers with the right to join any trade union or any association freely, whilst the limitations on these political rights are the public order, national security and protection of the rights and freedoms of others. Article 27 demands that they are provided with the necessary social security as long as they fulfill the requirements stipulated by the legislation of the State and bilateral or multilateral treaties. Hence, it is seen that according to Article 26 the political rights can be limited based on certain concerns, which can be easily utilized by the states.

Article 44 demands that "States Parties shall take measures that they deem appropriate and that fall within their competence to facilitate the reunification of migrant workers with their spouses or persons who have with the migrant worker a relationship that, according to applicable law, produces effects equivalent to marriage, as well as with their minor dependent unmarried children." However, this is the law that is least obeyed in terms of its application to the low-skilled TMWs. None of the seasonal or low-skilled TMWs are able to bring their families with them. In short, it would not be inaccurate to suggest that within this convention there is a reference to temporariness as well, which currently does not exist. This is because TMWs are in practice considered to have different rights to those who have a route to become permanent<sup>257</sup>.

On the other hand, there are some protections at the EU level. The level of protection at the EU level suggests that regarding temporary migration some measures have been taken. Geddes (2015: 3) explains that there are directorates covering this area:

"There was also agreement at the EU level in 2014 on a directive covering the rights of those temporary migrants who are seasonal workers. The 2014 directive covers sectors such as agriculture, horticulture, and tourism where migration can be seasonal and thus temporary, but also circular in that migrant return year after year. The directive covers the rights of migrant seasonal workers regarding their entry and residence and applies the principle of equal treatment to areas such as working conditions, pay, health, and safety and holiday entitlement, while excluding issues such as access to unemployment benefits that fall beyond temporary, seasonal migration."

However, these directorates do not have strong binding power. In addition to this, it is important to observe that the international conventions are mostly signed by emigrant states rather than receiving states (Martin, 2006; Stasiulis, 1997: 210). Thus, they lose their enforcement powers and possibilities of becoming effective in this case. What is more, some countries like the UK might claim that they have better employment rights than the conventions could provide. In the case of Canada, Basok (2004: 54) says that even if the country did not sign the UN Convention it has extended some rights to migrant workers, rights such as the minimum wage (or prevailing wage), workers' compensation, access to Medicare, and some provisions of the Employment Standards Act. However, not signing these conventions can be justified by the states' rhetoric that these states are actually respecting the rights of the migrant workers despite non-ratification of these conventions.

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<sup>256</sup> <http://www2.ohchr.org/english/bodies/cmw/cmw.htm> accessed on 24 May 2015.

<sup>257</sup> It is also necessary to keep in mind that having the route to permanency also does not mean that the person will be able to benefit from voting rights, most of the time even local voting rights require citizenship.

Benefiting from rights for TMWs might be confined to how far the national interest could include representing their rights, as one of my interviewees Ruhs indicated. He has also taken this perspective in his recent paper (Ruhs, 2015). This approach, however, brings out the difficulty of defining ‘national interest’ (Nye, 1999). It is very hard to understand and analyze ‘national interest’ and how it might change according to the international context. Former Home Secretary David Blunkett<sup>258</sup> said that historically UK has been antagonistic towards these kinds of conventions, while it does not mean that the governmental bodies are not commensurate with the conventions:

“Historically there has been an antagonism to these conventions of this kind<sup>259</sup> from the UK, even when that practice of the government or governmental bodies have been entirely commensurate with the conventions. We have seen this with the international labor organizations, there were a number of things where the UK has not signed up even if they were doing better than many other countries that signed up.”

This section has examined the rights and their construction in the conventions that are neither signed by Canada nor the UK. The next section will discuss the rights of the TMWs in the UK and the actors involved in organizing these programmes, as well as actors who are engaged in protecting migrant workers’ rights. Being a citizen in the UK provides all the economic, social and political rights to the nationals; meanwhile, being an EU citizen and a migrant worker in the UK entails some of these rights; being a non-EU citizen migrant worker provides one with basic social and economic rights; but being a non-EU TMW in the UK, or being a low-skilled migrant worker in Canada, could easily prevent one from claiming the rights that they should be granted in the first place. The next section will analyze this dilemma.

**Table 7.3 Rights of Migrant Workers in the UK**

	Social Rights	Economic Rights	Political Rights	Right to Change employer
EU citizen migrant worker	Can benefit from family reunification/right to residence is linked to right to work since 2004	Theoretically full	Partial – right to vote at local elections and right to association	Yes
EU citizen TMW	Can benefit from family reunification – right to residence is linked to right to work since 2004	Theoretically full	Partial- right to vote at local elections and right to association	Yes
Non-EU citizen migrant worker	Can benefit from FR if they have a certain earning over the threshold of 18.700 pounds per year / No entitlement to welfare benefits – they are denied child benefit, council tax benefit, the working families tax credit, housing benefit, and job seekers’ allowance <sup>260</sup>	Theoretically full	Right to association	Within SAWS and SBS yes- for SAWS they can change if they are linked to the same operator and within SBS they can change keeping the same job
Non-EU citizen TMW	Cannot benefit from FR, social housing / (same as above)	Theoretically full	Right to association	n/a

<sup>258</sup> Interview in May 2014, Sheffield.

<sup>259</sup> In this case he means the convention “International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families”.

<sup>260</sup> According to Ryan (2005: 42) not being able to access non-contributory benefits makes them more vulnerable against the employer pressure “because of the fear of loss of income or eventual destitution”.

### 7.3 UK: Actors Involved and Their Roles

Different actors from different countries are involved in the Sector Based Scheme and the Temporary Seasonal Migrant Worker Scheme. Gangmasters, who provide labour to the employers, in particular play an important role. Findlay and Mccollum (2013) have conducted research on Gangmasters, and categorized the collaboration of the employers and gangmasters into four groups: gangmaster-dominated migration regimes, gangmaster-employer collaborative systems, conventional recruitment agency systems and employer-led recruitment of temporary workers. In only one of them the employer has no role to play.

In terms of implementation, one of the most important sets of actors are the operators, as they are responsible for recruiting and processing applications, and they are responsible ensuring that farmers provide suitable accommodation and adhere to regulations around the payments (Simpson, 2011: 11) The operators also took notice of those students who have breached their immigration statuses (ibid.) The student agents were working in coordination with the UK SAWs. Operators are responsible for allocating work cards to individual workers before they arrive in the UK (ibid). Operators have a crucial role in the sense that without their permission, workers cannot switch to another farm (MAC, 2013: 52) (the migrant workers are forbidden to switch to another sector). Hence, operators form the control mechanism for the lives of the workers, and for the continuity of the type of work.

Secondly, gangmasters are prominent actors in terms of providing the employers with a labour force. The labor providers have to be registered with the Gangmasters' Licensing Authority (GLA). It is important to underline here that gangmasters used to be a more prominent actor in terms of providing a labor force but this had not produced very good results in terms of preventing the exploitation of the TMWs.

A national catastrophe in 2004 served to highlight the potentially devastating effect of language barriers, and the potential exploitation of migrant workers, in turn prompting government action to better regulate the low skilled sector. This was the Morecambe Bay Cockling disaster, which resulted in the death of 23 Chinese workers. As a result the Gangmasters Licensing Authority (GLA) was established on 1 April 2005, the primary purpose of which was to prevent the exploitation of workers in the agricultural and food sector<sup>261</sup>. Gangmasters are a unique authority, as Darryl Dixon<sup>262</sup> from GLA had underlined:

"The irony is that if you are outside the UK everybody is following the case GLA model but in the UK they don't want us to cover all the sectors. In 2006, I went to an ILO conference in Lisbon and the purpose for me was to benchmark our approach against the way the other countries were dealing with the problem. I learnt from them to therefore to implement best practice. But some of the speakers that were there which included the Dutch ILO and UK home office all referred to GLA model as a model of good practice even though at that point we weren't even operational so there isn't an organization I think that is absolutely the same as us. Because for example, we have the power of prosecuting being unlicensed, we license companies. We check for compliance, we have powers to investigate and proceed to crime and the investigation surveillance powers."

The GLA<sup>263</sup> is a crucial actor that requires further elaboration. It is a non-departmental public body (NDPB) with a board of 30 members from industry and government. The GLA tries to ensure that the employment standards required by law are met. However, to sign up for GLA is optional for the sole operators<sup>264</sup> (MAC, 2013: 52). Only those registered are inspected

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<sup>261</sup> <http://www.legislation.gov.uk/uksi/2005/448/regulation/12/made> accessed on 23 November 2014. The sectors include agriculture, forestry, horticulture, shellfish gathering, and food and drink processing and packaging.

<sup>262</sup> Interview with Darryl Dixon in Nottingham, 4 March 2015.

<sup>263</sup> <http://www.gla.gov.uk/Who-We-Are/What-We-Do/> accessed on 19 December 2014

<sup>264</sup> Sole operators provide the labour only to their own farms, but if they are multiple operators who provide labour to different farms, they have to sign up definitely for the GLA license.

by GLA and in some cases the UK Border Agency also conducts annual inspections on the farms and operators using SAWS workers (MAC, 2013: 52).

The labour provider is required to be a licensed provider; otherwise the employers have to pay a fine if they are receiving labour through illegitimate channels. A number of benefits of the GLA are highlighted on their website. These include:

**Workers** receive fair treatment, the pay, benefits and conditions they are entitled to. **Labour providers** are not undercut by those who pay less than the minimum wage or avoid tax. Industry standards are raised. **Labour users** can check their workers come from a legitimate provider and are informed if their labour provider's licence is revoked. **Consumers** can be assured that their food has been picked and packed in an ethical environment. Illegal activities which lead to a loss of public revenue – income tax, VAT and NI – are reduced<sup>265</sup>.

As illustrated above, the other actors involved are the employers themselves. Their responsibilities include providing the basic rights of the migrant workers. However, TMWs cannot change sectors or employers easily and this is a part of the criticism directed to these programmes. Since the employer is supposed to provide work, accommodation and transport for a 6-month period employees are arguably too dependent on the employers. Despite the fact that migrants' rights are enhanced in the UK, especially after the GLA, it is almost impossible to change the employer during this time. This aspect, which is also relevant for the case of Canada, has been criticized by many scholars (Lenard and Straehle, 2012; Sharma, 2001; Hennebry 2012, 2014).

Furthermore, the GLA<sup>266</sup> has been excoriated for not doing enough to regulate other sectors where there is exploitation, and critics argue that its regulatory powers are narrow because of scarce resources (Wilkinson 2014: 509, Scott 2007). Scott (2007), for example, in examining the regulatory impact of the GLA, argued that these regulations have been more symbolic in nature than making any kind of "substantive rebalancing".

The GLA has limited agency to "control" the sector as it only has a remit in one area: agriculture<sup>267</sup>. Depending on the recruitment arrangements, only some sole operators might choose to sign up with GLA. Some suggestions were made to extend the GLA's remit into other areas and sectors, but this suggestion has not been realized<sup>268</sup>. Wilkinson (2014) and Scott (2007) both draw attention to the fact that the sectors that the GLA has control on are limited and GLA should also be responsible for domestic work and construction sectors. But Darryl Dixon had indicated that the remit of GLA will not be extended to other sectors as long as there is no evidence (in the eyes of the state) from the other sectors.

It seems that despite the fact that there are certain stakeholders like the TUC (Trade Union Congress) and the IPPR (Institution for Public Policy Research) who suggested and demanded that the GLA would extend its remit to construction and domestic work, this never materialised. The government avoids the question regarding the issue as a case of 'no evidence that there is exploitation'<sup>269</sup>. Alex Glennie,<sup>270</sup> who used to work at the IPPR, said regarding this aspect:

"We were saying that if you want to get rid of exploitation, which will

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<sup>265</sup> <http://www.gla.gov.uk/Who-We-Are/What-We-Do/> accessed on 19 December 2014

<sup>266</sup> For detailed information please see <https://www.gov.uk/gangmasters-licensing-authority>

<sup>267</sup> These are the areas: agriculture, including horticulture, dairy farming, the production of consumable produce (whether for profit or not), the raising of animals that will enter the food chain, and the use of land as grazing, meadow or pasture land; processing and packaging of products (food and drink) containing an agricultural component, any animal product that will enter the food chain, shellfish/fish products, plants/flowers/bulbs, and pet/animal feed; gathering shellfish.

<sup>268</sup> MAC (2014: 37) suggest that there is a strong case to extend regulative powers of GLA to other sectors such as construction, cleaning, care and hospitality.

<sup>269</sup> Interview with Darryl Dixon on 4 March 2015, Nottingham.

<sup>270</sup> Interview with Alex Glennie on 12 June 2015, London.



improve conditions for British workers and for migrant workers, in each regulated industries that are very poorly overseen, so we recommended extending to construction industry for instance, domestic care sector for instance, social care as well, what if there is a lot of work going in the gray economy and not that much regulation.”

Glennie said that the recent changes have implications on the migrant workers’ rights, especially in the rights of the female migrants:

“I haven’t done much research on that personally, so I don’t know how to answer that, but certainly with lower skilled migrants it would appear that the more you come, the less you do to integrate them. And fewer rights they are able to enjoy and when policy and rhetoric suggesting that migrants are unwelcome it creates a very hostile environment and some of the changes that have been made to the benefit system recently, response to concerns about EU migration has made it more difficult for certain groups of migrant workers who might be on temporary contracts and who don’t have regular work which might mean that their access to benefit system is taken away and that tends to hurt the most vulnerable migrants, particularly the women migrants. I think that the changes that have been made recently have implication on the rights of migrant workers.”

Therefore, with regard to the coalition government of 2010 - 2015, it would not be inaccurate to say that the rights of migrant workers have deteriorated, and this holds especially true for the case of domestic workers since 2012. Kamaljeet Jandu<sup>271</sup> from the GMB (General Trade Union) argued that all the migrant workers should be embraced either temporary or permanent. He noted: “In our work places migrants get up at 4 to go to the office to clean the offices, then they go to their next jobs. Employment and legal rights should be respected during the period of their stay in this country.” And he complained about the fact that the employer-driven policies are making it easier for employers in a way to exploit the migrant workers. And Jandu also said that lack of enforcement on legislation is one of the issues, which is preventing the migrant workers from using their rights.

In this case who should be the actors that attempt to prevent exploitation? A senior public official<sup>272</sup> from Migration Advisory Committee (MAC) suggested that the private companies should have a role in integrating migrant workers. In line with his comment it would not be an exaggeration to say that most of the de-regularization is to the benefit of the private sector and the most possible exploitation is also in this sector. Thus, it is an important thought that private companies should assume more responsibilities since they are the ones profiting from the labour force the most. One solution could be that some integration schemes could be funded by the host companies and sending states.

Another criticism associated with the coalition administration is by the policy officer Rosa Crawford<sup>273</sup>, from the TUC, about cutting the Union Modernisation Fund which had provided unions with resources to support migrant workers. The TUC has managed to obtain a small amount of EU funding to ensure it could continue providing employment rights information online (at [www.tuc.org.uk/workingintheuk](http://www.tuc.org.uk/workingintheuk)), but unions no longer had the resource to employ staff to organise migrant workers<sup>274</sup> for the leaflets that were given to migrant workers in different languages that were used to inform them about their rights. On the other hand, what is revealed is that non-EU migrant workers, even though they might be high skilled, if they are coming via inter-company transfers (ICT), they might be vulnerable, too. Crawford also drew attention to another kind of exploitation (the exploitation of the

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<sup>271</sup> Interview with Kamaljeet Jandu on 8 October 2014, Brighton.

<sup>272</sup> Interview with him on 24 February 2015, London.

<sup>273</sup> Interview on 12 June 2014, TUC Building, London.

<sup>274</sup> For details please see (see for example Unison’s Union Modernisation Fund project <http://workinglives.org/fms/MRSite/Research/wlri/News/UNISON%20migrant%20workers%20evaluation%20report.pdf>)



high-skilled migrant workers from non-EEA countries) that is not mentioned often in the discourse on migration workers:

“For non-EU migrants it is a slightly more nuanced picture because you do have employers who want skilled graduates and highly-skilled researchers and doctors something like that. And they are willing to offer quite good contracts, where you get high-skilled workers on lower contracts is under intra-company transfers. We did a bit of campaigning about them. They are under tier 5 which is under international agreements under PBS and they are called ICTs –intra-company transfers- the idea is a short term placement in another country that a company sends you, so it will be like ... matters to send somebody from India to work in the UK for seven years and then temporarily just because they have specialist expertise and they don’t need to pass the resident labour market test, there is a need for their skills, just the company says this is needed. There are a few protections in place around the pay that they get. But it is not saying it is the same rate of pay as all the other workers.”

She also added that the employers “have the majority of the power with the non-EU migration”. Her claims support the view that the positive effect that the EU has on the labour rights of the migrant workers remains limited. For instance, the EU committee on the freedom of movement is consulting with the unions and other stakeholders, but it would not shift the policy in the UK very easily, as Crawford also emphasized. To sum up, non-EU migrant workers’ rights, regardless of their skills, can be violated through different mechanisms and it seems that the EU has very limited power to influence the labour migration policy, especially for the TCNs in the UK.

### 7.3.1 Rights of temporary migrant workers and their living conditions in the UK

Rights for migrants who came to the UK on the SAWS include:

1. “The SAWs are to receive the national minimum wage for the agricultural workers which is called the agricultural minimum wage and it changes according to the categories involved. Hourly rates are determined by the Agricultural Wages Board (AWB), which has been abolished but the current Agricultural Wages for England and Wales had been in order till 30 September 2013. Afterwards the national minimum wage is said to be introduced”<sup>275</sup>.
2. “Gangmasters who provide labor to the farmers should be registered by GLA”<sup>276</sup>.
3. “Under the SAWS the employer is obliged to provide any SAWS workers with accommodation, and pay them in line with the agricultural minimum wage”<sup>277</sup>.
4. “Upon the responsibilities that should be shouldered by the employers the SAWs rights can be summarized as such: “Minimum rates of pay, paid holiday, agricultural sick pay, pay even if bad weather stops the work, night work pay, on-call allowance, 30-minute rest breaks, if they are 18 or over and work more than 5.5 hours a day”<sup>278</sup>

In this chapter it is argued that the rights of the migrant workers should be clearly stated and should be communicated to migrant workers before the arrival or just after the arrival.

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<sup>275</sup> <https://www.gov.uk/employing-farm-workers#agricultural-wages-and-working-conditions> accessed on 30<sup>th</sup> of October 2014

<sup>276</sup> <https://www.gov.uk/employing-farm-workers#agricultural-wages-and-working-conditions> accessed on 30<sup>th</sup> of October 2014

<sup>277</sup> <https://www.gov.uk/employing-farm-workers#agricultural-wages-and-working-conditions> accessed on 30<sup>th</sup> of October 2014

<sup>278</sup> <https://www.gov.uk/agricultural-workers-rights> accessed on 30<sup>th</sup> of October 2014

Some research has been conducted on how much the migrant workers were informed before they came to the UK (Spencer et al. 2007: 28). It was found that those who speak English had more information and it was easier for them to access information compared to other groups that faced language barriers. Although some migrant workers do not need to speak English to conduct their work, not speaking the language increases the level of vulnerability and thus possible exploitation. It was also found that those who had the most difficulties in work were the ones who said that they did not receive any information about their work before or after their arrival (Spencer et al. 2007: 33).

**Table 7.4 Information received on arrival in the UK and whether the information received was adequate**

	Received Info			Information Adequacy		
	Yes %	No %	Total N	Yes %	No %	Total N
<i>Rights at work</i>	47	53	574	84	16	256
<i>Conditions attached to migrant status</i>	54	46	572	86	14	292
<i>How to register with a local doctor</i>	33	67	572	90	10	178
<i>How the UK health system works</i>	19	81	572	87	13	99
<i>Agencies providing information and advice</i>	17	83	573	83	17	90

**Source:** Survey interviews with migrants in Spencer et al. (2007: 28)

Regarding accommodation and other related problems, Spencer et al (2007: 43-44) found that most of the workers on the SAWs were not satisfied with their living arrangements. They interviewed 82 agricultural workers before 1 May 2004 and 17 per cent said that their accommodation was 'poor' or 'very poor'. Spencer et al. (2007) concluded that "the workers whose accommodation is entirely unregulated are particularly dissatisfied with it, suggesting some success in the regulation of accommodation provided to SAWS workers." (Ibid. p. 44) Last but not least, regarding the SAWs it is possible that the isolated accommodation which migrant workers on SAWS often occupy makes it harder for them to interact with British people and integrate. As Spencer et al. argue (2007: 61), SAWS workers are dependent on the company of other SAWS workers or the employers since there are no alternatives to isolative conditions of housing.

Furthermore, because of the nature of work on SAWS in terms of time demands and shift work, such migrant workers are not necessarily able to take English courses and improve their language to integrate to the society (ibid.). Therefore although A8 and A2 migrants have the same legal rights as UK nationals, such language barriers demonstrate that there are many factors that can make migrant workers vulnerable. Spencer et al (2007) argue that rights and status are just two factors that are influencing the lives of the migrant workers and their integration.

One reason for the apparent poor living conditions of migrant agricultural workers is the assumption that since the migrants themselves deem such work as temporary, they may be apathetic about their living conditions (Mayer, 2005). Yet this creates further vulnerability. According to the MAC (2013: 130) the labor supply should be readily available for seasonal work and therefore, the SAWS workers should stay on the farms. The MAC summarizes it as such (p. 57 & 130):

The majority of seasonal workers are required to work and live on-site due to the remote locations of farms and to meet just-in-time ordering from supermarkets. This is particularly crucial during periods of peak demand. Seasonal agricultural workers typically live on-site in caravans, hostels or

portacabins in which they sleep between two and six people within a room. The characteristics of the food supply chain require that the labour supply is readily available, flexible and productive to provide the efficiencies demanded by the industry. (SAWP stay in caravans hostels portacabins etc.)

The situation has changed for the better for those whose countries have acceded to the EU, as the interviews by Spencer et al. (2007) reveal. When one's country becomes an EU member, the legal status of the migrant worker creates a positive effect on the physical status and their living conditions. This fact demonstrates the effects of superstructure on infrastructure (Gramsci 1999). The laws of the EU and becoming an EU citizen make a difference in the lives of the migrant workers. But this effect of superstructure on the infrastructure has limitations. For instance, Spencer et al. (2007) argue that migrants' experiences and living conditions do not suddenly change as soon as their citizenship status changes, despite the fact that they are able to shift sectors and benefit from the rights of an EU citizen. But the change in the migrant status (legal status) is still only one factor that leads to better integration and amelioration of the living conditions (ibid).

Ruhs accepts that the TMWs might make themselves more attractive by choosing not to take advantage of all of the rights, and by not accepting total equality with the native workers. "Maybe you should say no just because you don't want these rights. You may have all these rights that make you even less attractive. So of course by giving up rights, you make yourself more attractive to the employer, but then you might say well we should not have competition on rights." However, his comments demonstrated that the migrant workers choose to have less rights on purpose, to deem themselves more attractive to the employers, which could be thought as a rational choice on the side of the actors. Nonetheless, within the context of the developing states, taking into consideration the push factors from the origin countries of the migrant workers, the migrant workers prefer these temporary jobs because this is probably the best option for them to earn a living. Hence, in a way they are obliged to do these jobs. Therefore, it is not that they are giving up rights, it might be the case that they would have had less rights in their home country if they had stayed and worked there. It is found out that migrant workers would have liked to benefit from their rights (Hennebry, 2012, 2014).

What is more, workers' access to justice has worsened in the last years, too. A social worker from the Haringey Migrant Center said that access to justice has become harder after the changes in 2012 and gives the example of a person who was almost being deported:

"He was basically standing on the street looking for work, the Home Office stopped him saying that (first they discriminated him)... they stated that he is Romanian Roma, so they put on the forms. They said that he is, what was his offence? He was not begging, it was completely an absurd situation. So he was trying to access his treaty rights by looking for work. This is what is in the EU law. You are allowed to move across EU countries. It was a completely absurd situation because the Home Office, the case was... appeal was happening last week on Friday and they didn't back down until Tuesday. They said 'we give up. It is a stupid claim'. It was only after intervention from our solicitor and a lot of other people were involved that they dropped it."

Since there has been a general deregulation of the labor market in the UK since the 1980s and early 1990s (Burstrom et al, 2000), this also had an effect on the migrant workers. Moreover, regardless of where they work, low-skilled programmes and temporary programmes such as SBS and SAWS are presumably affected directly by deregulation. Lucio and Perrett (2009: 328) summarize these effects as follows: "the uneven nature of employment regulation in Britain means that getting a basic wage and good working conditions is an all-consuming task for many migrants, who work in some of the most vulnerable forms of employment." This case again is not unique for the UK as the same situation prevails for the seasonal workers in Canada, the USA and many other European countries.

### 7.3.2 Domestic Workers' Rights

Domestic workers face similar problems as the SAWS workers: isolation (Anderson, 2001) and exploitation in places of work (Anderson 2010). No matter how good the employer is, this is an area where most of the exploitation will be behind the closed doors. Yet for the hard and intense work the domestic workers uptake, their permanent residency and possibility to change employers are not allowed in the UK. Regarding domestic work Ruhs indicated that things are different in Canada for various different reasons:

“You know that in Canada the Liven-in Caregiver Program is quite different and it has an interesting normative angle, too. According to the articles I have read part of the reason why they do that, it is very soon right, very quickly part of the reason in a way is to recognize very hard work, so it is almost like a reward for the two years of very tough, live and work, so you get permanent residence very quickly. Normatively it is quite interesting.”

I asked him why it does not exist in the UK, and his answer was that “at the moment of course there is huge pressure on the numbers in the UK. Government is a bit tough, anything that might increase permanent migration, they are very worried about it right now. But it is interesting that Canada is an outlier internationally for a low skilled program that gives permanent residence so quickly.” Therefore, the policies in the UK do not have this normative point of view. One example to that is that life was made harder for the domestic workers in the UK after the new regulations of 2012 (please see tables below):

**Table 7.5 Domestic Workers in Private Households**

	Since April 2012	Before April 2012 <sup>29</sup>
<b>Basic eligibility criteria</b>	For staff who have been working in their employers' household for at least a year. To accompany employer on a short-term visit to the UK.	For staff who had been working in their employers' household for at least a year. To accompany an employer on a short-term visit or long-term stay
<b>Length of stay permitted</b>	6 months maximum	6-12 months granted
<b>Possibility of settling permanently in the UK?</b>	No	6-12 months' granted initially; extensions permitted
<b>Allowed to change employer whilst in the UK?</b>	no	Yes (but must continue to work as a domestic worker)
<b>Allowed to sponsor dependents</b>	no	Yes
<b>Employers' obligations</b>	Provide written terms and conditions of employment in the UK, including confirmation that the employment will comply with the minimum wage legislation.	Provide written confirmation of the terms and conditions of employment to the employee. Sign an undertaking to adequately accommodate and maintain their employee. Produce a statement confirming that they would comply with minimum wage

<sup>29</sup> UKBA website, domestic workers (accessed 19 March 2012)

**Source:** Melanie Gower (2015) “Calls to Change Migrant Domestic Worker Visa Conditions”, Home Affairs Section, SN/HA/4786, p. 14-15

**Table 7.6 Domestic Workers in Diplomatic Households**

	Since April 2012	Before April 2012
<b>Basic eligibility criteria and purpose of visa</b>	For people employed by members of staff of diplomatic or consular mission who had diplomatic privileges and immunity or by an official employed by an international organization who enjoyed certain privileges under UK or international law	For people employed by members of staff of a diplomatic or consular mission who had diplomatic privileges and immunity, or by an official employed by an international organization who enjoyed certain privileges under UK or international law
<b>Length of stay permitted</b>	5 years Maximum or the duration of their employer’s posting (whichever is shorter)	6 years maximum (through grants of temporary leave which could be extended)
<b>Possibility of settling permanently in the UK?</b>	No	Yes after 5 years
<b>Allowed to change employers whilst in the UK?</b>	No	No
<b>Allowed to sponsor dependents?</b>	Yes	Yes
<b>Employers’ obligations</b>	To guarantee that the worker was aged over 18, would be employed full time as a private servant in their household and would not take up any other form of employment for them; and would leave the UK when their visa expired.	To guarantee that the worker was aged over 18 would be employed full time as a private servant in their household and would not take up any other form of employment for them; and would leave the UK when their visa expired.

**Source:** Melanie Gower (2015) “Calls to Change Migrant Domestic Worker Visa Conditions”, Home Affairs Section, SN/HA/4786, p. 14-15

As it can be observed from the tables, there is a serious deterioration in the rights of the domestic workers and one of the things that that enables exploitation the most is the fact that they are actually not able to change employers. This has also been a great problem with the TFWs in Canada.

It seems to be the case that with the current government as well as the coalition government there has been no opportunity for the domestic workers to gain the same rights as the migrant workers would do in Canada. A senior official<sup>281</sup> from the Home Office was not optimistic about their rights at all. About the domestic workers he said that it is very hard for the UK to give the same benefits to the domestic workers as it is done in Canada:

“Essentially to make much more short term route, more closely linked just to support skilled workers; essentially when they come, or entrepreneurs who want to bring their domestic workers with them... It is really for a flat purpose

<sup>280</sup> UKBA Immigration Directorates’ Instructions, chapter 5 section 12, ‘Domestic workers in private households’ paras 2.6 – 2.7, 3.3 and Entry Clearance Guidance WRK2.1.9 (accessed on 13 February 2012).

<sup>281</sup> Interview with him on 5 April 2014, Home Office, London.

not as a route in its own right, whereas for many years there was actually quite a lot of domestic workers, who came as domestic workers and that was a big low skilled route. That has been closed off now.”

Then I asked him who the domestic workers are replaced by in this case and he said: “the expectation is that they employ Europeans. From within the EU or as I said you know they expect rich migrants essentially come to the UK and bring the domestic workers with them for short periods again. They should not stay for a long time, essentially.”

An immigrant lawyer from London<sup>282</sup> also underlined the stricter immigration rules about the domestic work. She said that she did not see that the domestic workers in the UK would be granted similar rights to those in Canada:

“I cannot see that happening. So the route for domestic workers to come to the UK, at all, has closed. And it hasn’t been closed, it has been made more restrictive. So now domestic workers can only come to the UK if they are coming with someone (who is, I think it is, British or European who are coming here for a holiday). So you can only come if the person you are coming with is coming up to six months. So for domestic workers it is also being narrowed a lot, and they can only come for up to six months. I don’t see that they will never get permanent residence here. It is going in the opposite way to Canada.”

This is also approved by the parliament papers as well<sup>283</sup>. When I asked her about why the policies are so restrictive she gave reasons such as public opinion. She said that it is because “There is a lot of anger against immigration in the UK and it is very political and politicians are actually playing I think up to what the public wants.” Therefore, this kind of thesis is against the assumption of Freeman (1995) who said that there is not an effective influence of public opinion on immigration policy. The problem on acting upon the public opinion which is anti-immigrant is that, the policy-makers are cutting the numbers and restricting immigration in such a way that sometimes it conflicts with the social or economic needs and also that it weakens the migrant workers’ rights.

On the other hand, David Blunkett suggested that more rights should be granted to the domestic workers because they are not living in good conditions most of the time and there is a risk of exploitation:

“It would be interesting to see government’s proposed draft legislation which will be, I hope, published next week, I hope will be published, I hope at the same time as a legislative programme is spelt out next Wednesday in parliament on modern slavery. Because there is a really genuine issue of domestic workers being placed in quite unacceptable conditions and with the restrictions as people are taking their passports off, so there is an issue to be addressed here, we are not debating in the context of migration.”

Carlos Cruz<sup>284</sup> from UNITE underlined that the current policy about domestic workers is akin to slavery in the sense that if a domestic worker runs away from the employer they face the risk of being deported. Cruz also said that they are doing campaigning for the rights of domestic workers. There are other groups such as Kalayaan and Waling Waling who also advocate domestic workers’ rights (Anderson, 2010) but it seems that the political stance of both the coalition administration and the current conservative administration is far away from awarding them more rights.

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<sup>282</sup> Interview on 12 June 2014, Laura Devine Solicitors, London.

<sup>283</sup> Melanie Gower, 18 March 2015, “Calls to Change Migrant Domestic Worker Visa Conditions”, Home Affairs Section, SN/HA/4786

<sup>284</sup> Interview on 21 November 2015, London. The interviewee wanted to keep anonymous.



### 7.3.3 Political Rights for the EU citizens and non-EU citizens

Geddes and Boswell (2011: 101-102) demonstrate that the extent to which the EU can regulate labour migration is limited in different nation-states, especially for the case of the non-EU immigrants. Therefore, certain standards will be decided depending on the approaches of the nation-state towards TCNs, and the natural conclusion is that all the nation-states will respect TCN rights to different extents. In the UK, the TCNs have been subjected to the Points Based System (PBS) since 2008. For instance, TCN labour migrants do not have the rights to benefit from social assistance or housing in the UK (Dwyer et al. 2011: 15). They also do not have the right to vote locally. Dwyer et al. (2011: 5) advocate 'a stratified system of socio-legal entitlement' within the migrant population in the UK. Nevertheless, closing Tier 3, which was the route for the TCN to work in low-skilled jobs, can be evaluated in different ways.

The argument supporting closing Tier 3 would be: since the TCNs who come as TMWs might be more vulnerable because of the fact that they would not have the same rights as the European citizens, the closing of the route is a just decision on behalf of the government. On the other hand, the argument against closing Tier 3 could be: as REC has indicated there might be a need for the TMWs from third countries for the low-skilled jobs. In line with the second argument, if they work without fully executing their rights, they might go undocumented and their situation might be even more precarious. Even if the employment laws in the UK apply to all of the migrant workers, since they will not have the political right to vote and the right to stay in the country and look for other jobs, this policy also involves risks.

According to the official documents and my interviewees, the reason for choosing not to open Tier 3 was the perception that there would be enough of a labour force coming from the recent accession countries, and promise to the public to decrease the number of the immigrants. However, there seems to be a need for the low-skilled jobs still and REC has also underlined this need, and they indicated that the government could have been more open to non-EU migration.

The TCNs, as mentioned above, do not have the political rights that the EU migrant workers have, such as the voting in the local elections. How much this gap in rights has made a difference is discussable, since I had some information from my interview with Francesca Valerio,<sup>285</sup> who is the project manager of the Migrant and Refugee Communities Forum, that the local MPs are not very interested in attracting the migrant workers' attention since they assume that these people will not vote for them in any case. What is striking is that one of the most marginalized groups, the Roma community, would actually like to engage in voting:

"Many Roma are starting up a movement that is actually communicating with the upper communities here and trying to have a say, have a voice and politically they are starting voting, which is a way of saying you know, 'we do exist' as you cannot vote in national elections, you can vote for the local elections. So when I was going with all these Portuguese people to talk to the local councilor or you know to ask for support for different persons. 'Well why should I help this person? They are not going to vote for me.' For example, people may come from countries, where voting is not so important but it puts you in a position where you think as a citizens have a say or contribute to the policies."

Therefore, she articulated how it is important to vote for the migrant workers but unless they demonstrate that they want to vote in an organized manner they will not be seen as possible constituents whose demands are listened to (even if they are from the EU countries). Therefore, granting political rights is important at the EU level but there needs to be further research on to what extent these rights are being utilized by EU citizens, except those who

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<sup>285</sup> Interview on 7 January 2015, London.

are being marginalized in most of the EU countries, such as the Roma population.

This section has suggested that 'stratified rights' (Morris, 2002) exist for the EU citizens, Roma and the TCNs for various different reasons. How much these political rights are utilized by the EU-citizen TMWs (except a recent political movement by Roma) though, is subject to debate, and certainly warrants further investigation.

#### **7.4 Canada: Rights of Temporary Migrant Workers**

Despite the fact that Canada has been a settlement country with a much more tolerant public opinion towards immigration, compared to the UK, there are many cases where the TMWs cannot benefit from their rights in Canada, either. In relation to a new perspective of immigration and temporary integration, Hennebry claims that the cultural, economic, social and political integration of TMWs remains limited compared to the other types of immigrants (2014: 11). She summarizes their situation as such (Hennebry, 2014: 11-12):

- 1) Their integration will not end in permanent residency or citizenship
- 2) Process of integration does not move forward in a consistent manner as most of the TMWs such as the seasonal ones are obliged to go back to their countries in order to attain a work permit for the next period
- 3) Some aspects of integration are more crucial for TMWs and these aspects include access to health care and social benefits and the same freedom of employment and residence as residents (p. 12)

Hennebry argues that TFWs and low skilled workers are 'circular' rather than temporary, and having this repetition in their lives could be a justification for them to obtain the status of permanent residency. However, this is not an easy achievement for them. Despite the fact that the migrant organizations are helping at the local level to integrate the TFWs, it is not always very effective since they have limited influences on the integration of the TFWs. The next sections will examine the actors involved, the rights of the TMWs, and the rights of the domestic workers.

##### **7.4.1 Actors Involved for the Rights of the Temporary Migrant Workers in Canada**

One of the most important events in the history of immigration in Canada is the enactment of the NIEAP (Non-Immigrant Employment Authorization Program) in 1973. It was the first temporary migration programme and was criticized harshly by scholars. Sharma (2001) says that it was when the "unfree temporary labour" market had started to be prominent in Canada. International agreements and conventions have not been very effective tools to protect the rights of the TMWs. Gabriel and Macdonald (2014: 244) suggest that the North American Free Trade Agreement's (NAFTA) labour side accord has not been useful for protecting migrants' rights, so different migrant organizations at the subnational level had supported migrant workers in different provinces in Canada. For instance, Justicia for Migrant Workers (J4MW) is an organization that defends migrant workers' rights and they have been a successful advocacy group in that sense.

The Federal government is responsible for admission policy and the numbers that are accepted but the enforcement is supposed to be provided by the provincial governments. A member of provincial parliament in Ottawa, Yasir Naqvi,<sup>286</sup> explained their job as such:

"When temporary migrants come into Canada the whole process of coming into Canada is purely dealt by the federal government. They are responsible for all immigration laws, they are responsible for determining whether somebody can come in or not, and for how long. Business when they want foreign migrant workers temporarily to come in, they apply labor market opinion, that is all done by the federal government. The provinces are not involved in any aspect of it. Once the worker comes into Canada, comes to Ontario to work at a farm or in a non-farm setting, where the province gets involved is the application of

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<sup>286</sup> Interview with Yasir Naqvi, on 26 October 2013, in Ottawa.

one of our employment laws. So our employment standards laws apply. So we want to make sure that all the rules and rights that are outlined in our employment standard law, there are some exceptions when it comes to migrant workers working on farms... Secondly our health and safety laws... so the health and safety of workers, they have the same rights as any other worker. They have the right to work in a safe place; they have the right to refuse unsafe work etc. and number three we have a workers' compensation system in Ontario. So when the worker gets injured, or unfortunately dies then their families are entitled to compensation and they are entitled to all that compensation as law. That is where the province plays an active role."

Another important actor is the UFCW, which has been supporting many migrants without differentiating between the nationals or non-nationals. Their contribution to workers' rights is very crucial. But Stan Raper,<sup>287</sup> who is the national representative of UFCW Canada, indicated that there are gaps in the policies and implementation of the country's migrant worker rights laws:

"None of the rights are protected and the government admits many numbers, there is not a quota system. They can get as many as they want. There is no enforcement from the federal government, they leave enforcement up to provincial government/ Provincial governments then say: 'we do not have the financial means to take care of the foreign workers...' they do not have the personnel to monitor. The system of the federal government leaves the responsibility to the provinces (too many people coming, they do not have the resources to deal with that)".

He also added that those low-skilled workers who might be the union members might be nominated in the PNP (Provincial Nominee Program) and hence, are eligible for becoming permanent residents. His ideas introduce another approach to the idea of rights vs. numbers. First of all, it is not because granting rights is expensive per se, but mostly because the *protection* of these rights requires funding and time. As Stan Raper indicates here, the case is that when there are too many migrants, there might not be enough people or resources to monitor how the implementation is working on the ground. However, the companies that are employing the migrant workers could be detected better. Thus, there are many actors in the case of Canada protecting the rights of the migrant workers, but there are also problems in terms of differences between provinces regarding political rights of the migrants. Moreover, their protection is not always guaranteed unless there are complaints from individuals. The legal basis is that "all temporary foreign workers have the same rights as Canadian citizens in filing a complaint against an employer under provincial labour standards codes"<sup>288</sup>. But the migrant workers generally do not use this right because they want to come every year and they avoid to act upon possible venues of benefiting from their rights, not to seem to be troublesome in the eyes of the employer.

Last but not least, I asked the policy-makers amongst my interviewees about who benefits the most from these policies and asked them to rank the nation, the employers and the workers. Liberal Party MP Judy Sgro answered as such: "It is supposed to be the nation and the employees and the individuals who are coming here [that benefit]. That is how it is supposed to be, but it is not always that." Another Liberal Party MP John Maccallum<sup>289</sup> said: "Migrants obviously want to come here and they want to get jobs so it is good for them. And Canada needs people so it is good for Canada. I don't know who it is better for, but it is better for everybody if it is done properly." In response to the same question, a member of provincial parliament Yasir Naqvi said employees and sending countries benefitted the most, but he also mentioned the employers too:

"I understand that migrants benefit because they good salaries and they remit

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<sup>287</sup> Interview with Stan Raper, on 4 November 2013, Ottawa.

<sup>288</sup> [http://www.esdc.gc.ca/eng/jobs/foreign\\_workers/reform/info\\_fw.shtml](http://www.esdc.gc.ca/eng/jobs/foreign_workers/reform/info_fw.shtml) accessed it on 25th May 2015.

<sup>289</sup> Interview with John Mccallum on 4 December 2013, Ottawa.

their money back to the home countries to look after their families. Sending country benefits too because they are getting foreign exchange. Remittances coming out of the country, I know countries like Jamaica and the Caribbean they look quite friendly about this programme because they have a lot of foreign exchange coming to the country. This is pretty high up there for ... The employers, who get them, like the programme because they don't have to pay as many benefits for these workers. Because they are not making people work full time, they are hiring people temporarily."

Therefore, based on my interviews it is hard to figure out who benefits the most, but it seems that all of the policy makers in Canada are aware of the programme's advantages and shortcomings. And they are also aware of the gaps in the policy implementation. Therefore, when suggesting that these policies are advantageous for all parties (employers, employees and the sending states), it is important to think that it could have been triple-win if all the migrant workers regardless of their temporary status are benefiting from the rights they are entitled to, to the fullest extent.

#### **7.4.2 Rights of Temporary Migrant Workers in Canada**

According to guidelines set by the Employment and Social Development Canada (ESDC), "while in Canada, temporary foreign workers have the same rights and protections as Canadian workers under applicable federal/provincial/territorial employment standards and occupational health and safety laws."<sup>290</sup> Their basic rights<sup>291</sup> that are standard in all provinces can be summarized as such:

- The employer has to pay for the work including the overtime when required
- The workplace must be safe
- Break-time and days off shall be respected
- Employers cannot force the migrant worker to perform duties that s/he is not trained for
- Work permits or passports cannot be taken by the employer
- Employers cannot threaten the migrant workers to be deported from Canada or threaten to change the immigrant status.

Basok (2004: 54) says that although Canada has not signed the UN Convention of Migrant Workers, it partially applies the rules in this document, such as the right to a minimum wage (or a prevailing wage), workers' compensation, access to Medicare, and some provisions of Employment Standards Act. On the other hand, Justice for Migrant Workers (J4MW) indicate the problems that are faced by the TMWs as such: working overtime without pay; being denied the necessary breaks; the use of dangerous chemicals without any training or protection; living in substandard housing; sometimes facing racism from locals; discrimination between the migrant and non-migrant labour force, ambiguity about the employment insurance to which they do not know how to access; inadequate health attention and services; exclusion from the Employment Standards Act; being prevented from collective bargaining and participating in unions in certain provinces; gender discrimination and being unable to claim residency or obtain educational opportunities for children despite many years of work in Canada<sup>292</sup>.

Basok (2004: 57) also says that every Mexican worker can receive the Canadian pension when they reach 65, but until recently the workers in Leamington did not know the procedures to receive it. This aspect is in line with my interview with UFCW national representative Raper:

"The federal government is benefiting the most, and the employers. Workers' conditions are set before they come here, the cards are against them. The

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<sup>290</sup> [http://www.esdc.gc.ca/eng/jobs/foreign\\_workers/reform/info\\_fw.shtml](http://www.esdc.gc.ca/eng/jobs/foreign_workers/reform/info_fw.shtml) accessed on 25th of May 2015.

<sup>291</sup> <http://www.cic.gc.ca/english/resources/publications/tfw-rights.asp> accessed on 25th of May 2015.

<sup>292</sup> <http://www.justicia4migrantworkers.org> accessed on 25<sup>th</sup> of May 2015.

federal government takes from the pay-roll of each federal worker in contracts for 1) Canada pension plan, 2) Unemployment insurance and income tax. That is 1/3 of their paycheck. Temporary foreign workers do not know their rights, what they are paying for... they are paying into programmes that they do not know about. They do not know what Employment insurance is, or income tax. They pay into it and receive benefits as they should be equal contributors to the society."

Another problem is that they are not aware of their entitlements totally as is the case in the UK. Basok (2004: 54) says that because they find the Canadian social protection system hard to navigate, and they need the knowledge to access the benefits, but they do not have it.

The reason that Hennebry (2012: 32) thinks that the political integration is very low is that actually most of the migrant workers do not benefit from their political rights and in some cases they are barred from them. For instance, "farm workers do not have a right to collective bargaining in all provinces; farm workers in Ontario and Alberta are excluded from these rights (Gabriel and Macdonald, 2014: 25) right to association are denied to migrant workers; and in other provinces workers sometimes face pressures not to join unions."

Hennebry (2012: 33) defends the idea that the relationship of migrant workers to Canada is more than temporary. Therefore, she says that there should be a comprehensive integration policy regarding these migrant workers. There were some improvements, such as the Immigration and Refugee Protection Regulations that came into effect on April 1, 2011 to make some steps towards improving the regulatory framework of TFWP so that the employers who are not able to provide the right conditions for the workers after two years of assessment would be fined (ibid.).

There are some protection mechanisms in place, such as having been given a package, which has documents that indicate their rights as they arrive in Canada (in their language). But similar language problems exist in Canada, too. A senior public official at Citizenship and Immigration in Canada (CIC), said regarding the language issue:

"You know making sure that companies cannot require foreign languages, one of the requirements for people to come in, because then they don't understand what their rights are because they are not able to understand English and the rights that are presented to them, so making sure that there is a basic level of understanding English is required to know what the rights are in Canada."

Therefore, regardless of how immigration is perceived, TMWs face similar problems in most liberal democratic countries. For sure, the rhetoric of the policy-makers is still quite different in Canada and the UK, as well as the reflections on the public opinion. However, the way employers act (choosing those who do not know the language and therefore, are not aware of their rights to a great extent); the way the migrant workers avoid complaining as a way of ensuring they have the maximum level of rights (in both countries, in order to be chosen and preferred by their employers the next year they refrain from using this channel); and finally the extent to which they can utilize their political rights remains restrained.

#### **7.4.3 Political Rights for the TMWs: Findings from Interviews**

As indicated above the TMWs in Canada do not have either local or national voting rights, even if they have been in the country for 10-14 years. They have to be citizens or landed immigrants in order for them to gain full rights. The politicians I talked to in Canada were not keen to grant political rights to the TMWs as voting is only thought as a right of the citizens and not those with temporary status. In this respect, the lines are drawn very clearly. A Liberal Party MP<sup>293</sup> said:

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<sup>293</sup> Interview on 14 November 2013, Ottawa, Canada.

“Citizen or a landed immigrant, if you are just a temporary worker, no [meaning voting at the national elections]. The municipally voting right is a different right. It is a different, it is a right attributed to the tax-payer. So if you are renting a property and if you are paying taxes perhaps that could be considered. But it would have to be debated widely and you know I am not sure either which way I would go but I think it would be, it might be useful to have that studied and debated. And one of the reasons that I would think that it would be worthwhile is indeed one of the things that should be looked at it is would it be helpful to them, to be protected and to make sure that the working conditions are better or adequate, I should say, adequate and better. Beyond that I don’t know.”

John McCallum also thought that the right to vote would not be given to the migrant workers most possibly at the federal elections. He said that this right is reserved for the Canadian citizens only. But he seemed to leave an open door for voting at the municipal elections:

“Certainly for federal and provincial elections they should be citizens, and we in Canada encourage immigrants who are permanent residents to become citizens. Well, it takes a while and it takes a number of years but I think in order to vote you should be a citizen. Now in Municipal elections it should be different. I don’t know what the rules are, whether you have to be a citizen or whether you can be a permanent resident for some municipal elections. I don’t really have a view on that. But for federal and provincial elections I think you should be required to be a citizen.”

John McCallum said that those who are in the country on a permanent basis should be the ones voting, therefore he did not agree that TFWs should be allowed to vote.

“Well, TFWs should not be voting, because TFW is temporary and I think it is really just Canadian citizens and not even permanent residents who should be allowed to vote, but certainly not TFWs because she or he is temporary. But people who vote should be those who have a commitment to the country and be here on a permanent basis. But I think there are delays now in becoming citizen and I think it is taking too long and so the solution is to speed it up at the same time limit the voting right to citizens.”

However, from a structural point of view it is the structure, the programs and the states that are arranging TMWPs and therefore the migrant workers have to act in accordance within the structures available to them. They cannot decide that they will be permanent if there is not a transition to the permanent route. Judy Sgro also said: “I would not support any of them [meaning voting at all levels]. You need to make a commitment to the country in order to vote and voting rights. I think that you need to make a commitment to the country that you want be here and you want to stay here.” Therefore, most of my interviewees rejected the idea of granting either local or national voting rights to the TMWs<sup>294</sup>.

They all referred to the Canadian Charter of Rights and Freedoms and Employment Standards Law, when I asked them about the rights and said that except the right to vote the TMWs have the same rights as Canadian citizens. It is also the welfare system that works in a way that one even does not have to ask your document if you want to benefit from the healthcare system. So even for the undocumented migrants there are some benefits. However, provinces change in terms of their regulations and implementations (wages, rights, political activity). So in terms of the political rights of the TMWs, for instance, in Ontario and Alberta where their numbers are really high and they cannot benefit from the right to association. This is a great barrier, which has also been criticized by the UFCW.

Some authors were suggesting that political rights would give the TMWs more leverage in terms of protection of their other rights (Lenard and Straehle 2012; Sager 2012; Attas 2000;

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<sup>294</sup> Out of four members, three of the New Democrat Party MPs from Canada answered the survey I had sent and they indicated that they should not have political rights.



Ruhs 2013; Walzer 1983), but it seems that in practice the policy-makers, even the Liberal ones, are not at all willing to give them these opportunities. Being a country of immigration and having always given importance to the migrant-origin citizens' vote, this would have really been a powerful instrument if it could have been realized at least at the local level. But it seems to be an impossibility as far as it can be inferred from my interviews. A possible temporary integration scheme though should consider granting local voting rights to TMWs after a certain number of years.

#### 7.4.4 Rights of Domestic Workers

In Canada, the rights of the domestic workers have improved in recent years. In the 1980s the Live-in Caregiver Programme (LCGP) was the subject of criticism and there are still elements in the programme that are excoriated. However, throughout the years the LCGP has improved as a programme granting more rights to the domestic workers, and currently it provides the domestic workers after two years of domestic work permanent residency and a right to family reunification.

Wong (1984: 87) underlines in his work that the only exception to the TMWs, who are not allowed to apply for permanent residence in Canada, are the domestic workers. This policy changed in 1981 and according to Wong (1984: 87) these changes were prompted "by a task force report of the plight of women domestics". Despite this, there are still problems with the programme, for instance, it takes a long time for the domestic workers to reunite with their families although they should be able to do it after two years<sup>295</sup>. And the policy-makers in Canada, too, accepted some of the flaws, although this system is considered to be one of the best practices internationally (Ruhs, 2013).

A Liberal party MP said that the Live-in Care giver Programme is one of their best, while immigrant lawyer Mike Bell stated that the government had always found this programme problematic. John McCallum indicated that he was aware of some of the problems related to this programme: "I think Live in Care Giver satisfies a substantial need of many Canadians and it is also popular especially in the Philippines, but I think there are problems with that programme. The waiting time is too long, it takes about 3 years I think and it should be made more efficient but the principle of it is good." And he added that in some cases they are not administered well. A senior official from CIC also stated that the FSWP, LCGP, PNP and CEC are amongst the successful ones. Judy Sgro said that the LCGP is one of the best in terms of granting rights to the migrant workers (such as permanent residency). Another immigrant lawyer Warren Creates was very optimistic about how the program worked:

"How did that happen? That happened almost exclusively because of the LCGP. Live in care givers can come here to work for 2 years and then they can apply for 2 years. Everywhere else they go they are exploited but in Canada they know before even they get here they can transition from TFW to being permanent residents. And many of them have families, they have spouses they have children and so when they apply as that single worker here they include their family members so for every one LCGP working on a temporary foreign worker programme here in a work permit there are two or three family members back in the Philippines being the principle source country for the LCGP. Recruitment, that is why the Philippines have become the number one source country for the new permanent residents of Canada. Because of that particular programme, and it is a great programme, it is not a perfect programme but it is a great programme and we get workers who transition out of the LCGP because most of them once they become permanent residents they will not continue as live-in care givers. Because they have upgraded their skills, their language, and so forth and they are going to work in other jobs and will get better salaries. And, so too, their family members that come... And their children who come you know whatever age they are going to upgrade

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<sup>295</sup> This aspect has been concerned by some of the interviewees in Canada. Melissa Fama said that it takes years and years for the domestic workers to bring their families rather than just two-to-three years.

their education so forth and they are going to integrate and they are going to be successful families. It is a great programme.”

To sum up, this programme compared to the other low-skilled migrant worker programmes, is a successful one in terms of granting rights such as permanent residency. After two years, they can achieve a meaningful degree of social mobility, too. However, there are problems in its administration and it does not run very smoothly when it comes to family reunification, as it might take years. Despite all its shortcomings, internationally it is one of the best practices and compared to the UK it is much more advanced.

## 7.5 Conclusions

National interest and business interest utilize the idea of rights and numbers and use it to their advantages regardless of having liberal democratic principles and respect for migrants' rights in that country. What can be added as additional factors to rights vs. numbers are the time and attachment perspectives, as Carens (2013) would suggest. In this case, the circular migrant workers are supposed to have strong justification to benefit from route to permanent residency and a right to vote at the local elections. Some migrant workers in Canada have been working as SAWP workers for 14 years, while the case in the UK shows that most of the migrant workers are return migrants (at least fifty percent). A template of a possible temporary integration could apply to them easily.

The second important aspect that can be added to Ruhs' thesis would be the dynamics between the low and high skilled. The system gives more importance to the high-skills, and yet the creation of high-skilled jobs also creates low-skilled jobs as, suggested by Skeldon (2009). In addition to that, Martin says that the low-skilled migrant workers are chosen to be rotated by the state policies and yet it is exactly this understanding that paves the way for their exploitation, by deeming them 'permanently temporary' (Hennebry, 2012; Sharma, 2001). The contribution of the high-skilled migrant workers might justify granting them more rights, but it does not justify the low-skilled being granted less rights just because they are temporary and not high-skilled.

To judge the thesis correctly, it can be added that there is a tradeoff between openness and specific rights but not all rights, according to Ruhs, and the EU is an anomaly to this generalization. He notes:

“I say the trade-off is between openness and specific rights, not all rights. No, there are exceptions, arguably one big exception would be the EU. Because within the EU you have got the free movement of EU citizens and they both have open borders between EU countries and there is basically unrestricted access to welfare state. But in a way, I would argue that this debate about free movement in EU is about openness and rights. People are saying we can afford to continue with both. Free movement plus full access to benefits and basically the countries that are critical, basically they want to protect free movement. Let's keep free movement but let's introduce our restrictions on benefits. No I think there are exceptions, for all kinds of reasons there can be exceptions.”

I argued in this chapter that the political rights are the ones that are most at risk. As seen in Ontario, which has the highest number of migrant workers, the right to association is not granted while the wages do not seem to be worse than other provinces, which have less numbers of migrant workers. In all the provinces it is not possible to benefit from the local voting rights. In the UK, the reality is a bit more complex, since there are EU migrant workers and TCNs with different sets of rights. While some of the European communities show no interest in voting, the ones that are most marginalized actually get politicized more and they want to vote more than the non-marginalized ones, such as the case of the Roma migrant workers vs. Portuguese migrant workers.

On the other hand, the rights vs. numbers aspect can be contradicted by the view that the more a migrant workers stays and contributes to the economy, the more rights s/he would attain (intuitively). However, this is not recognized for the TMWs. When I asked an

immigrant lawyer in the UK about the rights vs. numbers dimension, she said that it should not be the case that rights should deteriorate if numbers increase hypothetically:

“The more migrants you have in the UK the more you can show that they are adding to the economy and then they do well in the UK, the UK is benefiting from them, then I think that they should have more rights. Rather than more rights will be taken away. Provided they can show that they are benefit to the UK.”

If one thinks about the evolution of rights, it could in a sense be true that the more migrants stay, and the more they benefit the economy, the more rights they should be granted in the long term. However, this might not be the reality in the current case for TMWs, because they are forced to move mostly according to circular migration policies rather than moving and settling after a while. Even if they move and settle after a while, on paper they might be still TMWs, and/or undocumented.

The case of the domestic workers in Canada proves that they are much more advantageous than their counterparts in the UK. In Canada the existence of migrant organizations goes back in history slightly further than in the UK, by around five to ten years. Since 1975 the Caregivers Association of Quebec (AAFQ in French) and since 1980s the West Coast Domestic Workers Association in British Columbia, have been active (Mather, 2013: 5). In Ontario, with the Employment Standard Act in 2000, the domestic workers gained their employment rights (*ibid.*). On the other hand, in the UK migrant domestic workers in London started to organize in the 1980s, and they were Filipinos supported by Catholic priests and nuns and the Commission for Filipino Migrant Workers (Mather, 2013: 10). They were then transformed into Justice for Domestic Workers (J4DW), which is supported by Unite and the Kalayaan (*ibid.*). Despite the fact that domestic workers in Canada still cannot change employers, the rights of the domestic migrant workers in Canada evolved much more quickly than in the UK.

Although EU migrant workers benefit more from their rights, lack of language skills and unfamiliarity to the host country make them less able to use their rights. The EU migrant workers are not able to benefit from all their rights if they do not speak the language, a similar situation comparable to the Mexicans in Canada. In addition to this, the tiers that are discarded might cause more imbalance between rights and numbers. For instance, the route to the non-EU citizens, which was Tier 3, could have caused deterioration in the rights of the migrant workers if they had come to the UK to work. They would not be able to use their rights not only because they are not EU citizens but also because they might easily go undocumented.

Tom Papworth from the CentreForum suggested that even if the government were to devise some temporary integration schemes, which have never been devised before by any state, this scheme would have been a very cheap one, and in terms of its budgets it would have had many limitations. In addition to that, it would not have been all-inclusive to the extent that all the TMWs' rights would be protected. And another criticism that is also directed towards the possibility of creating a temporary integration scheme during my research was that this scheme would not comply with how markets and states work. However, the violation of the migrants' rights is actually the result of how markets and states work. While the high skilled have the privilege of flexibility, the low-skilled workers have more obligations to abide by temporariness, rotation and circularity without having an amelioration in their rights. Hence, keeping the migrant workers temporary helps the business and national interests flourish more than the flourishing of human rights of migrants.

The discourse of the policy-makers and immigrant lawyers about who is not desired and who is not wanted as possible future citizens is mostly concerning low-skilled migrant

workers<sup>296</sup>. The ones who are immobile because of their skills and the ones who might be a possible burden to the welfare state are considered to be the low-skilled within these discourses. This discourse represents their situation as if they were choosing to be immobile naturally and as if their 3-D jobs (dirty, dangerous and demeaning) are not problematic in themselves. Therefore, the policies and laws which enforce that one cannot change employers if s/he is temporary; or one cannot go further than circular migration (without any rights to family reunification or without any route to permanent residency) are formulated in such a way that the low-skilled migrant workers are needed but not wanted by the receiving states. And the national interest and business interests are shown as the real reasons behind these policies. Hence, the rationality of the migrant workers is acknowledged by some of my interviewees while the embeddedness of their decisions are not.

Since the national interest and the nation-state approach lies at the heart of policy making in the UK, for instance, the gap in rights between the low and the high-skilled TMWs is enforced even more. The rights given to high and low skilled would be equal if the rights of migrant workers were designed according to human rights. They would have been supposedly having equal rights, because human rights are not about skills. Economic contribution would not be a concern in a human rights-oriented regime. On the other hand, the assumption about economic contribution is also criticized in this chapter. It is argued that this assumption is used to justify granting lesser rights to low-skilled TMWs.

My findings show that the political rights of the TMWs seem to be the least attainable ones and the justification is that they are not citizens; the second finding is that there is a more complex structure than rights and numbers and in this case the context and the discourses of the policy-makers should be taken into consideration, a discourse that ignores how the TMPs function; third, the rights of the migrant workers are heavily discussed but the solution is not posed as temporary integration policies for TMWs or granting more rights. In general, the situation is presented as a triple-win strategy, although in reality triple win is not an equal win by all sides. The solution by the states, in general, is to cut the numbers or close the programs, as the UK did but as long as the TMWPs exist, it is not certain that these solutions of cutting and decreasing numbers lead to changes in either numbers or rights.

Another finding in this chapter is that there might be some relationship, however tenuous, between the public opinion and rights of the migrant workers. This notion could lead to further research. In this case, when temporary migration is considered, Freeman (1995) shall be taken into account but his thesis on inclusiveness and public opinion could be questioned.

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<sup>296</sup> <http://migrationobservatory.ox.ac.uk/understanding-uk-public-opinion/executive-summary> accessed on 2nd of August 2015.

## Chapter 8

### Temporary Migration and Temporary Integration: UK and Canada from a Comparative Perspective

#### 8.1 Introduction

This chapter will underline the changes in integration policies in the UK and Canada, then examine the convergent, divergent and parallel policies in terms of their approaches towards integration today. It also seeks to understand what the implications of these differences and similarities are for temporary integration. Lastly, this chapter seeks to answer the question of why, despite there being more divergences than convergences between the two countries, there are not more different results in terms of the integration of the temporary migrant workers (TMWs). It is also argued in this chapter that the more civic integration is encouraged, there is less space for any kind of policy facilitating temporary integration.

In order to be able to answer the questions above, a working definition of temporary integration is needed. The definition by the author is as follows: *the social, economic, political and cultural integration of Temporary Migrant Workers or Temporary Foreign Workers (TFWs) within the timeframe of their work contract*. It is argued in this chapter that regardless of the history of integration in a country (i.e. whether or not it is a 'settlement' or a 'guest-worker' country) it is possible to see that the temporary migration policies (TMPs) and their consequences resemble each other in different contexts, such as in the UK and Canada. These results mostly emerge from the fact that these policies are employer-driven<sup>297</sup>. In order to counteract the logic of these policies there is a need to think about integration as a temporary phenomenon. Only this way can the migrant workers be empowered within this inherent inequality exacerbated by these programmes and what these programmes create in terms of working conditions and rights.

This chapter's purpose is to explain how the general approach in these countries towards immigration and migration policies leave their marks on their respective integration policies. Also it aims to explore how these changing understandings of immigration and changing integration policies since 1997 are affecting the idea of a possible and imagined temporary integration for TMWs.

#### 8.2 The Logic behind Integration Policies and Their Implications for Temporary Integration

Most of the time TMPs have been discussed in terms of remittances, development (Ruhs 2010; Abella, 2006), brain drain (Balaz et al. 2004), labour without rights or use of labour without increase in population (Martin 2006; Wickramasekara 2008), and also in terms of the transformation of TMWs into permanent residents (Martin 2006; Martin and Teitelbaum 2001). These policies also have been discussed with regards to creating second-class citizens, an 'underclass' and those non-migrants (Sharma, 2001; Preibisch 2010; Basok 2004; Lenard and Straehle 2012). TMPs also have been debated in terms of the violation of rights of TMWs and in terms of the importance of their rights (Castles 2006; Ruhs 2006; Ruhs & Martin, 2008; Carens 2013; Wickramasekara 2008; Sharma 2001; Nakache and Kinoshita 2010; Basok 2004). Migrant workers have been categorized as cheap labour from a structuralist point of view, from a neo-Marxist perspective, which also underlined the exploitation and violation of their rights (Cohen 2007; Bauder 2006). But they have never been discussed in terms of integration. No integration policies have ever been designed for seasonal migrant workers, for example (Straehle 2012; Hennebry 2012; Cavanagh 2011; Wickramasekara 2008). There are two reasons for this: integration is seen as a 'long-term' issue and temporary migration is

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<sup>297</sup> All of my interviewees accepted that they are employer-driven.

still seen from one dimension, which is the economic one.

In order to be able to talk about temporary integration we are required to put aside all of our assumptions about integration. There is a need to divert from the view, which sees integration as assimilation. Integration can be short-term, since we cannot deny the existence of the TMPs and temporary stay of migrant workers who are doing heavy jobs and paying taxes during their stays. On the contrary, if integration is thought of as a long-term project, then it is presumably a part of the nation-building project such as civic integration policies that serve this purpose (Hampshire, 2013: 15).

The next sections will summarize the changes in both countries and look at how these transformations have influenced the integration of the TMWs. There are no temporary integration schemes in both countries for the TMWs. In Canada the presence of TMWs is acknowledged, discussed, debated and criticized more. Despite this, in the public opinion there is not such an outrage about immigration as there is in the UK. The categories in the UK are diluted into one: Immigration and immigrants. However, in Canada a few migrant organizations see it as a necessity to develop some tools to accommodate the TMWs. For instance, what is seen in Ottawa Immigration Strategy (OIS) is that temporary migration and TMWs have been accepted as a reality in the case of the province of Ontario. OLIP<sup>288</sup> (Ottawa Local Immigration Partnership) has in their programme, which is called OIS, which indicates these plans regarding temporary migrants<sup>289</sup>:

“New challenges have also emerged as a result of changes at the federal level. These include spending cuts and changes in the composition of the immigrant population, including larger numbers of refugees and increasing volumes of skilled, fluent, job- ready workers and international students who immigrate alongside *low- and mid- skilled applicants, who are often temporary workers*. In addition, new organizations have begun to deliver settlement services, including schools, libraries, colleges, the YMCA-YWCA and other institutions, a development that increases the potential for overlaps and duplication.” (2011: 35)

“The Settlement Sector will effectively track the annual arrival of immigrants, refugees, inter- national students and *temporary workers* and will update stakeholders on Ottawa’s changing demographics and needs.” (2011: 36)

“New immigrants, most notably refugees and *temporary residents*, have special needs related to language and cultural barriers. Support for this is complicated by a lack of coverage by OHIP and private health insurers.” (2011: 44)

In this document (OIS) where the immigration strategy in Ottawa is defined, the challenges are examined together with the fact that amongst the provinces there is a competition to recruit most of the migrants. More immigrants means more funding for the provinces. Ontario is particularly preoccupied with this fierce competition amongst the provinces, as seen in the document, and they want to attract as many immigrants and resources as possible. But what has happened in the meantime is that actually temporary migration has become a part of the reality in Ottawa. This has been recognized in the change of composition of migrants in the provinces.

The difference between integration and assimilation can actually be highlighted in this document more clearly. The former encourages the immigrants by saying “we want you to feel like you belong”, while the latter says “you have to feel belonging”. These are really

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<sup>288</sup> “The Ottawa Local Immigration Partnership (OLIP) is a collaborative community initiative designed to strengthen Ottawa’s capacity to welcome immigrants and improve integration outcomes related to economic, social, political, and civic participation.” Accessed on <http://olip-plio.ca/who-we-are/> they are one of the 40 local immigration partnerships funded by CIC (Citizenship and Immigration in Canada) in the Ontario province.

<sup>289</sup> <http://olip-plio.ca/what-we-do/wp-content/uploads/2012/08/OLIP-Immigration-Strategy.pdf> accessed on 17<sup>th</sup> of June 2015.



important pieces of evidence that show that the OLIP is trying to do its best in order to make Ottawa more immigrant-friendly: “Immigrants will feel that they are in control of their lives because they are able to make informed choices about the supports they need, and they are served competently and with dignity. This will increase immigrants’ sense of belonging to the community” (p. 36). Therefore, temporary workers are one of the focus groups of integration policies. In contrast with Canada, the migrant organizations in the UK are not considering the TMWs as one of their focus groups.

In the UK, institutions (Joppke 1999; Guiraudon 2000), the interests of the employers (Geddes and Statham, 2006) and national interest (Ruhs, 2015) are the main explanatory factors that explain the logic behind the country’s TMPs. This does not mean that in Canada there is no national interest that is defining the immigration and integration policies. However, national interest is defined quite differently in Canada. In the Annual Report to the Parliament on Immigration (2014) it is indicated that “immigration is fundamental to the development of Canada’s economy, society and culture.”<sup>300</sup> For instance, having more immigrants for the sake of economic and demographic development seems to be a part of the defined national interest in Canada. On the contrary, national interest in the UK seems to be defined more narrowly. For instance, Tom Papworth Associate Director at CentreForum said: the “Home Office is interested in national security and keeping the numbers down. They have no interest in economic competitiveness whatsoever.”<sup>301</sup> Therefore, in the last two decades, “keeping the numbers down” has become a major part of the national interest and sometimes even for the sake of dismissing the advantages of having migrants. On the other hand, economic competitiveness is an undeniable part of the immigration policy in the UK, but developing the infrastructure for integration of all types of migrant workers is not.

### **8.2.1 Integration Policies in the UK and their Transformation: Implications for Temporary Integration**

*“Nobody will be able to control immigration to this country, they cannot control immigration, so they should stop pretending they can and they should stop talking about numbers otherwise they will be disappointed” Tom Papworth, CentreForum*

As I argue, it has become harder for the TMWs to attain citizenship starting since the Labour Administration (the EU citizens are kept out of this discussion, as they exercise most of the rights of a citizen except voting at the national elections.) Citizenship tests were introduced during the Labour Administration and understanding of civic integration started to be developed more during that time, too (Kostakopolou, 2010). During the Coalition Administration language tests were added to this aspect and hence, the idea of civic integration has been strengthened (Hampshire, 2013: 15). Hampshire (2013: 15) suggested that the political debate mostly focused on cultural integration to the detriment of other types of integration, such as economic integration. I argue that the more the idea of civic integration is reinforced, the less there is room for temporary integration.

Although the civic integration understanding was more entrenched with the Labour administration, Labour had small projects and more funding for the integration of different groups of migrants. Labour, in comparison with the Coalition, attempted more to accommodate the flows of migrants in a more efficient and inclusive way. Despite the fact that these projects were short-lived, the government had the aim of responding to the needs in local places regarding churns and inflows and the possible disturbances that the churns and inflows could create (Sahrajda and Griffith, 2014). However, during the Coalition

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<sup>300</sup> <http://www.cic.gc.ca/english/resources/publications/annual-report-2014/index.asp#sec-4> accessed on 20<sup>th</sup> of June 2015.

<sup>301</sup> Interview on 20 October 2014, in London.

Government the integration policies were neglected even more, as Philippa Tyler<sup>302</sup> from Migration Yorkshire indicated in an interview:

“So lots of councils that benefit from that could set up teams to that went out helped people but they end up with load of different schemes in different places, so there is no kind of consistency, it does not lead into kind of a national integration kind of approach and then the funding stream only lasted about two years and then the new government came in and scrapped it so there was something which had a lot of potential for that kind of integration but before it could get properly established the next government got rid of it. And it created expectations so you had all these new things starting off and suddenly everything is withdrawn into local communities, are very badly done too cause they realize something has been promised and then a year or two later it was taken away so...”

Amongst these projects that Labour had administered, the most important ones were the 2002 Refugee Integration Forum and in 2009 the Migration Impacts Fund. In 2005 Prevent was established to prevent extremism and this programme has become more and more prominent with the Coalition, as it started to emphasise the prevention of extremism more while neglecting the ideas of multiculturalism and community cohesion<sup>303</sup>. On the other hand, earned citizenship (Houdt et al. 2011) as an ideal and an emphasis on economic contribution were the dominant philosophies behind integration in the UK under the Labour Administration. More focus has been put on the high-skilled migrant workers. Relatedly, the high-skilled migrant programme (HSMP) was established in 2002 only to be closed in 2008. Attracting the high skilled (Shachar 2006) had been an obsession in 2000s by most of the developed world and the UK was not no exception to that. But in the UK even the high skilled could have been accepted on a temporary basis and this has been highly criticized by some researchers and research institutes such as IPPR (Cavanagh 2011).

It is important to make a constructive criticism while not forgetting that integration policy is mostly local in the UK and it would be wrong to make generalizations. In Scotland, for instance, language courses start from day one<sup>304</sup> while it is not the case in the rest of the UK. David Blunkett, Former Secretary of State for Work and Pensions, indicated in the interview that Scotland<sup>305</sup> is different from rest of the UK in terms of its approach to integration<sup>306</sup>. On the other hand, Roy Millard<sup>307</sup> from South East Strategic Partnership for Migration said that there is a justification behind not providing language courses to the migrant workers from day one: language courses, being an important part of integration, are not taught so that the migrant workers do not perceive it as an attempt on the side of the state to let them stay<sup>308</sup>.

On the other hand, the needs of the newcomers and the TMWs can overlap. But actually the TMWs are considered not to be in need of the same support. However, there is no reason why the TMWs would not benefit from similar services that the newcomers benefit from. Philippa Tyler<sup>309</sup> from Migration Yorkshire commented:

“As I understand it from my local government perspective the biggest issues for temporary workers would be the same for any new arrival and they have immediate needs around language and translation issues and finding suitable housing. Employment and access in services, health services, registering GPs all the things a new arrival will need to do even if a

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<sup>302</sup> Interview with Philippa Tyler from Migration Yorkshire, 30 April 2014.

<sup>303</sup> Interview with Marley Morris from IPPR, 5<sup>th</sup> of June 2015.

<sup>304</sup> Interview with Roy Millard from Southeast Strategic Partnership for Migration, May 2015.

<sup>305</sup> The public opinion in Scotland also show that actually there are lower levels of anti-immigrant sentiments in Scotland compared to England and Wales as it is seen from this website: <http://www.migrationobservatory.ox.ac.uk/reports/scottish-public-opinion> accessed on 20th June 2015.

<sup>306</sup> Interview with David Blunkett, April 2014.

<sup>307</sup> Interview with Roy Millard, May 2015.

<sup>308</sup> Interview with Roy Millard from Southeast Strategic Partnership for Migration, May 2015.

<sup>309</sup> Interview on 30<sup>th</sup> of April 2014.

temporary labor migrant, there will be immediate difficulties that they face as well as finding work and keeping in touch with people back home and sending money back home and all about that sort of thing.”

There are other contradictions regarding the TMWs’ integration, one being that the TMPs are employer driven and any kind of integration, which could be incurred on the ground, is provided by the employer. In other words, *de facto* integration<sup>310</sup> is under the responsibility of the employers and gangmasters. Especially since these policies are mostly employer driven, the integration of these migrant workers is mostly dependent on the conditions that the employers cater for (for SAWS and domestic workers). However, there is no integration scheme to balance any kind of injustices that can arise from this arrangement.

As Ben Gidley<sup>311</sup> highlights, integration policies according to MIPEX have fallen behind in these areas in the UK: “family reunification, path to settlement and citizenship, anti-discrimination, work and education”<sup>312</sup>. One of the most important results for the TMWs is related to family reunification for the third country nationals. The EU had some suggestions regarding harmonization in this area but the UK opted out. Geddes and Boswell (2011: 231) underline that UK had opted in with the EU in measures that she thought complied with the domestic policy, while “it has not been a party to rights extending measures such as Directives on the rights of long-term residents and family reunion.” They also add that (p. 111) in the UK a 2005 provision that necessitated the short-term EU migrants to request permission to marry was struck down by the High Court because it breached the article 13 of the ECHR (European Convention on Human Rights).

Differential treatment for the family reunification in the UK is one of the most important points to consider. Someone with a better economic and educational background can feel less intimidated by integration measures (Geddes and Boswell, 2011: 120). Looking at the details of family reunification, what can be observed is that actually the high-skilled migrant workers are granted more rights compared to the low-skilled migrant workers. Geddes and Boswell (2011: 112) point out that the Tier 1 workers in the UK are granted the right to work for their spouses as well. The current understanding is that prevention of family reunification is one way through which the goal regarding restricting immigration can be achieved.

The recent changes in 2012 regarding asserting an economic income threshold for family reunification were made based on the information that 39 percent of all grants for settlement were given for family reunification<sup>313</sup>. The Migration Advisory Committee (MAC), which was asked to present a view on the income threshold for family reunification, helped the government to establish the threshold of £18,600 a year. The new rules came into force in 2012 and it is seen that since the fourth quarter of 2012 the refusal rate for family reunification has increased significantly compared to 2005 and the biggest decline in family visas were seen in US nationals (-46%), followed by Nepal (-37%) and Somalia (-27%)<sup>314</sup>.

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<sup>310</sup> There is not integration policy regarding the TMWs but what is meant here is that any kind of accommodation, providing services, providing ease in labour market integration are mostly the responsibilities of labour providers and employers.

<sup>311</sup> <http://www.migrantsrights.org.uk/migration-pulse/2015/evidence-base-rights-based-approach-migrant-integration-policy> accessed on 20th of June 2015.

<sup>312</sup> Actually these are the areas in which according to MIPEX it has lacked certain dimensions of integration policy. Where there were no improvements according to MIPEX from 2007 to 2010. However, it has largely benefited from European Integration Fund, which had compensated for the cuts made to the language courses in a way.

<sup>313</sup> Harrison, Tim (Head of Secretariat of MAC) (18 November 2013) “Causes and Consequences of Recent Changes in Family Migration Policy in the UK” Conference co-organized by US Department for Homeland Security and OECD, Adapting to Changes in Family Migration: The Experiences of OECD Countries, Washington DC.

<sup>314</sup> Harrison, Tim (Head of Secretariat of MAC) (18 November 2013) “Causes and Consequences of Recent Changes in Family Migration Policy in the UK” Conference co-organized by US Department for Homeland Security and OECD, Adapting to Changes in Family Migration: The Experiences of OECD Countries, Washington DC.

The main point to gather from this is that there had been great changes from the Labour Administration to the Coalition, but none of them considered what could have been devised as policies for integration of TMWs. Although the understanding of integration during the Labour administration and the projects they devised were more favorable towards diverse groups of immigrants, it would not be wrong to say that temporary integration at the policy level was not considered by either of these administrations. Also the change from a multicultural perspective to a more assimilationist perspective had its roots during the Labour Administration, depending also on the events of 9/11 and 2007 bombings<sup>315</sup>. On the other hand, as a whole, looking at the historical path of immigration policies, it does not seem odd that there are no temporary integration policies.

What is observed in the changing integration policies of the UK can be summarized as such:

- There was a shift in integration policy from central to local government authorities.
- However, since central government funding was reduced dramatically, local authorities were not given sufficient spending power to act on immigration.

On the other hand, a draft document that the IPPR shared with the author of this thesis illustrates these transformations in terms of understanding on immigration and integration in the UK:

- The issue of integration has become even more complicated by the fact that 'community cohesion' and 'prevention' are dealt with separately.
- A more values-based approach guided the Coalition Administration:

"The 2011 strategy document defined extremism as 'the active opposition to fundamental British values' such as democracy, liberty, tolerance and the rule of law. It noted that under the previous government some groups that opposed these values had received funding under Prevent and that this funding would now cease."<sup>316</sup>

- At the local authority level it is largely the same officers who are responsible for both cohesion policy and the implementation of Prevent. And similar kinds of initiatives are being funded<sup>317</sup>.
- The DCLG (Department for Communities and Local Government) budgets were cut as Marley Morris indicated in the interview<sup>318</sup>. He said that 35 percent of DCLG funding disappeared and staff numbers were cut as well.

These kinds of cuts can explain how the emphasis given to integration has lessened and how has become more of a laissez-faire form of integration. Therefore, under these conditions where the TMPs are being discarded<sup>319</sup> it is being assumed that the labour market needs will be met by the labour force arriving from recent accession countries<sup>320</sup>; integration is not at all attached to the immigration policies. And the integration of migrant workers is not considered as a priority. To sum up, the immigration and integration policy is even more delinked for the TMWs, seasonal workers and low-skilled migrant workers.

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<sup>315</sup> <http://www.politics.co.uk/news/2006/12/8/blair-warns-of-duty-to-integrate> accessed on 20th of June, where Blair emphasized the 'duty to integrate' for some immigrants.

<sup>316</sup> Document sent to me by Marley Morris, prepared by IPPR (to-be-published)

<sup>317</sup> Document sent to me by Marley Morris, prepared by IPPR (to-be-published)

<sup>318</sup> Interview with researcher from IPPR, Marley Morris, 5<sup>th</sup> of June 2015.

<sup>319</sup> Seasonal Agricultural Worker Scheme and Sector Based Scheme have been closed in 2013.

<sup>320</sup> <https://www.gov.uk/government/speeches/seasonal-agricultural-workers-scheme-and-the-food-processing-sectors-based-scheme> accessed on 1st of June 2015.

**Table 8.1 Changes Observed between the Labour and Coalition Administrations in Approaches to Integration Policy**

<b>Labour</b>	<b>Coalition</b>
Community cohesion	Community cohesion less emphasized (British values are more emphasized)
Prevent in the post- 2001 period	Prevent with more intrusive approach
Gangmasters' Licensing Authority was established (2005)	GLA continued to check agriculture but its remit has not extended to other areas and the reason given by the government for not doing so, was that there was no evidence of exploitation in other areas.
Quota change in SAWS	Closing SBS and SAWS in 2013
Earnt citizenship	Earnt citizenship
ESOL (English for Speakers of Other Languages)	Budget for ESOL was cut
Both national and local understanding of integration	More local focus – in practice it can be both
Relying on national resources	Relying more on EU funding
Family reunification	Family Reunification threshold in 2012
Priority: Economic contribution	Priority: Migrants' rising numbers
Multiculturalism	Locally-led integration with a Community perspective <sup>321</sup> : Government is looking at if communities are divided or fragmented

**Source:** Prepared by the author

### **8.3 The Transformation of Integration Policies in Canada: Implications for Temporary Integration**

Canada's integration policies starting from the Liberal Party Administration to the Conservative Party administration have not changed substantially. However, there are some features which have emerged in the last decade which one would not expect from the Canadian context. For instance, multiculturalism appears to have lost some of its age-old importance in Canada (Abu Laban, 1988), and a move towards recruiting self-sufficient individual immigrants can also be observed (ibid.). This self-sufficient and educated individual who is ready to immigrate and integrate into Canadian society has taken priority in terms of the immigration and integration policies of the country. Meanwhile, most of the temporary migration is coming from poorer, developing countries with low-skilled migrant workers who are not educated, and not self-sufficient unless they work in three-D jobs. This approach to integration suggests that there is no place for temporary integration for TMWs in Canada either.

<sup>321</sup> Interview with DCLG on 27 March 2015, anonymous upon request.



A formal civil servant at CIC, Laura-Robbins Wright,<sup>322</sup> underlined in an interview that the integration policies of Canada have not changed so much in the last 20 years. She highlighted that the first comprehensive federal immigration integration strategy was created in 1990. Before 1990 there used to be different services and programmes such as Immigrant Settlement and the Adaptation Programme (ISAP), which dated back to 1974. In 2008 ISAP was merged with other settlement services into one comprehensive settlement programme.

In the recent decades, as it was examined in previous chapters, the government has focused more on labour market integration. This was caused by the conclusion that the recent immigrants lacked the language skills and Canadian work experience to fully integrate into the labour market. Therefore, Wright's impression is that in 2000s, both the Liberal and Conservative parties focused on measures to facilitate the labour market integration of economic migrants through programmes such as foreign credential recognition and employment-oriented language training. However, those that can benefit from these integration services are actually more or less the self-sufficient migrant workers, with a good background of education and most probably high skills.

While the Live-in Care Givers and those who are permanent residents are eligible to benefit from Settlement Program services, a person who comes to Canada as a TFW or under the SAWP (Seasonal Agricultural Worker Programme) or the low-skilled worker pilot project cannot benefit from such settlement program services (Rajkumar et al. 2012). Therefore, the settlement services are not available for the low-skilled, seasonal agricultural and TFWs. In line with these insights, it could be argued that immigration policies and integration policies in recent decades have started to disregard the conditions of the sending country and how these conditions force the citizens to leave their home countries via push factors to find either temporary or permanent jobs. This is, the ideals of development, the consequences of the colonial ties and contextual changes are ignored by the policy-makers. Most of the time, the policy-makers are targeting those individuals who are deemed 'stronger' within their societies by economic and educational qualities.

Immigration policies in Canada have always encouraged permanent migration as there have been settlement programmes for newcomers. Currently these settlement programmes are not geared towards the needs of the low-skilled, the seasonal agricultural workers or the TFWs. Therefore, there are not any integration policies designed for the integration of the migrant workers who come and stay temporarily and who especially work in the low-skilled jobs. The Canadian Experience Class (CEC) is the transition to permanent residency for the high skilled, while the Provincial Nominee Programme<sup>323</sup> (PNP) allows some TFWs to attain the permanent route. Not everyone can become a part of the PNP and what is more, becoming a member of the union might make it easier as my interview with Stan Raper<sup>324</sup> from UFCW (United Food and Commercial Workers) confirmed. However, it might not be a feasible option for SAWP workers in every province. In Alberta and Ontario there are limits to unionization. Ferrer et al. (2012: 15) argue that 30,000 TFWs or students have gained permanent residency through the PNP. However, they underline in their research that there are very few (low percentage of) SAWP workers who ever could convert to a permanent status.

The common phenomenon which was repeated often in my interviews in Ottawa was related to bridge building and inter-sectoral collaboration. First of all, it is necessary to acknowledge that some of the organizations in Ottawa have the sole purpose of organizing other migrant organizations and public institutions around a certain issue (about barriers and cracks in the integration policies). The organisations are then supposed to meet, discuss and set a strategies for problem-solving. Their primary purpose is to understand the barriers

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<sup>322</sup> Email correspondence with Laura-Robbins Wright who is a former civil servant in Citizenship and Immigration in Canada on 17<sup>th</sup> and 18<sup>th</sup> of June 2015.

<sup>323</sup> This programme is also well-known for attracting and retaining immigrants to certain regions and provinces which used to receive lower numbers of immigration before (Ferrer et al. 2012: 17).

<sup>324</sup> Interview with Stan Raper, National Coordinator from UFCW on 4<sup>th</sup> of November 2013.



to integration of certain groups in the system and find solutions in collaboration with one another inter-sectorally. One of these organizations was the OLIP<sup>325</sup>.

Another important quality that the organizations possess is that the older the organizations are, the more they evolve towards understanding the needs of the immigrants and achieving these needs by being pro-active. Since Canada has institutionalized this kind of incorporation of immigrants for many years there is a path dependency to adapt to the new needs that new immigrants have. For instance, one women organization I interviewed, the IWSO<sup>326</sup> (Immigrant Women Services Ottawa), claimed that they changed their interpretation services for immigrants twice or three times in total. Throughout the 25 years they have been working, they had funding problems in the 1990s and also one recently (in 2009-2010). They have to adapt to the changing agendas of the changing governments. They have 23 staff members and 185 interpreters. In the time of the interview Lucy Spencer, who is the executive director at IWSO, said that they have so far helped 2440 women.

Institutions, direct links between immigration and integration, and collaborations between organizations are not enough in themselves for successful integration policy outcomes. In addition to these, funding is a big reason why the Canadian model is still deemed successful. There is multiple funding in both countries but the case of Canada proves that there is much more funding for settlement and integration services compared to the UK. This funding is coming from the federal government, local governments and also independent resources. Alex Glennie<sup>327</sup> a former researcher at the IPPR (Institution for Public Policy and Research) said that compared to Canada in the UK there is more of a problem of funding. On the other hand, the provinces compete in order to attract migrants and they receive funding from the state according to the numbers they receive each year in Canada (Paquet, 2014). This creates a different dynamic to what is seen in the UK.

My interview results suggest that demography and the economy are the main reasons for promoting immigration in Canada. The economy and demography necessitate that more immigrants come and work and contribute in Canada. And this discourse is well acknowledged by the public opinion, policy-makers, the immigrant lawyers and migrant organizations.

Permanent residency or access to citizenship should not be considered as full integration of an immigrant (Ozcurumez, 2009). But at the same time it is important to acknowledge that having access to permanent residency, especially in Canada, has a greater influence in providing the migrant workers with the right tools to be able to integrate—such as being able to benefit from the language courses, or from settlement services as well as being able to bring their spouses with them. Before attaining permanent residency, migrant workers' integration is not under their own control but it is solely dependent on how much the state can provide them or equip them within this temporary period. The services for those who attain permanent residency include, for instance, language schools, job search workshops, mentoring and accreditation services etc. (Rajkumar et al. 2012: 496-498). One has much higher chances to integrate after attaining permanent residency. However, it is much harder to get permanent residency for the TFWs and seasonal agricultural workers.

The main discrepancy is between the high and the low skilled in both countries. Analyzing Canada, as Rajkumar et al. (2012: 486) do, the policies distinguish between the high skilled, who are “economically more desirable”, and the low skilled, who are “economically necessary”. Rajkumar et al. (2012) look at the status of migrants and their rights in three areas: security related to residency, family reunification and settlement. They found that family reunification is one of the major problems that low-skilled migrant workers cannot

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<sup>325</sup> “OLIP was founded by the City of Ottawa and Local Agencies Serving Immigrants (LASI) in October 2009, and is one of more than 40 Local Immigration Partnerships funded by Citizenship and Immigration Canada (CIC) in Ontario, the Prairies, and Atlantic Canada” accessed on <http://olip-plio.ca/who-we-are/community-wide-partnerships/> on 24<sup>th</sup> of June 2015.

<sup>326</sup> Interview with Lucy Spencer, the executive director at IWSO on 12 November 2013. For more details please see <http://www.immigrantwomenservices.com/about-us/history/> where the organization explains itself.

<sup>327</sup> Interview with the former researcher Alex Glennie, IPPR, on 12 June 2014.

benefit from.

Low-skilled migrant workers, seasonal agricultural workers and TFWs are the ones who cannot benefit from the family reunification schemes the most (Rajkumar et al. 2012: 488). If they manage to convince the migration officer at the first stage of migration they can bring their spouses, but most of the time this is not an option. In addition to that, their spouses are obliged to apply separately as a TMW and Labour Market Opinion (LMO) applies to their case while for the spouse of the high-skilled migrant worker LMO does not have to be abided by (ibid.). On the other hand, the low skilled cannot benefit from language courses, settlement services as well as job market related workshops or integration possibilities unless their first permanent residency application has been approved, or unless they are Canadian residents for less than five years (p. 496-497).

Finally, barriers and cracks in the integration policy include problems such as language, education, credentials recognition, discrimination and absorptive capacity. One of the major problems is labour market integration. On the one hand, there are thousands of TMWs working on temporary jobs and the labour market outcomes of those residents have been deteriorating since mid-1980s (Sweetman, 2003). What has come up in my interviews mostly related to discrimination towards the low-skilled migrant workers and the lack of language capacity forming barriers to the job market. One of the primary problems that the migrants encounter is not having Canadian work experience, and therefore not being able to find jobs. This is one of the reasons why some of the migrant workers are de-skilled and they work in totally incompatible jobs with their background and education. However, the requirement to have Canadian experience applies to high-skilled migrant workers while the SAWs, low skilled and the TFWs cannot increasingly benefit from rights, (although they have experience in terms of the jobs they perform each year for a certain period). They can apply through PNP to become permanent. Despite that most of the migrant workers now are facing the risk of deportation<sup>328</sup>. And their numbers are not negligible.

## **8. 4 Common Points Regarding Integration between the UK and Canada**

In both countries, de-skillization, encountering barriers because of lack of language skills, cases of exploitation for the low-skilled migrant workers, and family unification are the most common problems for SAWP workers and TFWs. In both countries high-skilled migrant workers are preferred most often, and although the public opinion might be anti-immigrant in some cases, there is still place for accepting migrants who are high skilled. However, the most important commonality is that there are no integration policies for TMWs and this is regardless of how good the integration policies of Canada are. All these common points regarding the temporary migration policies and temporary integration will be summarized in this section.

### **8. 4.1 Exploitation and No Integration**

The case of exploitation for TMWs is the main common point and there is a lot to say on this topic. Scott (2007: 6-7) in his research interviewed gangmasters and only 6 percent claimed that worker exploitation is not an issue in GLA (Gangmasters' Licensing Authority) sectors. MAC (2013) admits the consequence of TMPs as exploitation in their report. Ruhs (2006: 24) also agrees that these policies might be prone to exploiting people for the reason that the employees in a temporary migration scheme cannot change employers and hence, employers exert almost full control over the workers' lives. Scott (2013) and Rogaly (2008) also look at this aspect and explain why the employers actually prefer (temporary) migrant workers. The employers' perspective, on the other hand reflects the idea that the best worker is the temporary one. This is because being aware of more rights increases with time and

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<sup>328</sup> <http://www.theglobeandmail.com/news/politics/temporary-foreign-workers-in-low-skilled-jobs-must-start-leaving-canada-today/article23732494/> accessed on 20<sup>th</sup> of June 2015.

acquisition of language capacities (Spencer et al. 2007). As Bauder (2006) also argued, the more a migrant worker stays in a host country and works there, the greater chance there is of aligning his/her working style with those of the natives. It is a matter of getting accustomed to the local practices and being aware of one's rights. The interview<sup>329</sup> with GLA suggests that the employers prefer workers from a poor country that is new to the UK, where the workers' language and skills are not totally in line with the native British. So they might not be aware of their rights and they can be paid whatever is offered to them. This specific choice by the employers leads to exploitation.

Therefore, exploitation is more of a possibility unless people speak the language and unless they are aware of the legislation. At this stage, the importance of devising integration policies for temporary purposes comes to the fore. For those who want to stay temporarily and for those would like to acquire skills and apply them back in their home countries; in order to prevent exploitation during the time of their stay, temporary integration policies should be devised. But none of the temporary migration policies are thought in tandem with any kind of short-term integration policies and this negligence lies at the heart of the problems regarding rights and exploitation cases in the UK and Canada, in most of the liberal-democratic countries.

In both countries, the accommodation of the TMWs, low-skilled migrant workers and SAWS workers have been found to be very much isolated and not adequate (i.e., not living up to the promises of the decent living conditions). A senior official<sup>330</sup> who is the Head of Analysis, Research and Knowledge Management at the Home Office said regarding exploitation and living conditions:

"Because we do treat the workers the same. But recently we have become more aware of a smaller number who are being exploited. And quite often this is not non-European workers; because non-European workers who come here now are highly skilled. There is no route for low-skilled workers, it is difficult. It tends to be European workers from Eastern Europe. And some British workers actually, some British nationals working what has been termed as almost human slaves which is an extreme term but it is one of the dominant... the Home Secretary talks about a lot and I think she is recently published a strategy on human slave rate trying to address it because essentially they have freedom of movement, they have moved in with the promise of a job but they live in very poor accommodation, ten – twelve people to a house, they are paid, in theory they should be paid a minimum wage but maybe the employer takes money for their rent and takes money for food, so it is not really min wage. And in some cases they have their passports taken away, they cannot leave ..."

SAWs which corresponds to SAWP in Canada, provides poor living conditions, isolation, precariousness and vulnerability (Spencer et al. 2007; MAC, 2013; Anderson 2010; Hennebry 2012, 2014; Sharma 2001; Lenard and Straehle, 2012). In addition to these convergences in policy implications, employers seem to gain a lot of control over the migrant workers and this aspect demonstrates the imbalance between the power the employers have and the disempowerment of the migrant workers who are temporary.

SBS is similar to low skilled migrant worker project and although there have not been great number of research on SBS there are a few facts about it: 1) It was a short-term recruitment programme for one year 2) It had some exploitative aspects 3) It allowed the migrant workers to stay if they had funds to sustain themselves 4) It was closed because it was thought to have created a route for permanent settlement (MAC, 2013). For instance, they were not able to bring their spouses with them and were supposed to stay for one year (Ruhs, 2006). Ruhs (2006) questioned why the UK would prefer actually that Bangladeshi workers would come and work in hospitality sectors for only one year and questioned the

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<sup>329</sup> Interview with Darryl Dixon from GLA on 4<sup>th</sup> of March 2015.

<sup>330</sup> Interview on 5<sup>th</sup> of April 2014.

logic behind these programmes.

In short, the logic of TMPs is to prevent any route to permanent settlement, but then the employers and the host state could have assumed full responsibility on the non-violation of the rights of the migrant workers in both states, who have benefited from TMPs for many years.

#### **8.4.2 Language Skills for Temporary Migrant Workers**

There are also convergences in terms of not providing language schools to the TMWs. In both countries there are no language courses for the TMWs who are low to medium skilled. Although the importance of language acquisition has been acknowledged by experts on migration or by migrant organizations, the states are not keen to help TMWs to learn English. If a temporary integration scheme is devised, it needs to include some language learning, as it is necessary for the TMWs to be aware of their rights to the fullest extent.

It is seen that in Canada there are two state-funded integration policies regarding the language acquisition (Enhanced Language Training –ELT- and Language Instruction for Newcomers to Canada –LINC-) that guide the newcomers to learn new languages. However, the low skilled, TFW and SAWS cannot directly benefit from it (Rajkumar et al. 2012). As Rajkumar et al (2012: 503) also state, in some provinces it is possible to have more control over settlement services. For instance, in Manitoba, TFWs can obtain publicly funded language training (ibid.) Language is a barrier for these migrant workers who live isolated lives. And it is a tool through which they could actually prevent exploitation. For instance, in the UK, despite the fact that all the EU citizens have been entitled to social, economic and some political rights (voting at the local elections), there had been some migrant workers who were left out of these benefits for the simple fact that they did not know their rights or they did not speak the language. It can be inferred from my interviews that these groups were more vulnerable, such as the Roma who faced deportation; the Bulgarians and Romanians during the period of transition (2007-2014) who worked semi-legally and did not speak English; and some African immigrant women who had a right to stay in line with the family reunification but after their families were broken, they were left in destitute.

Looking at the language acquisition opportunities in the UK, ESOL courses had been the foremost way of learning how to speak English but with Coalition Administration after 2010 there had been cuts to these courses' funding. The European Integration Fund has replaced some of the budget spared for language courses. This means that these policies regarding language courses for the newcomers or refugees will be short-lived. On the other hand, it is important for people to be able to benefit from state funded courses if they are working and contributing to the local or national economy. And as they spend more time within that area of work and living, they will need to speak the language more naturally. However, policy-makers consider it as a cost and as an incentive to promote their integration and their stay. On the other hand, there are exceptions to these rules too as indicated above with the case of Scotland.

#### **8.5 The Politics of Immigration: Convergences in Approaches to Multiculturalism and Migrant Workers**

Basically in Canada the Liberal Party did (Abu-Laban, 1998) what the Labour Party attempted to do in the UK. Recruiting immigrants who are more self-sufficient, and who can contribute to economy to a greater degree could be counted as one of the commonalities between them. A second common point in relation with this new understanding towards immigration is the limits to family reunification for TMWs. Temporary migration has thus gained more importance compared to other forms of migration. It has become even more expansive than migration for humanitarian reasons (ibid.) However, there were no cautions taken by any of the governments to alleviate the consequences of giving weight to TMPs.

A temporary understanding of immigration without any form of temporary integration was well established during the Labour in the UK and during the Liberal Party rule in Canada. The preference for the type of immigrant who is self-sufficient, who can speak the language

and those who have economic resources, if not educational resources was entrenched more deeply during this era as well. Abu-Laban (1998: 10), who examines the discourses that are changing in the 1980s and 1990s, notices that the discourse diverts in such a way that it starts to discriminate between those who can integrate and who cannot integrate:

“Similarly in the Canadian context greater dissention regarding the value of immigration combined with declining support for multiculturalism have resulted in weakening of the discourse lending ideological support for the presence of immigrants and in less articulation of the concerns of ethnic and racial minorities (favoring immigrants who can integrate).”

As it was mentioned in previous chapters, similar to the Canadian case described above, the integration policies of the UK had shifted from multiculturalism and community cohesion to a more liberal individualist and assimilationist understanding from Labour to Coalition (Uberoi, 2014). If it is laissez-faire integration that is the dominant perspective this means that the marginalized, the least educated, the least trained, the most culturally different will never be able to be seen as potential immigrants to integrate. Amongst these disadvantaged groups, TMWs are included.

It is interesting to see, however, that the issue of integration and immigration in the UK is discussed in relation with how much burden there is on welfare state (Ruhs 2015), and how the house prices rise<sup>331</sup> and how the churn of immigrant inflows affects the environment and the neighborhoods negatively;<sup>332</sup> this actually coincides with the decline of the welfare state and rising neo-liberal agendas, which are followed by the governments. It is surprising to see that a similar perception is also being adopted in Canada as well. Global forces, way of recruiting labour, the cuts on wages, and cuts on welfare benefits are all thought to be linked with immigration issues and these kinds of discourses that link all of these debates are used for political purposes generally. It would be wrong to claim that there is no correlation between massive immigration inflows and the wages or other strains on the welfare state; but it would be limiting our understanding if TMPs and TMWs' integration are solely discussed within this framework.

Finally, as Abu Laban (1998:13) says: “While policy in these areas of immigration and multiculturalism may result from the interaction of the state, societal and global forces, the balance of these forces has shifted in an era in which global migration coincides with the Canadian state retrenchment in social spending and more vocal opposition to immigration and multiculturalism.” By the time Abu Laban (1998) wrote this article, in the 1990s, this understanding was already entrenched. In the 2000s it has been reinforced more with the global race for the talents, tapping into migrants' skills whilst the immigration policies were leaving behind those TMWs who do not have the skills or the economic capital to integrate, stay and enjoy further rights. This is one of the main reasons why temporary integration has never been discussed as an alternative solution.

### **8.5.1 Selectivity Criteria of Temporary Migrant Worker Programmes and Their Similarities in terms of Employers' Perspectives**

The logic behind using the TMPs is exactly what causes similar living conditions and levels of exploitation in both countries, despite their different historical patterns of immigration and integration. The logic of employers in choosing migrant workers can be quite cruel sometimes: those who do not speak the language (Findlay et al. 2013) but who are “cheerful, helpful and hopeful” (ibid.), in other words who possess these ‘soft skills’ (McCollum and Findlay, 2011: 3), those with a “strong work ethic” and who are “great workers” (MacKenzie and Forde, 2009: 150) are employed. Migrant workers who have less social ties in the receiving state (Hennebry, 2012, 2014) are also considered more ‘ideal’. Therefore, the distinctions in terms of the histories of immigration and understandings of migration in the UK and Canada, does not change the fact that there are many commonalities in terms of

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<sup>331</sup> <http://www.migrationobservatory.ox.ac.uk/top-ten/8-housing> accessed on 29 June 2015.

<sup>332</sup> <http://www.ippr.org/juncture/settling-the-migration-debate> by Finch and Griffith accessed on 29 June 2015.



employers' preferences and perspectives. In both, the temporary migrant worker (if low to medium skilled) is the preferred one.

Is it the ethnicity or the skills of the migrant workers that make them good or bad workers? In the long term, it is seen that a specific ethnicity (Polish, Mexican, Jamaican, Bangladeshi etc.) may be irrelevant in terms of explaining who is a 'good' or a 'bad' worker. Relatedly, when the employers' perspectives are examined, the best migrant worker is the temporary one. This suggests that the more time the migrant workers spend doing a job, the more informed they will be about their rights. If they are temporary they will not have the time to gain awareness of their rights. This is one factor that forms the basis of commonality in both countries.

There are racial and ethnic prejudices involved in choosing migrant workers. But at the same time the 'good' and 'bad' worker discourse changes throughout the years as the composition of the migrant workers' flows change. Therefore, in the long term ethnicity blurs into a whole structuralist history of how the employers always want the same thing from the workers (strong work ethic, work for long hours while not asking for many rights) and how the migrant workers gain their rights as structures open up for them to move to higher skilled jobs.

This change can be observed in the case of the UK, if one looks at the flows of immigrants from different parts of the world, firstly from Ireland and later from the Balkans and finally from Central and Eastern Europe to do the seasonal agricultural work. Currently as my interview with Roy Millard from South east England Migration Partnership also shows he has found evidence for migrant labourers who are "both willing to do the work and very hardworking and industrious, and they turn up on time and they earn the money and do whatever they want with it."<sup>333</sup> This definitely fits the criteria that the employer wants and it proves how the TMPs are shaped according to the wishes of the employers in general.

Despite having a different historical trajectory, similar results are also observed for the case of Canada. Therefore, it seems that there is a need for devising policies that correspond to the realities of the TMWs who spend almost half of their lives in their work places without gaining any privileges based on their attachments to the host place or years of work. This result is not only emanating from the fact that these policies are employer driven but also that the employers' perspective is crucial in both countries, showing how the migrant workers are perceived and within which limits granting them rights is discussed. Therefore, the state could be responsible to balance this biased perspective of the employers and correct some injustices.

## **8.6 Divergences regarding Temporary Migration in the UK and Canada**

Despite the above, there are still more divergences than convergences between these countries. These divergences are as follows: party politics, public debate, public opinion, the state's role in integration, and reasons for justifying immigration policy. Canada is still much more pro-immigrant in each sense. But despite these divergences, why are there not any temporary integration policies or why are the TMPs not considered in tandem with temporary integration in Canada? This section will examine these questions via the interviews that have been conducted.

The state's role is much greater in the case of Canada in terms of integration. The state assumes the responsibility to integrate the newcomers, high-skilled migrant workers, families, refugees and international students. The state does not assume any de facto responsibility regarding the integration of TFWs who are low to medium skilled. But the document entitled the Ottawa Immigration Strategy (2011) shows that the government is proactive 'for the retention and attraction of immigrants': "One of the key findings of this historical analysis was that the successful attraction and retention of immigrants requires a combination of proactive government policies, welcoming attitudes and coordinated interventions. (OIS, 2011: 20). In contrast, in the UK there is some explicit confusion about

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<sup>333</sup> Interview in May 2015.



the state's role when it comes to the attraction, retention and integration of immigrants. This becomes more apparent when the issue is temporary migration and TMWs. Tim Harrison,<sup>334</sup> who is the Head of Secretariat in Migration Advisory Committee (MAC) said:

"For the temporary routes there is probably less support for integration from a policy point of view. For the temporary scheme it could be argued that many are coming from Australia, New Zealand, etc. and they do not need much support for integration. One also needs to be clear about the policy objective - is it assimilation, integration or multiculturalism?"

He said that it is difficult to pin down the state's role in integration and that the companies should also assume some responsibilities regarding the integration aspect. A similar confusion also exists in Canada. But as indicated in the previous sections, labour market integration has gained more importance in the last decades. And a similar shift from multiculturalism to a more conformist perspective (Li 2003) is also observed in Canada. However, the pro-immigrant attitude in general, and the attempt of the migrant organizations in Ottawa to be proactive and all-inclusive in terms of the integration policies, do appear to be still in place.

The second divergence is on the issue of party politics and how the parties are actually mostly pro-immigrant in Canada while in the UK controlling and managing immigration is the maxim of all the mainstream parties. A Liberal Party Member John Maccallum<sup>335</sup> said:

"We are a country of immigrants and immigration has been important in building up the country so I think unlike some countries in Europe we don't have any political party that is anti-immigration and some of them maybe but quietly none of them publicly say too many immigrants. In contrast in Europe as you may know, in France, Holland Germany and Scandinavia they have anti-immigrant parties but we don't have any anti-immigrant parties. We have some anti-immigrant politicians but they don't say it. If they say that they would be unpopular with the voter. I am not saying that we are all wonderful pure immigrant lovers. Most of us are. But those who don't like immigrants, they keep their mouths shut about it. Because in today's context in Canada it does not go down to what to say we don't want immigrants and I think all parties, at least all major parties are pro-immigrant, we are different on the edges and the detail of how many should be family reunification, vs. Economic immigrants, which programmes are good, which programmes are not so good, but those are sort of details. I think that at the root of it liberals will win the next elections, or the NDP or the conservatives I don't think that there would be a dramatic change in the immigration policy. I think that you know liberals might let in someone more, conservatives might let in someone less but those differences are small. You would not have any party saying cut out immigration radically because I think there is a consensus that well two things: One, we need immigrants economically and two, immigrants are a part of our history that who we have traditionally welcome and became good Canadian citizens and we like immigration and I think especially compared with Europe where there is a lot of anti-immigrant sentiment Canada in general is much more pro-immigrant."

By contrast, the parties in the UK, are similar to each other in their promises to curb immigration levels. They are actually responding to the public opinion. Under these circumstances, it is not possible to think of integration policies for TMWs. Regarding this aspect, a senior official<sup>336</sup> Head of Analysis, Research and Knowledge Management at the

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<sup>334</sup> Interview on 24<sup>th</sup> February 2015.

<sup>335</sup> Interview on 4 December 2013.

<sup>336</sup> Interview on 5<sup>th</sup> of April 2014.

Home Office said:

“There is very little difference between the attitude of the Labour Party and the Conservative Party on migration in terms of big issues, they are very similar... and in many ways what the Conservative government is doing is also the Coalition government is doing is very similar to what their previous labour government is doing. They are very similar but they have just tightened up the rules and they are a bit clearer about how they are doing it. So there is no difference. There is no political party who is asking for bringing most of low-skilled migrant labour.”

Thirdly, the understanding towards integration policies differ significantly. The integration policies in Canada are funded well and they have a long-term perspective. Almost all the newcomers except the low-skilled migrant workers and TFWs and SAWP workers can benefit from these programmes. In addition to these, the Catholic Immigration Center, which is the biggest organization responsible for settlement, referral, and orientation in Ottawa, also explains that their services are all-encompassing for any migrant that comes to ask help from them. Carl Nicholson<sup>337</sup> who is the Head of CCI talked about their services as such:

“We do a kind of a wraparound service. What we do is, you walk in and we do an assessment of your needs. We help you to create a plan ‘why did you come to Canada?’... We help you create a plan, then we help you execute it as best you can and as I said it is a kind of a wrap around, so we have case conferences, where we have case conferences, where we bring many people from different places to talk about you. That is case management.”

Scrutinizing the two countries’ approaches towards integration reveals that in Canada there is a serious attempt to integrate its immigrants. This is dependent on the historical perspective, which reiterates an organic linkage between the immigration and integration policies. However, this historically entrenched philosophy does not change the fact that there are no temporary integration policies for the TMWs. On the other hand, the shift from Liberals to Conservatives has not been as great as the shift from Labour to Coalition in their approach to integration.

The integration policies of the UK changed significantly after the Coalition Administration came to the power. An interview with the Haringey Migrant Center<sup>338</sup> reveals some significant negligence within the system:

“There isn’t any integration policy. There is a disintegration policy. To disintegrate migrants and not to integrate them they make everything they could to make it very impossible, very unlikely, they make people not want to come here they just want to make the life of immigrants very, very hard because they think that these will stop migrants to come. This is the integration rule for the UK, for what I am aware. For every year they make tougher and tougher because they think that this will stop people from coming. Or they say that this will stop people from coming. I don’t think that there is an integration policy. If you judge the integration policy on what the law is there is not an integration policy. They don’t want migrants to integrate so they just keep taking rights away from them. So how can you integrate if you don’t have any rights?”

In Canada, the integration policies did not change a great deal even if the government has changed from the Liberal Party to the Conservative Party. Despite that, the approach to immigration and immigrants has adopted a more economic perspective with an intention to attract and accept self-sufficient migrant workers (Abu-Laban 1998).

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<sup>337</sup> Interview on 24<sup>th</sup> October 2013.

<sup>338</sup> Interview with two social workers from Haringey Migrant Center on 21 October 2014.

Fourth, in terms of the public debate regarding the TFWs there are two sides to this argument in Canada, while in the UK it seems to be more one-sided. In both Canada<sup>339</sup> and the UK<sup>340</sup> it is observed that public debate involves the idea that the native workers should be given the priority for jobs (that is how the TMWs can be kept in a temporary status as well). However, in addition to this, the outlook of the media in Canada represents this debate as such: "This is not the way Canadians admit people. Admission is followed by integration."<sup>341</sup> Despite all this history of immigration, the case of TMWs seems to be an anomaly for the Canadians but not for the UK.

As Liberal Party MP John Maccallum said, Canada encourages the permanent residents to become citizens. But the same situation does not apply to the TMWs. There is no encouragement for TMWs of low skills to become permanent residents. This reliance on temporariness is a recent shift of immigration policy in Canada, which appeared in the last two decades. Temporary migration and having great numbers of TMWs is highly criticized in public debate. Definitions and conditions regarding TMWs are very recent, too. Warren Creates<sup>342</sup>, an immigrant lawyer I interviewed in Ottawa, said:

"What has recently happened with the temporary foreign worker programme is that the word 'temporary' has now been defined: it means 4 years. This change happened I think 2 or 3 years ago. It was I think in the spring of 2010. (If I am wrong please check the date<sup>343</sup>) prior to that there had been no effort to define temporary and it was very common to see people living in Canada with work permits extended or renewed for periods of 5-6-8 even 10 years. So the government said there is a need to transition such people. If you are here for more than 4 years it is not a temporary foreign worker need and the intent of the TFW is not temporary. There is some sense of durability or permanence to it if it goes beyond 4 years and so the government drew the line in the senate and said 4 years is the limit for work permits that need a labour market opinion and if you want to stay beyond that just file your application and CEC will accept you..."

Despite all these transformations, as indicated in the interview above, there are routes for the TMWs to become permanent residents in Canada while this possibility does not exist in the UK. And another major difference is the approach to TMPs by the governments. The TMPs in Canada have not been eliminated as it is in the case of the UK. Moreover, new programmes for each category of migrant worker have been devised with possible routes to permanency. On the other hand, the high-skilled migrant workers have always had more chances to benefit from CEC and FSWP (Federal Skilled Worker Programme) to get a route to permanent residency.

Fifth, when it comes to public opinion, in the UK the public opinion mostly reveals that demography is not a good reason to attract immigrants. Public opinion in the UK does not approve of the churn and inflows of migrant workers as my interview with former IPPR researcher Alex Glennie<sup>344</sup> reveals. Seventy five percent of the UK population thinks that immigration levels should be reduced (Blinder, 2014: 2). The other side of the dilemma is that mostly low-skilled jobs are done by immigrants and this means the policies of temporary migration have created this dependency over many decades with a segmented labour market (Ruhs, 2006; Piore, 1980). This dependency has been formed in the case of Canada, too, in the last two decades with the TFWPs. Despite the convergence between

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<sup>339</sup> <http://www.theglobeandmail.com/news/politics/temporary-foreign-workers-in-low-skilled-jobs-must-start-leaving-canada-today/article23732494/> accessed on 23 June 2015.

<sup>340</sup> <http://www.theguardian.com/uk-news/2013/sep/12/seasonal-migrant-workers-scheme-closes> accessed on 23 June 2015.

<sup>341</sup> <http://www.cbc.ca/news/canada/edmonton/temporary-foreign-workers-prepare-to-leave-the-country-1.3017194> accessed on 28 June 2015.

<sup>342</sup> Interview with Warren Creates on 11 October 2013.

<sup>343</sup> This decision was implemented starting April, 2011.

<sup>344</sup> Interview with Alex Glennie on 12 June 2014.

these two countries, as my interviews have shown, demography and economy are the two major reasons for Canada to be pro-migration while the same reasons cannot be applied for the UK. Regarding this point Martin Ruhs<sup>345</sup> said:

“so the extent to which economic considerations are important varies across countries, obviously one big difference between Canada and other countries is that Canada is largely still wanting to increase its population, this is very unusual. In a sense to increase its population it has increased immigration as a long standing policy, Britain is quite the opposite.”

Sixth, the way immigration is discussed by politicians, the media and the public, seems to be different to a great extent. The obsession with numbers of migrant workers does not exist in Canada as it does in the UK. What makes a great difference in terms of the migrants' rights and status in the UK is that the most of the low-skilled migrant workers are from EU countries (as Tier 3 has never been opened for the non-EU) and they have the right to vote in local elections, for instance. And this privilege does not exist for the Mexican migrant workers in Canada who come year after year and who have no chance to influence the policies (unless they become union members) that are affecting them.

Regarding public opinion, a recent piece of research on public opinion research has been made by British Future. Matthew Rhodes<sup>346</sup>, who is the director of Strategy and Relationships at British Future, said:

“For the cultural skeptics, which form the 25 percent of the population in the UK, it is seen that they are benign about Sikhs and Jews, but when you ask them about Islam their anxiety shoots off the charts. It is a very specific issue for this group. In terms of the economic skeptics, they are more living in the North England, the Midlands, and the North and they tend to vote Labour, they tend to be less affluent. But their anxiety is primarily about jobs, housing, public services, school places, NHS places, and opportunities for their children, wages. So they have a more different set of anxieties.”

This speech suggests that the public is divided into three groups: pro-migration liberals, cultural skeptics, and economic skeptics. Rhodes has also categorized the migrant workers that the British public is worried about:

“If you look at the categories of migrants there are two categories that people are actually worried about: 1) what they unskilled workers so that sort of ties a little bit with the farm staff and the temporary migration. But also they are extremely worried about illegal migration because of what happened in 1997 and 2010... because I actually worked as an advisor in the Labour government so what happened was that net migration shot through the roof compared to pre-1997 net migration was 60000 to its peak 300000. There was a massive influx of people and that is where some of the migration anxiety come from because another thing to say before I go ...”

Finally, reforming is the way the Canadian government deals with the immigration inflows and different programs, while in the UK closing the programmes has been a recent reaction by the government which is said to be done for the sake of decreasing the immigration levels. Although there are many speculations behind this policy change in the UK<sup>347</sup>, and although NFU<sup>348</sup> (National Farmers Union) is not concerned that people would be going underground, it is argued in this chapter that there might be non-EEA citizens (who could

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<sup>345</sup> Interview with Martin Ruhs on 6<sup>th</sup> of May 2014.

<sup>346</sup> Interview with Matthew Rohodes on 17 November 2014.

<sup>347</sup> Some claim that it was done to keep the numbers down while other resources say that the priority of the government was to give the British workers the first opportunity of getting these jobs. However, MAC (2013) suggested that the British would not fill these jobs while the NFU (National Farmers Union) was against closing these programmes.

<sup>348</sup> Email correspondence with NFU with Chris Hartfield on 15 February 2015.

be employed in the mid to long-term) who might be going underground in the future<sup>349</sup> and exploited because they do not have the possibility to come and work within a scheme. The unregulated labour market in the UK might exacerbate this situation. Actually a similar result can be observed in Canada, too, despite the TFWP has been reformed. Currently, the migrant workers who stay for four years (some of them more than four years) and who may be fully integrated might be very dissatisfied with the fact that there is a deadline for them go to the airports and leave the country<sup>350</sup>. Many of them might not choose to leave and might go underground if there are no checks upon exit. And if they are forced to leave the country, this would mean deportation and more violation of rights.

## 8.7 Parallels

The parallel policies mostly involve the following aspects: being a part of the global race to attract high-skilled migrant workers (Shachar, 2006; Geddes and Boswell, 2012) and employer-drivenness. Although there is some concern on the side of the policy-makers about retaining the high skills or brain drain, policy-makers in both countries have admitted to be a part of the global competition, and for this they propose justifications. The similarity is that for a liberal state has these four qualities that Hampshire (2013) indicated in his book: *nation-state, democratic, capitalist and constitutional*<sup>351</sup>. In line with all of these qualities, it is very easy to justify the reasons behind the brain drain. Therefore, implicitly in both countries, the developmental side of immigration is neglected.

In Canada, regarding the brain drain, Liberal MP John McCallum said:

“We are concerned about being competitive to attract highly skilled immigrants and we understand that we are in competition with other countries who also want to attract skilled immigrants especially with our aging population and you know if you look to the future virtually all of the labour force growth will be from immigrants because we are not producing enough babies in this country.”

In the UK, a senior official from the Home Office, said the following as an answer to my question of whether there are any concerns about brain drain in the UK on the side of the policy-makers:

“Probably not, on the side of the government and the policy makers. But there are policies in place, I mean for the health service, as I said there are policies that have been introduced. There are not such concerns around skilled workers... but there are schemes that we support for example for government workers from developing countries to come for a short period, get some skills, education, training and then return so in a sense there are schemes that actually support the return of the people after developing their skills but it is not a priority for the government.”

In the UK, high-skilled migrant workers have always been the desired migrants and they are also the ones that experience more approval by the public opinion. Tom Papworth from CentreForum, said:

“It [the migration policy] should be about the type of people. It is perfectly reasonable to say we want the immigration policy to bring in people we want. This is Australia or New Zealand’s approach. We want university graduates, we want young people of childbearing age. People with skills that

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<sup>349</sup> Since most of the EU migrant workers use these jobs as a stepping stone to better jobs and most prefer permanent contracts, in the mid-term (MAC 2013) there is a possibility that there will be labour shortages in these areas (low-skilled jobs and agricultural sector). This could lead the employers to fulfill these gaps via other labour sources who might be coming from non-European labour market. Hence, there is a probability that they might go underground in the mid to long-term.

<sup>350</sup> <http://www.cbc.ca/news/canada/edmonton/temporary-foreign-workers-prepare-to-leave-the-country-1.3017194> accessed on 28 June 2015.

<sup>351</sup> This is not the case for the UK but still it could be said that actually instead of constitutions there are regulations, laws and other rules that constitute the legal framework.

we don't have. That is perfectly a reasonable immigration policy."

The interviews suggest that the emigration of the high skilled is closely connected to liberal ideas of the right to search for a better life and liberal individualism in general. Hence, their justifications resemble to a high degree. However, as it is seen in the UK that HSMP has also disappeared in 2008. It was only a five-year project and remained to be a temporary one. In Canada, however, the HSMP has been continuing for almost three decades and this route forms a big part of the immigration flows. In addition to that programme, the CEC and FSWP made it possible for medium to high-skilled migrant workers to gain permanent residence. Finally, in relation with these immigration policies, a parallel with the high skilled and low skilled divide is that both Canada and the UK would admit people who can potentially integrate (Goldring et al. 2009). And this vision involves only the educated, the high skilled or the ones with the economic capital.

Being employer-driven and also preferring high-skilled migrant workers does not leave much space for TMWs to integrate. There are certain integration programmes in Canada for the high skilled and their spouses; in the UK there is acceptance for the high skilled and their spouses but without any integration programme; in both countries the low-skilled migrant workers, SAW workers and the TFWs or TMWs cannot benefit from the schemes devised by the state.

Parallels, convergences and divergences have been discussed and it was seen that temporary integration has not been a concern for Canada, either—despite its more positive philosophy towards the migrants and its more pro-immigrant and proactive approach to integration. Why not? The next section will suggest an answer to this question and will summarize the findings.

## **8.8 Comparisons and Conclusions**

In terms of the short-term migration policies in the UK there are interruptions and discontinuities of its policies, while Canada continues the TMPs and the reforms of them. The interruptions in the UK (Migration Impacts Fund, ESOL etc.) occur every five to ten years while in Canada most of the programmes have a history more than twenty years. The CEC, PNP and FSWP, which allow for the TMWs to pass to the permanent route are actually recent ones (and they mostly work to the benefit of the high skilled). Furthermore, great numbers have passed to permanency through these programmes. On the other hand, in the UK SAWS and SBS were closed in 2013. And HSMP was closed in 2008.

The fact that the TMPs are not functioning to the fullest extent provokes other questions. Triple win is questioned (Ozkul and Castles 2014) in each sense. In Canada there are also questions arising from the fact that these programmes are not considered successful by my Canadian interviewees if they do not lead to stay of the migrant workers. The idea of a successful migration policy and integration policy in Canada is the one that allows people to stay and that grants them more rights; the idea of a successful immigration and integration policy in the UK is the one that curbs numbers of immigrants and only allows those who are least dependent on integration facilities.

If policies are leading to a permanent route in the UK, then they are seen as open to abuse and are closed. The case of closure of the SBS can prove this point. And if there is enough labour from within the EU, the policy-makers perceive no need to create regular schemes in the UK. Therefore, policies are considered less successful if they do not lead to integration in Canada whilst the opposite seems to be true for the case of the UK. On the other hand, UK integration is more *laissez-faire* while in Canada, those who are admitted on the basis that they can integrate are guided towards the system where full integration can be realized. Permanent residents are highly encouraged to become citizens in Canada.

The local and national divide in the UK is not similar to the provinces-federal divide in Canada. In the UK, within the unregulated labour market, not giving weight to integration and seeing it as a more local issue, while not devolving many funds to the local organizations, impedes any kind of integration scheme. Another problem as indicated by



Roy Millard is that “the approach to integration is being very much centralized.” He also added that it did not prevent people from doing good projects like the Gateway Project at the local level and finding local based solutions. However, devolving resources to local projects has resulted in some shortcomings especially during the Coalition Administration. For instance, MIF, which was introduced in 2008, was terminated following the introduction of the austerity measures by the Coalition Government.

There is also a difference in terms of how things are seen at the local level and how they are at the Home Office level in the UK, therefore the coordination gains even more importance under these conditions, as Philippa Tyler<sup>352</sup> from Migration Yorkshire explained:

“Migration does not fit in local authorities’ structures very easily so most local authorities will have a housing department, social services department, environment department and so on. But they do not have a migration department. So every organization we work with will either have to deal with migration at one level, maybe at strategic level, not practically ground level, or the other way around. Some don’t want to think about migration at all, like the North Yorkshire districts. They don’t really want to deal with it very much at all, so trying to even find the right people who are interested to talk and have enough power to try to influence what they are doing. It is quite difficult because structurally migration has never been slotted in that obvious place in the governance structure so it can be quite difficult. And then things like there is a lot of turnover of the staff, people with the expertise move, so you have to start with people who don’t know nothing about migration.”

The convergences between the policies of both countries arise from the fact that integration is seen as a long-term process starting with labour market integration in both Canada and the UK. This long-term project ends up in assimilation. Therefore, there is not the intention of building policies regarding temporary integration. What’s more, most of the TMPs are employer driven and the employers would not be interested in the social, cultural and political integration of migrant workers in neither contexts. Also there is this given assumption that the need for migrant labour is mostly for the high skilled, who are perceived to be more self-sufficient. While the dual labour market (Piore 1980) is creating a job market where the high and low skilled jobs both have to exist, the second part of this existence, which necessitates that the low-skilled migrant workers could integrate, is neglected. They are not only thought of as low skilled and unable to integrate but they are also thought as temporary even if they might not be. Hence, the discrimination in both contexts is not based on ethnicity but based on skills.

Roy Millard from South East Strategic Partnership for Migration explained the policy for the TMWs: “you can spend a lot of resources on integration and they might not be here. So I think there are some interesting parallels with asylum here.” But the interviews in the UK and Canada also indicate that many TFWs might not want to leave after four years as many Eastern European migrants might not leave after years of work, because they become more settled and change their plans. Hence, the needs of the TMWs cannot be thought separately from those of the newcomers for the simple fact that they might need the same assistance and support and even more than the newcomers in certain cases. Despite these, why is there not any temporary integration policies in Canada where some migrant organizations and the state are proactive in integration and they are both aware of the presence of the TMWs?

My findings reveal that there are several reasons for this:

- 1) Integration is still considered as a long-term achievement. The idea of temporary integration is an understudied phenomenon within the current research.
- 2) Integration is still desired for the high-skilled migrant workers.

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<sup>352</sup> Interview with Philippa Tyler from Migration Yorkshire, on 30<sup>th</sup> of April 2014.

- 3) Neither public opinion nor the policy makers are willing to raise their population via increases in low-skilled migrant workers, although the labour market and the state are in need of their labour.
- 4) The labour migration policies are employer driven but TMPs are even more employer-driven and temporariness works to the benefit of the employers. Although society may not like this churn of migrant workers, it is preferred by the employers.
- 5) Low-skilled migrant workers are not thought to benefit the economic system as much as the high-skilled migrant workers.
- 6) TMP is a new phenomenon in Canada and the state might not be aware that temporary migration could lead to permanent stay.
- 7) The competition between provinces in Canada to recruit more immigrants are based on economic interest; therefore the immigration agenda and competition for TMWs can be exacerbated by this economically driven agenda rather than devising socially accommodating integration policies.

## Chapter 9

### Concluding Remarks

This chapter has provided a tentative answer to the questions of whether we can think of ‘temporary integration’ as a realistic possibility and whether why we need to think of it as a concept. This concluding chapter aims to summarize the findings discussed in this thesis, by suggesting what the temporary integration ideal could involve. I suggest that the social, political and cultural aspects should also be added to economic rights thinking upon the integration of temporary migrant workers (TMWs).

It is argued in this chapter that some economic elements of integration should be compensated by political, cultural and social rights as well. However, there would be definite rejections to this view, and most of the receiving states would disagree with these suggestions proposed, as well as the sending states. The reason for is that the receiving states do not want many of the migrants to be integrated in the first place, especially the low-skilled TMWs (and most of the states would prefer the high-skilled migrant workers to stay permanently as Nakache [2010] underlined). Some answers to these counter-arguments are also proposed in this chapter, as well as explaining the logic behind temporary integration. The chapter also aims to justify temporary integration, describing what it could involve policy-wise. Besides this, the other purpose of this chapter is to summarize all the chapters of the thesis as well as depict the key findings while discussing what could be further done in terms of research regarding temporary integration.

#### 9.1 Temporary Integration: At Odds With Long-Term Integration

In both Canada and the UK, integration is considered to represent a long-term plan merging into assimilation the more integrated a migrant is. While in Canada multiculturalism acts against this assimilative approach, in the UK the multiculturalist stance has weakened in the last two or three decades. Arguably, the nation-state centered approach has been dominant in both kinds of research on the integration and immigration policy-making. For temporary migrant workers (TMWs), no integration policies are designed (Lenard and Straehle 2012; Hennebry, 2012; Cavanagh, 2011; Wickramasekara, 2008; Nakache, 2010). One reason for that is that as Martin (2006: 2) argues, temporary migration is about the use of the “labour force without adding permanent residents to the population”. In line with this view, the temporary migration policies (TMPs) have long been thought of as a favorable tool for the receiving states, the sending states and the migrants. However, the previous research proved that for the TMWs it might not be as advantageous as often assumed, unless they can benefit from their rights and unless they have a route to permanent residency (Lenard and Straehle, 2012; Nakache, 2010). Therefore, in addition to an advocacy of enforcement of rights for the migrant workers, this thesis has argued that temporary integration schemes could be devised, which means that the policy approach as well as academic approach to integration could be challenged and transformed. The aim and the original contribution of this thesis was to contest these established approaches while proposing a practical scheme of temporary integration.

#### 9.2 The Logic Behind Temporary Integration

*“We have to remember, immigrants who come here and have been here for a while are no longer immigrants. They must lose their immigrant mentality because the first generation who came here ... they still have hope; they have still an unrealized wish that they want to go back, but they cannot go back for the simple fact that they will never belong there anymore. Once you are gone, people will no longer be there and even your family the structure is not going to be the same that you go back to. And whether you realize it or not, once you live in another country it has grown on you, you have taken*

*everything from that country without realizing the influence it has on you until you go back home. Then you see the country of origin and difference of origin it has. And the judgments that they do... cause you are so used to how things are done here. So you are surprised, how come they don't do that how come they do this."*<sup>353</sup> Shano Bejkosalaj, Canadian Council of Muslim Women, Ottawa

Temporary integration does not exist by itself or as a policy. But a basic definition has been given in the previous chapters: the "social, cultural, economic and political integration of Temporary Migrant Workers (TMWs) or Temporary Foreign Workers (TFWs) within the timeframe of their work contract." As has been suggested before, these integration policies should also include social, cultural and political elements in addition to the economic element that TMWs currently have. This does not mean that the economic rights are being enforced fully but it means that the multi-dimensionality of integration should also exist for and within temporary integration. At this moment, these elements could address rights and integration within the period of the contract, which can range from six months to four to five years. Since the time can change for different types of TMWs in the definition, what is more determinative is the period of the contract. Even though the contract is short-term, the repeatability of the contract increases the claims to rights<sup>354</sup>.

There are various logical reasons behind supporting temporary integration policies, and one of them is to prevent the exploitation during the TMWs' stay. Their migration status is an extremely strong indicator of the conditions they can expect to be living in (Goldring et al. 2009 and Rajkumar et al. 2012). Since their temporary status lowers their place within the economic stratification of the host society and their situation is more precarious (Vosko, 2000; Anderson 2010; McDowell et al. 2009; Fudge, 2012; Sharma 2001) compared to the natives or long-term residents, a temporary integration scheme is surely needed. The TMWs, regardless of their skills, have similar needs and the willingness to benefit from their rights during the time of their contract. The demand by the TMWs would strengthen for each year that they visit the host country they are coming to work in. In other words, they might become circular migrants and their awareness might increase as they continue to come to the same country continuously.

Circular migrants are supposed to have a different trajectory of rights as they might continue to do the same job in the same work place for a particular period. This passage of time within the host country, being accustomed to the working conditions and gaining a common sense knowledge about the locality they are living in, can all be used as justifications to grant them more rights. Otherwise, separating from families each year to work, living in indecent conditions, not being able to benefit from family reunification, encountering dangerous or unhealthy factors at work, for a certain period each year (or continuously 4-5 years) is not sustainable for a life time. Letting this happen is not humanitarian either (more so when we consider the liberal democratic states which ostensibly guarantee certain rights and liberties). The case of the TFWs in Canada is similar to this situation as they are supposed to stay for four years and then leave their jobs and the leave the country (a regulation in place since 2011<sup>355</sup>).

The current immigration and integration policies are not equipping the migrant workers from low to medium skills with the same rights and the same conditions that the high-skilled TMWs would have been granted by the host state (Nakache 2010). Time and attachment as a theory (Carens 2013) applies in reality to the high-skilled migrant workers

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<sup>353</sup> Interview on 28 October 2013.

<sup>354</sup> Chapter 6 focused on the fact that circular and temporary migration should be taken in different terms, as the former enhances the basis for demanding more rights by the temporary migrant workers.

<sup>355</sup> "Starting April 1, 2011, many temporary foreign workers will be subject to a four-year 'cumulative duration' limit on the length of time they may work in Canada." Accessed on 26<sup>th</sup> of July 2015, on the website <http://www.cic.gc.ca/english/departement/media/backgrounders/2011/2011-03-24.asp>

but not to the low-skilled migrant workers. In sum, the policy-makers need to recognize the fact that different rights are at stake when someone keeps returning within the framework of temporary migration programmes, compared with a situation where one is a tourist or a working holidaymaker.

Ruhs (2006) also drew attention to the need to distinguish between short-term and long-term<sup>356</sup>. He argues that it is assumed that if the migrant workers who stay temporarily adjust to the country better than anyone who had ever visited or have worked there, presumably they will be integrating much easier in the long-term (Ruhs 2006). However, what he is focusing in his work is much more related to de-facto integration realized by the migrant workers themselves without any state incentives and policies. In other words, an unintended consequence of the TMPs is that the TMWs will be integrated somehow after some years (because they come every year or they come and stay there longer than expected). This is inevitable, irrespective of how much individual states tend to deny or ignore it. Regardless of the states' policies, people will be accommodated if they come in circular patterns and it would be better if the state took some action in response to this reality, in order to guarantee rights of the TMWs.

Integration of the TMWs, who continue to come to work in the same place almost every year, could even include some cultural integration. For instance, they might learn a bit of the local culture, they could go to the local church, and they could speak the host country language on the street. Therefore, it is important to take into account what Ruhs (2006) points out: That is, to say that 'there are no temporary integration policies' would be accurate; but to say that 'there is some temporary integration at the local level naturally throughout time, achieved by the TMWs' would be plausible. Accordingly, there are adverse realities and gaps between what the present policies on integration are and what people are experiencing on the ground. The tension between the prevention of integration of TMWs by the state policies and the wish to integrate by the TMWs creates a stalemate.

Temporary integration policies would also contribute towards perceiving TMWs in more in a humanitarian perspective (Scott 2015) rather than developing a functionalist approach towards them. Most of the time this functionalist approach underlines the importance of 'triple-win' policies (i.e. those for which benefit all three actors—the sending and receiving states and the migrant workers). The problem with this approach is that it instrumentalizes the 'use' of the migrant workers in many cases (Munck et al. 2011). Their presence is crucial for the employers who make them work, in general, for lower wages (such as the case in Canada, where 15 percent less than the real wage was allowed); for the receiving nation-state who gets the labour finalized without offering any social and cultural integration, and the sending states who are accustomed to receive remittances each year. Although TMWs also benefit from this triangular system, when their rights are violated they lose what they could have gained throughout the years.

In line with the disadvantages of the TMPs that are outlined above, temporary integration policies could be thought of as a necessary part of TMPs. If there are temporary integration policies, which are adopted and implemented at the local level, these measures might be able to offset the cruelty of the TMPs, as these programmes empower the employers mostly<sup>357</sup>. There could be a mechanism, which empowers the migrant workers, too, regardless of the unions who might have some limited power in certain provinces or localities. In big cities, unions' activities might benefit the migrant workers but in rural areas and other small cities, their effects on ameliorating the migrant workers' rights might be limited. Therefore, the receiving state, which also benefits from the presence of the TMWs, should be assuming responsibilities, based on the fact that these people are in their territories each year for a period and they are contributing to the economy through their work and regularly paid

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<sup>356</sup> He also admitted in my interview (6 May 2014) that the ministry responsible for integration only considers integration as a long-term project.

<sup>357</sup> Also as a result of my interviews it has been seen that the decision makers and the policy makers as well as migrant organizations with a majority accept the fact that these policies are employer-driven and the policy makers accepted the view that they benefit the employers mostly than other categories.

taxes. Even if they are to stay for a shorter term, they have similar needs to the newcomers, residents or those to be permanent within any migrant category.

Remittances are only one way through which the migrant workers can contribute to the development of these countries. If there are temporary integration schemes that allow the TMWs to have a route to some sort of residency after some period of stay and language acquisition, the sending states would feel obliged to develop their economic conditions. Otherwise, the migrant workers who are sent to other countries to work might decide to stay in the host country. And benefiting from the temporary integration policies which involve language training, cultural accommodation and work-related training, the TMWs can return to their countries with the tools that they acquired during their temporary integration and contribute to their home country's development in a more substantial way. Likewise, they would have felt not abused by the employers in the host country and would restore more self-confidence to be the agents in their home countries.

In addition to these above, thinking of the sending state as one of the beneficiaries of this system it is possible to ask the following question: is the system that the sending states are relying on humane? Stan Raper<sup>388</sup>, who is the National Representative of UFCW, said this about the sending states: "They got their remittances and provided employment for individuals for a temporary period temporarily is a good scenario. The problem is that they rely on a system that is inhumane in which the kids are growing up without their fathers, there are divorces, family separations, where the price is very high." Especially when this temporariness is relatively long such as four or five years, this amount of time can have a transformative power in anyone's lives and can create changes upon someone the longer s/he is a migrant.

This chapter does not argue that there are reasons for an unconditional advocacy of the removal of these programmes, but there is a humanitarian and practical necessity to make these programmes more rights-based adding a few measures of integration into it. A temporary integration scheme could make TMPs more inclusive for those who want to stay and provide well-grounded motivations (various skills-transfer and helping the economic and social development of the sending country) for those who wish to go back. However, if the skills transfer is solely based on dirty, dangerous and demeaning jobs, that kind of transfer would have been limited. Also this kind of skills transfer would not allow them to have social mobility if they wanted to change the jobs or establish a business in their own countries.

The extent to which they can carry their talents to their home country depends on how much more multi-dimensional their integration would be. It could be possible through temporary integration schemes to gain other perspectives regarding another culture, social life and language skills. These are transferable skills to the developing country rather than just relying on the low-skills, which might never be utilized by the migrant workers even if they want to open a business back in their home countries. The next section will elucidate the justification for temporary integration policies.

### **9.3 Justification from the Migrants' Lives Perspective**

It is unethical to suggest that TMPs are entirely efficient and useful without suggesting an integration policy to complement it. Regardless of the context, what is seen is that the MWs have been exploited even in the best practice countries such as Canada. Unless there is a sincere intention to integrate people (regardless of calculating if they will stay temporarily or permanently), there is no need to make a decision on how many economic migrants should be received in a country instead of refugees, vice versa, for instance. The choice of not granting rights for any possibility of integration is quasi-equal to ignoring people's presence and their probable contributions to the economy and society.

One of the most important findings in the literature is that integration is seen as a long-term goal, and the way integration has been examined in the lives of the migrants follows this line

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<sup>388</sup> Interview on 4 November 2013.



of thinking as well. But most of the time this pattern of integration is not something that develops into assimilation straightaway. People integrate and then stop integrating, they go back to their countries, they feel ambivalent, they want to combine both identities and enrich their lives, they feel proud of it and then they feel divided, because of feeling divided they feel exhausted, then they feel closer to host country and then they feel they belong to the home country and this cycle continues forever for a migrant. This situation of change and continuity describes the lives of the temporary migrants even more.

First of all, the established justification for temporary integration is that the actual plans of a TMW changes a lot after they emigrate once. Temporary might not necessarily become permanent but the plans of stay can be longer than expected. Francesca Valerio<sup>359</sup> from Migrant Forum expressed this aspect very clearly as she has met many migrants. She had indicated that the newcomers have the plans to return to their home countries but the plans change, people register for a general practitioner (GP) and take their children to school and they get attached to the place they stay as time passes. The people, who visited the Migrant Forum are mostly the kind of people who feel like outsiders to their communities and who are the ones who have more negative connections with their own communities<sup>360</sup>. Some of these migrants are vulnerable in the sense that they do not want to be interacting with society, and they do not want to go to college. Migrants who do not share much with their community come and see people working at Migrant Forum. Francesca Valerio claimed that the people from countries that had recently joined the EU did not have long-term plans either, when they first come to the UK. They immigrate for work, but they want to go back and since they think that their stay is short, they do not attempt to integrate much. They do not endeavor to integrate not only because they are not planning to stay but also because of the working conditions, which require long hours, leaving no time to socialize. But then as she explains, their life plans change when they have kids and the kids start school, their plans might include staying longer. In contrast with what is described, sometimes the long-term plans can turn out to be shorter unexpectedly<sup>361</sup> and people just return.

The second aspect I want to discuss is related to the inherent contradiction between these policies regarding migrant workers' lives. TMPs are designed to discourage people from staying in a country for a long time (Abella, 2006; Ruhs 2006, 2013). But Ruhs<sup>362</sup> draws attention actually to another point regarding the case in Canada for instance: "So you know if you want work done there you have to find a way to make the workers stay there, which is something you can do with a TMP. If you have got a permanent program people can go anywhere, and they can work anywhere, and maybe they would not work in Alberta wherever it is where the shortages are." Thus, there is a serious contrast in not letting people stay in the country, but at the same time making them remain in a certain place where the job is done, which is also a part of the country where there is not sufficient labour force willing to stay as the migrant workers do. As a consequence, by necessitating people to stay in a certain place for a while, for work reasons, without offering them any membership to the community, these programs are ethically questionable. And temporary integration makes more sense when the locality perspective is accounted for: people will develop local loyalties and they will flourish local attachments just because they have to work and stay there.

Third, it should not be underestimated that even during a short-term stay, people can have an effect on the lives of the migrant workers and vice versa. Ruhs commented on the fact that people can have significant effects on the community if they are staying temporarily:

"It is often the assumption that by definition it is temporary, and you don't have to do anything, but personally I think it is a mistake. Just because people are here temporarily does not mean that they are not having substantial

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<sup>359</sup> Interview with Francesca Valerio on 7 January 2015.

<sup>360</sup> Interview with Francesca Valerio, Migrant Forum, on 7 January 2015

<sup>361</sup> Interview with Francesca Valerio, Migrant Forum, on 7 January 2015

<sup>362</sup> Interview with Martin Ruhs, 6 May 2014.

impact on communities so if you don't let them participate in life, if you don't integrate them you will create more problems. It is not only bad for them, but it will be bad also for the host community."

There could be yet more justifications for devising a temporary integration programme. The ones that have been suggested so far from the beginning of this chapter are as such: enhancing skills transfer for TMWs; making the TMPs more ethical; easing integration of migrant workers in the long term in case they choose to stay, or their plans change unexpectedly; believing that integration is not assimilation and not supporting assimilation as an ideal situation; the idea that temporary integration could be considered as one of the public goods which restores better living conditions for both immigrants and the people who are living closer to them within a locality. However, the general case is that the states would not spare any money from their budgets for migrant workers who they will not want to keep and this is the current logic of integration of TMWs in both the UK and Canada. How can one challenge this aspect from a practical point of view? This has been beyond the scope of the thesis but what temporary integration entails can be more convincing if the perspectives of the policy-makers are examined. The next section will discuss what temporary integration can involve.

#### **9.4 What Would Temporary Integration Entail?**

As it is indicated in the definition, in addition to the full economic rights, which are defended by ILO (International Labour Organization) and many scholars, it is suggested in this chapter that these programmes can also comprise cultural and social elements that make temporary integration possible. This section suggests that temporary integration policies should incorporate cultural, social and some political aspects. These facets will be explained in this order.

First of all, cultural integration as defined here would involve a few different aspects that seem to be all to the benefit of the host society rather than to the migrant workers. Some of these suggestions include, for instance, raising awareness amongst the locals about the work TMWs are doing, why they are doing it, and why they are there within that specific locality—in short, to give some information on the countries they are coming from and the economic conditions back in their home countries (explaining pull and push factors), as well as how much they are contributing to the local economies. This kind of work, could be funded by the government, because the resources that the migrant organizations have might be limited. Or it could be funded by the government via migrant organizations, which are local. There are migrant organizations such as the Migrants' Rights Network, which had done this kind of information dissemination and awareness-raising in some places.

The second part of the cultural integration aspect would be related to informing the migrant workers about their surroundings, the British or Canadian culture, the culture specific to the place that they are working. This would also be a facilitative approach in case they choose to stay there for the future (if they are EU citizens, for instance, they would have had that chance). As Ruhs (2006) states, if they are to stay, this kind of opportunity would equip them with the tools necessary for future integration. This would also help them balance their heavy work and social life because they have not time to have such a balance as a consequence of cumbersome working hours (Mitchell, 2011).

The third cultural aspect would involve providing them with language courses. This could serve multiple purposes. At least three of them can be summarized as such:

- 1) Speaking the language would grant them the possibility of being more aware of their rights. For example, through learning the native language they could become more literate in terms of the UK government websites and gather information on the future possibilities of jobs.
- 2) It would provide them extra skills to transfer when they go back to their home countries.
- 3) It would provide them with a more comfortable stay as their interactions with the host society and the local people would be at ease. Hence, they could feel less isolated

and more like a part of the local community within the short time that they are residing there.

The language courses are an important part of integration and although some provinces provide courses better than others in Canada and some regions in the UK, (in Scotland for instance), show that localities have their sense of migration, migrant workers and what integration means. Sometimes the employers could share the responsibility of educating their migrant workers, as they are the ones who are primarily benefiting from the temporary migration policies. There are some successful examples in the UK, as Tim Harrison from MAC indicated.

The second aspect of integration is social integration. Social integration has two facets (although it is not an entirely separate topic from language acquisition): firstly, better accommodation and the issue of family reunification. The living conditions retain their importance as the seasonal and low-skilled migrant workers are doing physically demanding jobs. The point of accommodation still depends on the means that the employers have. But most of the time both in Canada and the UK, as it has been researched a lot before, the conditions might be less than decent. Although the citizens of the A8 countries indicated that they had better conditions and felt more flexible after their accession into the EU (Spencer et al. 2007) this status change has not directly translated into their living conditions. But in the end, it created a small change that was significant. The same status change has not been observed for the Mexican migrant workers in Canada, and unless they are given more rights, this is not an expected status change on their side.

As a part of social integration, the accommodation should be regulated, and employers who do not provide decent conditions of stay should be enforced to pay fines regarding these violations. This is an area under the remit of the GLA, which had been checking all possible conditions of exploitation, and they have been operating since 2005. But with the closing of SAWS and SBS in the UK, it is not certain if their checks upon the system will be as feasible as before. This is the topic for a further inquiry.

There is without doubt a need for decent accommodation for all TMWs. As I interviewed Roy Millard<sup>363</sup> from Southeast Strategic Partnership for Migration, he informed me as such: "There is evidence around there poor living conditions of some EU migrants and indeed homelessness in some areas of the South East. It is argued by some of our key partners restrictions to some mainstream benefits leads to an increase in vulnerability to exploitation." The accommodation possibility could be two fold: if they are on the working site, they have to provide better living conditions and more comforts. And if they are not on the working site, it might be possible to arrange buses and services to the work place. In both conditions, what is important is to take into account that any isolation that can lead to exploitative circumstances should be avoided. This option could be considered within a temporary integration scheme.

The second aspect of social integration, which is family re-unification, is highly discussed and does not manifest itself as a policy implementation for TMWs, but it is important to elaborate on this aspect. First of all, high-skilled migrant workers in Canada are allowed to bring their family members with them while the SAWP, low skilled and the TFWs cannot do the same. A similar situation existed with the SAWS and SBS in the UK. For instance, SBS were not allowed to bring their spouses and dependents and they have to leave the country when their permit expires (Ruhs, 2006). This has allowed the governments to keep the migration flow in control in the UK, while in Canada this can be related to the previously entrenched policy of immigration, which has been highly selective and favorable to the high skilled.

Lack of family reunification has caused great turmoil in the lives of the migrant workers and their families (Hughes, 2012) while remittances and sending home money do not seem to be compensating for the absence of fathers and mothers and continuous disruption of private

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<sup>363</sup> Interview on 15 April 2015.

lives. My interviewee Stan Raper<sup>364</sup>, from UFCW, argued that “these people need to have dual citizenship. Why is it up to the employer to decide the faith of the working people and their families? The sending countries rely on a system that is inhumane: kids growing up with their fathers, there are divorces as well as family separations. The price of these policies is high.” UFCW is against the separation of the migrant workers from their families for four years.

More rights for TMWs in the sphere of family reunification can be considered as a facet of temporary integration. In case the TMWs are already circular migrants, this necessity is even more essential. It is interesting to see that when the migrant worker flows from Southern European countries to the Northern and Western European countries stopped in 1973 because of the oil crisis, the migration continued in the form of family reunification. But today the system seems to be less open and less humanistic as the migration flows are being halted, and family reunification is being avoided to a greater extent<sup>365</sup>.

The third aspect advocated for temporary integration is based on political integration. The research for this thesis has demonstrated that the policy-makers and decision-makers do not want to grant any kind of political rights to TMWs. Granting TMWs political rights to empower them has been recommended by Lenard and Straehle (2012) but it is dismissed as implausible by policy-makers, as my interviews show. However, one interviewee suggested that there is still a slight possibility for local voting rights. In this case, it could be argued that the TMWs who become circular migrants or who stay in a locality for four or five years should logically benefit more from their political rights. Non-EU TMWs in the UK and the TMWs in Canada, in case they work there for more than one year, could attain some local voting rights. Ruhs was arguing that it could be 4-5 years before these rights are granted to them, but I argue that four-five years is a very long time span within the lifetime of a migrant worker<sup>366</sup>. In the age of communication and technology, when access to information of all kinds is instant, one cannot assume that TMWs will not be aware of their political rights or of their particular conditions in relation to other contexts and situations. If the TMWs feel temporarily as a part of that community, not only as workers, who work for long hours but also as the author of the laws that they are subjected to (Abizadeh, 2008), then temporary integration would benefit them in terms of gaining an understanding of their political rights. Hence, their agency would be strengthened not only in economic terms (as it is suggested in the triple-win mindset), but also in political terms.

Against all these suggestions, one of the counter-arguments would be that integration policies are against the logic behind the TMPs. However, if integration is thought of not as a short-term process of a beginning and a becoming, but rather as a long-term and assimilative one; then this understanding produces the counter logic of disrespect of newcomers' cultures, social understandings, and rights. A long-term approach towards integration also encourages assimilation, since the longer a migrant works in a country, the more likely they are to stay there. Consequently, there is a need to think of integration in different forms which corresponding to the current realities that TMWs face, in order not to make the same mistakes that were made by the receiving states, which assumed that temporary migration is only temporary and that TMW is not supposed to integrate. In many cases, a TMW within his or her contract might be working harder than a native worker, but would not be acknowledged for this hard work, if integration is seen as deserved only by the high-skilled migrant workers and those who ‘deserve to stay longer’. This would not be a fair conclusion, if the right to decide who can integrate is taken only according to the host state's criteria. This kind of understanding underestimates the TMWs' agency as a whole and views the role

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<sup>364</sup> Interview on 4<sup>th</sup> of November 2013.

<sup>365</sup> A very recent proposal in the UK parliament imposes a higher threshold for the family reunification of Tier 2 migrant workers.

<sup>366</sup> One should also acknowledge that the migrant workers who are coming from developing countries might not have very long life spans when compared to the western world. This is a very straightforward assumption but the truth is that life expectancy in Mexico is 77 years while in Canada it is 81 years. Life expectancy in the UK is 81.5 while in Bulgaria it is 74 years and in Romania it is 71 years. They are not low but compared to the host countries' life expectancy they are 4-10 years lower.

of migrant workers from an exclusively economic perspective while undermining their roles and their agencies as multidimensional human beings.

### **9.5 Rights within the Framework of Temporary Integration**

Firstly, I argue against the notion that integration is a linear process that increases over time and that goes straightforward. On the contrary, integration can be concentrated and concise (there is a possibility that a person can integrate within a short time in economic, social and political terms). So all the social and political rights can be benefited from, and social, political, cultural (within certain limits) and economic integration can be realized within a short time, too. Secondly, I argue that integration has ups and downs, which means that temporary integration is quite feasible. And integration can be discontinuous. Third, enhancing rights and promoting temporary integration against the exploitation aspect also shows that a new approach to integration is needed.

The author recognizes that there is only a slight possibility for designing temporary integration policies that are implementable. Aside from the obvious factors, the reasons for this are that there are limits to what the liberal state can achieve. With regards to expert knowledge, most of the time these programs are used as a for justification for established or likely policy outcomes. TMWs also fall into the crack between human rights legislation and larger societal community concerns (public security, public safety, danger to the economic well-being of the country, for the prevention of disorder and crime, for the protection of health or morals, or for the protection of rights and freedoms of others as indicated in ECHR Article 8(2)). And if the decisions, advice and suggestions proposed by expert knowledge are actually complementing and serving the liberal economic purposes of the liberal state, what the state is asking from the experts to do is more of a narrow economic interest question. Under these circumstances, there will not be much space for spending by the host state for temporary integration and granting further rights to TMWs. However, it is argued here that temporary integration should at least be discussed in order to analyze the situation of those who are susceptible to falling in between the gap between the temporariness of migration policies and the permanence of fully-fledged integration (i.e. a permanent resident or a citizen).

It is argued that these programs should not be closed down entirely, like some works have suggested already. For instance, the Bracero Programme was closed and as a result underground labour increased (Martin, 2006). The closing of the SAWP can have similar results. Canada does not close programs, but instead reforms or decreases the numbers while toughening the enforcement side of it. However, unexpectedly the TMWs in Canada are also facing the risk of deportation. In the UK, the SBS and the SAWS were closed in 2013 and controlling and limiting immigration of all sorts has become a primary concern in the UK. Therefore, these criteria have to be ensured as a part of temporary integration:

- 1) Ensure that all rights are respected during the period of the work permit. These rights include partial social and political rights, cultural rights and fully enforced economic rights. Political rights such as local voting rights could be granted after one or two years, while social rights should be ensured for those who are staying for four-five years. Cultural rights should be included within the package in order to prevent xenophobia in the host society and to increase the level of awareness amongst the migrant workers.
- 2) Reform the programs, which are causing exploitation. Make sure that employers play by the rules while a quota can be established for some of the TMWs who want to stay: those within the quota will have the route to permanent residency as well as family reunification rights.
- 3) As Roy Millard from Southeast Strategic Partnership for Migration has suggested, some good practices could benefit from a collaboration of voluntary sector and the companies who are employing migrant workers. Voluntary sectors and employers working together can provide more solid language education for the migrant workers

and provide cultural tours as well as courses of cultural awareness to the host society within that locality.

## 9.6 Results and Discussion

This section will summarize the methods, background and the analytical chapters and demonstrate how the literature review has been amalgamated into the findings and discussion. The aimed research questions of the thesis were as such:

- 1) What are the similarities and differences between the temporary migration policies of Canada and the UK?
- 2) What are the reasons behind these similarities and differences?
- 3) What informs the understanding of temporary migrant in these countries?
- 4) What are the implications of temporary migration policies for temporary integration?
- 5) What could temporary integration be comprised of?

In order to answer these questions, 51 semi-structured interviews with open-ended questions were conducted with local and national policy-makers, migrant organizations, immigrant lawyers, politicians, experts and scholars. A thematic method has been used while examining the data. In order to achieve triangulation, the information acquired through interviews has been supported by the policy papers, annual reports to the parliament on immigration, and public and media discourse related to temporary migration. First of all, the interviews were transcribed; then they were read more than a few times and notes were taken on possible themes. As Braun and Clarke (2006) underline, if within the data at least 50 percent of the themes are present then it can become a theme. In accordance with this principle, the main themes were detected. While the themes were being chosen, an inductive method was followed, meaning that “the themes identified were strongly linked to the data itself” (Patton, 1990). However, some part of it was done via a theoretical approach, as I already had in mind some of the theory regarding migrant workers’ rights, TMPs and diverse approaches to integration based on the literature review. After the initial coding, main themes were formed. Thus, the conclusions drawn were realized through a synthesis of secondary and primary resources.

The themes were related to temporary migration, temporary integration, successful TMPs, migrant workers’ rights (in specific political rights), the benefits of the TMPs and different stakeholders of these policies, policy evolutions regarding domestic workers’ rights, the dichotomy between the high and the low skilled programmes, and the brain drain. Later, the themes were reviewed. As Braun and Clarke (2006: 91) indicate, the coding is an ongoing organic process and thus, every time I read the transcriptions I would often find new themes and reviewed them. Finally, the themes were defined and named in relation to those, which had the most potential for research contribution. The analysis was made according to each analytical chapter’s main theme.

One of the shortcomings of choosing this method was that it sometimes led me to take the text of the transcribed interviews at face value, even though reflexivity was applied on it. And I have discovered while writing chapter 7 on Rights that the discourses on rights are heavily embedded with ideological<sup>367</sup> biases. This meant that I could have examined them through discourse analysis, which could provide me the tools to see how the language of rights was constructed by my interviewees. This could have been more helpful in my research as through discourse analysis I could observe that all the qualities that are

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<sup>367</sup> “Today’s understanding of the term **Ideology** is rooted in the writings of German philosophers Karl Marx and Friedrich Engels. In their original sociological analysis, they defined **Ideology** as ‘The ideas of the ruling class are in every epoch the ruling ideas ... The class which has the means of material production at its disposal, has control at the same time over the means of mental production.’” Taken from the website <https://faculty.washington.edu/mlg/courses/definitions/Ideology.html> accessed on 17th of August 2015.



attributed to the migrant workers were actually the qualities that the labour market has produced. (In general the discussion about the low-skilled migrant workers included being prone to using welfare benefits, leaving at the edge of destitution, becoming easily unemployed in the face of a crisis). However, by granting limited rights, not giving chances to change employers, removing the right to appeal and not providing any rights for family reunification, the labour market ignored the presence of a huge number of low-skilled migrant workers living in the host countries either temporarily and permanently. This means that the state and the employers within the labour market have also ignored the possibility of their integration while denying them the rights that are necessary to make them less vulnerable to any kind of health or economic crisis. As the laws and the states have seen TMWs from an instrumental point of view, it was possible to see in some of my interviews that the interviewees had a similar approach to the presumed assumptions about the labour market.

I had three hypothesis in the methodology chapter. The first one suggested that a different immigration history and different understanding about migrants would influence the restrictiveness or openness of the policies. This hypothesis proved to be right. Canada continued the TMPs while the UK has closed them in order to decrease the numbers and reach the net migration target set by the Coalition Government. The second hypothesis suggested that if there is a smaller gap between the rights of the low-skilled and high-skilled TMWs in a country, the migration policies of that country would be more expansive and inclusive to the high-skilled to keep the threshold of rights higher. This hypothesis could not be falsified or verified since the low-skilled TMWs in both countries have different rights and they cannot be quantifiable. The low-skilled in the UK can change employers but cannot bring families, while the low-skilled in Canada can not change employers but can bring families (in practice none of these are benefited to the full extent in neither of these countries). However, it has been found out that the UK has become restrictive to the high-skilled immigration by narrowing the channels that allowed them to enter and stay as it was shown in Chapter 5 and Chapter 7. The third hypothesis claimed that regardless of history, understanding of migration and migrant, the TMPs could have similar consequences in terms of rights and integration of TMWs. This hypothesis is verified in Chapter 8.

There have been scholars who have suggested that political rights and routes to citizenship (Lenard and Straehle, 2011; Sager, 2012) are important, while others argued that time and attachment should incrementally increase the rights that migrant workers have (Carens, 2013; Ruhs, 2013; Bauder 2006). Espejo (2015) defended the 'right to stay' based on place based duties for the migrants. Soysal (1994) suggested that post-national citizenship makes it possible for people to benefit from social and economic rights to the fullest extent, but it has been seen that there is a hierarchy and stratification within a society in terms of who can benefit from these rights as well (Morris, 2003). Basok (2004), Bauder (2006), Sharma (2001, 2012), Hennebry (2012, 2014), and Preibisch (2010) in the Canadian context have shown that rights of TMWs are being violated heavily. In the UK context, rights of TMWs have been discussed by Scott (2015), Simpson (2011), Spencer et al. (2007), Ruhs (2006, 2013) and Anderson (2010). They have also focused on how much migrant status can change the rights that migrant workers have. Finally, Lenard (2012), Hennebry (2012, 2014) Wickramasekara (2008) and Preibisch (2010) suggested that there are no integration policies for TMWs. Therefore, following these lines of thought, what was suggested in this thesis is to discuss temporary integration as a solution.

Temporary migration policies have always been thought of from a triple-win perspective, as well as development and the return of migrant workers. They have also been discussed in terms of development and brain drain. However, they have never been discussed in terms of integration. It is not only because TMPs were designed to be temporary and temporarily beneficial for all three sides. It is also because integration is perceived as a long-term phenomenon and has not been thought in tandem with temporary migration. Therefore, for the reality of working and living conditions of the TMWs, the state (in collaboration with the employers) needs to create some integration policies. And this also entails another

perspective, seeing integration as a short-term possibility and short-term investment for further longer-term goals of not only integration but also for the development purposes of the sending state.

Chapter 4 examined the changes in the migration and temporary migration policies in Canada and the UK. In Canada, changes such as these have been observed: with the Immigration and Refugee Protection Act (IRPA – 2002), security as an ideal has been more entrenched; since 1996 there was an aim to attract migrant workers who are very high-skilled and who can easily integrate (the language of the annual report on migration 1996 depicts it as “the capacity to integrate”); the Provincial Nominee Programme (PNP) starts in 1997 and therefore the route to permanent residency is present in the policies since 1996; the Live-in Caregiver programme starts in 1992; in the 1990s the numbers of the high-skilled migrants were always higher than the other categories such as refugees and family reunification classes; while the temporary class is at first a high-skilled one, later on (since the beginning of 2000s) this changed with the recruitment of low to mid-skilled migrant workers as temporary; with IRPA 2002 the approach towards the migrant workers switched from evaluating “previous jobs” to “flexibility and skills”. In Canada, the numbers of the TFWs started to rise in the beginning of 2000s and it even continues to rise in each province even after the crisis in 2009.

In the UK, migration became more open and expansive during the Labour Administration. It was seen that Labour acted upon policies that were focused on high-skilled and economic migration. Besides these, the securitization of migration came to the fore after 9/11. One of the first high-skilled migration policies was designed during the last Labour administration, a programme that lasted around five years before being removed in 2008. Later on in 2008, the Points Based System (PBS) was introduced. The civic integration policies were acted again during the Labour Administration. The Sector Based Scheme (SBS) (2003-2012) and Seasonal Agricultural Worker Scheme (SAWS) (post WW2-2013) changed quotas according to the Migration Advisory Committee’s recommendations. The SAWS is a very old scheme but the quotas and more regularized organization of the policy were taken upon during the Labour administration as the Gangmasters’ Licensing Authority (GLA) was established in 2005. These were the most prominent temporary migration schemes examined in this thesis.

According to Hansen (2000: 248) the UK’s immigration policy has always been restrictive and that it is not a novelty that during the 1990s a similarly restrictive rhetoric and approach was used. But the tide turned with the immigration flows from A8 countries in 2004. This has allowed the UK to close the doors to low-skilled migration from non-EU countries, letting only the very high skilled to come in from the non-EU countries (closure of Tier 3). “Building walls and opening some doors” is a typical immigration policy in the UK as it is in most of the liberal-democratic countries (Zolberg, 1989). If there is enough of a labour force, then there is not a need to open the doors to others, is the main logic that was defended most of the time. However, it has been proved that in order to restrict immigration, even temporary migration policies that existed for decades, have been discarded in the UK altogether, rather than keeping more regulated versions them. This suggests that restricting immigration is done through policy cancellation. However, alternative policies, which encourage integration are not offered. In Canada, however, this is not the case. Instead, programmes are reformed or quotas are adjusted. Certain migration policies have been more stable over time in Canada.

Chapter 5 has examined the integration policies and how they changed from the Labour to Coalition administrations. There used to be some short-lived integration policies during the Labour administration and they had been scrapped in a way during the Coalition Administration. My interviews have also confirmed that any kind of immigration, including temporary immigration (as the SBS and SAWS have been closed), was cut and integration measures have become assimilative in the sense that Prevent has gained more importance than community cohesion and community cohesion has become more important than the multiculturalist aspects of the integration policies. Although the integration policies are said to be localized, in practice the centralization of integration policy can be observed as the

interviews reveal.

Another crucial part of integration policies is that 'British values' are being given priority whilst the content of these values is not being defined clearly. A very homogeneous definition is provided without a multiculturalist dimension. As one of the interviewees underlined, the state does not want to give the impression to the migrant workers that they are going to stay. Hence, the state does not provide these opportunities to them such as language courses from day one. (Unlike Scotland where this kind of support actually occurs.) Integration policies are generally short-lived and they were not designed for temporary migrants. The understanding of integration has also evolved in a more assimilative way, which signifies that integration is still considered as a long-term phenomenon without any references to the TMWs. However, for this long-term objective, the basis of integration depended on income, language acquisition, and civic integration policies—in short, more of an individualist and assimilative perspective has been adopted. As Hampshire (2014) analyzes, these policies of integration could be considered as a way of nation-building in this era.

My interviews in Canada have shown the importance of demographic and economic needs, and how these changes from the perspective towards immigration in Canada, as well as how public opinion can affect the way the temporary migration policies are discussed in Canada. The approach to integration has always been a long-term strategy in Canada. Therefore, nobody has ever thought that someone could have been integrated for a short period. The strength of their integration policies is that integration follows immigration immediately and those who are to stay (who are permanent residents) benefit even more from the integration programmes. That is also partially due to optimism in the migrant organizations in Canada in terms of pro-activeness, as if there is always a spirit of responding to needs and problems of the migrants. The migrant organizations in Canada, especially those who organize things at the local level, underlined their activities regarding cross-sectorality and bridge-building. The 'employer-drivenness' of the temporary migration policies were acknowledged by almost all the interviewees including the MPs from both Liberal Party and New Democrat Party in Canada.

The interviews and the public debate revealed the following findings in Canada: temporary migration policies are not the way Canadians admit immigrants (although since mid 1990s this is the strategy to recruit high and low skilled). However, the same discourse has revealed some ambiguities towards the high numbers of low-skilled migrant workers which historically also does not fit the previous policy patterns, where Canada always preferred the high-skilled migrant workers via points based system and has seen them as potential future citizens. When I asked the policy makers about which criteria could constitute a successful programme, they had given the names of those, which allow for longer stay and route to permanent residency, such as Federal Skilled Worker Programme (FSWP), Canadian Experience Class (CEC), and Provincial Nominee Programme (PNP). Therefore, successful programmes in their eyes, signify the ones that leave space for and allow integration and in some cases the ones that are uninterrupted. And yet the ambiguity about the recruitment and integration of the low-skilled TMWs continues to be in the head of decision-makers and the public debate continues as well as the risk of many TMWs being deported.

Temporary integration has not been considered in Canada either, as there is little discussion of it in the academic literature, or in the policy sense. Temporary migrants' integration also creates ambiguity because historically they want to integrate all the people they take in, otherwise, they would prefer that they do not have such a high intake of the low-skilled migrant workers. So the confusion is apparent. This confusion arises from two sources: the fact that the policies are employer driven and these policies are perceived as beneficial for the state and the nation; and that there is the ethical perspective that so many people are coming temporarily without having an amelioration of their rights in the long-term.

In chapter 7, the rights of the TMWs were discussed and compared. This chapter discussed

why there are differences between the high and low skilled workers in terms of the rights and privileges they receive within these two countries; and why there are differences in the rights and privileges between the low-skilled migrant workers in the two countries. The common discourse that was discovered proved to be highly ideological. The discourses of the policy-makers and some think-tanks sound as if the unequal policies towards the low-skilled migrant workers can be justified based on the presumption (“fact” or “research”) that they will be more of a burden when there are economic downturns. To summarize, they make two assumptions: HS contribute more to the economy and low-skilled migrant workers contribute less. HSMWs are less of a burden to the welfare state but LS might be more of a burden. Even though these assumptions were true, it is not only because the HSMW are per se more productive and efficient and because they create spillover effects, or that LSMWs are less healthy and more demanding on social rights. It is also because of the nature of these two different sets of jobs and the labour market, which goes unregulated and policies which are employer-driven that aim to exclude TMWs that leads to justification of not granting the same rights to the LSMWs.

Chapter 7 had several findings other than the discourses explained above. First of all, the discourse of the decision-makers has been revealed and discussed. This discourse manifested itself as relying on only the rationality of the migrant workers while not taking into consideration the embeddedness of these decisions taken by the TMWs. Another part of this discourse has also conceded that the migrant workers themselves are actually not reliant on social welfare or ‘welfare tourism’. And if they are reliant on these, it is not because they are inherently dependent health wise; it is the jobs and the living conditions that make them more susceptible to using social welfare more. And another part of this discourse has revealed that most of the decision makers, experts and lawyers advocate the idea that the high-skilled migrant workers contribute more economically to the host society. This was used as a justification for granting them more rights. But actually this logic obscures the fact that the TMWs are actually contributing a lot as well, and all the high-skilled jobs can create more low-skilled jobs<sup>368</sup> (Skeldon, 2009), and therefore the low-skilled migrant workers are trapped within the system, not only as a result of their rational choices but also because of the embeddedness of these choices.

Another finding regarding the rights in this chapter was that the rights vs. numbers perspective was challenged from a few points of view: for instance, not all the rights are affected from high numbers of migrant workers, but those crucial ones such as the political rights can be easily affected more than the social rights. The contexts of the countries matter a great deal in terms of granting certain rights. In Canada, those provinces, which receive the highest numbers of TFWs, for example, prevents migrant workers from having the right to unionize. Therefore, it is not always the social rights that are at stake for migrant workers and it is not always the welfare state that is under danger as the current rhetoric of policy-makers in the UK implies.

Chapter 8 compared and contrasted the integration policies of the UK and Canada while pinpointing the convergences, divergences and parallel policies. It was seen that the divergences are more than convergences, but despite this temporary integration is not thought as a solution not only because such kind of schemes do not exist but also because integration is thought as a long-term process only deserved by some and only as a long-term project. Hence, the ignorance of temporary migrant workers is not only about negligence only but it is also intentional on both sides. This is the case especially for the temporary low to mid skilled migrant workers. On the other hand, the discourse of the policy-makers, despite being conventionally ‘politically correct’, shows that the possibility for integration and contribution to the society is higher for the high-skilled people. But it could also be argued that the policies, structure, schemes and integration patterns do not allow the TMWs to integrate and hence it is not their characters, jobs or skills per se that prevents them from integrating. The main reason is that they are not wanted as possible citizens as this result has

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<sup>368</sup> This is not true for all the high-skilled jobs, as some of them might have more spill-over effects.

been found out before by other scholars and researchers (Sharma 2012; Ruhs 2006; Preibisch 2010; Hennebry 2012; Lenard and Straehle, 2012). This thesis adds to these findings by showing that temporary integration could be a way to balance the injustices incurred by the TMPs, which is acknowledged by the policy-makers and migrant organizations. The thesis is also unique in the sense that it compares these two countries, which have historically different understandings of migration and different patterns of migration, in terms of their approach to temporary migration policies. And it is also unique that it shows what TMPs imply for integration of migrant workers and attempts to create a more imaginative approach to integration.

### **9.7 Concluding Remarks**

The definition of temporary integration has been suggested by the author of this thesis as such: “the social, economic, political and cultural integration of Temporary Migrant Workers or Temporary Foreign Workers (TFWs) within the time frame of their contract.” This definition was an attempt to include the other aspects of being temporary migrants that are not accounted by the policy-makers: the social, political and cultural.

The thesis suggested that the theoretical gap that is not considered by the academics is that integration can also be temporary. Especially considering this as the age of information, temporary integration is surely becoming more of a reality. What is suggested within this chapter is that the states should perceive the reality of the TMWs’ lives (which is more than temporary but circular and to-be-permanent in many cases), and in order to follow policies in line with the reality as well as accounting for liberal democratic and humanitarian values. Thus, the states, which heavily rely on migration, and particularly temporary migration, should act upon temporary integration policies after devising them.

The definition adopted in the beginning underlined that integration is more than acculturation and less than assimilation. This is the perspective of integration that this thesis has adopted. The definition suggested that both the host society and the migrant workers should be willing to promote integration and that integration is not a one-way street where it is perceived more as assimilation. On the contrary, it is something in between acculturation and assimilation (Berry, 1997). The definition of Berry (1997: 7) defined integration as such: “Integration is the option; here, there is some degree of cultural integrity maintained, while at the same time seeking to participate as an integral part of the larger social network.” He has also suggested that “integration can be only freely chosen and successfully pursued by non-dominant groups when dominant society is open and inclusive in its orientation towards cultural diversity” (p. 10). In line with this piece of thought, this thesis considered integration to be not the same as assimilation. However, regarding the current policies of integration, which are assimilative, the thesis suggested discussing temporary integration.

Looking at the divergences between policies for the high and low-skilled, integration means assimilation because only educated, high skilled (even they are to be integrated to a very limited level if they are TMWs as well, especially in the UK). However, it has been found out that integration is designed and desired for those who are with the capital and education (Tier 1 and 2 in the UK; lifelong points based system and programmes for the integration of high-skilled migrants in Canada). Therefore, integration for the TMWs from low to mid-skills has never been considered. Another reason why it has not been elaborated is that these policies have been employer driven and it is not particularly in the interest of the employers to accept migrant workers with a purpose to integrate them. This aspect causes the imbalance within the assumed triple-win of the TMPs and this imbalance has been criticized heavily in this thesis.

This thesis aimed to justify temporary integration and find a definition and meaningful content to it. Temporary integration has been defined as the integration of TMWs during the time of their work permit. These kinds of schemes (that are yet not devised by any kind of government, liberal-democratic or not) are suggested as a necessity for two reasons. First, if the TMWs are really temporary and they have temporary purposes to stay (assuming that

there will not be any change in their statuses and that they will not want to stay in the host country), temporary integration will equip them with the skills that they can transfer back to their home countries. Second, if they change their plans and decide to stay (because plans can change once a person emigrates), temporary integration will provide them with the tools to get accommodated to the society that they are living in (this has also been suggested by Ruhs, 2006).

In addition to the points made above, temporary integration would serve these purposes: the prevention of exploitation of the TMWs during their stay and to find a balance within the triple win where the employers are the ones who are benefiting mostly from these TMPs. The original contribution of the thesis has therefore been to bring together notions of 'temporary' (as opposed to permanent and long-term) and 'integration' (as opposed to short-term and based on well-deservedness by the high-skilled migrant workers who have the necessary social and economic capital to earn permanent residency and citizenship). These two terms can exist together, and will arguably only increase in relevance in this globalized world where the labour market and migrant workers are becoming increasingly temporary. This result is related to not only the unregulated labour market but also to the consumption patterns and pace of technology and communication. In line with this assumption, there is no harm in regulating the quality of that temporariness in order to raise the level of living standards for the burgeoning numbers of TMWs who spend years of their lives working as foreigners.

The shortcomings of the research include not being able to examine the parliamentary debates and more legal documents for analysis. A shortcoming of the methodology has been not being able to speak to the migrant workers in order to understand their aims and wishes regarding migration and integration. This could have been done via a survey and based on the results of the survey; a better programme of temporary integration could have been envisioned.

Further research could involve what is lacking in this thesis in terms of material, vision and research methods. To be more precise, temporary integration should be researched more as a sociological and psychological reality for the Temporary Migrant Workers. Whether temporary integration could exist as a policy or scheme should undoubtedly be taken seriously. And those who are experts on temporary migration policies could scrutinize temporary integration within a more ethical framework that does not berate the rights of the TMWs and does not discard years of work and labour out of migrants' lives.



## Appendix

### A. Interviewees (People and Dates)

Canada	Name	Work Place	Date	U K	Name	Work Place	Date
1	Ümit Kızıltan	Director General, Research and Evaluation, Department of Citizenship and Immigration Canada	September 2013		Senior public servant Anonymou s	Head of Analysis, Research and Knowledge Management at the Home Office	5 April 2014
2	Allison Collins	World Skills	September 2013		Philippa Tyler	Migration Yorkshire	30 April 2014
3	Can Lee	Vietnamese Canadian Association	31 September 2013		Martin Ruhs	Professor at Oxford University	6 May 2014
4	Kelley Macgahey	Hire Immigrants Ottawa	30 September 2013		Sam Scott	University of Gloucestershir e	May 2014
5	Ying Xie	Senior Manager at Ottawa Chinese Community Service Center	10 October 2013		David Blunkett	Former British Labour Party Politician and MP	May 2014
6	Warren Creates	Ottawa Immigration Lawyer	11 October 2013		Don Flynn	Director at Migrants' Rights Network	11 June 2014
7	Dan Murray	Founder of Immigration Watch Canada	16 October 2013		Sinead Lawrence	Confederation of Business Industry (CBI)	11 June 2014
8	Desmond Doran	Member of Jamaican Canadian Association	16 October 2013		David Goodhart	DEMOS	11 June 2014
9	Carl Nicholson	Director at Catholic Center for Immigrants	24 October 2013		Alex Glennie	Former Researcher at IPPR (Institution for Public Policy and Research)	12 June 2014
10	Shano Bejkosalaj	Ottawa Muslim Women Organizatio n	28 October 2013		Anonymou s	Immigrant Lawyer	12 June 2014

11	Ahmad Fahima	IOM	31 October 2013		Rosa Crawford	TUC (Trade Union Congress)	12 June 2014
12	Martine Bresee	OCISO <sup>309</sup>	31 October 2013		Kamaljaat Jandu	GMB (Britain's General Union)	8 October 2014
13	Yasir Naqvi	Member of the provincial parliament	26 October 2013		Tom Papworth	Center Forum	20 October 2014
14	Sarah Anson Cartwright	Chamber of Commerce – Government Relations – Director of Skills Policy	1 November 2013		Anonymous	Haringey Migrant Center	21 October 2014
15	Stan Raper	United Food and Commercial Workers	4 November 2013		Matthew Rhodes	British Future	17 November 2014
16	Anonymous A senior official	CIC	6 November 2013		Carlos Cruz	UNITE	21 November 2014
17	Imam Zijad Delic	Barhaven Mosque – social services for newcomers	7 November 2013		Francesca Valerio	Migrant Forum	7 January 2015
18	Abdirizak Carod	Executive Director-Somali Family Services	7 November 2013		Senior Public Servant	Head Secretariat of Migration Advisory Committee	24 February 2015
19	Lucya Spencer	Executive Director at Immigrant Women Services Ottawa	12 November 2013		David Geary	Recruitment and Employment Confederation	23 February 2015
20	Anonymous	Liberal Party MP	14 November 2013		Darryl Dixon	Gangmasters' Licensing Authority (GLA)	4 March 2015
21	Gilles Paquet	Professor at University of Ottawa	14 November 2013		Bridget Anderson	Oxford University	3 March 2015
22	Mike Bell	Immigrant Lawyer	21 November 2013		Senior Public Servant	Department of Communities and Local Government	27 March 2015

<sup>309</sup> Ottawa Community Immigration Services Organization

					Anonymous	(DCLG)	
23	John Mccallum	Liberal Party MP	4 December 2013		Roy Millard	Southeast Strategic Partnership for Migration	5 April 2015
24	Judy Sgro	Liberal Party MP	11 December 2013		Marley Morris	IPPR	5 June 2015
25	Hindia Mahmoud	OLIP <sup>370</sup>	18 December 2013				
26	Anonymous Senior Public official	Integrity Division - HRSDC <sup>371</sup>	February 2015				
27	Irene Mathysen	MP in New Democrat Party	16 March 2015				
Email correspondence with	Laura Robbins Wright	Formerly working at CIC	18-20 June 2015		NFU (National Farmers Union)	Christ Hartfield – Acting Chief Adviser	10 February 2015

## B. Changes to Integration Policies (1997-2015)

Years	Changes by the Government in integration and immigration policies
2000	National Refugee Integration Forum: Integration fund for the refugees
December 2001	High Skilled Migration Policy was set up
Post September 11 in 2001	Community cohesion and de-radicalisation
2001	High-skilled migration programme was established
2008	PBS (Points based system) was introduced
2006	National Integration Refugee forum was cut
2007	<b>Migration Impacts Fund was formed:</b> “The UK has established a Migration Impacts Forum to allow for a national debate and dialogue with key service providers on the wider impacts associated with migration experienced by local areas, and identify and share good practices in managing these impacts. The forum stems recognizes that immigration could benefit the

<sup>370</sup> Ottawa Local Immigration Partnership

<sup>371</sup> Human Resources and Skills Development in Canada

	UK, but it has to be properly managed, fair, effective and planned in all its implications." <sup>372</sup>
2008	HSMP was ended
2010 Coalition government ended it	Migration Impact Fund: The aim was to provide local funding to the areas where there was transitional immigration pressures
	EMAG was established
2011	Cutting the language course budgets (together with the universities)
2011	Language tests and citizenship tests (more levels of civic integration) are introduced
2012	Salary threshold for family reunification
2012	Creating the Conditions for Integration: Emphasis on British and liberal values
2015	EU citizens cannot benefit from the Universal Credit unless they work

**Source:** Prepared by the author to show what has been established and what has been scrapped by these two administrations (1997-2015)

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<sup>372</sup> <http://www.gfmd.org/ppf/ppd/1928> accessed on 2nd of March 2015.

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