

TEMPORARY WORKER, PERMANENT ALIEN: AN ANALYSIS OF GUEST
WORKER POLICIES IN THE UNITED STATES AND CANADA

by

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A DISSERTATION

Presented to the Department of Geography
and the Graduate School of the University of Oregon
in partial fulfillment of the requirements
for the degree of
Doctor of Philosophy

September 2014

DISSERTATION APPROVAL PAGE

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Title: Temporary Worker, Permanent Alien: An Analysis of Guest Worker Programs in the United States and Canada

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DISSERTATION ABSTRACT

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Doctor of Philosophy

Department of Geography

September 2014

Title: Temporary Worker, Permanent Alien: An Analysis of Guest Worker Programs in the United States and Canada

Over the last several decades, economic globalization has presented many ‘advanced’ economies with a dilemma between facilitating the flow of goods while simultaneously regulating the flow of labor. This contradiction has manifested itself in the immigration policies of Canada and the U.S., which have each pursued distinct strategies for importing foreign workers to maintain global economic competition. Such workers, whether legal ‘guest workers’ or ‘illegal’ immigrants, reside within the boundaries of the state, yet remain permanent aliens. This dissertation explores how guest worker policy specifically and immigration policy more broadly have been constructed and debated in national political discourse from 1990 to 2010. In addition, research in two rural case study communities reveals how labor markets and social geographies are re-shaped by the interaction between workers of varying legal and ‘illegal’ statuses. This multi-scaled and comparative analysis of the understudied issue of guest worker programs reveals how different forms of exclusion, constructed at national and local scales, become deeply interwoven together to produce new labor market realities and reinforce national identities predicated on protecting the composition of the nation while actively promoting global economic competition.

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Darian, Jean and Laurie Trautman. Developing Strategies for Household Water Conservation through Social Marketing: An Investigation of Consumers' Beliefs, Motivations, and Behavior. 2006. *International Journal of Environmental, Cultural, Economic & Social Sustainability* 2 (2): 139-150.

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CHAPTER I

INTRODUCTION

“National borders do not now, or in some mythical past, correlate with classifications of national membership. It is the nationalization of identity, and of society itself that takes place both through juridical-legal state practices and the everyday social practices that produce certain people as national-subjects and others as foreign-objects within the same territorial and legal space” (Sharma, 2006: 141).

The desire to control the movement of people across borders and the distinction between ‘citizen’ and ‘alien’ are cornerstones of the ideal of national sovereignty. Globalization, however, requires greater levels of flexibility, mobility and efficiency, as evidenced by the roughly one hundred million people worldwide who migrate across borders as temporary workers (International Organization for Migration, 2008). The inherent tension between regulating the movement of people and participating in the global marketplace is negotiated in part through the construction of national immigration policy, which is an important indicator of a country’s response to an increasingly integrated world economy. Shifting labor needs in the context of globalization has prompted many countries to create or expand guest worker programs—programs designed to address labor needs without granting social and political membership of those workers. As the temporary importation of foreign labor becomes an increasingly common characteristic of ‘advanced’ industrial economies, there is an urgent need to understand the formation and outcomes of these policies.

This dissertation offers a comparative analysis of nonagricultural, low-skilled guest worker policies in the United States and Canada. The project examines national political and policy narratives in both countries that justify the importation of foreign labor as they are articulated within debates over guest worker legislation between 1990

and 2010. In particular I examine how elected representatives and other government officials construct temporary worker programs as “essential” given the limitations of immigration policy to address labor needs in a range of economic sectors. Temporary worker programs, in demanding employers prove no resident labor is available when applying for guest workers and in providing employers significant control over guest worker’s legal standing, create a complex state / bureaucratic intervention into the market. Moreover, it signals an ideal of state control and sovereignty (e.g. the ability to import people and then expel them when not needed) profoundly at odds with understandings of the ‘free market.’

In addition to the political narratives constructed in government debates that delineate categories of immigrant (and non-immigrant) status, there are complex ways that these different levels of belonging interact at the local scale, which can work to reorient labor market dynamics (Piore, 1979) and everyday interactions. Scholars have only recently begun to explore how national status shapes divisions of labor in economic sectors that are heavily dependent on low-skilled and flexible foreign labor, ranging from legal to ‘illegal’ status (Wills et al, 2010; Bauder, 2006; Anderson, 2010; Nelson & Nelson, 2009; Vosko, 2010; Lucas & Mansfield, 2010). This dissertation uses qualitative and in-depth research in two case study “receiving” communities (Ferne, British Columbia and Sun Valley, Idaho) to explore how national discourses and constructions of belonging intersect with local labor markets and community dynamics.

Historical Context

Although the use of guest workers has grown alongside globalization and the desire by states to integrate into a global marketplace while simultaneously regulating

flows of labor, temporary labor migrations have existed throughout history, and have been used as a strategy for accessing foreign labor since the late 1800s. The term ‘guest worker’ was coined in the late 1940s, with the advent of formal government policies in both Europe and the U.S. These policies brought millions of workers across borders, fuelled largely by the labor needs associated with World War II (Hahamovitch, 2011). Guest worker programs are heavily utilized today in advanced economies throughout the world, with particularly large programs in Japan, New Zealand, Germany, and Australia (Wilson, 2013).

The U.S. experience with guest worker programs commenced on a large scale with the Bracero Program in 1942, enacted as a temporary wartime measure. The program was extended until 1964 and brought over five million Braceros from Mexico to work in agricultural fields in the Western U.S. It was eventually terminated due to several factors, ranging from complaints about human rights abuses to union objections (Calavita, 1992). In 1986, the program was redesigned under the ‘H’ visa, which currently consists of several categories, including the H-2B visa for low-skilled, non-agricultural labor. It is continually cited as both a solution to the problem of undocumented immigration and an avenue contributing to it and, therefore, remains a salient and controversial element of U.S. immigration policy. It was guest worker provisions that “stirred up the most passionate debate” during the comprehensive reforms of the 1980s (Briggs, 1986:1008) as well as the reforms proposed by G.W. Bush as recently as 2004. The H-2B program is capped at 66,000 visas annually, and has

fluctuated since 1990 from a low of 10,000 in 1993 to a height of 130,000 in 2007 and since 2009 the cap has not been met (U.S. DOS, 2010).¹

The expansion of guest workers also emerged in Canada during this same time period, but it did so against a distinct backdrop of immigration policies and politics. Most importantly, since the mid-1990s Canadian immigration policy has made a decisive shift away from policies of “welfare, equality and employment toward adapting the domestic economy to the exigencies of a global economy” (Bakker, 1995: 77). In the decades prior to the 1990s, Canada emphasized a policy of multiculturalism and a “more inclusionary discourse” (Abu-Laban, 1998: 194). In 1994, major policy reforms were adopted that favored the economic valuation of immigrants over humanitarian considerations with the claim that, “it is a different economy. We are seeking different people” (Sergio Marchi, Minister of Citizenship and Immigration, 1994). Today, Canada’s national economic plan, introduced in 2006, states that Canada aims to create “the world’s most flexible workforce” (Department of Finance Canada, 2006: 6). Overall, the number of temporary foreign workers in Canada increased from 107,000 in 1990 to 338,000 in 2012 (CIC, 2012). Since 2002, non-agricultural workers have been brought in under the Low-Skilled Pilot Project (since reclassified under the Temporary Foreign Worker Program), increasing the percentage of foreign workers with low-skills. Indeed, these changes indicate “a clear shift in government policy, which has occurred without public debate, without a clear analysis of temporary foreign worker programs or the outcomes of such programs. Canada has acquired a guest worker program that rivals those of the United States and Europe” (Byl, 2010: 96).

¹ A temporary provision from 2005-2008 exempted returning H-2B workers from the cap and thus the cap was exceeded during these years.

While guest worker provisions have been a source of debate in the U.S. since the Bracero Program, it is only within the last decade that Canadian immigration policy has favored temporary foreign labor over landed immigration- marking a fundamental shift away from an emphasis on multiculturalism towards a strategic focus on meeting labor needs. Thus while both countries have a long history of nation building that rests upon immigration, global economic integration and competition is changing the role that immigration plays in that nation building process. As a result, a model has emerged that has shifted away from citizenship and incorporation in favor of temporary status with little avenue to residency. In the U.S., this foreign labor has increasingly taken the form of being ‘illegal’ while in Canada, it has taken the form of ‘legal’ guest workers. As these changes are occurring, they are doing so in fundamentally different ways that have yet to be extensively examined and compared. Indeed, as Canadians increasingly rely on workers with temporary status who have few avenues to permanent residency, “a US-style underclass defined by precarious status and labour market vulnerability” may be emerging (Goldring et al, 2009: 257). This emergence demands efforts by advanced economies to address the economic and social implications of such an underclass in our communities and our society in general.

Research Value

As the movement of capital has become increasingly fluid, the movement of labor across borders has grown despite state efforts to control it, challenging traditional conceptualizations of sovereignty as fixed and bounded in territory (Agnew, 2009; Murphy, 2010). While much of the scholarship on labor migration and state sovereignty in an era of globalization focuses on the expansion of “illegal” migration, which poses

obvious challenges to state sovereignty, a comparative study of guest worker programs sheds new insights into these dynamics. This analysis of guest worker programs- both at the national and local scales- can inform a range of scholarship concerned not only with immigration policy and labor market outcomes, but also with the power of ideological categories that create both formal and informal modes of exclusion and belonging and have the power to shape everyday lives. Guest workers are an understudied, yet increasingly utilized example of state efforts to maintain control in ways less visible than border control and less aggressive than deportation. Indeed, this “retreating” of the state is a characteristic of the reconfiguring of state power that has occurred alongside neoliberal globalization (Peck & Ticknell, 2007; Rudolph, 2005; Herod, 2009).

Guest worker programs, particularly those aimed at importing low-skilled workers, are the quintessential example of a contradiction that is produced from the integrative demands of globalization and the free market values of neoliberalism. ‘Advanced’ economies that pursue guest worker programs are attempting to achieve global economic competition while reasserting state power to promote ideals of sovereignty, which is a mode of control that is fundamentally at odds with the free market principles of neoliberalism. The analysis of government debates in this dissertation helps to uncover and expose the inner-workings of this contradiction as it surfaces in the national political arena. In both the U.S. and Canada, the repetitive discourse that the immigration system is ‘broken’ indeed serves to dilute this contradiction by necessitating state intervention and the use of guest workers. Yet guest worker policy, and the ideological category of the guest worker, is defined by values and conditions that are fundamentally at odds with both American and Canadian society. As both countries

continue to pursue such policies, this analysis deconstructs the ways that these states have created a marginalized class of workers within their borders.

In addition to the specific category of ‘guest worker,’ the interaction between workers of different status is an important indicator of the power and influence of national immigration policy on the society in which it operates. In the communities of Fernie, British Columbia and Sun Valley, Idaho (the two case studies in this dissertation), the influx of wealth from urban areas and connections to global supply chains have fuelled a demand for foreign workers, which has led to the creation of a dual labor market in which native born workers occupy the higher paying, more secure jobs and guest workers (as well as Latino workers in Sun Valley) occupy the lower paying, seasonal positions. This polarization also reveals itself in the social geographies of these communities, reflecting shifting scales of inequality that are deeply intertwined with national constructions of belonging and local perceptions of race and class. Indeed, exploring the use of guest workers at the local scale provides an additional angle through which to explore the workings of neoliberal globalization, as employers seek more profitable and flexible sources of labor amidst an increasing reliance on foreign workers of various statuses. By exploring both local and national dimensions of guest worker policy- which is but one provision of immigration policy- this project will provide both empirical significance, in the context of local labor market changes, as well as theoretical value to understanding shifting constructions and justifications for the use of guest worker policy.

While the case studies in Fernie and Sun Valley provide windows into the mundane enactments of work, life and community in the presence of guest workers and

their (labor market) functional equivalents—undocumented workers, these two cases were also chosen because they represent an understudied dimension of research on guest worker policy. Low-skilled guest workers employed in a variety of industries in rural areas is a relatively recent, and important phenomenon for many communities throughout the Rocky Mountain West, yet research on low-skilled guest workers in the rural context has overwhelmingly focused on agricultural guest workers. Furthermore, the rural Rocky Mountain region of North America is an area that is likely to continue to encounter economic, social, and environmental challenges associated with demographic change.

Broadly speaking, this comparative regional perspective informs understandings of the impacts of globalization and shifting geographies of inequality, both at the global scale and the national scale. The study of guest worker programs in two different countries with comparable economies and immigration histories also exposes how different national contexts influence both policy outcomes and place identity. Experience in the European context (Freeman, 1979; Cornelius et al, 1994) as well as studies comparing the U.S. and Canada (Bloemraad, 2003; Bauder, 2006; Landolt, 2007) provide a valuable analytical framework for exploring how the state affects everyday life. Despite the observation that “comparing the U.S. and Canada provides an ideal research design since both are ‘classic countries of immigration,’” (Bloemraad, 2003: 367) comparative studies of guest worker policy in the U.S. and Canada are limited to farm labor (Basok, 2000).

The existence of guest workers- who are present legally yet without access to equal rights- poses challenges for liberal democratic societies, yet their presence is increasing alongside global economic incorporation and expansion. Hence, understanding

how these processes are unfolding in the North American context is an important element for conceptualizing broader productions of inequality in the region, such as those rooted in race and class. In both the U.S. and Canada, there are rising class disparities and racial tensions which call attention to the need to explore how inequalities are becoming more apparent within borders, not just between them, as exclusion and marginalization become increasingly institutionalized. Indeed, rural places in particular throughout North America are experiencing evolving labor markets that are often accompanied by new levels of national and racial diversity (Nelson & Nelson 2009).

This research is also particularly relevant because immigration reform continues to be a contentious subject in both countries. In 2007, for the first time in history, Canada welcomed more temporary workers than landed immigrants (CIC, 2010). This increasing reliance on low-skilled temporary labor with little avenue to citizenship marks a fundamental shift toward a U.S. model of labor migration yet a systematic comparison between the two countries has yet to emerge. As both Congress and Parliament debate immigration reform and guest worker policies, this research will serve as a baseline to measure the changes these new policies may bring about. Information about the social and economic influences of guest workers may also help to guide local communities as policies change, contributing to future policy reforms.

Dissertation Format

This dissertation is organized into two overarching sections. The first explores national policy discourses based on analysis of government debates and reports by the U.S. Congress and the Canadian Parliament. The second section is based on fieldwork research in two case study communities, focusing on the social and economic dynamics

in rural amenity communities that rely on foreign workers with different status. Each of the two sections- policy and place- are composed of one chapter for U.S. based research and one chapter for Canada based research. Both sections are bookended by an introduction and a conclusion. Because each country shares similarities, the introduction is meant to cover material that would be repetitive to include in the individual chapters. The conclusion for each section is a brief comparative analysis highlighting the similarities and differences, as well as the significance, of the analysis. Finally, a separate conclusion chapter for the entire dissertation is centered on exploring the connection between the construction of national guest worker policy and the labor market and social dynamics that unfold at the scale of place.

Through an examination of both national and local scales in different national contexts, this dissertation provides valuable theoretical and empirical contributions to both academic literature and applied policy making. It lays the groundwork for future studies on temporary labor programs, which stand to become an increasingly consistent component of ‘advanced’ societies, as these societies seek strategies to maintain global economic competition while avoiding the costs of social reproduction that are necessary to maintaining that competition.

CHAPTER II

CONCEPTUAL FRAMEWORK

Guest worker policy is a strategy used by states to refuse permanent presence while at the same time recruit the type of flexible labor needed for economic growth. The use of guest workers, through both formal programs and more informal temporary labor arrangements has a long history, from the importation of Turkish workers in Germany following WWII to the U.S. ‘importation’ of Chinese workers during the mid-1800s. Both of these systems were predicated on social and political exclusion. This long history notwithstanding, it can be argued that in the context of neoliberal globalization these temporary working arrangements, both formal and informal, have become endemic in so-called ‘advanced economies.’ As these economies come to depend on access to low cost, temporary labor, they create a class of individuals who exist as temporary workers yet remain permanent aliens. In the context of globalization, Canada and the United States experience similar structural pressures to import flexible, low-wage workers and each have responded to this pressure in ways that function to exclude these workers socially and politically. This dissertation focuses on the differences and similarities between these responses, explored at the national scale through the contested construction of guest worker programs and immigration policies in each country, and at the local scale, where foreign workers of varying status are enmeshed with concrete labor markets and complex social relations.

There is a fundamental difference between the ways that Canada and the U.S. have attempted to meet their temporary foreign labor needs. While Canada has expanded and relied on guest workers over the past two decades, the U.S. has relied primarily on

the recruitment of millions of ‘illegal’ workers. These two strategies reveal important distinctions between a *de jure* reliance on temporary foreign labor in Canada and a *de facto* one in the U.S., highlighting key differences between immigration politics in each country that reflect different national identities. However, these apparently distinct systems work in similar ways ‘on the ground’ by reshaping labor markets and social geographies that reflect forms of exclusion based on income, class, and race. Indeed, in both national contexts, the social and labor market mobility of guest workers is tied to the relationship between employer and guest worker and any disruption of that relationship leads to the possibility of deportation. At the same time, the mobility and potential deportation of undocumented workers in the U.S. creates an equally tenuous existence for such workers, erecting multiple barriers to inclusion. In this way, foreign labor— whether operating through formal guest worker policy or informal undocumented channels, provides employers with a flexible, profitable, and disciplined workforce.

The formal pursuit of these workforce characteristics is very closely aligned with a narrative about increasing pressures brought about through global economic integration that have heightened competition between countries, particularly over the past several decades. For example, in 1994 Canada made changes to their immigration policy that initiated a shift away from policies rooted in multiculturalism in favor of policies focused on promoting economic competition. This shift is highlighted in a statement by Citizenship and Immigration Canada that claimed “we must be mindful that resources once plentiful are now dear. In this context, our citizenship and immigration program must be more than fair and compassionate, it must be affordable and sustainable” (Citizenship and Immigration Canada, *Into the 21st Century: A Strategy for Immigration*

and Citizenship, Minister of Supply and Services Canada, 1994: ix). Over a decade later, these concerns were placed in the context of globalization by a member of Parliament: “we are in the midst of a reordering of economic power. In a globalized world, that reordering will bring unprecedented challenges to all nations and certainly to Canada. We will need to move faster just to stay in the same place” (Belinda Stronach, Newmarket-Aurora, Hansard 39th Parliament, 6/8/2006). One of the ways that Canada has ‘moved faster’ and maintained competitiveness in a globalizing economy is through the use of formal guest worker programs, which have provided the state with a profitable and flexible source of labor.

The U.S. has also relied on access to foreign labor that promoted flexibility and efficiency, but this access has been achieved primarily through informal foreign labor, namely undocumented immigrants. In the context of this *de facto* guest worker program, formal guest worker policies have been framed as an ‘alternative’ to undocumented immigration, yet their limited scope and volume hints not only at the politically contentious nature of formal guest worker policy, but also the dominance of undocumented workers in meeting the demand for low-skilled labor. U.S. guest worker policy has remained largely unchanged for nearly thirty years, while undocumented immigration has grown considerably during the same time period, enabling the U.S. to meet the demands of a global marketplace, while avoiding any responsibilities to a large portion of the workforce.

These two strategies promoted by Canada and the U.S. are consistent with the increasingly economized nature of the relationship between government and society under conditions of neoliberal globalization. Indeed, the use of low-wage foreign labor,

both through formal and informal channels enables the state to achieve the ultimate form of flexible labor, for which the state has virtually no social-reproductive or civic obligations. Studying guest worker programs (and their relationship to informal/undocumented programs) informs broader debates about citizenship and sovereignty amid economic globalization because such programs capture the struggle that many ‘advanced’ economies face in the contemporary world, which is how to protect the composition of the nation, both economically and socially, while embracing efficiency and competition. Essentially, the contradiction that guest worker programs embody is the desire to erect walls in particular places, while tearing down walls in other places.

Through a multi-scaled and comparative analysis of ‘guest workers’ of varying legal statuses, this dissertation explores how national constructions of belonging and exclusion manifest themselves at the local scale. As will be discussed throughout the remainder of this chapter, my research contributes to debates rooted in reconceptualising citizenship and sovereignty in an era of globalization as well as the increasing pervasiveness of precarious labor regimes. This dissertation also contributes to scholarship on guest worker programs and immigration policy by expanding the scope of the existing literature beyond studies that are singularly focused on ‘illegal’ immigration or guest workers.

Guest Worker Scholarship

This dissertation approaches guest worker programs as a conceptual entry point into understanding conditions of belonging and exclusion which are revealed both through the construction of national immigration policies as well as in local labor markets and social mobility. Despite a growing interest in guest worker policy in Canada that has

occurred alongside the expansion of Canada's guest worker program, research on contemporary guest workers remains nascent. Furthermore, literature on guest worker programs has been limited in providing a conceptual bridge between policy and place and tends to focus on either the scale of the nation or the scale of local communities. Without providing a connection between multiple scales of exclusion/inclusion, studies are either limited by local case study conditions or dominated by structural forces. The multi-scale analysis in this dissertation opens up a space for understanding not just national constructions, or local perceptions, but the *interaction* between the two. Furthermore, a comparative study of guest worker programs between countries deepens the analytical possibilities for conceptualizing the differences between state efforts to protect citizenship and sovereignty while pursuing global economic competition.

Guest worker literature has been largely dominated by a focus on either a specific country or a specific industry. Early literature on guest worker programs arose during the 1980s and 1990s in reaction to the postwar expansion of guest workers in Europe (Cornelius et al, 1994; Freeman, 1979, 1986; Piore, 1979; Sassen, 1999). This research tended to focus on the social and economic impacts of guest workers in a host society, often attempting to evaluate those impacts in the European context. In the United States, research has focused almost exclusively on the agricultural industry (Basok, 2000; Calavita, 1992; Hahamovitch, 2011), with the exception of Griffith (2006), who addresses Jamaican and Mexican H-2B workers in the U.S. South. In Canada, there is a growing body of scholarship on the rise of guest worker programs, much of which is focused on domestic or agricultural workers (Bakan & Stasiulis, 2005; Bauder, 2006; Barnetson, 2013; Pratt, 2012; Preibish, 2007, 2011) with the exception of Cragg (2011),

Foster (2012) and Sharma (2006) who explore the rise of the low-skilled temporary foreign worker program. Additionally, scholars have considered the legal and humanitarian ramifications of guest worker programs (Abu-Laban, 1998; Byl, 2010; Fudge & MacPhail, 2009; Nakache and Kinoshita, 2010). While both Barnetson and Sharma explore the government discourses involved in both creating and defending guest worker programs, they do not connect these discourses to the material realities that unfold at the community scale. Notable exceptions are Bauder (2006) and Preibish (2011) who add significantly to the literature on contemporary guest worker programs but limit their case study approach to either the agricultural industry or to higher skilled guest workers in urban areas.

A preoccupation with agricultural guest workers is no doubt born out of the era of the Bracero Program (1940s-1960s), as evidenced in the work by both Calavita (1992) and Basok (2000). In *Inside the State*, Calavita explores how the structural contradictions of a need for low-wage farm labor penetrated federal agencies and institutions. Tanya Basok (2000) compares the Bracero Program and Canada's Seasonal Agricultural Worker Program, exploring how the administration of guest worker programs influences desertion, arguing that overstaying is more common in the U.S. and Canada due to the administrative nature of the program. Her research speaks to a renewed interest in how tensions between the state's desire for capital accumulation and its preoccupation with ideal citizenship are manifested through a lack of status. Indeed, the fact that guest worker scholarship in both the U.S. and Canada is so heavily focused on agricultural programs is driven both by the longstanding presence of guest workers in that industry as well as the reliance of many U.S. farmers on undocumented workers.

While not necessarily directly focused on guest workers, there is a growing body of literature concerning the relationship between the national construction of immigration status and the rise of precarious labor arrangements (Anderson, 2010; Bauder, 2006; Goldring et al, 2009; Goldring, 2011; Fudge, 2009; Preibisch, 2011). This research explores the role of the state in actively constructing precarious labor regimes through the use of immigration status. Anderson (2010) argues that immigration policies in the United Kingdom, while regulating labor, also operate “as a mould shaping certain forms of labour” (2010: 301). Her concept of “institutionalized uncertainty” explains how immigration controls in the UK “work to form types of labour with particular relations to employers and to labour markets” to produce precarious workers. She argues for research that explores the relation between labor markets and immigration controls which “not only illegalise some groups, but legalise others in very particular ways” (Anderson, 2010: 312). While her primary focus is on illegality, Anderson provides a very important starting point to complicate the literature on precarious labor from a preoccupation with illegal immigrants to one focused on legal foreign workers:

“Thus, while ‘illegality’ is acknowledged as producing vulnerability to exploitation, this article argues that this is not, as commonly imagined, because of absence of status, but is an instance of one of the many ways in which immigration controls and migratory processes produce certain types of labour. In the current conjuncture they serve to produce, among other groups, precarious workers. It is not only the smuggled ‘illegal’ workers...but often ‘legal’ workers too” (Anderson, 2010: 313).

This recognition by Anderson regarding the importance of conceptualizing precarious workers as being those not only without status, but with status as well, serves as a foundation for the approach taken in this dissertation.

It is through a combination of informal and formal channels that the state is able to render “some workers more exploitable than others” (Bauder, 2006: 29) that is justified

through a narrative that such programs are essential for nations to maintain global “economic competitiveness.” In contrast to the bulk of local scale studies of guest workers and their influence on receiving communities, my focus is on non-agricultural, low-skilled guest workers in rural areas. While agricultural guest worker programs have a long history in both the U.S. and Canada, the use of non-agricultural guest workers is a relatively recent phenomenon, one that has increasingly brought workers to rural, racially homogenous communities. Furthermore, while agricultural guest workers tend to live at the site of the farm and are isolated from local communities, non-agricultural guest workers are employed in a variety of positions ‘in town’ and tend to live in the communities in which they work. Research in this context provides a different window into the social and labor market dynamics associated with guest workers. Daily interactions and different forms of visibility have the potential to reveal how ideological categories of belonging (and unbelonging) that are shaped at the national scale influence the labor markets and communities in which guest workers reside, revealing how national scale dilemmas of citizenship and sovereignty unfold in everyday life.

Globalization and Citizenship

The values and processes underlying neoliberal globalization are shaping new modes of state power as well as the nature of citizenship. Citizenship, which encompasses de facto and de jure processes constructing national belonging, has historically been rooted in ideas about a specific bundle of rights and obligations between state and society. However, citizenship itself is becoming un-tethered from roots in a common identity surrounded by bounded territory alongside the expanding role of non-state actors and the growth of international migration (Nagel, 2004). In the economies of

the U.S. and Canada in particular, the obligations between state and society are increasingly individualized and economized, as processes of deregulation and open trade have been met by state efforts at re-regulation and hardened borders, representing new modes of state power grounded in a framework of economic competitiveness (Cragg, 2011; Peck & Ticknell, 2007).

The concept of neoliberalism is associated with a range of economic policy measures based on free market ideology and de-regulation. The term itself was initially coined during the 1930s, in an effort to reinvigorate classical liberal policies, although it was not until the 1980s that neoliberal ideology was put into practice through the political administrations of Pinochet, Thatcher, and Reagan (Harvey, 2007). In a generalized sense, the political doctrine of neoliberalism favors market efficiency over social welfare and often results in increased inequality. Because neoliberalism extends well beyond economic reforms and political ideology and into the social fabric of society, it has influenced the relationship between state and society in a manner that is often characterized as a ‘retreat’ of the state (Ong, 2006). The spread of neoliberalism is often tied to processes of globalization, which have produced social and economic interactions resulting in more interdependent relationships across the globe (Steger, 2009). When viewed in tandem, ‘neoliberal globalization’ is a combination of political agendas, social interactions, and economic relationships that have shaped new forms of belonging, working, and interacting (Peck & Ticknell, 2002; Herod, 2009).

Scholars have argued that processes of neoliberalism and globalization indicate a retreat of the state as both market forces and supra-state actors are increasingly supplanting the state’s position as the long-standing locus of political identity and

community (Nagel, 2004; Agnew, 2005). Others suggest that “no matter what it says on the bottle, neoliberalism rarely involves unilateral acts of state withdrawal” but rather “new state forms, new modes of regulation, new regimes of governance” (Peck & Ticknell, 2007: 31-33; Rudolph, 2005; Herod, 2009). Therefore, what is often portrayed as a retreat of the state may actually be a reassertion of state power. Yet a debate remains about how state power is re-shaped by neoliberal globalization and if this results in “an undermining of government’s regulatory powers or simply their redistribution to different levels... or areas of the state” (Herod, 2009: 187). This flexing of state power is particularly apparent in the workplace of many industrialized economies. A decline of the traditional model of employment based on a forty hour work week, pension benefits, and health insurance can be seen as a retreat of the state in favor of market forces (Peck & Ticknell, 2007). On the other hand, the use of guest worker programs mark a major intervention by the state into the labor market, highlighting one of the ways in which government’s regulatory powers have been ‘redistributed.’

One of the key ways to understand the reconfiguration of state power is through an examination of how citizenship has changed in the context of globalization (Nagel, 2004). The concept of citizenship outlined by T.H. Marshall theorizes citizenship as both membership and as a suite of rights and duties between the state and the citizen (Marshall, 1949). In his groundbreaking work, Marshall posits this theorization of citizenship as he charts the evolution of it as an idea and institution in the U.S. and European contexts. Although perhaps viewed as naive some sixty years later, Marshall viewed this evolution in a linear and progressive fashion: as expanding from civic, to political, to social rights (Poggi, 2003). Marshall’s work has provided an insightful

starting point for studies of citizenship, even as he has been criticized for failing to account for those members that were historically not granted equal rights, such as women and minorities (Lister, 2003). His idealized model of citizenship emphasizes the state's responsibility in providing economic welfare and security for its citizens, an assumption that has become very problematic over the last several decades in the context of globalization, particularly as his work is based on an assumption about 'national' community that is territorially bounded and shares a common identity.

More critical engagements with Marshall's work have built upon and reconfigured how we theorize citizenship in ways that draw more attention to the unequal distribution of power and the reconfiguration of governance over the last several decades. This reconfiguration, driven in part by globalization, has created modes of belonging that span state boundaries producing "hybridized and multiple identities that destabilize territorially based, unified notions of national belonging" (Taylor, 2009: 298). This is particularly evident in the case of transnational migrants, whose allegiances, communities, and at times formal citizenship, span multiple countries (Kivisto, 2001). Taken together, transnational networks, corporate 'citizens,' and migration flows challenge the traditional model of citizenship by undermining the common identity and the territorial unity upon which the 'nation' and the citizen have historically been constructed.

At the same time as citizenship's defining features are changing more generally, immigration policy and the selective granting of membership has become a tool through which states seek to maintain global economic competition. This includes not only the easier granting of membership and rights to high-skilled, often high-tech workers—which

states explicitly see as critical to their global competitiveness—but also the selective disenfranchisement of the rights associated with membership for low-skilled workers, whether that disenfranchisement is accomplished through guest worker status or illegal ‘alien’ status. In other words, the granting of citizenship rights to certain individuals and the simultaneous denial of those rights to others *residing in the same territory* has become a powerful governing mechanism (Preisbisch, 2007). The growth in international labor migration, fuelled largely by the disruption of local economies under neoliberal globalization and the creation of new poles of labor demand in receiving countries, creates a class of workers with extremely limited rights, to whom the state has few obligations. Furthermore, by denying permanent entry and the ability for workers to bring their families, the state is able to avoid the costs of social reproduction for this workforce.

In addition to transforming the defining features of citizenship, neoliberal globalization is steadily eroding the social obligations of the state to the citizen. This is evident in the decline of public services such as welfare and the privatization of goods formerly provided by the government. This retreat of the state has been filled by “market-driven institutions that have realigned citizenship elements in different ways” (Ong, 2006: 15) constructing the citizen as “active and individualistic rather than passive and dependent” (Miller & Rose, 2008: 48). Citizens are expected to embody the free market principles of efficiency, self-discipline, and competitiveness while the benefits and rights conferred by the state are handed down through a narrative of freedom and choice in the marketplace. While the citizen is increasingly ‘free’ from traditional positions and roles, they are increasingly burdened by the expectation to be flexible and resilient to overcome the loss of those traditional support structures. What emerges is a “subject who imagines

themselves free within the world of consumption and casualized contracts” yet “is more stranded and fettered than the subject of jobs for life narratives” (Walkerdine & Bansel, 2010: 496). Nowhere is this more evident than with the rise of precarious labor regimes, which prioritize flexibility and efficiency over security and stability in the workplace (Miller & Rose, 2008). Through the transference of free market principles to the individual, citizenship in the neoliberal era has been ‘economized,’ creating a tension between citizens as private individuals and citizens as sharing a common identity with a community. The concept of citizenship has been un-tethered from traditional groundings in territory and a common identity, however idealized those groundings may be. It has instead become a key tool whereby states, whose power has been reconfigured through the political and economic consequences of neoliberal globalization, can stake out new terrain.

The market based ideologies upon which the contemporary citizen is constructed have resulted in increased inequality not just between borders, but within them. The drive for profit combined with an expectation for individual responsibility to assume an increasing array of costs has contributed to income polarization between citizens. However, this inequality also has manifested itself for those that fall outside of citizenship, which is evident in the limited rights and mobilities granted to both guest workers and undocumented workers. In the case of undocumented workers, denial of public assistance programs as well as the inability to obtain a driver’s license has resulted in not only economic and social marginalization, but also criminalization. While the influence of neoliberal globalization on ‘illegal workers’ has been well studied, guest workers programs have received much less attention, and remain a provocative and

understudied example of state efforts to reassert power through the mechanism of immigration status. Guest workers, explored in Chapters IV & V, provide the state with a tool to promote economic competition while simultaneously denying access to citizenship to the laborers that are needed for that competition. As Sharma (2006) comments in her analysis of the birth of temporary foreign worker programs in Canada in the 1970s, “the constitution of current processes of globalization was accomplished, therefore, not only through a restructuring of the global political economy but also through the legitimization of a different rationality of national state power- one that worked to restructure the criteria of membership in the nation” (Sharma, 2006: 75). This ‘different rationality’ of state power has permeated many intricate elements of society, and is particularly evident in the labor market, as the nature of employment has become more tenuous, a situation that has given rise to the emergence of precarious labor regimes that are increasingly based on foreign labor.

Precarious Labor Regimes

As citizenship has become more ‘economized’ with greater emphasis on individual initiative and less emphasis on government responsibility, the political, economic, and social values associated with neoliberal globalization have manifested themselves in the labor market to create more tenuous and temporary conditions of employment. Nowhere is this more striking than in formal and informal foreign labor arrangements associated with guest worker programs and undocumented workers. By exploring the emergence of these labor arrangements in national discourse as well as local labor markets, my comparative and multi-scaled analysis illustrates how the ideology of neoliberalism and globalization are ‘taken up’ by both national actors and

local players. The confluence of the social, economic, and political underpinnings of neoliberal globalization at these different scales, and in different national contexts, sheds new light on how different forms of belonging and exclusion are manifested in political rhetoric, labor market dynamics, and social geographies. This comprehensive approach provides a key addition to the research on labor and labor regimes in the context of neoliberal globalization.

The concept of ‘precarious labor regimes’ is predicated upon the connection between neoliberal globalization and workplace realities and provides an entry point into conceptualizing the labor market itself as having a direct relationship with broader political, social, and economic processes and conditions. Jamie Peck (1996) challenged conventional assumptions of labor market processes with universal characteristics by arguing that labor markets are a “*socially constructed and politically mediated* structure of conflict and accommodation among contending forces” (Peck, 1996: 5, emphasis original). Peck’s theorization of labor markets, or labor regimes as is argued here, called for a comprehensive framework that included the spatial unevenness of labor market functions. In contrast to the neoclassical economics approach, Peck built his analysis upon segmentation theory, rejecting the assertion of predetermined rules governing labor markets and instead highlighted the variety of social constructs that underlie more nuanced and messy aspects of labor markets. According to this description, several labor regimes have existed throughout the 1970s and 1980s, including Keynesian programs and Fordist production practices, each based on the broader institutional atmosphere and political and economic goals of the era.

The emergence of neoliberalism during the 1980s and 1990s that envisioned the worker as an entrepreneurial, profit maximizing individual contributed to “an emerging regime of flexible accumulation” (Peck, 1996: 127) in which “the self-actualizing individual was to provide the basis and presuppositions for the formulation and evaluation of political strategies and the transformation of social and economic life” (Miller & Rose 2008: 195). Changes in the nature of employment over the last several decades have sparked literature focused on the shift from full time, secure employment to more flexible and precarious labor arrangements (Anderson, 2010; Allen & Henry, 1996; Beck, 1992; McDowell, 2003; Peck 1996; Vosko, 2010). As Allen and Henry (1996) state, “this transformation is part of a wider political and economic shift in the nature of employment relations... a shift which could be said to be leading towards a new employment regime based upon *precarious employment*” (Allen & Henry, 1996: 66). Sassen (1996) furthered this research through her focus on how processes of economic restructuring, specifically associated with the service-dominated economy in urban areas, contribute to a regime of precarious employment. Together this body of literature provides a foundation for conceptualizing how changes in the broader political economy have played out in the labor market.

The flexibilization of work, combined with the growth of the service sector characterizes an emerging labor regime that is “rewriting labour market rules and refashioning the opportunity structures” in U.S. society (Theodore 2003: 1812). The role of national policy and neoliberal reforms in institutionalizing this regime are underscored by an economic strategy that prioritizes low wage jobs and promotes global economic competition. However, rather than viewing the state as being in retreat, the concept of

precarious labor regimes highlights the tendency for states to “engage in *active* programs of labor market deregulation and flexibilization with a view to the *inducement* of marketlike conditions” (Peck, 1996: 59, emphasis original). While the free market ideology of neoliberalism has certainly influenced the rise of precarious labor regimes, it has done so alongside the role of the state, rather than in the absence of it. Miller & Rose (2008) explore how liberal democratic societies legitimize forms of governing work and specifically on how the work place shapes identity. Their analysis addresses how neoliberal globalization has influenced the expected roles, rights, and obligations of individuals and how these relationships are manifested in the workplace, arguing for “the importance of analyzing a shifting ensemble of norms and practices... a complex of ways of thinking and intervening that seek to regulate and shape the world of work” (Miller & Rose; 2008: 197).

Building on the concept of a labor regime as being reflective and emblematic of broader processes and conditions in society, a number of scholars have recently explored how labor regimes capture ideologies of gender, class, race, nationality, and identity (McDowell, 2003; Fan, 2004; Bauder, 2006; Miller & Rose, 2008; Anderson, 2010; Wills et. al., 2010; Nelson et. al., in progress). Fan’s (2004) study of a gendered migrant labor regime in China analyzed how the state actively constructed a migrant labor regime focused on young, rural women to foster development goals in post-Maoist China. The intentional creation of a migrant labor regime with precarious characteristics serves specific political and economic goals which are tied closely to global capitalism. Fan interweaves institutional controls and social ideologies to portray this migrant labor regime as a process in which female peasants are trapped, directly reflecting their lack of

social or economic empowerment in China amidst the hukou system of household registration, which ties citizens to their place of birth. In a similar fashion, research by Nelson et. al. (in progress) establishes how processes of rural gentrification in U.S. amenity destinations are bound up in discourses of race and class, producing a precarious labor regime that is built upon highly flexible, low-waged immigrant workers. This research also explores how precarious, immigrant-based labor regimes have diffused from urban centers or ‘global cities’ to rural locales.

Within the broader literature on precarious labor regimes, the migrant has emerged as the quintessential example of an expanding system of global precarious labor due to a variety of factors including immigration policy (Anderson, 2010; Fudge and Goldring, 2011; MacPhail, 2009; Wills et al 2010), socio-cultural norms and racial stereotypes (Bauder, 2006; Peck, 1996), as well as global economic processes associated with neoliberalism and rising class disparities (Sassen, 1988, 2001). Thus, through a variety of evolving channels guest workers have become a fundamental aspect of a global system of labor in which “the upper strata of the workforce is assimilated into ‘fixed’ capital, leading to the institutionalization of a distinct ‘flexible’ segment” (Zolberg, 2000: 84). Highlighting the role of the state in legitimizing this precariousness through both policy discourse and place dynamics will help to conceptualize how economic globalization is influencing everyday lives. While numerous studies explore how *illegality* is actively produced by the state in an informal manner (Calavita, 1992; Coleman, 2008; Harrison & Lloyd, 2011), scholarship that extensively analyzes the formal production of exclusion that guest worker programs foster remains limited (exceptions include Bauder, 2006; Priebisch, 2011; Sharma, 2006). This is particularly

true outside of the agricultural industry, which has been plagued by extremely exploitative and racialized labor arrangements for quite some time. When applied to guest workers, the concept of a precarious labor regime indeed captures how the ideologies and practices of neoliberal globalization are shaping how states compete on a global scale- by accessing low-wage labor while avoiding the costs of the social reproduction of that labor. In addition to a profitable avenue to economic competition, guest workers also provide the state with a symbolic tool to reassert state sovereignty, particularly in the midst of public outcry against undocumented immigration. Guest worker programs are but one of many ways that the state is reasserting power through different modes and rationales, both of which are consistent with neoliberal ideology. They provide an example of how the state is able to use immigration policy to increase global competitiveness while appearing to allow market forces to dictate labor market needs.

Despite the value and insights that research on guest workers can bring to the literature on precarious labor regimes, studies on guest workers *per se* have been largely absent from the vocabulary. Scholars engaged in labor regimes in the context of neoliberal globalization have privileged undocumented workers rather than considering formal guest worker programs or the interaction between these workers (exceptions include Anderson, 2010; Fudge and MacPhail, 2009; Goldring, 2011). Yet formal guest worker programs in particular represent the political ideology that undergirds an actively constructed system (as opposed to a *de facto* one for undocumented workers) that is predicated upon levels of exclusion that produce precarious labor arrangements. However if, as it is argued, precarious labor regimes are produced through a complex interaction of

political, social, and economic ideologies, then essential to the legitimacy of the concept itself is the connection between these three ideologies. Through a multi-scaled and comparative analysis, I argue that a lens on both policy and place is essential to push the boundaries of research on precarious labor regimes. As will be seen from both the national policy analysis and the case study research that follows, it is the interaction between scales of belonging and exclusion that have institutionalized precarious labor regimes, particularly for non-citizen workers.

Conclusion

The ability of states to refuse permanent presence while relying heavily on a growing volume of foreign workers highlights how the relationship between state and society has been reoriented away from inclusion and rights towards a model more firmly rooted in efficiency and individuality. The institution of citizenship has become increasingly elusive for many laborers as it has been increasingly used by the state to “strategically divide a global labour force,” (Bauder, 2006: 29) proving that neoliberal globalization “is not really about deregulation of the economy and society, but rather about reregulation in favor of certain groups” (Lawson, 2004: 255). This is evident in Canada’s guest worker policy, as highly skilled guest workers are provided with a direct path to citizenship upon entry, while low-skilled guest workers have virtually no avenue to permanent residency (CIC, 2010). In the U.S., the existence of millions of undocumented workers, who have no access to residency or rights, also points to the strategic use of citizenship to delineate between ‘workers’ and citizens. These examples illustrate the influence of neoliberal globalization on the economies and societies of ‘advanced’ economies and point to the importance of adding guest workers to the agenda

of scholars who seek to understand and critique the changing nature of political, social, and economic relationships in contemporary society.

CHAPTER III

METHODS

“We need to focus our attention on the interconnection between ideologies of nationness and the reorganization of material life” (Sharma, 2006: 140).

This dissertation is a comparative exploration of guest worker policies and politics at the national scale and the influence of these policies on local labor market and community dynamics, in both Canada and the United States. Comparing these processes in both countries reveals different state strategies for ensuring access to low-wage labor while actively constructing a particular vision of the nation- strategies that often result in fundamental contradictions for states seeking to protect sovereignty while pursuing global economic competition. In order to achieve these goals, my dissertation employed two primary methods, one rooted in discourse analysis of government debates and the other in several fieldwork methods undertaken in case study communities. This chapter provides a detailed description of these methods along with research challenges that arose during this study.

The methods used in this dissertation are heavily influenced by a growing body of scholarship that views immigration policy and politics as key arenas for understanding how state power is discursively constituted in ways deeply imbricated with ‘the nation’ and its racialized borders (Coleman, 2008; Ngai, 2004; Sharma, 2006) as well as material life, both in the workplace and institutional settings (Calavita, 1992; Harrison & Lloyd, 2011; Mountz, 2003, 2010; Mitchell et al, 2003). This vein of research grounds the workings of immigration politics either through discourse or through every day, on-the-ground practices. Indeed, studying the “day-to-day operation of the nation-state offers a

critical approach to counteract the depoliticizing effects and abstractions of ‘the state’” (Mountz, 2003: 639). Such work has been undertaken by scholars such as Calavita (1992) and Mountz (2003, 2010) who use ethnographic approaches to study state institutions at a meso-scale level of analysis. While their research heavily informs the methodological approach used in this dissertation, my focus on the workplace and the community draws from a narrower body of literature that uses labor as the entry point to understanding the linkages between national immigration policy and local materialities (Anderson, 2010; Bauder, 2006; Harrison & Lloyd, 2011; Priebisch, 2011; Wills et al 2010).

Research Questions

This project uses the following research questions to provide critical information that can inform larger debates regarding immigration policy and politics in North America as well as scholarly concerns about the changing relationship between state and society amidst globalization:

- 1. What is the changing nature of debates and policies about guest workers in Canada and the U.S.? How are guest worker policies situated in relation to broader immigration policies and debates in each country?**
- 2. How does the employment of guest workers in rural communities influence local labor markets?**
- 3. What effect does the presence of guest workers have on place identity, social interactions and belonging within receiving communities?**

The methods used to address my research questions can be separated into two categories based on the scale of the research and analysis of content. The first section is an analysis of congressional and parliamentary reports and debates, including several additional government publications to understand the ways that temporary worker issues are framed in relation to broader immigration narratives in the U.S. and Canada. The second section uses fieldwork methods to explore how the presence of guest workers

influences divisions of labor, workplace relations, social interactions, and place identity in two case study communities. These two research methods combined provide a linkage between national and local scales, enriching understandings of how national policy creates pathways for a reconfiguration of local labor market and community dynamics. Furthermore, by focusing on local and national scales and exploring the contradictions between political discourse and local experience, broader contradictions- such as those rooted in neoliberal globalization- are exposed.

Phase 1: Policy Research

These methods will address research question 1:

- 1. What is the changing nature of debates and policies about guest workers in Canada and the U.S.? How are guest worker policies situated in relation to broader immigration policies and debates in each country?**

Research conducted in Phase I explores guest worker policy within the context of each nation's broader treatment of immigration policy, with the goal of exploring why and how policies have changed during the last two decades. Exploring political debates about guest workers sheds new light on national political agendas as well as evolving constructions of nation, race and belonging. For example, in the U.S. guest workers are posed as a solution (often to 'illegal' immigration), while in Canada, guest workers are framed as a solution to maintaining competitiveness in a globalizing economy. In both instances, guest workers provide the state with access to low-wage labor that is externalized from inclusion in the nation.

During Phase I, I collected government documents regarding changes to immigration policy and guest worker programs that have occurred in the U.S. and Canada from 1990 to 2010. This was done by doing a keyword search in several online databases using terms such as immigration, guest worker, temporary foreign workers, and foreign

labor. For the U.S., this consisted primarily of debates before the House and Senate Judiciary Committees, but also debates before a number of other committees such as the Committee on Government Reform and Oversight, and the Committee on International Relations. For Canada, the analysis of parliamentary discourse is based on debates in the House of Commons and captures debates held primarily by the Standing Committee on Citizenship and Immigration and published as either Committee Evidence or in the Hansard.² I also collected and analyzed key government publications in both countries that were related to the topic and published during that time period. For Canada, this included reports of the Auditor General of Canada, Library of Parliament, and Citizenship and Immigration Canada. For the U.S., this included reports from the Select Commission on Immigration & Refugee Policy, the Commission on Immigration Reform, the Congressional Research Service, and the Government Accounting Office. Table 3.1 below presents a summary of the sources used in the policy section of this dissertation, which consisted of thousands of pages of material.

Country	Primary Source	Content	Additional Reports	Text
United States	Library of Congress	Reports and Hearings from the House and Senate Committees on the Judiciary	Select Commission on Immigration & Refugee Policy; Commission on Immigration Reform; Congressional Research Service; Government Accounting Office	78 documents; 2,250 pages of text
Canada	Parliament of Canada	Meeting transcripts from the Standing Committee on Citizenship & Immigration, House of Commons	Auditor General; Library of Parliament; Citizenship & Immigration Canada	55 documents; 6,847 pages of text

² Hansard is the official name for the transcripts of all Parliamentary debates, published for every House of Commons session and are thus not limited to specific committees.

After collecting all relevant documents, I loaded them into Atlas.ti, a qualitative analysis software program (See Analysis section below). I then read each document and created a coding structure to capture recurring themes and to track changes over time. While my primary focus is on guest worker policy, I also used the coding structure to capture the changing nature of debates about immigration as well as the nature of different policy thrusts between 1990 and 2010.

Phase 2: Case Study Fieldwork

These methods address research questions 2 and 3:

- 2. How does the employment of guest workers in rural communities influence local labor markets and workplace relations?**
- 3. What effect does the presence of guest workers have on place identity, social interactions and discourses of belonging in receiving communities?**

In addition to national policy research based largely on textual and quantitative sources to answer research question 1, I conducted fieldwork in two case study communities: Fernie, British Columbia (BC) and Ketchum, Idaho (Map 3.1). I selected these two rural communities because both have an economy centered on outdoor amenities and tourism and both are dependent upon the use of low-skilled guest workers. I explicitly sought out cases that used guest workers for service rather than agriculture or caregiving, two categories of workers that have already received attention from scholars working in both the U.S. and Canada. With constrained geography and small, racially homogenous populations, these towns provide ideal case studies because the presence of guest workers has an observable impact on both the labor market and the community.

The case study community in the U.S. is Sun Valley, located in the Wood River Valley of south-central Idaho. The towns of the Wood River Valley have a combined population of roughly 14,000 individuals. Employers have a long history of importing

guest workers and the largest employer in the area, Sun Valley Company, has hired more low-skilled guest workers than any other employer in the country over the last decade (Foreign Labor Certification Data Center, 2012). The town of Fernie is located in the Elk Valley of south-east British Columbia, 500 miles due north of Sun Valley. It has a population of roughly 6,000 people and an economy very similar to that of the Wood River Valley with the primary employer being Fernie Alpine Resort. In recent years, employment needs have not been met by the domestic labor force and the number of guest workers arriving to Fernie and the surrounding region has consistently increased. Overall, the number of guest workers in British Columbia increased from roughly 16,000 in 2001 to 67,000 individuals in 2010 (CIC, 2010). Comparing the experiences of these communities will identify the challenges and opportunities this labor force has presented to these geographically isolated economies, providing insight into the local influence of guest worker policies in different national contexts.

I spent a total of two months conducting fieldwork in Fernie, and lived in the Wood River Valley for a cumulative time of two years. In order to examine how the presence of guest workers shapes labor regimes, workplace dynamics and social interaction at the local scale, I used three methodological approaches: semi-structured interviews, textual analysis of local publications, and participant observation. Prior to arrival in these communities, I identified several key respondents, either through local newspaper articles, or their position in the community as employers and social service providers. I relied heavily on recommendations and personal connections that these key individuals had in the community to establish contact with additional respondents.

As outlined in Table 3.2, I conducted interviews with individuals from four main categories: local government/public service workers, private employers, employees (guest workers, immigrant workers not on a temporary work visa, and native workers), and community members not directly employed in sectors drawing on guest workers. While there is overlap between the category of community member and worker, they are split into separate categories based on the dominant discussion in the interview. For example, if an interview with a community member was largely about social interactions rather than workplace dynamics, that individual was characterized as a community member. Local government included city, county, and municipal officials, planners, social service providers, and educators. It should be noted that one of my respondents in Sun Valley is the largest employer in the community, Sun Valley Company, and thus this interview alone captured a dominant labor market dynamic.

Table 3.2. Summary of interviews conducted in Fernie and Sun Valley					
Location	Interviews	Employers	Government/ Social Services	Community Members	Workers (native & foreign born)
Fernie	Total= 45 39 Formal; 6 Informal. Plus 2 focus groups with international workers	17	9	6	13 Total (4 native, 9 foreign)
Sun Valley	Total= 36 30 Formal; 6 Informal. Plus 6 comprehensive planning meetings	6	12	6	12 Total (4 Anglos, 8 Latinos)

In the majority of cases, interviews were digitally recorded. However, there were a handful of instances in which the respondent asked not to be recorded. In Sun Valley, I also held conversations focused on my dissertation research that were largely undertaken

in an informal manner, whether at a social gathering or at an individual's place of work. Additionally, I held two group interviews with workers in Fernie. Interviews were unstructured, but followed the general themes below:

1. Interviews with local government officials and those working in public service focused on **the economic and social changes that accompany guest workers**, assessing their perception of the following issues:

- Changes in the community since the arrival of guest workers; the policy and government responses to this new and temporary population, particularly in terms of housing, social services and local policing; interaction between guest workers and other residents; the effects of guest workers on the community (cultural, economic, political)

2. Interviews with employers focused on **the employment and labor market history of guest workers** in order to examine:

- The history of employer engagement with guest worker programs; history of their business prior and after that time; the role of temporary workers in the business and changing divisions of labor within it; employers relationship to the visa / worker application process; relationship between guest workers and native workers

3. Interviews with employees (including guest workers, immigrant workers not using a temporary visa, and native workers) as well as other community members focused on **the interaction and perception of guest workers** via the following issues:

- Work and migration history of each group; the interaction between guest workers and the broader community; if the presence of guest workers influences the identity of the community and if so, how; changing divisions of labor; if guest workers have a temporary presence or are they viewed as a more permanent element in the community

The open ended nature of my qualitative interviews and the well rounded composition of my interview participants produced a variety of perspectives that enabled me to gain an

intimate understanding of community and labor market dynamics. This core data was supplemented by an analysis of local media publications and participant observation.

Local media publications were collected and analyzed as a method to further assess how guest workers are perceived and represented by the community and how their presence may or may not be reflected or portrayed in the local media. It should be noted that in Fernie there were only three newspaper articles that addressed the presence of foreign workers, while in Sun Valley there were many more. Both of these towns are amenity destinations and have an advertised image of being primarily white and upper class. This textual analysis of media publications examined how place identity and racialized discourses of belonging are (re)produced locally.

During a total of two months in Fernie and two years in the Sun Valley area, I was observing local interactions and behavior, which I recorded in my fieldwork notes. I attended social gatherings, observed different social and economic spaces (such as grocery stores, banks, etc) and constantly engaged in conversation with residents in these communities. In Sun Valley, I served as a member of the Blaine County Comprehensive Planning Board and regularly attended meetings on their Population & Housing Subcommittee. These meetings spanned from November, 2013 until April, 2014 and were attended by ten to twelve local residents, all of which had some knowledge or expertise associated with the county's population and housing needs. In total I attended and participated at six planning meetings, which captured roughly twelve hours of conversation, which I summarized in my fieldwork notes, adding quotes from individuals that were particularly relevant.

Data acquired through personal interviews, analysis of media publications, and participant observation each composed an important element of my overall research design in my case study communities. Personal interviews elaborated the individual perspectives of community members while media publications allowed me to assess the ‘image’ or ‘identity’ that is promoted by these communities, essentially revealing not only how they perceive their community, but also how these communities *want* to be perceived. Participant observation also enabled me to develop my own interpretations while living in the case study communities, contributing to a vantage point situated in-between the personal identities and more public images of each of these places.

Research Challenges

The small town, rural atmosphere in both Fernie and Sun Valley provided me a degree of access that would not be possible in a larger urban setting. People in both of these towns- including undocumented workers- described having a sense of safety and security. There are very few degrees of separation in a town with a population under ten thousand, and I believe this was a huge facilitator in my ability to connect to various participants. However, there were several challenging aspects to the fieldwork involved in this research project that mainly revolved around issues of unequal power dynamics and immigration status. In both communities, these dynamics inhibited my ability to access interviewees, particularly foreign workers.

In Fernie, the majority of foreign workers were young, English speaking, white, middle class individuals who came to Canada on a Working Holiday Visa, which allowed them both social and economic mobility (discussed in greater detail in Chapter V). Many of these workers were college educated and came to Canada to enjoy a lifestyle and cultural experience, rather than to save money. There was no inherent unequal power

dynamic between myself and them, and I felt fully comfortable approaching them through employers who offered to pass my name on to them. I also encountered them at restaurants and other public settings, which made identifying and approaching this category of interviewees quite straightforward. On the other hand, I was not able to interview any Filipinos in Fernie who were there on the temporary foreign worker program. Several residents in Fernie (including one Filipino-Canadian) expressed the sentiment that Filipinos in Fernie are a very insular and self-segregated group. There was no central location in which to approach them. Fernie does not have a laundry mat and has no social service agency aimed at providing support for this minority. While I occasionally saw Filipinos at the grocery store or at church, approaching them in this manner would have felt like racial profiling, as I would be seeking them out based on their appearance. This left the workplace as the only avenue through which I could make contact with the small Filipino population. As there is an inherent imbalance of power between employer and employee, this was not a suitable avenue for me to pursue.

Research in Sun Valley presented similar limitations regarding the undocumented population living there. However, having lived in the area for nearly two years, I had many personal contacts that I could use to gain trust from these individuals. In some instances, this personal connection was sufficient, but in others interviewees declined to talk to me- a situation I believe was due to their status. I was not able to interview any H-2B workers because there are virtually no H-2B Visas being used in the Sun Valley area (the reasons for this will be discussed later). I did interview one individual on a J-1 student visa, which is the status of workers that have replaced H-2B workers at the Valley's biggest employer.

Data Analysis

Qualitative discourse analysis focuses on the content and contextual meaning of textual material in order to classify large quantities of text into discrete categories and codes to reveal underlying patterns or themes of a phenomenon (Barnetson, 2013; Hsieh and Shannon 2005). The analysis for this dissertation was divided into two separate categories based on national policy documents and local research in the two case study communities. I approached these different categories and their associated sources of data based on my research questions, and developed different codes and categories that sought to draw out underlying assumptions and narratives found within the texts. This coding system identified specific framings of guest workers, immigration policy, and community identity, spanning from narratives about nation, immigrant and state sovereignty in the national context to perceptions and enactments of identity, community and belonging in the local context. Because the political debates consisted of thousands of pages of discourse, I created codes based on themes that recurred consistently throughout the twenty years analyzed. This enabled me to categorize similar discourses under a common theme, thereby creating a consistent structure for analysis. In addition to the sources mentioned above, I also relied on a small amount of statistical data from government agencies on visa issuance, including the geography of employers, workforce origin, numerical trends, and industry of employment.

The combination of textual sources on national debates and the interview, observational and ‘locally-sourced’ data from fieldwork shed insight into the linkages between national and local constructions of belonging, which highlights how state constructed categories of immigration status are taken up in the local context through the labor market and the community. Viewing the linkages between these processes reveals

how rigid national constructions have the potential to become more fluid and contested in the local context, yet often retain and reinforce degrees of belonging that are reflected both by the state and by society.

CHAPTER IV

GUEST WORKER NARRATIVES AND THE CHANGING POLITICS OF IMMIGRATION REFORM

“We must not allow ourselves to be distracted by these wretched rhetorical excesses and the confused non-sequiturs and the babble used by so many of the opponents of the direly needed [immigration] reform. Let us focus our attention always on the main issue: What will promote the best interest of the entire Nation?” (Senator Simpson, 1995).

Formal and informal government programs for importing foreign labor have existed in the United States and Canada since the 1800s, but it was not until relatively recently that such labor became a structural component of immigration and labor market policy³. The structural dependence on low-wage foreign labor which now defines the economic systems of both the U.S. and Canada took shape alongside the expansion of the service sector and a re-orientation of national labor markets towards more flexible labor arrangements in the post-Fordist era (Calavita, 1992; Cornelius et al, 1994; Sassen, 1988; Fudge & MacPhail, 2009). In this context, access to temporary foreign labor has alleviated social, economic, and political tensions inherent to increased cross-border flows. As I will elaborate in chapters V and VI, the discourses used in government debates to construct formal, guest worker programs reveal different strategies for ensuring access to foreign labor.

The contemporary practice of formally importing foreign labor on a temporary basis began to take shape during the decades following World War II. Prior to World War II, reliance on foreign labor was limited in both duration and scope. Importation of Chinese workers in the 1800s, for example, was specific to the construction of railroads,

³ In this dissertation, ‘informal’ government programs refers to undocumented immigrants, which represent an informal temporary worker program that is structurally fulfilling similar labor market needs as formal guest workers.

and even the Bracero Program was limited to the agricultural sector. The Bracero Program (described in Chapter 4) provided U.S. agriculture with a supply of low-wage laborers for over twenty years, laying the foundation for the structural demand for immigrant workers that has since expanded (Massey, 2002). One of the driving forces behind this expansion has been the process of increased economic integration on a global scale (See Chapter II). Trade liberalization, technological advancements in communication and transportation, and the increasing power of non-state actors have contributed to a global playing field characterized by more economic integration. This integration encourages states to lessen some traditional modes of power and spaces of control, such as sovereignty and territory, in order to allow for the free circulation of capital (Sassen, 1993: xii). Increased cross border flows for capital have not only opened up national markets to pressures of increased economic competition, but also to pressures to reassert territorial and political borders to more firmly protect territorial sovereignty.

However, global economic integration is not only about markets for capital but also markets for labor. It is in this context that guest worker programs are formulated as a solution to global economic competition because they enable states to create more 'efficient' and globally competitive production systems. As stated by Rudolph (2005):

Our global age is characterized by a central tension; whereas markets are highly elastic and responsive to change, social identities are not. Although borders are important in maintaining economic ties and serve as symbolic 'points of connection,' maintaining stable national identities requires at least the image of the border as highly resilient- a 'hard shell' rather than a 'soft shell' characterized by economic discourse (Rudolph, 2005: 14).

The central tension Rudolph describes has driven the proliferation of state's reliance on foreign workers, both for ideological reasons and economic reasons (both of which will be addressed in Chapters V and VI). Indeed, the use of foreign workers in both formal

and informal programs has expanded beyond specific industries, such as caretaking and farming, to the economy as a whole.

Processes of global economic integration and competition have accelerated in the last few decades, contributing to an increasing demand for highly flexible, low wage labor, resulting in more precarious labor arrangements (See Chapter II). Access to a ‘just in time’ model of production used to remain competitive has been aided, not just by informal foreign worker programs but also by formal guest worker schemes. Scholars have argued that contemporary guest worker programs have been largely justified by the need to compete on a global scale. This competition helped to legitimize the contemporary category of guest worker and the associated policies that led to the existence of temporary labor arrangements in democratic society (Cragg, 2011; Foster, 2012; Fudge & MacPhail, 2009; Sharma, 2006; Valiani, 2011). Countries have benefited from importing temporary labor because guest worker programs allow employers and states to dramatically reduce the costs of the social reproduction of those workers—in effect ‘externalizing’ many of these costs back to home communities and countries. Guest workers provide the state with temporary labor yet their families do not need to be educated and they do not remain in the country in old age, etc.—in short they do not draw significantly on social services critical to the reproduction of society as a whole even while their labor is essential to production and economic growth.

Guest workers are profitable not only because they can be excluded from a country’s costs of social reproduction, but also because there is no intention for them to integrate or gain membership in the nation. As Sharma (2006) comments in her analysis of the birth of temporary foreign worker programs in Canada in the 1970s, “the constitution of

current processes of globalization was accomplished, therefore, not only through a restructuring of the global political economy but also through the legitimization of a different rationality of national state power- one that worked to restructure the criteria of membership in the nation” (Sharma, 2006: 75). This different ‘rationality of state power’ is what helped to produce and legitimize the permanent presence of temporary workers who structurally remain aliens within the territorial boundaries of democratic society, even if the same individuals in these programs arrive seasonally over many years. It is the production and legitimization of guest worker programs and their relationship to the politics of immigration in the legislative halls of each country that I seek to explore in the next two chapters. Specifically, this analysis attempts to address the following questions:

- **What is the changing nature of legislative debates and policies about guest workers in Canada and the U.S.?**
- **How are guest worker policies situated in relation to broader immigration policies and debates in each country?**

In order to answer these questions, Chapters V and VI will provide a description of the broad policy landscape of immigration reform as well as an in-depth analysis of the discourses used by Congress and by Parliament to situate guest worker debates within that political landscape. Following a description of these discourses for each country, specific narratives are highlighted to explore how these discourses are produced and justified, which also illustrates how guest worker policy is presented as both a solution and a problem to the dilemma that immigration poses to both the U.S. and Canada.

Discourse Analysis of Government Debates

Discourse analysis is a useful tool in analyzing different ways that states exercise power, particularly in the realm of immigration politics (Coleman, 2008; Mountz, 2003;

Nevins, 2010; Ngai, 2004; Sharma, 2006). A discourse analysis of government debates in particular can help provide insights into how different constructions of state categories are formed, which can eventually lead to the production of cultural norms. As Sharma points out, “since parliamentary debates take place for the expressed purpose of governing society, they have great power not only in constructing but also legitimizing state categories” (Sharma, 2006: 21). Government debates represent an important means of exercising state power, as they are a particular form of constructing knowledge through state practices.

Analyzing legislative discourse reveals processes that shape political outcomes and public thinking, particularly in regards to immigration. This, in turn, can lead to assumptions that eventually become normalized and shape attitudes and perceptions, and can have tangible outcomes with far reaching consequences (Hopkins, 2010). While studies may seek to interrogate the validity of government discourse with the goal of separating fact from fiction (see Barnetson, 2012), my goal is to capture how discourses about guest worker programs can serve to “perpetuate the myth” by reinforcing perceptions that eventually are developed into self evident “truths” (Carswell, 2000: 18). On a more material level, understanding some of the policy narratives that have driven these debates has direct implications for policy outcomes. For example, guest workers are often touted as a solution to undocumented immigration or as a way to ensure national security, and these goals are very different from a policy aimed at addressing labor market needs, and as such will have very different outcomes on the policy landscape.

Through immigration policy, the state plays a powerful role in delineating those who belong and those who do not. An explicit example was the exclusion of Chinese

nationals from both the U.S. and Canada in the 1880s. A more implicit example is the role that immigration policy plays in influencing discourse that produce “illegal” immigrants (Ngai, 2004). As these examples highlight, the state uses multiple tools, both de jure and de facto, to construct categories of exclusion. In the case of Chinese exclusion and ‘illegal’ immigrants, the boundary is very clear because they were refused legal presence outright. Guest workers, however, complicate how we conceptualize this boundary making process in the context of immigration policy because guest workers occupy a category ‘in between.’ They are wanted by the state, but only in a particular fashion and for a limited period of time. The category of ‘guest worker’ reflects how the state is actively involved in “hierarchically organizing various groups of people through differential state categories of belonging” (Sharma, 2006:4),.

Historical Overview of Immigration Policies in the US & Canada

In the U.S. and Canada, immigration patterns since the late 19th century have followed a remarkably similar trajectory, reflecting broader economic and cultural conditions (See Figures 4.1 and 4.2). In both the U.S. and Canada, race has been deeply embedded in immigration policy, as both countries have defined admissibility based on characteristics ranging from racial and ethnic categories to skill levels. As will be explored below, broad trends in immigration patterns over the last century- and the specific policy measures used by both countries- illustrate how both the U.S. and Canada have sought to portray a national identity of equality and humanitarianism (each as a self proclaimed ‘nation of immigrants’) while actively regulating the composition of the nation based on much more dubious criteria.

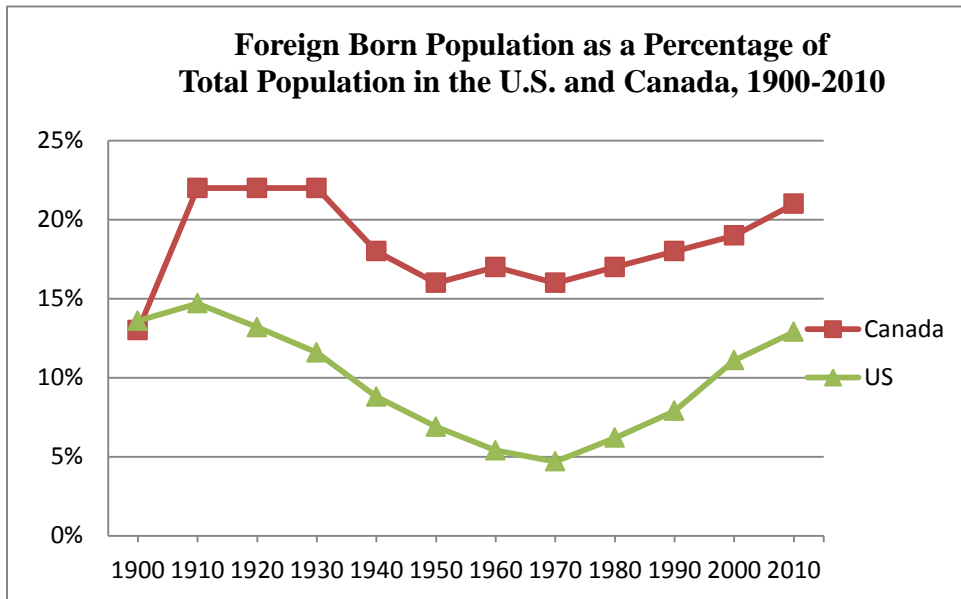


Figure 4.1. Foreign born population as a percentage of the total population from 1900-2010 in the U.S. and Canada. (Source: Department of Homeland Security (DHS), Yearbook of Immigration Statistics 2011 and Citizenship & Immigration Canada (CIC), Facts and Figures 2010).

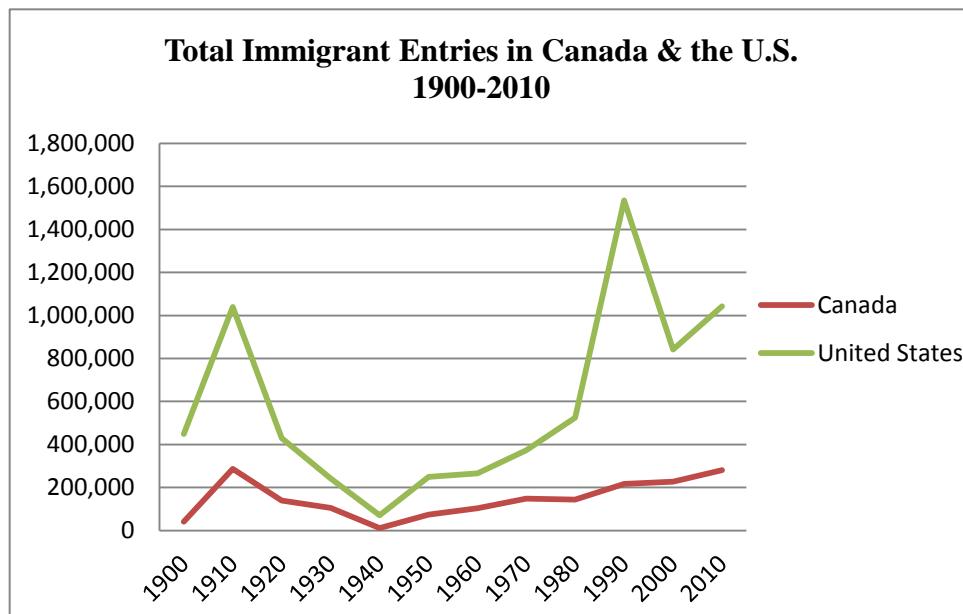


Figure 4. 2. Total number of immigrants admitted to the U.S. and Canada from 1900 to 2010. The spike in 1990 in the U.S. reflects legalizations that occurred under the Immigration Reform and Control Act of 1986 (Source: DHS, Yearbook of Immigration Statistics, 2010).

By the turn of the 20th Century, territorial expansion of the U.S. and Canada had largely been accomplished. Urbanization and industrialization, which had been fuelled by mass immigration most visible in the closing decades of the 19th century, gave way to concerns about poverty and social turbulence by the early 1900s. In the U.S. in particular, immigration became a “dangerous force that the federal government most desperately needed to tame” (Tichenor, 2002: 114). It was in the context of a desire to ‘control’ immigration to protect society that immigration policy became a fundamental aspect of nation building. Prior to the 1920s, immigration was numerically unrestricted and encouraged as massive numbers of European immigrants arrived to settle the Western portions of the U.S. and Canada. Early restrictions that did exist were based on categories of ‘social desirability’ and refused entry to criminals, prostitutes, polygamists and the like (Tichenor, 2002). In both countries, the central policy issue was how to balance the need for people to fuel the economy with the need for citizens who would compose, not just the state, but the nation. Because the ideal nation was based on a model of white Europeans, hailing primarily from Northern and Western Europe, both countries designed policies aimed at limiting the presence of Chinese laborers as early as the late 1880s (Ghosh & Pyrcce, 1999; Ngai, 2004). The Chinese Head Tax (1885) in Canada and the Chinese Exclusion Act (1882) in the U.S. were early efforts to control the racial and ethnic formation of the nation, while at the same time importing the labor necessary for economic development. It was not until the early 1920s that such efforts became a central focus of immigration policy (Makarenko, 2002; Tichenor, 2002).

As the number of immigrants swelled, both countries made efforts to both quantitatively and qualitatively control admissions. In the U.S., the Johnson-Reed Act

(1924) put in place national quotas, which severely limited immigration from outside Northern and Western Europe, and continued a ban on immigration from Asia. The 1924 Act also created the border patrol. These policies “remapped the nation” based on new classifications and hierarchies by putting “European and non-European immigrant groups on different trajectories of racial formation, with different prospects for full membership in the nation” (Ngai, 2004: 13). They marked the end of an era of patterns and policies characterized by open immigration from Europe and the beginning of an era of restriction, based on racial boundaries of citizenship and the eventual creation of the illegal alien as a central problem in U.S. immigration policy, as passports and visas were now required for entry (Nevins, 2010). Immigration policies in Canada during this time period were remarkably similar, favoring Caucasian immigrants and barring the entry of Chinese nationals (Makarenko, 2010).

Relatively low levels of immigration in North America persisted throughout the 1940s, with downturns surrounding the Great Depression and World War II. In the 1960s, both countries abandoned overtly racist national origin quotas, which made way for a more diversified immigrant pool. In the U.S., the Immigration and Nationality Act of 1965 marked the first major overhaul of immigration policy since the 1924 Johnson-Reed Act and set quotas based on family reunification. The 1965 Act rejected explicitly racial quotas, but the family reunification priority was assumed to favor continuing European immigration. However, family reunification policies in practice led to the growth of immigrants from new source regions, specifically the Caribbean, Latin American, and Asia. After passage of the Act, immigration from these regions dominated entries into the

United States. This laid the groundwork for large numbers of immigrants arriving through family reunification from the same areas (See Table 4.1).

Table 4.1: Top Source Countries of Immigrants to the U.S., Pre-1980 to 2010 (Source: Camarota, 2010)

Source Country	Pre-1980	1980-1990	1990-1999	2000-2010
Mexico	1,879,026	2,209,189	3,608,247	4,050,077
East Asia	1,394,303	1,734,919	1,989,082	2,449,318
Europe	1,894,789	1,220,426	1,220,426	1,212,306
Caribbean	917,670	782,122	908,999	1,130,330
Central & South America	2,299,450	1,497,459	1,202,362	747,611
South Asia	1,145,531	702,579	343,943	225,006

The shift in source countries combined with the first ever numerical limitations on immigration from Latin America “marked a decisive turnaround in national policy and helped breathe life into a new era of mass migration” (Tichenor, 2002: 219). Canada followed the U.S. model by eliminating racial categories and focused instead on admissions based on skill levels and occupational training with the Immigration Act of 1976 (Avery, 2000). A change in the source countries for immigrants in Canada followed a similar pattern as in the U.S., with a decreasing number of immigrants arriving from Europe and an increasing number from Asia and the Middle East (See Table 4.2).

Immigration has continually increased in both Canada and the U.S. since 1990, with the U.S. dominated by immigrant streams from Latin America and Canada dominated by flows from Asia (Kobayashi et. al., 2012). This shift in the racial, ethnic, and educational composition of immigrants has shaped concerns about immigration levels in both countries. These concerns, combined with a pre-occupation with national security (particularly in the U.S.) since 9/11 has given rise to a renewed vision of

immigrants as “threats” to the nation (Nevins, 2010). Both countries have responded to this national construction of ‘danger’ from the outside through symbolic efforts. Since the 1990s, the U.S. has heightened border control while Canada has tightened restrictions on categorical entries, such as refugees (Ghosh & Pyrcce, 1999; Nevins, 2010; Mountz, 2004). There is an increasing reticence to fully admit immigrants through the institution of citizenship that has clashed with the growing pressures of the global economy, which creates pressure to bring in both high-skilled and low-wage labor. The result is a peculiar policy mixture which seeks declining access to citizenship yet promotes an increasing reliance on foreign labor. Since the 1980s, U.S. policies have limited immigrant access to public welfare benefits and expedited deportation proceedings, both public attempts to exclude immigrants, while imposing ‘watered-down’ employer sanctions and symbolic border fortifications that in practice continue the demand for ‘illegal’ workers (Massey et al, 2002). For the first time in history, Canada is welcoming more temporary workers than landed immigrants, resulted in a higher percentage of the foreign born population with temporary status than with an avenue to citizenship (Citizenship & Immigration Canada, 2010).

Source Region	1971	1981	1991	2001	2006
Asia & Middle East	12.1	38.9	50.9	59.4	58.3
Europe	61.6	31.5	21.7	19.7	16.1
Central, South America, & Caribbean	9.0	14.5	16.2	8.9	10.8
Africa	3.2	5.0	6.6	8.3	10.6

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, 1971 to 2006).

The creation of immigration policy and the resulting patterns of immigrant flows are bound up in the rhetoric surrounding national identity in both the U.S. and Canada.

Under the official federal policy framework of multiculturalism, the Canadian state had previously taken an active role in the incorporation of immigrants, while in the U.S. the goal of assimilation has long been viewed as an individual responsibility (Kobayashi et. al., 2012). Whether being formally assisted by the state to maintain cultural identity, or using one's bootstraps to become fully assimilated into the host society, both of these ideologies and policy orientations reflect a national identity heavily invested in the values of equality and access. Yet in reality, these principles do not hold true for everyone. While "Americans want to believe that immigration to the United States proves the universality of the nation's liberal democratic principles" (Ngai, 2004: 11), it remains true in both countries that "rulers have not viewed, or allowed non-Europeans to be active participants in the nation-building experiment but have instead allocated to them a circumscribed role of either serving the nation builders or remaining marginal to society" (Shakir, 2007: 70).

An example of the contradictions between constructions of national identity and immigration policy is highlighted through an increasing reliance on temporary labor. During the last ten to fifteen years, both countries have seen an increase in temporary workers while at the same time they have made active efforts to restrict the rights and benefits of immigrants (Kobayashi et. al., 2012). In the U.S., skilled immigrants have comparable salaries and job titles as native workers, yet they do not have the rights and privileges of citizens. In Canada, on the other hand, skilled foreigners are admitted on a permanent basis, and supposedly placed on equal footing with native Canadians in the job market. However, once admitted, these highly skilled individuals face numerous forms of discrimination, particularly in the form of foreign credential recognition. For this reason,

it is not uncommon to find trained professionals working in extremely low-skilled positions (Bauder, 2006). In both the U.S. and Canada, these policies “waste human capital and marginalize immigrants, but for significantly different reasons,” (Kobayashi et. al., 2012: xxvii) one being a refusal of official citizenship, and the other being a denial of what it means to have access to the benefits and equality of citizenship. Thus despite a doctrine of multiculturalism and humanitarianism, Canadian immigration policy currently favors labor without equivalent rights. While in the U.S., a class of ‘illegal’ individuals has been created, a status that makes them profitable, desirable, and increasingly a structural component of the national economy. These examples highlight the contradictions between a national identity that rests upon a liberal democratic society of equal rights and immigration policies that systematically deny those rights to particular groups.

Although the policies and underlying ideologies may differ at times, there remains a common trajectory in both the U.S. and Canada whereby national identity is increasingly challenged by global economic integration, which (ironically) has opened up economic borders while reinforcing national constructions of ‘us’ vs ‘them’ which continue to delineate who belongs and who does not based on racial and ethnic characteristics. This was an obvious aspect of immigration policies that existed around the turn of the 19th century, which made it clear that constructions of national identity were built specifically on notions of ‘whiteness’ and ‘sameness.’ While immigration policies today are no longer overtly racist or Euro-centric, de facto policies of marginalization and exclusion (as evidenced with guest worker programs) produce a very similar result, proving that “immigration policy involves not only regulating the size and

diversity of the population, but also the privileging of certain visions of nationhood’
(Tichenor, 2002: 2).

CHAPTER V

UNITED STATES POLICY

“The current flow of immigrants and refugees to the United States is out of control...indeed, the U.S. today is taking in more legal immigrants and refugees for permanent resettlement than the rest of the world combined. In addition, hundreds of thousands of illegal immigrants cross our borders every year. Many stay, creating a fugitive and exploited subsociety in our country...They provide evidence to their neighbors and to the citizenry at large that our immigration laws are being flouted and ignored. Through existing laws and enforcement procedures, the situation can only deteriorate, given the conditions in so much of the third world, which is now the primary source of immigration and refugee flows to the U.S. At a time when we face the prospect of a tightened economy, the United States must set firm limits on entrants to assure that we do not take on burdens that we ourselves cannot handle” (Senator Simpson, Final Report of the Select Commission on Immigration and Refugee Policy, Joint Hearing of Senate and House Committees on the Judiciary, May 5, 1981:4).

This opening statement was given by Senator Alan Simpson in 1981 to introduce the final report of the Select Commission on Immigration and Refugee Policy to Congress. The sentiments expressed by Senator Simpson, and elaborated by the Commission, set the stage for subsequent decades of immigration policy aimed at restricting legal immigration and controlling ‘illegal’ immigration. Indeed, an encroaching undocumented population, presented by Simpson as both an economic and social threat, would evolve to become the central problem in U.S. immigration politics. Among the multiple policies proposed by Congress to deal with undocumented immigration, temporary guest worker programs have continually resurfaced in political debate as both a problem and a solution to a situation that is “out of control.”

Drawing on over twenty years of debates and thousands of pages of text (See Chapter III for methods), this chapter establishes the broad political landscape of immigration reform in the U.S. in order to understand how guest worker policy is used to

achieve overarching political goals. Congressional hearings and debates about immigration policy provide a key source for exploring, not only the changing goals and motives of the state, but also the discourses used by elected officials to justify and defend those goals and motives. An analysis of guest worker policy within this broader framework exposes the complex and often contradictory role that the state plays in pursuing control of its borders and its nation. In order to understand the relationship between guest worker policies and broader immigration goals, the following chapter traces Congressional debates about U.S. immigration policy and guest worker programs from 1990 to 2010, incorporating the work of the Select Commission on Immigration and Refugee Policy (1978-1981) and the Commission on Immigration Reform (1990-1997), as well as the Immigration Control and Reform Act (1986), which was last major comprehensive immigration reform passed in the United States. The chapter begins with the evolution of guest worker programs in the U.S., followed by Congressional analysis based on time period and source. Within each time period, there is an overarching description of the nature of immigration debates and major policy reforms, followed by a more focused analysis of debates about guest worker policies. The final section is a distillation of the changing discourses and political narratives used by Congress to both produce and defend guest worker programs.

The Bracero Program

“In the case of the Mexican, he is less desirable as a citizen than as a laborer”
(U.S. Congress. Abstracts and Reports of the Dillingham Immigration
Commission, 1911: 690, cited in Calavita, 1992.)

The U.S. experience creating a formal guest worker program commenced on a large scale with the Bracero Program in 1942. This legislation was enacted as a temporary measure to fill a wartime labor shortage. The Bracero Program (also known as

the Mexican Farm Labor Program) was a bilateral agreement between Mexico and the U.S., signed into effect on August 4th, 1942. The Program continued for 22 years until 1964, during which time 5 million Mexican laborers were brought to the U.S. The program was eventually terminated in 1964 due to complaints about human rights abuses associated with the treatment of Braceros and union objections regarding the use of Braceros to undermine native workers (Calavita, 1992; Griffith, 2006; Massy et al, 2002). The Bracero Program created a legacy of exploitation by employers, coupled with the initiation of a large migration stream from Mexico, which continue to heavily influence guest worker debates today. The Bracero Program is often cited as proof to Swiss author Max Frisch's famous aphorism that "there is nothing more permanent than temporary foreign workers" (Martin, 2006).

Under a general message of patriotism and crisis, the Bracero Program was initiated to quell farmer's fears of a massive farm labor shortage during World War II. The call for increased farm production began roughly in the autumn of 1940 when U.S. involvement in the war increased and the Lend Lease Act was passed, defining agricultural commodities as munitions of war (Gamboa 1984). Various efforts were undertaken to encourage crop production for export to troops in Europe as well as conservation of necessary war supplies on the domestic front. The Food-for-Victory campaign was launched for these purposes and played upon a patriotic tone, paralleling food production with winning the war. The images below reveal insight into the socio-economic constructions surrounding agricultural production during the war (Image 5.1).



Image 5.1. Images of the Food-for-Victory Campaign. (Source: Northwest Farm News, June 25 & July 17, 1942, (Cited in Gamboa, 1984).

As depicted in the above images from Gamboa (1984), the success of the war was explicitly tied to the country's ability to produce food. As fears about a massive labor shortage heightened alongside military involvement, the agricultural industry engaged on an outspoken and increasingly desperate campaign to ensure a farm labor supply. The Associated Farmers of Washington, for example, proposed a draft to get workers into the fields during critical harvest periods and the Washington Selective Service Board urged local draft boards to defer farm labor from being sent overseas. The farm industry eventually approached the federal government, which was slow to respond to this proclaimed emergency. Amidst political tensions and the lack of a central agency responsible for addressing the issue, farmers themselves pressured the government into what would eventually become a national policy (Calavita, 1992). Intertwined with a discourse rooted in crisis and patriotism, became an explicit construction of the "right kind" of farm labor (Image 5.2).



Image 5.2. Descriptions of the newly arrived Mexican laborers (Source: Northwest Farm News, July 15, 1943, Cited in Gamboa, 1987).

The Bracero Program existed in two phases. During the first phase, which spanned from 1942 to 1947, the contracting of workers was done by the federal government, who assumed responsibility for the recruitment, transportation, and housing of the braceros. The farmers simply requested the number of braceros they wanted. In 1947, changes to the program required farmers to cover the costs that had previously been taken on by the federal government. This increased responsibility brought significant changes to the use of the program, and marked a transition in the Pacific Northwest from a de jure policy of importing farm workers from Mexico, to a de facto one of relying on undocumented Mexican labor, as the cost of using government channels to obtain workers increased. As Erasmo Gamboa stated in his PhD Dissertation on the subject, “after the war, migrant workers picked up where the braceros left off” (Gamboa 1984, 385).

The persistence of the Bracero Program after the end of the war was driven both by the dependence that farmers had developed on hardworking braceros, as well as economic expansion in the post-war years that further reduced participation in farm labor by

American citizens. The dominance of Mexican laborers in agriculture also inhibited American workers from entering the fields because after the Bracero Program, “agricultural work within the United States had come to be defined socially as ‘foreign’ and thus unacceptable to citizens” (Massey et al, 2002: 41). The energy that farmers put into lobbying Congress to continue the program was eventually refocused towards recruiting undocumented workers, many of whom were former braceros, when the program ended in 1964. Relationships between growers and farm workers that developed during the formal years of the Bracero Program had been solidified and continued despite the lack of a legal channel (Calavita, 1992; Hahamovitch, 2011; Massey, 2002). The Bracero Program set the stage for the dialectical relationship between guest worker programs and undocumented immigration, as the former is simultaneously a solution and a problem for the latter.

Contemporary Guest Worker Programs

The birth of the present day guest worker visa category in the United States began in 1952 when the Immigration and Nationality Act (INA) was amended to end the ban on importing foreigners to perform labor, which had been instituted in 1885 by the Foran Act (Congressional Research Service, 2010). Since that time, all temporary, non-immigrant workers fall under the H visa, which encompasses eight different categories ranging from “free trade agreement aliens” to seasonal agricultural workers. The 1952 amendments were a “hodge-podge” of compromises that decreased immigration quotas and created a situation in which “permanent immigrants were out but guest workers were in like flint” (Hahamovitch, 2011: 118). Indeed, many of the very countries that saw their immigration quotas decreased became sites for the recruitment of guest workers,

including much of the Caribbean. The H-2 program operated alongside the Bracero Program, primarily to supply Caribbean workers to sugarcane fields in Florida and other agricultural operations along the East Coast (Griffith, 2006). The program peaked at 69,000 workers in 1969 and declined throughout the 1970s, bringing an average of 30,000 workers annually (Briggs, 2004; House of Representatives Report on Immigration Control and Legalization Amendments Act of 1986, 7/16/86). The INA amendments that authorized the H-2 worker category also established the stipulation of labor certification, which required employers to prove they could not find American workers prior to applying for guest workers.

In 1986, the Immigration Reform & Control Act (IRCA) amended the INA again and subdivided the H-2 program into two separate streams, the H-2A and H-2B (Bruno, 2010). The H-2A was designed specifically for agricultural workers, and the H-2B for non-agricultural, low-skilled workers. The reasoning behind this split was to “recognize the unique needs of growers” as well as “the inadequacy of current protections for farm workers” (IRCA Report, 1986: 80). This concern about protections for farm workers was born out of the years of substandard living conditions and other forms of exploitation by employers during the Bracero Program. As a result of these goals, the H-2A program inherited a number of worker protections, such as housing, transportation, and auditing requirements, while the H-2B program remained modeled on the existing H-2 Visa. It should be noted that because H-2A and H-2B visas are employer driven, workers are tied to their employer for the duration of their stay in the U.S.

Temporary workers entering the U.S. primarily enter on one of three visas: H-1B for workers of ‘distinguished merit,’ H-2B for low skilled, non-agricultural workers, and

H-2A for agricultural workers (See Appendix A for a diagram of the various programs). It should be noted that while the term ‘distinguished merit’ is the subject of much debate, these workers tend to fall under the category of higher-skilled workers. The term “guestworker” almost always signifies the lower-skilled H-2B and H-2A categories (Congressional Research Service, 2007). There is currently no limit on the admission of H-2A workers and while there is a cap on H-1B visas of 65,000, many workers within that category are exempt from the ceiling (Congressional Research Service, 2010). H-2B Visas are capped at 66,000 annually, although as will be noticed in Figure 5.1 below, from 2005-2008 Congress exempted returning H-2B workers from counting against the cap. This resulted in a short time period in which the number of H-2B workers exceeded 66,000.

In addition to the H-1B visa, the J-1 ‘cultural exchange’ visa is increasingly being used to import low-skilled, temporary foreign workers in a variety of industries. J-1 programs are not categorized as temporary foreign work programs, but instead fall under a category of “cultural exchange” as J-1 workers tend to be college students whose work permits span the length of their summer breaks from college. Because they do not fall under the H category, approval for a J-1 visa has no requirement of a labor market test. Prior to obtaining their visa, potential J-1 workers obtain a “sponsor” in their home country who connects them with potential employers in the US (Bruno, 2012). Figure 5.1 illustrates the number of non-immigrant visas (NIVs) issued for H-2A, H-2B, and J-1 workers from 1990 to 2010 based on data from the Department of State (DOS), which is not available prior to 1987.

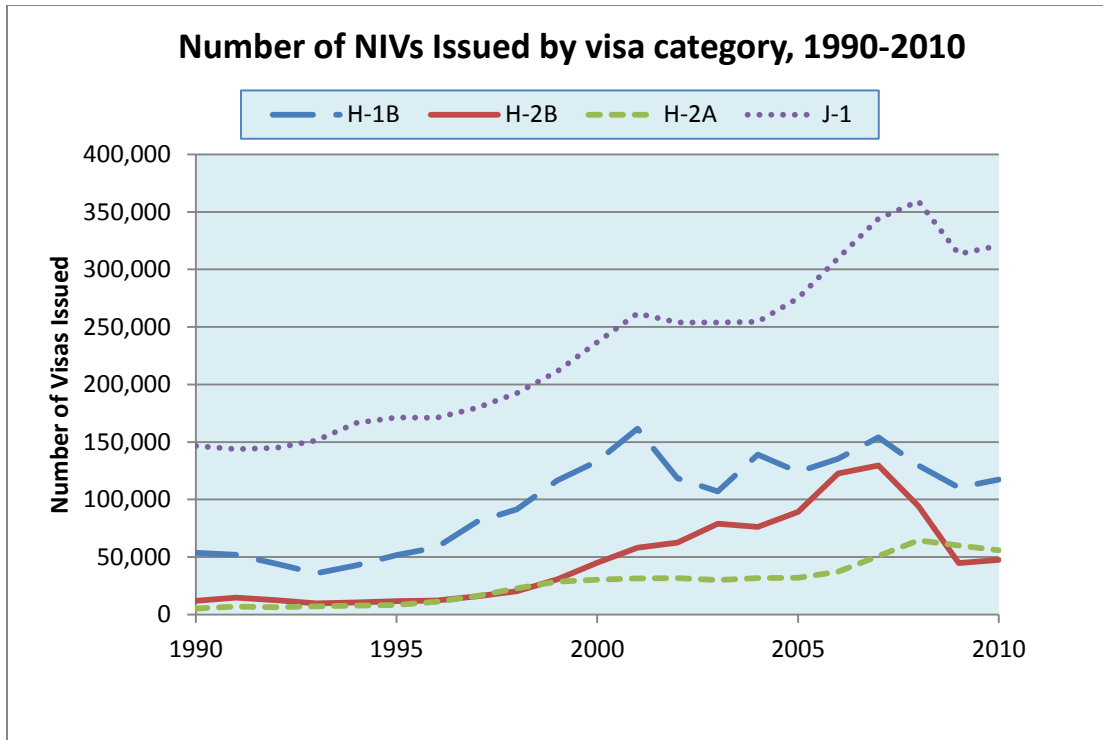


Figure 5.1: Number of Non-Immigrant visas issued by visa category, 1990-2010 (Source: US Department of State NIV Statistics FY 1987-2011).

As will be explained below, the number of visas issued is recorded by DOS and does not necessarily reflect the number of applications or the actual number of entries for guest workers. This is because many applications are denied and some visas issued to guest workers are not used. However, visa issuance is a more reflective number to use than entries, as multiple entries of one guest worker can over represent the actual number of entries.

The administrative process for an employer to obtain a guest worker is nearly identical for an H-2B or H-2A Visa, but is different for an H-1B Visa. To obtain an H-1B Visa for high skilled workers, employers do not have to undergo a labor market test, but instead can “attest” that they are unable to find native workers to fill the needed position. Employers seeking H-2A and H-2B workers, however, undergo an extensive labor

market test and require the processing and approval of three separate government departments. Prior to applying for a labor market opinion (LMO), the employer must first advertise for the position locally. If the employer is unable to find available workers, the proper paperwork is submitted to the Department of Labor (DOL). It should be noted that the process and the paperwork required for obtaining a LMO are the subject of much controversy as the process is quite time consuming and cumbersome. Indeed, one of the main controversies surrounding the administration of the H-2B and H-1B programs is the labor market test portion of the application, as it is intended to protect native workers from displacement. Since the program's inception, regulations governing the labor market test have alternated between an attestation based model and a formal labor market test, which greatly influence the ease of obtaining guest workers (for a detailed description of these change, see Bruno, 2012; Mathes, 2012). An attestation based model, which is currently in use for H-1B visas, greatly reduces the financial and temporal costs of obtaining a guest worker.

The number of approvals and denials issued by DOL gives a sense of the overall demand for workers, but not the actual number arriving. Upon approval from the DOL for a LMO, the employer must submit a petition to the Department of Homeland Security for a non-immigrant visa. The data on these visas varies from the actual number of H-2B workers because some are issued visas and never use them, and some may be denied at the border. If DHS approves the employer's petition, the foreign worker can apply at a U.S. embassy or consulate abroad for their visa, which is issued by the DOS. Once the potential guest worker has a visa, they can apply for entry at the U.S.

border. Thus, final approval of entry for a guest worker rests with the discretion of individual border patrol agents (Bruno, 2012).

Tables 5.1 and 5.2 below highlight the source countries and occupations for H-2B workers based on the years data is available. In 2005, the top ten recruiting states were Texas, Florida, Colorado, Louisiana, and Virginia which remained relatively unchanged in 2010 with Maryland replacing Louisiana (Office of Foreign Labor Certification, 2010).

Table 5.1: Source regions for H-2B workers (Source: DOS, Nonimmigrant Visa Issuances by Visa Class & Nationality, FY1997-2012).

Source Region	Number of H-2B Visas Issued		
	1997	2000	2010
Africa	68	232	1,154
Asia	3,073	1,115	2,546
Europe	1,165	2,175	1,830
Oceania	260	1,000	303
South America	369	1,335	412
North America	10,770	39,161	41,158
<i>Total</i>	<i>15,706</i>	<i>45,037</i>	<i>47,403</i>

Contemporary guest worker programs in the U.S. evolved out of the agricultural industry's heavy reliance on the Bracero Program, which created a legacy of importing low-wage foreign labor to meet employer's demands. Much like during the era of the Bracero Program, guest worker policies in the U.S. have been continually plagued by concerns about the displacement of native workers as well as exploitation of guest workers themselves. These concerns have created political tensions in the policymaking

realm, particularly when guest worker programs are evaluated in relation to broader immigration policy objectives.

Table 5.2: Top ten occupations and average hourly wages for H-2B workers in 2010. (Source: Office of Foreign Labor Certification, 2010 Annual Report).

Occupation	Workers Certified in 2010	Average Hourly Wage
Laborer, Landscaper	23,210	\$8.87
Amusement park worker	5,974	\$8.20
Forest worker	5,180	\$9.71
Housekeeper	5,032	\$8.48
Groundskeeper	4,918	\$8.79
Cleaner, Housekeeping	3,547	\$8.02
Construction worker	2,640	\$9.38
Waiter/waitress	1,713	\$8.98
Dining room attendant	1,611	\$8.13
Stable attendant	1,559	\$9.15

The Changing Nature of Immigration Policy & Guest Worker Debates in Congress

The following section explores the changing nature of guest worker debates in Congress within the broader framework of changing immigration policies. While the primary focus is on the time period from 1990 to 2010, the decade leading up to 1990s marks both the birth of the present day H-2B program and the last major comprehensive immigration reform and is thus essential to address.

Select Commission on Immigration & Refugee Policy, 1978-1981

In 1980 125,000 asylum-seeking Cubans arrived on the shores of Florida. Despite a fearful political atmosphere that Americans were admitting too many immigrants and

had succumbed to ‘compassion fatigue’ the Select Commission on Immigration and Refugee Policy (SCIRP) stated that “immigrant and refugee admissions reflected national interests, not U.S. generosity” (Tichenor, 2002:250). SCIRP was the first major effort since 1965 and the first since 1911 by a joint Congressional/presidential commission to examine the immigration and refugee laws of the U.S. The Commission was chaired by Father Hesburgh, former head of the Civil Rights Commission, and Lawrence Fuchs, a professor from Brandeis, both of whom articulated a commitment to transcending partisanship and special interests. Democratic senators who formed the commission hoped to achieve a policy compromise between concerns about undocumented immigration and support for robust levels of legal immigration. The remaining commissioners consisted of public members, Cabinet secretaries, and Congressional representatives (Tichenor, 2002).

The Commission’s findings were published in 1981 and based on 21 special consultations, 700 public witnesses, and 12 regional hearings. Among its recommendations adopted were employer sanctions against hiring undocumented workers, a legalization program, and increased border security. In essence, the Commission’s recommendations were summarized in the following statement:

We recommend closing the back door to undocumented/illegal migration, opening the front door a little more to accommodate legal migration in the interests of this country, defining our immigration goals clearly and providing a structure to implement them effectively, and setting forth procedures which will lead to fair and efficient adjudication and administration of U.S. immigration *laws* (SCIRP Final Report, 1981: 32).

The recommendations put forth by SCIRP were premised on one basic question: is immigration in the U.S. national interest? The Commission gave “a strong but qualified yes,” in the case of legal immigrants and refugees, while also promoting the dangers of

‘illegal’ immigration (SCIRP Final Report, 1981). While SCIRP recommended a modest increase in legal immigration as being in the national interest, the commissioners remained reticent to expand guest worker programs, as suggested by the following statement:

This is not the time for a large-scale expansion in legal immigration- for resident aliens or temporary workers- because the first order of priority is bringing undocumented/illegal immigration under control, while setting up a rational system for legal immigration (SCIRP Final Report, 1981: 37).

SCIRP did recommend improving “the fairness of the program to both U.S. workers and employers,” by making several changes to the existing H-2 temporary worker category, including improving the efficiency of the program, removing “economic disincentives” to hiring native workers, and ending “the dependence of any industry on a constant supply of H-2 workers” (SCIRP Final Report, 1981: 226). At the time SCIRP’s final report was written, employers were not required to deduct payroll taxes for H-2 workers. As a result, H-2 workers were a less costly source of labor, regardless of stated efforts to avoid negative wage impacts on domestic workers. SCIRP sought to equalize both wages and benefits for H-2 workers and native workers. SCIRP insisted that their recommendations would “address the concerns of those who fear that a temporary worker program will automatically result in an underclass of workers” and that “by guaranteeing H-2 workers the same benefits as U.S. workers, the United States can ensure that its temporary worker program does not degenerate, as did the Bracero Program, into a program that exploits workers” (SCIRP Final Report, 1981: 256).

Much of the debate regarding the proposed modification to the H-2 program (the adding of FICA and unemployment insurance) is centered on whether or not to create a disincentive to using guest workers by increasing the cost of hiring them. As a result of

SCIRP's desire to "improve the fairness" of guest worker programs, the program became more costly. This is but one aspect of multiple contradictions inherent to the guest worker program: the relatively higher cost of employing guest workers is meant to deter employers from using the program altogether. These contradictions, which will be explored throughout this chapter, help to illustrate how guest worker programs in the U.S. are designed, not as a policy to correct a specific labor market issue, but rather as a tool used in political debate to either provide a solution or take the blame for a range of 'problems' resulting from immigration. Whether the issue is to combat illegal immigration, protect U.S. workers, or provide employers with needed labor, guest worker programs play a contradictory role in solving the problems of immigration and promoting the 'national interest.'"

Although the primary focus of this dissertation is from 1990 to 2010, the work of the Select Commission on Immigration & Refugee Policy (SCIRP) provides essential background to the last major comprehensive immigration reform passed in the U.S.- the Immigration Reform and Control Act (IRCA) of 1986. Many of IRCA's elements were shaped by the findings of SCIRP, which had been enacted specifically to evaluate current immigration policy and form recommendations to Congress.

Immigration Reform & Control Act (IRCA), 1986

"If one does not understand how a complicated piece of machinery works, one should not try to fix it" (Massey, 2002: 1).

IRCA was signed into law in November 1986, and encompassed many of the recommendations put forth by SCIRP. Three of the most significant provisions were employer sanctions, increased border enforcement, and a mass legalization program.

IRCA's legalization provisions in particular were strongly shaped by the concerns of agricultural employers about a potential labor shortage that would occur after IRCA's passage. It was argued that the legalization program, coupled with employer sanctions, would essentially remove grower's access to undocumented workers, who comprised the majority of farm labor:

As we move toward implementation of employer sanctions, we must at the same time prevent labor shortfalls and dislocations which have the potential to disrupt harvests and interfere with marketing process. The national economy and the American consumer depend upon a stable and adequate supply of agricultural labor to maintain commodity supplies at reasonable price levels (Norton, Deputy Secretary of Agriculture, Subcommittee on Immigration, Refugees, and International Law, 9/30/85).

In fact, in addition to the seasonal agricultural workers category that would be eligible for residency, Congress approved the admission of a category of 'replenishment workers' to ensure that growers would have access to farm labor in the event that newly legalized workers exited the fields. The Replenishment Agricultural Worker (RAW) Program required workers to be employed in agriculture for ninety days per year over a three year time span, with an additional two years of employment to gain residency. Although the RAW Program was never used, and thus rarely discussed, it symbolizes the responsiveness of Congress to grower's concerns over labor market shortages (Migration Policy Institute, 2005).

Throughout the debates leading up to the passage of IRCA, there was an implicit recognition about the value of undocumented workers to both the agricultural industry and the economy at large. Indeed, 'protecting' employers from labor shortages was no doubt prompted more by a desire to maintain economic competitiveness than to develop sound immigration reform. Employers outside of agriculture were also concerned that employer sanctions would overburden them with regulatory requirements and expose

them to lawsuits over discrimination. Employers were required to ask for documents showing employment eligibility, but were not required to verify those documents, in part because scrutinizing employees on the basis of race or nationality could lead to obvious problems. In the interest of avoiding backlash from both employers and civil rights groups, the law had a built in loophole that essentially counteracted its enforcement potential, leading to the longstanding conclusion for many years that “we all know employer sanctions are fiction” (Rep. Berman, Hrep Committee on the Judiciary, 6/15/2000: 54).

IRCA, written into law nearly thirty years ago, was the last major comprehensive immigration reform bill to be passed and enacted by Congress. The shortcomings of IRCA shaped decades of subsequent debates about immigration reform and continue to be cited as a beacon of failure. IRCA is but one example of how “the history of modern U.S. immigration policy is the history of dealing with the unintended consequences of each new policy shift” (Estrada, Member of CIR, Hrep Committee on the Judiciary, 12/7/95: 34). It also provides a foundation upon which subsequent political debates surrounding guest worker policy and immigration reform have been fought, as “the legislative history of the 1986 Immigration Reform and Control Act- the floor debates and Committee reports- reveal how similar the current immigration reform debate is to one held 20 years ago” (Senator Cornyn, Senate Committee on the Judiciary, 6/19/06: 2).

As Congress debated the employer sanctions and amnesty provisions proposed by the crafters of IRCA, guest workers surfaced as a solution for employers, largely farmers, to maintain a constant supply of low wage labor. As described above, it was assumed that employer sanctions would inhibit the relationship between agricultural employers and

undocumented immigrants, while granting amnesty would remove a previously dependable labor force from the labor supply as they gained status and labor market mobility. In searching for a solution to provide a legal avenue for grower's employment needs, Congress shied away from an expanded guest worker program, avoiding any connection with the tarnished legacy of the Bracero Program and insisting to have "no intention of creating an environment conducive to the violation of worker rights" (House Report 99-682, "Immigration Control and Legalization Amendments Act of 1986," 7/16/1986).

While IRCA did not introduce an expanded guest worker program, it modified the current one, splitting the H-2 category into two separate streams: the H-2A for agricultural labor and the H-2B for non-agricultural, low-skilled labor. The rationale for this split was to create protections for agricultural workers who had been the subject of exploitation, particularly under the Bracero Program. As stated by Congress, "recognizing the unique needs of growers and the inadequacy of current protections for farm workers, this bill creates a separate and distinct H-2 Program for agriculture" (House Report 99-682, "Immigration Control and Legalization Amendments Act of 1986," 7/16/1986: 80). The new H-2A program required that employers who housed workers on site be audited to ensure the adequacy of farm worker housing. The H-2B Program essentially took over the previous H-2 Program with no new modifications.

The last comprehensive immigration reform bill passed in the U.S. was shaped by assumptions about the negative impacts of reduced access to undocumented workers that would result from employer sanctions and legalization. The reforms of IRCA institutionalized and helped to legitimize the use of guest worker programs as a political

tool to deal with such assumptions and mitigate the impact of other policies on employers and the economy at large. Guest worker programs were often raised as a way to quell fears, particularly on the part of agriculture, about the economic repercussions of labor shortages. Indeed the debates surrounding IRCA highlight how Congress used guest worker programs to provide employers with an additional safety valve amidst an overall effort to shift dependence away from undocumented labor.

The failings and unintended consequences of IRCA are quite notorious and have been written about at length by numerous scholars (Calavita, 1992; Massy, 2002, Tichenor, 2002). Massey (2002) in particular has explored how the provisions of IRCA laid the groundwork for the subsequent development of the 'illegal' immigrant as a central problem in U.S. politics. This 'problem' was driven both by poor economic conditions in Mexico and by restructuring in the U.S. economy that lead to an increased demand for low-wage workers. Both of these conditions were further exacerbated by U.S. policies of militarizing the border throughout the 1990s which both criminalized undocumented workers and inhibited their mobility to return to their country of origin.

Debates of the 101st - 106th Congress (1989-2000): Increasing Militarization, Enforcement, and Decreasing Benefits

Immigration policies throughout the 1990s were aimed primarily at increasing enforcement, heightening border security, and deepening the distinction between legal and illegal immigrants (Massey et al, 2002; Nevins, 2010). Many of the policies of the mid- to late- 1990s that were proposed and/or enacted were a reaction to the failure of IRCA to have any measurable influence on undocumented immigration mainly because they did not address the economic processes driving that immigration.

Most importantly, the political economy of North America was changing during this time, ushering in a new level of economic integration between Mexico and the United States in particular, through trade agreements such as the North American Free Trade Agreement (NAFTA). NAFTA represented the culmination of a decade of profound economic restructuring in Mexico, transformations that displaced workers in both urban and rural locations (Harper and Cuzan, 2005). As the incentives for Mexicans (as well as other Latin Americans) to undertake the risky journey across the border for work increased, the U.S. economy was expanding its demand for low-wage workers, in both restructured and more globalized manufacturing systems as well as within its ever-expanding service sector (Castles and Miller, 2009). Despite the growing demand for these workers—most of them ‘illegal’ in a de facto or de jure sense—the U.S. also witnessed a growing politics of fear and exclusion regarding low-wage, racialized immigrant workers. What resulted was the pursuit of “a politics of contradiction” in which the U.S. was “simultaneously moving toward integration while insisting on separation” (Massey, 2002; 73). This politics of contradiction continued to unfold throughout the 1990s, and is apparent both in the immigration policies described below, as well as the role of guest worker programs in political debate during this time.

While the latter half of the 1990s was dominated by enforcement and security, the 101st Congress (1989-1990) was heavily focused on how to change the legal immigration system to increase global competitiveness and whether or not to increase the role of economic or occupational entrants and decrease the proportion of kinship tied immigrants. These discussions shaped the 1990 Immigration Act, which placed caps on legal immigrant categories that had previously not been subject to numerical limitation.

Most significantly, the Act capped family immigration, the category under which most non-quota immigrants entered and which, by the late 1980s, was dominated by Latin America and Asia. Rather than explicitly change the per country numerical caps, Congress expanded the number of skilled visas available, which went primarily to those from more developed nations. Additionally, the Act created a “diversity visa” meant to correct the decrease that certain sending countries (primarily European) experienced after the 1965 amendments (Tichenor, 2002). Essentially, the 1990 Act sought to influence the national origins of immigrants in an implicit manner, reflecting a growing concern with the increasingly diversified immigrant population (Massey, 2002).

As a result of this expansion in legal migration flows, there were many discussions in Congress about the displacement of native workers. Congress grappled with increased employer demands for workers amongst fears that foreign workers in general- whether legal, ‘illegal,’ or temporary- would have negative effects on U.S. workers, particularly harming the most “vulnerable” of American society. The role of Congress is challenged during this time by increasing demands to protect minorities and women from labor market competition with immigrants and a sentiment that “it is the most needy, the people who need government protection the most, who are in need of immigration reform” (Vernon Briggs, Professor at Cornell University, House of Representatives, Committee on the Judiciary, 4/5/95: 94). There are explicit calls for Congress to distance immigration policy making from employer interests:

We would not want immigration policy to be an easy safety valve so that employers will not tackle the hard problem of raising productivity, redefining jobs and raising pay levels so as to eliminate potential shortages. In addition, we would hope that immigration policy would not be used to close doors to the skilled jobs to which we hope minority workers will increasingly get access. It would be bad

policy to say that we need to improve the education and skills of minorities and then to allow employers easy access to skilled immigrant workers to fill jobs that might go to upgraded minority workers (Lawrence Mishel, Director, Economic Policy Institute, Hrep Joint Hearing, 3/14/90: 220).

This discourse taken up by Congress expands the image of the displaced American worker who is ‘victimized’ by high levels of immigration, to include not only the workforce, but society at large:

United States workers are not the only victims of high levels of immigration. State and local governments face severe financial problems because of legal and illegal immigration. There is an increased demand on schools, hospitals, housing, and other social services. Taxpayers are becoming increasingly concerned about this drain on their hard earned dollars (Representative Smith, Hrep Committee on the Judiciary, 2/21/90: 17).

The 1990 Immigration Act and the debates of the 101st Congress provide a glimpse into the rising preoccupation in the U.S., not only with undocumented immigration, but with the threats of immigration in general. This tone set the stage for immigration policies enacted throughout the rest of the decade.

Following several years with virtually no hearings or debates on immigration, the 104th Congress returned to the subject in the wake of California’s Proposition 187. Proposition 187, which was passed and eventually repealed, declared illegal immigrants ineligible to receive a variety of social benefits, including social security and public assistance programs (Massey, 2002). This focus on the public costs of immigrants in formulating immigration policy represented “a sharp departure from past practice” (Georges Vernez, Director, Center for Research on Immigration Policy, HRep, Committee on the Judiciary, 4/5/95: 9). The Illegal Immigration Reform and Immigrant Responsibility Act of 1996 focused heavily on deterrence, increasing funds for additional border fencing, border patrol agents, and penalties for undocumented immigrants. In a

similar vein, The Personal Responsibility and Work Opportunity Reconciliation Act of 1996 placed additional restrictions on both legal and illegal immigrants' access to public benefits that they had previously been eligible for (Massey, 2002). These two acts represent the harsh tone of Congressional discourse throughout the remainder of the 1990s, which was underscored by neoliberal economic policies aimed at promoting free market principles and personal responsibility (see Chapter II for more on neoliberalism). This combination of political goals and economic objectives led to an escalation and expansion of the threats associated with immigration:

It is very clear that the American people- especially citizens of California and other heavily impacted States--are not happy about current immigration policy, legal or illegal... We should consider how poverty-related crime, urban blight and other social problems may be made worse by the immigration of low-skilled workers, and, of course, we should consider adverse 'noneconomic' impacts such as excessive population growth, disease, and ethnic conflict (Senator Simpson, Joint Hearing, Senate and Hrep Committees on the Judiciary, 6/28/95: 4).

Throughout the 1990s, the Clinton administration also underwent a series of campaigns that promoted "detention through deterrence." Operation Hold-the-Line (1993), Operation Safeguard (1995), and Operation Gatekeeper (1996) all sought to beef up border control and enforcement and were primarily implemented near urban areas experiencing large volumes of undocumented border crossings. Scholars have argued that these enforcement efforts amounted to little more than a public display that was meant to give the impression that a hard line was being taken against undocumented immigration (Coleman, 2008; Massey, 2002; Nevins, 2010). As a result of increased surveillance and enforcement at urban crossings, clandestine crossings did not actually decrease, but were relocated to more dangerous and isolated areas, which increased the use of human smugglers as well as border crossing deaths (Urrea, 2005).

With a heavy focus on security and enforcement throughout the 1990s, there were no major changes to guest worker policies despite much debate. The 1996 Gallegly-Pombo Guest Worker Proposal failed to pass amidst continued fears about displacement of native workers and the possibility of guest workers becoming undocumented prevented passage of the Proposal (Martin, 1997). The Proposal sought to impose new stipulations to the H-2A program that would ease the process of labor certification, facilitating grower's access to guest workers. Much like the discourse during the IRCA proceedings, growers argued that immigration policies of increased enforcement and heightened border control would result in a labor shortage in the agricultural industry, whose labor force was roughly fifty to seventy percent undocumented. They also complained about the lengthy and inflexible hiring process, arguing that the H-2A program was "too structured for a labor market that is relatively unstructured" (Martin, 1997: 892). The failure of the current H-2A program to accommodate employers labor needs was presented as a dichotomy between the success and failure of farmers: "the employer has no choice; he has got to get the crop out at that time...if the H-2A Program is too cumbersome, too slow, to provide his needs, if he can't solve it in any other way, then he has got a big problem" (Senator Kyl, Hrep, Committee on the Judiciary, 1995: 152). Indeed, this dichotomy positions employers as victims of a system that essentially forces them to rely on undocumented labor and thus break the law. Employer demands for a reformed H-2A program that would facilitate the process of obtaining farm labor were met by concerns about the potential for exploitation, which are framed as having a direct influence on U.S. workers:

There have undoubtedly been all kinds of situations where 'foreign workers' were used and manipulated to try to depress wages, displace U.S.

workers. They have become, particularly in the context of controlled guest worker programs or recruitment of undocumented workers, objects of exploitation with very negative results for both the workers and for the U.S. workers that they displace (Rep Berman, HRep, Committee on the Judiciary, 1990: 18).

Much of the debate surrounding a new guest worker program for agriculture (the 1996 Gallegly-Pombo Guest Worker Proposal) was shaped by the same arguments put forth by SCIRP and captured in policy by IRCA: the agricultural industry depends heavily on undocumented immigration and any removal of that population would lead to labor shortages. Again, the H-2A program emerges as a “safety valve” to accommodate employer’s needs in the absence of access to undocumented farm workers. Indeed the potential loss of undocumented workers and the need to reform the H-2A Program are presented as a crisis that may threaten the very health and well being of U.S. society:

What happens to the unauthorized 37 percent of the farm workforce as we do a better and better job of controlling our borders? Hundreds of thousands of workers will be pulled out of the agricultural labor pool. There will be no effective way to replace them with legal workers. Thousands of growers, already operating on the brink because of international economic problems, will have to give up the farm or go bankrupt. If we fail to fix or replace the status quo, poor, immigrant workers will resort to more desperate means to sneak into our country... the domestic farm products that will no longer make it to the grocery store will be replaced by more and more imported foods... The crisis may not appear this week or this month. But I will make this prediction: unless we fix or replace the status quo, in a year or so, there will be stories on the nightly news of American children who are sick and dying from poisoned imported food (Senator Craig, Senate Committee on the Judiciary, 6/24/98: 19).

While drawing a connection between a dysfunctional guest worker program and the death of American children from poisoned imported food may seem excessive, comments such as those expressed by Senator Craig highlight shifting constructions of who is put most at risk when guest worker programs are debated. As will be seen throughout this analysis of guest worker debates, those victimized by the importation of foreign workers is

constantly shifting. This not only creates contradictory discourses, but it also enables Congress to use guest worker programs as a tool to ‘protect’ different victims at different times, often while promoting policy agendas that are in line with broader immigration goals. The recommendations of the Commission on Immigration Reform, which were formed alongside concerns about expanded undocumented immigration and policies of militarization of the border, serve as another example of this.

Commission on Immigration Reform 1990-1997

“This country has a problem. It is real. It is immediate... Those who come here illegally, and those who hire them, will destroy the credibility of our immigration policies and their implementation. In the course of that, I fear, they will destroy our commitment to immigration itself.” (Barbara Jordan, Chair of CIR, Hrep Committee on the Judiciary, 9/29/1994).

The Commission on Immigration Reform (CIR), also known as the Jordan Commission, was created by the 1990 Immigration Act to review and evaluate its impacts. The Commission was composed of both pro-immigrationists and restrictionists and was chaired by Barbara Jordan, a civil rights leader and the first southern African American woman elected to the House of Representatives (Tichenor, 2002). CIR produced several research papers as well as two interim reports, in 1994 and 1995, and two final reports in 1997. Contrary to SCIRP, CIR took a more restrictive perspective on immigration, calling for Americanization and integration. Much of the discourse used in CIR’s recommendations focused on a need to manage a system that had become out of control and something to “legitimately fear” (Barbara Jordan, Chair of CIR, Hrep Committee on the Judiciary, 9/29/1994). There was an underlying theme that the current system is broken and dysfunctional- a situation which enabled illegality. Throughout Jordan’s numerous testimonies, there is a repeated suggestions that the failure of

immigration policy (measured by the growing presence of illegal immigration) was a threat to U.S. society. As she stated in her 1994 testimony to Congress:

Failure to develop more effective strategies to curb unlawful immigration has blurred distinctions between legal and illegal immigrants. Many communities legitimately fear that they have lost the ability to integrate the diverse range of individuals and families who enter their communities (Barbara Jordan, Chair of CIR, Hrep Committee on the Judiciary, 9/29/1994).

In the face of impending threats associated with undocumented immigration, CIR sought to “restore credibility to the U.S. immigration system” by deepening the distinctions between legal and illegal:

Why this distinction between the eligibility of legal immigrants and illegal aliens? Illegal aliens have no right to be in this country. They are not part of our social community. There is no intention that they integrate (Barbara Jordan, Chair of CIR, Hrep Committee on the Judiciary, 9/29/1994).

The Commission’s recommendations encouraged the passing of federal legislation to allow states to deny public assistance to undocumented aliens, paving the way for Proposition 187 in California in 1994 and The Personal Responsibility and Work Opportunity Reconciliation Act of 1996, and playing a pivotal role in the deepening discourse and expanding parameters of illegality (Miranda, 1998).

CIR continued the focus on using immigration policy to bolster economic competitiveness, recommending a shift in legal admissions away from extended family members to the nuclear family and away from unskilled entrants to higher skilled entrants (CIR, 1997). This change in evaluation criteria marks a fundamental shift from a historical focus on family reunification as the cornerstone of immigration policy to one driven largely by economic considerations (Miranda, 1998). It should be noted that CIR’s recommended reforms regarding legal immigration were not included in subsequent legislation, but continually resurfaced in debates and proposals for decades to follow.

Within this broader political landscape, CIR strongly recommended against the “revival” of an agricultural guest worker program, arguing that “cheap, unskilled foreign labor has proven to be an opiate to agricultural employers. Congress should dispense it sparingly, if at all” (Estrada, Member of CIR, House Committee on the Judiciary, 12/7/1995: 30). The final report by CIR takes an unfavorable view of low-skilled temporary workers because they are more likely to displace the most vulnerable factions of U.S. society. Commissioners described temporary agricultural worker programs as exerting particularly harmful effects on the U.S., and made continual comparisons to the Bracero Program and the potential for guest worker programs to establish new migration streams. The Commission unanimously agreed that guest worker programs in general “would be a grievous mistake” further stating that “the inconsistency between the stated intent of guest worker programs and their actual consequences cannot be ignored by policymakers who seek credibility in a reformed system” (CIR, 1995: 30). Thus, while CIR rejected guest worker programs on economic premises, they also aimed to achieve the broader goals of immigration policy at the time, which was to fix the ‘broken’ immigration system. While policies such as Operation Gatekeeper tried to demonstrate to the public that the government was gaining control (Nevins, 2010), a rejection of guest worker programs sent a signal that Congress was getting tough on all foreign workers, not just undocumented ones.

CIR’s recommendations against guest worker programs were in direct opposition to the findings of SCIRP, which framed guest worker policy as an avenue to combat undocumented immigration. CIR not only stated that guest worker programs fail to reduce unauthorized migration, but that they in fact “tend to encourage and exacerbate

illegal movements” (CIR, “The National Interest,” 1995: 110). CIR also evaluated guest worker programs within the context of economic competitiveness, recommending that the process of obtaining temporary foreign workers be commensurate with their skill levels, making it easier to obtain high skilled workers and more costly and time consuming to obtain low-skilled and agricultural workers. Within an overall effort to regain ‘credibility,’ CIR reinforced the relationship between guest worker policies and undocumented immigration. But in contrast to SCIRP, they were framed as the problem rather than the solution.

Debates of the 107th - 111th Congress (2001-2010): Terrorism, failed efforts at immigration reform, rising unemployment

“Our immigration and border security system is, I think the evidence is clear, badly broken. In a post-9/11 world, we simply do not have the luxury of accepting the status quo any longer. National security demands a comprehensive solution to our immigration system, and that means both stronger enforcement and reasonable reform of our immigration laws. We must solve this problem, and we must solve it now” (Senator Cornyn, Senate Committee on the Judiciary, 5/17/05: 2).

Debates of the 107th to the 111th Congress were heavily shaped by two overarching conditions: a rising undocumented immigrant population amidst economic expansion in the U.S. and the terrorist attacks of September 11, 2001. While a detailed analysis of undocumented immigration is beyond the scope of this dissertation and has been written about at length (DeGenova, 2005; Coleman, 2012; Massy, 2002; Nevins, 2010; Varsanyi, 2010) what is important to highlight is that by the mid-1990s, undocumented immigration had not only expanded, but Latino immigration overall had shifted from cyclical patterns dominated by single males, to the more permanent settlement of families (Zuniga and Hernandez-Leon, 2005). Latino immigrants were also

transitioning from employment that had previously been largely limited to agriculture, into a wider variety of industries in more dispersed geographic locations (Haverluk and Trautman, 2008). The increasing visibility of Latino immigrants combined with national security fears in the wake of 9/11 shaped immigration debates to be focused almost exclusively on border security and enforcement.

The decade from 2000 to 2010 saw the introduction of a number of bills related to immigration reform and guest worker programs that failed to pass. The bills that did pass were only tangentially related to immigration and primarily focused on enforcement, border security, and identification with the underlying motive of controlling terrorist activity (e.g. the US Patriot Act (2002), REAL ID Act (2005), and the Secure Fence Act (2006)). There were also several attempts made at comprehensive immigration reform in 2006, 2007, and again in 2010. Meetings between President George Bush and Mexican President Vicente Fox gave hope of unprecedented bilateral immigration policies and contributed to proposed changes in guest worker policy in 2004, none of which survived Congress.

The nature of immigration debates in the years following 9/11 marks an unambiguous shift in the discourse of immigrant illegality from an economic and moral argument against illegal immigrants to one based on national security, as highlighted in the changing descriptions of policies in reports from the Congressional Research Service (CRS, 2004; 2005; 2006). Illegal immigrants as a category were no longer framed as the cause of economic ruin, displacement of native workers, or as lawbreakers. Rather, an explicit distinction was made between “those who mean to do us harm” and “people who merely want to work” (Senator Cornyn, Senate Committee on the Judiciary, 5/26/05: 2).

Indeed, the need to sustain an economy that had become heavily dependent on undocumented workers was presented as a tradeoff between “securing our Nation’s borders at the expense of weakening our economy by choking off or removing needed sources of labor” (Senator Cornyn, Senate Committee on the Judiciary, 5/26/05: 2). The discourse that the ‘system is broken,’ which has been stated for over several decades becomes re-centered after 9/11 and a narrative of protection is shifted from a focus on economic security for employers and American workers to a focus on national security. However, in 2005 and 2006, nearly fifty Congressional hearings were conducted, a number of which explored the negative impacts of illegal immigration in particular locations, marking a strong return to examining the economic costs of illegal immigration, but with a continued association with border enforcement. Inevitably, the sentiment resurfaced that “illegal immigration is a threat to our nation’s workforce” (Rep McKeon, HRep Committee on Education and the Workforce, 7/19/06:2) and is out of control:

With all of the effort of the last decade, and even with the very real success that we have had in better controlling major segments of our border, including the southwest border, the Border Patrol is still dealing with a literal flood of people on a daily basis, again most of whom are attempting to enter this country in order to work. I am concerned, and I think we all should be concerned that terrorists or other criminals will seek to enter the United States essentially by hiding in this flood (Bonner, USCBP Commissioner at DHS, Senate Committee on the Judiciary, 4/1/04: 6).

This quote summarizes the nature of immigration debates throughout the 2000s, which were preoccupied with security and enforcement. In the aftermath of 9/11, undocumented immigrants were further criminalized as a threat to national security- a discourse that was woven into concerns about the potential economic losses associated with border control and enforcement. Much like immigration policies during the 1990s,

the 2000s were marked by a “politics of contradiction” as the U.S. publicly sought to control undocumented immigration in the name of national security, while implicitly acknowledging the desire to maintain access to undocumented workers. This contradiction likely contributed to preventing successful comprehensive immigration reform, which was attempted throughout the decade.

Bilateral talks between the U.S. and Mexico that began in early 2001 were abruptly halted by the events of 9/11. Comprehensive immigration reform was again taken up by Congress after George W. Bush introduced his guest worker proposal in 2004. Bush’s proposal sought to expand current entries of guest workers, while simultaneously combating undocumented immigration. These dual goals would be achieved by allowing undocumented immigrants to acquire work permits, thus changing status from illegal to legal guest workers. Workers who “came out of the shadows” would have no path to residency and would be required to return home after their temporary status expired. Guest worker policy was promoted as an enforcement mechanism that could be used to identify and eventually deport undocumented workers:

If enacted into law, the President’s temporary worker proposal would, I believe, go a long way toward driving a stake through the heart of this black-market smuggling enterprise and reduce, and I believe potentially substantially reduce the flood of illegal migrants that the Border Patrol must sift through and apprehend in order to protect our borders against terrorist penetration. So let me just say I believe the temporary worker proposal is perhaps in some ways what we need to create a smarter border, which is something that we have been trying to do at our ports of entry and elsewhere since 9/11. The temporary worker program is a natural extension, certainly, of a smarter border philosophy, one in which we identify those who are simply coming here for purposes of work, but where we increase our prospects, which I believe we must do, to interdict and be able to apprehend terrorists or criminals or others that are coming into our country to do us harm. (Bonner, USCBP Commissioner at DHS, Senate Committee on the Judiciary, 4/1/04: 6).

Throughout the debates following the introduction of Bush's proposals, guest worker programs are discursively framed as an avenue to promote national security through a variety of channels, not just enforcement. The foundation for this discourse is a clear distinction explicitly drawn between immigrants who pose a threat and wish to harm Americans and those who simply want to come to work, so that the 'protection' narrative is shifted from one of labor market concerns to a narrative focused on national security:

But it seems to me that one of the benefits of a temporary worker program would be to differentiate between those who want to come here to work and to provide for themselves and their families and then return home, to differentiate between that population and those who want to come here to harm us, either the terrorists or the drug smugglers or other outright criminals (Senator Cornyn, Senate Committee on the Judiciary, 2005: 26).

These security concerns are also extended specifically to agricultural guest worker programs, with a guest worker program needed for national security as well as food security:

If we do not develop a viable program for agriculture, we run the risk in many instances of some of our farms shutting down. It is an issue of food supply; it is an issue of quality food supply; it is an issue of harvest (Senator Craig, Senate Committee on the Judiciary, 2/12/04: 6).

The facts are simple. Agriculture needs a reliable Guest Worker Program. Workers need access to stable, legal, temporary employment. It is in our national security interest to create a sensible way for workers to come in on a temporary basis, fill empty jobs and go back to their home countries (Rep Goodlatte, Hrep Committee on Agriculture, 1/28/04:3).

Importantly, these debates mark the first time that a guest worker program is dovetailed specifically with security and enforcement, rather than solely a method to slow down undocumented immigration. Guest worker programs are presented as a solution to border deaths, threats of human smuggling and are even presented as a way to "improve our ability to enforce our immigration laws" (Senator Kennedy, Senate Committee on the

Judiciary, 4/1/04: 55). They emerge as an integral part of an overall strategy of protecting national security:

In my view, a temporary worker program is a tool that would allow immigration authorities to focus their limited resources on those who are here to harm us—the smugglers, the drug dealers and the terrorists (Senator Cornyn, Senate Committee on the Judiciary, 4/1/04: 3-4).

To have a workable, enforceable temporary worker program will go a long way to securing our borders (Elaine Chao, Secretary of Labor, Senate Committee on the Judiciary, 10/18/05: 12).

Guest worker programs arise as THE solution to balance the economic benefits of low wage labor with the security concerns of undocumented workers that were particularly heightened post 9/11. If indeed, “securing our Nation’s borders at the expense of weakening our economy by choking off or removing needed sources of labor is not an acceptable alternative,” guest worker problems provide the politically desirable answer (Senator Cornyn, Senate Committee on the Judiciary, 5/17/04: 2).

Given all the controversy surrounding guest worker policies, it is surprising that they are framed during these debates as THE solution; one which is essential if a sound comprehensive immigration reform is to be built. It is suggested that guest worker programs bring “integrity to our immigration system” (Asa Hutchinson, DHS, Senate Committee on the Judiciary, 2/12/2004: 19), when during the decade prior, they were framed as a national disgrace that *reduced* the credibility U.S. immigration laws and institutionalized exploitation. These sentiments were expressed by CIR as well as in numerous Congressional hearings:

This basic characteristic is the ugly underbelly of any and all agricultural guest worker programs: the foreign worker is virtually indentured to the agricultural employer, with an important exception. Unlike indentured servitude as practiced in America in the 18th century, the guest worker has no expectation based in the

legal provision of their entry that he or she will be able to become a free laborer in America (Richard Estrada, Member of CIR, Hrep Committee on the Judiciary, 12/7/95: 27).

So it is my testimony that we do not have a labor shortage in the United States, what we have is a frightening social mess, a time bomb that will eventually explode in our midst if we do not take the steps to diffuse it. America's growing, disenfranchised underclass is not going to disappear because we import foreign workers instead of training and retraining our own. They are going to move further to the fringes of our society and create problems that will ultimately be more costly in monetary and social terms (Richard Lamm, former Governor of Colorado, Joint Hearing, Hrep Committee the Judiciary & Education and Labor, 1990: 495).

These examples highlight how guest worker programs gain legitimacy in the face of threats, whether the threat is framed as national security or economic competition. As labor historian Cindy Hahamovitch argues in her analysis of Jamaican guest workers, “whenever the U.S. public has fixated on ‘illegal immigration,’ the H2 Program has grown in importance as a purportedly managed alternative to a seemingly unmanageable issue” (Hahamovitch, 2011: 7).

Discourse Analysis & Congressional Narratives

From 1990 to 2010, the nature of immigration debates shifted between restrictive and expansive, with a continual focus on economic competitiveness and combating undocumented immigration. Although changes in the political and economic atmosphere during this time were a driving force behind immigration policy, the discourses used in guest worker debates are marked by a strikingly circular pattern and little progression. This is evidenced by the fact that there have been no major changes to guest worker policy since the present day program was created in 1986. One of the overarching and continuous discourses that exists throughout these decades is the claim that the system is broken, mainly because it is out of control. Indeed, even in 1981, the immigration system

is described as “out of control,” largely due to the high numbers of legal entries, both for immigrants and refugees (Rep Mazzoli, Joint Hearings, Senate and Hrep Committees on the Judiciary, 5/7/81: 4). Throughout the 1990s and 2000s, what defines the system as broken alternates between the failure to meet vague definitions of the ‘national interest’ to burdens on social welfare and worker displacement, all the while accompanied by the underlying uncontrollable threat of undocumented immigration. At times, guest worker policies are posed as a solution to fix the system, and at other times such policies are the problem which defines how the system is broken. This contradiction is explored more deeply below, followed by a discussion of the narratives used by Congress to explain how and why the system is broken and the shifting role of guest worker policy.

The perpetrators and the victims of a ‘broken’ immigration system are as numerous as the corresponding solutions proposed to ‘fix’ it. The normalized assumption that the ‘system is broken’ not only helps explain the existence of undocumented workers, it also creates an urgent need to fix the system:

The President was honest in admitting that our present immigration system is broken. It is a system where it is not legality but illegality that has become the norm. It is a system that has turned integrated labor markets into black markets. It is a system that rewards smugglers and producers of fraudulent documents. It is a system that forces people to cross borders at huge risks to their lives. It is a system that encourages exploitation of workers and some of the most vulnerable workers in our country. It's a system, clearly, we cannot be proud of (Muzaffar Chishti, Director of the Migration Policy Institute, Hrep Committee on the Judiciary, 3/24/04: 35).

Discourse itself is a powerful tool used by Congress to create a dialogue surrounding solutions within an atmosphere of threats and the associated need for protection. Guest worker policy is but one example of an array of tools embedded within immigration policy that can be used to address the broken system. Whether the focus is on

enforcement, border control, illegal or legal entries, understanding how Congress defines the solutions and the problems of the broken system has far reaching consequences, not just for policy outcomes, but public perceptions that can be shaped and eventually normalized by such politicized definitions (Hopkins, 2010).

Tracing guest worker debates throughout time is one way to expose the contradictions behind the narrative that the ‘system is broken,’ largely because of the shifting role that guest worker policy occupies between solution and problem. Indeed, as described throughout this chapter, the stated purpose of guest worker policies changes to accommodate completely distinct and often contradictory goals. For example, during one decade, they are blamed for contributing to illegal immigration and undermining the nation’s immigration system. Then the next decade they are put forth as the necessary policy for protecting both the nation’s security and labor market. Through the use of guest worker programs, Congress can claim to protect both native workers and employers within a legal framework. Conversely, Congress can point to guest worker programs as a threat to native workers and a distorting force within the labor market. Guest worker policy thus serves a dual purpose of fixing the broken system and contributing to it, depending on the political goals at hand. The fact that these programs have persisted for decades amidst constant criticism highlights their significance and value in the realm of immigration politics.

In addition to being evaluated for their shifting roles of solution/problem, the dysfunctionality of guest worker programs themselves is an example of how the system is broken. Much like immigration policy, it has been argued repeatedly that the contradictory nature of guest worker programs is by design. Indeed, much of the debate

about the H-2B and H-2A programs is centered on their inability to provide employers with labor in a timely and reasonable manner. They are structured to provide employers with low wage, legal labor while purportedly ensuring that U.S. workers are not displaced. What results is an administrative system with a built in mechanism that dissuades employers from obtaining guest workers, which quite often results in the hiring of the closest substitute- undocumented workers. Although these administrative contradictions could be blamed on government bureaucracy, it is hardly realistic that a country as politically advanced as the U.S. would purposefully construct a national policy that seeks to achieve targeted outcomes through a model based on “the unpleasantness of the Government red tape” (David North, Independent Immigration Researcher, Hrep Committee on the Judiciary, 6/29/95: 330). In fact, the administrative shortcomings of guest worker programs may, in and of themselves, serve as a tool for Congress to obscure the claim that “the ongoing inconsistencies between the stated intent of a guestworker program and the actual consequences cannot be ignored by policymakers who seek credibility in a reformed system” (Barbara Jordan, Joint Hearing Senate and Hrep Committee on the Judiciary, 1995: 18). The fact that so much Congressional debate about guest worker programs is limited to their administrative and bureaucratic characteristics serves a purpose of inhibiting a deeper evaluation of the contradictions and underlying motivations for using the program.

In addition to administrative failures, the dysfunctionality of guest worker programs is also defined by the fact that the number of visas issued annually have not even come close to meeting the demand for temporary foreign labor. This is true for both the H-2A and H-2B programs, but for very different reasons. The H-2A program has no

annual cap on visas, yet it has remained consistently underutilized since its inception in 1986 (see Figure 5.1). This is largely because farm labor is dominated by undocumented workers, who compose roughly sixty percent of the farm labor force in the U.S. (Pew Hispanic Center, 2002). The simple fact that the majority of agricultural employers prefer to hire undocumented workers provides strong evidence that the H-2A program does not work. The H-2B program on the other hand, maintains a cap of only 66,000 visas, which does not remotely approach the level of demand for low-wage, temporary foreign labor. This is evidenced by the fact that, prior to the economic downturn, the cap was nearly always exhausted soon after the beginning of the fiscal year (Mathes, 2012). Thus, it could be argued that while the H-2A program fails in its ability to compete with undocumented farm labor, the H-2B program fails in its ability to provide an alternative, which may contribute to the use of undocumented workers. Both of these situations reveal the dysfunctionality of guest worker programs to achieve the stated purposes of Congress- a situation which has persisted for over two decades.

It is in this context that Massey's concept of a "politics of contradiction" again resurfaces. Trade liberalization throughout the 1990s, aimed at economic integration, disrupted the traditional livelihoods in many areas of Mexico that eventually became migrant sending regions (Castles and Miller, 2009). The increased flows of goods were also accompanied by increased flows of undocumented workers, particularly throughout the 1990s until the late 2000s. Policies promoting economic integration thus clashed with policies aimed at prohibiting the integration of labor. Indeed, the state's role has become one of "simultaneously maximizing what dominant classes represent as the benefits of globalization, while protecting against what they frame as the detriments of increasing

transnational flows- especially unauthorized immigrants” (Nevins, 2010: 10). In order to maintain the ‘benefits of globalization’ and maintain economic competitiveness, the state is limited in what it can achieve in the arena of immigration policy. The result is a conundrum between the desire to have access to cheap, foreign labor (which consequentially has limited rights) within the territorial boundaries of a democratic state defined by humanitarian values and equality. Undocumented workers, while beneficial to many sectors of the American economy, are also a politically undesirable labor force. In an effort to get around this problem, Congress proposes the next best thing: guest workers. However, guest worker programs themselves are wrought with politically undesirable characteristics (such as displacement of native workers) that prevent them from actually achieving the policy goals they are designed to achieve. In an attempt to strike a balance between the economic demand for low-wage labor and political desires to limit public outcry, Congress has created a program that provides a legal pathway for low wage foreign workers, but is relatively small and incredibly difficult to use. In other words, it is a system that is ‘broken’ by design, yet continues to resurface in political debate as a tool that can be used by Congress to solve the problems of immigration.

The role that guest worker policies play as solution/problem within an overarching concern about who belongs in the nation highlights the power guest worker programs can provide to Congress in maintaining the boundary between citizen and alien. While undocumented immigrants are increasingly marginalized and criminalized, to a certain extent U.S. immigration policy has failed to maintain a clear separation between those ‘legitimately’ participating in the nation and the encroaching threat of foreigners. Undocumented immigrants occupy a vast array of economic sectors and live in

communities throughout the U.S., demonstrating how “the line between inside and outside- both social and territorial- is often very difficult to draw” (Bosniak, 2006: 7).

This difficulty poses obvious problems for sovereignty and Congress’s role in protecting it, as highlighted in the following statements:

I think if the American public was a jury, and they were deciding whether or not our government is guilty or not guilty of securing the border, our American jury would find the government guilty of failure to secure the national sovereignty of the United States. The issue is not legal immigration. This issue is those that come to this Nation illegally and what, if anything, should be done about that situation (Representative Poe, Hrep Committee on Homeland Security, 2006: 11).

A nation's sovereignty is defined in part by the ability to control its borders. President Reagan once remarked that, "A nation without borders is not really a nation." The United States has historically derived strength from its embrace of legal immigrants from all corners of the globe. However, as a sovereign nation, the U.S. must also maintain the sole power to determine who may enter its borders and under what conditions. When more than a half million individuals enter the country illegally or fail to abide by the terms of their entry on an annual basis, it not only erodes U.S. sovereignty but presents a clear threat to American citizens in the post-9/11 world (Rep Sensenbrenner, Hrep Committee on the Judiciary, 8/17/06: 2).

Guest worker programs provide an avenue for Congress to separate the threats associated with undocumented immigrants from the benefits of low wage labor- not just for employers, but for society overall:

First and foremost among the principles the President outlined is protecting the homeland. An effective temporary worker program will allow our country to meet its needs for temporary, legal, foreign-born workers while enabling U.S. enforcement to focus aggressively on achieving control of our borders, punishing those who continue to employ workers illegally, and intercepting and removing workers who violate the temporary worker program requirements...Reforming our temporary worker program is a difficult and complicated undertaking, but I am confident that reforms will be enacted to protect homeland security, restore the rule of law, serve the economic needs of our nation, and also honor our Nation’s history of openness and opportunity (Elaine Chao, Secretary of Labor,

Senate Committee on the Judiciary, 10/15/05:8- 9).

Bush's guest worker proposals introduced in 2004 were "trying to give a single answer to a problem that is far more complicated than simply adding some additional visas, temporary or otherwise, to our immigration system" (Demetrios Papademetriou, Senate Committee on the Judiciary, 2/12/04: 41). The fact that it is even politically feasible to construct a single policy solution (in this case, guest worker policy) for an array of problems, ranging from border control to unemployment, is in itself revealing. In framing guest worker policy as the panacea to immigration reform, the underlying discourse reveals that the creation of a non-citizen worker is a potentially effective tool for a variety of social, economic, and security concerns. Indeed, these concerns become highly externalized and less visible when the single solution is one that is itself external and largely invisible, as is the case with guest workers. Not only do they (technically) leave when their work permits expire, but the vast numbers of agricultural guest workers are usually segregated from society, because they live on the farms where they are employed.

In sum, by welcoming workers and not citizens, Congress has created a category of individuals that are neither included nor excluded. The contradictions of this category are evident in the changing role that guest workers occupy in immigration policy.

Whether used to solve labor market needs, provide migrants with a legal avenue to labor in the U.S., or improve border security, the guest worker is a quintessential example of how "the dialectical sequence of contradictions and conflicts plays on, as the solution of one period prepares the way for the conflicts of the next" (Calavita, 1992: 181).

Narratives of Protection

There are three dominant ‘narratives of protection’ that emerge from over two decades of Congressional debates, revolving around protection from the foreign worker and from the conditions that result from the presence of foreign workers. Within these narratives, the ‘victim’ shifts between native-born workers (who need to be protected from displacement), guest workers (who need protection from exploitation), and employers (who must be protected from labor market shortages). The perpetrator also shifts between ‘greedy’ employers who profit from and exploit guest workers, ‘lazy’ American’s who scoff at menial, low wage labor, and foreign workers (if they are legal, they are contributing to depressed wages and working standards; if they are illegal, they are criminals breaking laws), and even to the programs themselves for being dysfunctional. The three narratives below highlight how the use of arguments based on economics, morality, and legality can serve to depoliticize highly controversial issues by placing them in a binary between right and wrong (in the case of morality and legality) or an economic framework of costs to benefits.

Exploring the following three narratives also illustrates how guest workers are conflated both with undocumented immigrants and with foreign workers more generally. This conflation may be due to the similarity of conditions under which guest workers and undocumented workers operate; both are essentially ‘unfree’ labor, as their mobility to change employers is restricted and their power to revolt against unfair working conditions is extremely limited by their status. Both undocumented workers and guest workers encounter the possibility of deportation if they do not remain, in the words of Harrison & Lloyd, “compliant workaholics” (Harrison & Lloyd, 2011). Alternatively, the force

behind this conflation may be due to the existence of an ideological category encompassing foreign workers in general, and distinguishing them from those that have a permanent place of belonging in society; a distinction which is also rooted in constructions of racialized difference. Regardless, the discursive proximity between guest workers, immigrants, and foreign labor represents a tension between the need for low wage foreign labor and promoting access to that labor. Through a focus on protection from labor market consequences, protection from exploitation, and protection from illegality, Congress weaves a political discourse that continually aims to solve this tension, which is essentially about solving the overarching ‘problems’ of immigration as well as the ‘broken’ immigration system. Understanding the contradictions that define the immigration ‘problem’ and the various solutions proposed to fix it, helps to explain why immigration policy is “one of the most controversial areas of public policy” (Senator Feinstein, Joint Hearing, Committees on the Judiciary, 6/28/1995: 39).

As described in the quote by Representative Hostettler below, immigrant workers are often blamed for many undesirable labor market consequences, not the least of which is reduced wages and working conditions, similar to those described in the meat packing industry:

How many of these [native born] workers will lose their jobs to recruits from abroad or be forced to accept drastically lowered wages if we create a mass guest worker program? We might see more and more occupations suffer the fate of meat packing. A few decades ago, meat packing jobs were some of the highest-paying blue collar jobs around. I think we can all remember Sylvester Stallone working in a Philadelphia meat packing plant as he trained to take on Apollo Creed. But today, meat packing jobs are not only low-paying but they are also some of the most dangerous jobs in America. Not coincidentally, this has been accompanied by a large flow of immigrant workers (Rep Hostettler, Hrep Committee on the Judiciary, 2004: 2).

Guest workers, while not technically immigrant workers, are situated parallel to immigrant workers in their ability to negatively influence labor market conditions. The conflation that often occurs between guest workers and undocumented immigrants highlights how foreign labor in general, not just ‘illegal’ labor is perceived as a threat. However, the potential loss of this labor- whether undocumented immigrants or guest workers, is a threat as well. This creates a conundrum for Congress, who on the one hand is responsible for protecting American workers yet on the other hand is also beholden to employers. This conundrum is apparent in the narratives used by Congress to ensure protection against labor market consequences associated with foreign labor. While Congressional discourse may prioritize the risks of foreign workers differently, the discourse relating to labor market impacts is consistently framed around the narratives that 1) American workers need to be protected from displacement, reduced wages, and lower working standards that result from the presence of foreign workers and 2) employers need to be protected from labor shortages. To protect American workers from the threats of foreign labor while simultaneously ensuring employers have access to that labor, Congress tries to use guest worker programs to satisfy the interests of both.

Protecting American workers from displacement is one of the strongest and recurrent narratives used by Congress in debates about guest worker programs:

The [guest worker] programs do not protect U.S. workers’ jobs or wages from foreign labor...We believe program changes must be made to ensure that U.S. worker’s jobs are protected and that their wage levels are not eroded by foreign labor (Senator Kennedy, Congressional Record, 4/15/1996: 7303).

In order to protect U.S. workers jobs from foreign labor, the guest worker program has labor market protections built into it that are meant to insure that American workers have access to jobs before they can be offered to guest workers. The process of obtaining a

foreign labor certification is one of the most controversial aspects of the program. On one hand, the foreign labor certification process is criticized for not providing sufficient labor market protections for native workers, and on the other hand, for rendering the entire program unworkable for employers:

Extremely burdensome regulations imposed by Congress and the bureaucracy go beyond anything that's needed to protect U.S. workers, and have rendered the guest worker program useless for most producers, leaving many with the choice of going broke or turning to illegal farmworkers already in the United States (Rep Bishop, Senate Committee on the Judiciary, 5/4/00: 14).

At the same time, there is a repeated argument that an unworkable program leaves farmers in particular with no choice other than to hire undocumented immigrants:

We owe this country, the consumers, the farmers, and the farm workers, a system that is legal so that farmers no longer need to conduct themselves as felons and farm workers as fugitives (Senator Smith, Senate Committee on the Judiciary, 6/24/98: 12).

This conflict between the desires of employers and the fears of American workers presents Congress with an undesirable political trade-off which Congress essentially tries to avert through a guest worker policy. However, as can be seen from the competing narratives above, these dual goals are contradictory and further illustrate that the guest worker program is more of a symbolic tool than a rational policy.

By continually trying to construct a controllable source of low-wage foreign labor that neither has access to citizenship nor presents the threat of illegality, Congress confronts a tension between the exploitative conditions resulting from the design of guest worker programs- which ties workers to their employer- and the desire to maintain access to foreign labor. This tension creates a corollary discourse composed of narratives of

protection against exploitation, which argues that guest workers must be protected from exploitation by unscrupulous employers:

There are many employers who thrive on being able to recruit and bring in ideally either undocumented workers, because they are so exploitable, or guest workers who are here and have to come back and come back and are getting a wage low, low, low by American standards (Rep Berman, Joint Hearing of the Hrep Committee on the Judiciary and the Hrep Committee on Education and Labor, 3/13/90: 490).

Because exploitation in the workplace can have repercussions on native workers employed in the same industry, American workers must also be protected from exploitation that results from the presence of foreign workers, primarily in the form of reduced wages and working conditions:

There have undoubtedly been all kinds of situations where "foreign workers" were used and manipulated to try to depress wages, displace U.S. workers. They have become, particularly in the context of controlled guest worker programs or recruitment of undocumented workers, objects of exploitation with very negative results for both the workers and for the U.S. workers that they displace (Rep Berman, House Committee on the Judiciary, 2/21/90: 18).

The exploitation narrative, while used to combat criticisms about guest worker programs, is also a strong moral argument that supersedes arguments about labor market shortages and worker displacement and can be very difficult to disprove. It provides an example of how guest worker debates, much like immigration debates, can be purposefully shaped by emotion and morality in order to avoid deeper evaluation of the discourse.

As mentioned previously and reflected in the following statements, undocumented immigrants and guest workers are repeatedly conflated in Congressional discourse:

Ironically, it is now a problem concerning immigration that threatens this fine tradition that this country represents. I speak of course of illegal immigration. This is not a racial or an ethnic issue, or even an issue about compassion. This is about the American dream. The strain that illegal immigration is putting on our

system is making the American dream more like the American nightmare (Representative Martini, Hrep Committee on the Judiciary, 5/24/95: 20).

The U.S. currently has a guest worker program: It is known as undocumented immigration (Margaret Stock, Law Professor, US Military Academy, Senate Committee on the Judiciary, 2004: 7).

As a result, illegality is a theme constantly underlying any debate about guest worker programs. At times, guest worker programs are specifically constructed as ways to combat undocumented immigration, while at other times the dominant perspective is that “there is nothing more permanent than temporary foreign workers.” Thus on one hand, guest worker programs are a ‘solution’ to illegality, which is breaking the system, while on the other hand, they are contributing to the problem by breeding illegality. Three narratives are highlighted here which help explain the ‘threats’ of illegality to American society, and also help to reinforce the exploitation and labor market narratives previously described. The first narrative reinforces and deepens the ‘exploitation’ narrative by adding the threat of illegality and claims that illegal workers and American workers need to be protected from the conditions of illegality:

The "black market" in cheap illegal labor must be attacked for the safety of the American workers and the Nation as a whole (Rep Hostettler, Hrep Committee on the Judiciary, 6/21/05: 2).

The second narrative is that employers need to be protected from labor shortages that force them to rely on illegal workers:

This large number of illegal workers in agriculture poses problems for both farmers and farm workers. Farmers are placed in the position of having frequently to decide whether they are going to allow their crops to rot in the field or break the law. Farmers do not like to be placed in that kind of an economic and legal position (Senator Graham, Senate Committee on the Judiciary, 5/4/00: 11).

The third narrative poses illegality as a threat which- similar to exploitation- can

undermine the pillars of democratic society and the overall rule of law by degrading society into a lawless state. Thus society needs to be protected from security concerns, economic costs, and the social consequences of illegality:

I have said many times that I think the failure to enforce the law breeds disrespect for the law generally. We are a country founded on the rule of law, and the status quo in the area of immigration obviously cannot continue. I am convinced that a temporary worker program will help us enforce our immigration laws by separating those who are in the country to work from those who are coming here to try to harm us (Senator Cornyn, Senate Committee on the Judiciary, 4/1/04: 3).

The illegality narrative has its strongest influence in creating binaries between what is right versus wrong, just versus unjust, and controlled versus chaotic. This narrative is also used in a similar way as the exploitation narrative, in that it becomes a moral argument surrounding guest worker policy. In the wake of these binaries, moral commitments to the citizen and the alien become increasingly polarized:

In my county the people voted overwhelmingly in favor of Proposition 187 because they too are concerned about children, their own children and the children of people in their community, not the children of people who have come here illegally from other countries, because we have to be more concerned and take care of our own people of all races and all colors before we expend very limited education funds to provide education and other benefits for people who come here illegally from another land (Rep Rohrabacher, Hrep Committee on the Judiciary, 5/24/95: 18).

Immigration policies and guest worker programs are constructed as either 'right' or 'wrong,' 'good' or 'bad,' implying that there is a clear moral choice to be pursued:

We opted for a series of things: legality over lawlessness and illegality, and for order at the border versus chaos. We opted for fair economic opportunity with dignity over exploitation and over human and civil rights violations. We opted for safety over danger. And we opted for giving employers access to the workers they need and the proper conditions for creating rules that make so little sense that employers are in some ways invited to break them (Demetrios Papademetriou, Co-Director of the Migration Policy Institute, Senate Committee on the Judiciary, 9/7/01: 13).

These narratives highlight the ways in which guest worker programs are used by Congress to counterbalance competing narratives, rather than as a rational labor market or immigration policy. In the context of Congressional debates, illegal immigration is treated as something that “happens” and that Congress has to “fight.” Therefore, it is easier from a political standpoint, to allow illegal immigration to occur and to “fight” it in order to “protect” native workers and American society, particularly when “there is a political liability when encouraging or in any way trying to bring foreigners in” (Gejdenson, Hrep Committee on Foreign Affairs, 1990: 43). This underscores how any discussion of guest worker programs in Congress is filled with numerous contradictions. While debates are dominated by concerns about labor shortages or exploitation, minimizing the ‘problems’ of immigration and labor migration while endorsing economic growth and prosperity are the underlying concern. Indeed, the recurrent discourse that ‘the system is broken’ provides Congress with continual opportunities to operate within an atmosphere of immediacy and crisis by constructing a revolving door of solutions—often moralistic and emotional.

Conclusion

“There is a certain mythology that goes into our national psyche. And you have the lady in the harbor, and you have the golden door and the poem, we like to think of ourselves as a nation of immigrants, and that that has made us big and strong and what have you. Essentially this mythology runs contrary to our immigration legislation which has always been restrictive, reflecting a concern with regard to people coming in to take jobs away from Americans. What I find curious and maybe even politically undesirable is that whenever we have had a labor shortage we have always managed to find the laborers to take care of that shortage. So that the golden door in many cases is really the back door. And what you have had essentially is a situation where you get either temporaries or illegals coming to take those jobs. And those people by definition almost are exploitable” (Diego Asencio, Former Assistant Secretary of State, Hrep Committee on Foreign Affairs, 7/24/90: 43).

Throughout the nation's history, the issue of immigration has been controversial. Immigration policy has been undergirded by values of humanitarianism and family reunification as well as racism and xenophobia. In regards to guest worker programs, the driving force behind such policies in the U.S. since the end of the Bracero Program has been intimately connected to a rhetoric and political discourse about the 'threats' of foreign labor. Whether framed as a labor market issue or a national security concern, immigration- and associated guest worker policies- have revolved around the non-citizen, a disruptive and dangerous Other- from which American society must be protected. Guest worker policy, and the ideological category of the guest worker, is defined by values and conditions that are fundamentally at odds with American society, and this analysis of Congressional debates has revealed the ways state actors have sought to legitimize the construction of a marginalized class of workers.

Whether documented or not, the act of "moving workers across national borders is one of the most complex international transactions, since it raises economic issues as well as questions about the meaning of borders, membership, and citizenship" (Philip Martin, Professor, University of California Davis, "Nonimmigrant Visa Issues," Senate Committee on the Judiciary, 1995: 74). Indeed, issues of national belonging and sovereignty are disrupted when there is a large population living within the borders of a state that does not participate in the rights and responsibilities of citizenship and are not state sanctioned members of society. If in fact, "policy outcomes are the products of social contradictions and struggle" (Calavita, 1992: 189), guest worker policies explain how Congress has attempted to resolve these contradictions. Because guest workers are usually racialized minorities from less

‘developed’ countries, these policies also shed light on the continued power of race in shaping national identity. However, rather than resolve a contradiction, guest worker programs do little more than prove that “the organization of national difference through state categories” creates a country that is “simultaneously a liberal democracy and an authoritarian state” (Sharma, 2006: 99).

By occupying the space between citizen and alien, guest workers symbolize the contradictions of U.S. immigration policy, which has “the misfortune of sitting at the fault line of a structural contradiction between the economic demand for cheap immigrant labor and political demands for border control” (Calavita, 1992: i). The existence of guest workers simultaneously blurs and reinforces the line between membership in the nation and exclusion from the nation, precisely because they fall in neither category. Guest worker programs represent one of many powerful tools used by Congress to combat the contradictions of foreign labor broadly and the illegal alien more specifically, or what Mae Ngai refers to as an “‘impossible subject,’ a person who cannot be and a problem that cannot be solved” (Ngai, 2004: 5).

CHAPTER VI

CANADIAN POLICY

“Immigration policy represents one of the most important and complex challenges facing our nation. Perhaps more than any other area of federal public policy, it is closely tied to our history, to the development of our values and indeed to our cultural diversity. I want to put in place an open and progressive immigration policy that does not close the door to those who need our help or plan to contribute to the growth of our country” (Sergio Marchi, Minister of Citizenship & Immigration, Hansard 35th Parliament, 2/2/1994).

Canada’s national economic plan, introduced in 2006, states that Canada aims to create “the most flexible workforce in the world” (Department of Finance Canada, 2006: 53) claiming that “this is an exciting time for Canada, and an exciting time to be Canadian. The world is not standing still...and working together- as one- Canadians have the energy, the ambition, the skills and the tools to succeed in a global competitive marketplace” (James Flaherty, Minister of Finance, Advantage Canada: Building a Strong Economy for Canadians, Department of Finance, 2006:6). Since the late 1990s, immigration policy has played a critical role in the development of this flexible workforce and the desire to maintain global competitiveness. In contrast to Canada’s longstanding emphasis on multiculturalism, policies pursued over the last two decades have consistently favored temporary status over permanent inclusion in the nation, as evidenced by the massive expansion of the temporary foreign worker program. Understanding this policy shift, and the parliamentary discourses used to produce it, highlights the increasingly economized relationship between the Canadian state and the society that inhabits its territory. It is a relationship underscored by neoliberal economic principles and driven by a competitive construction of the nation, which externalizes the costs of low-wage labor in the name of promoting a unified Canadian nation. This strategy, which draws on labor from less developed countries primarily in the Global

South, not only exacerbates inequality on a global scale, but also reinforces a hierarchical construction of belonging based on state categories that are heavily shaped by assumptions about race and nationality.

This chapter outlines changes to both immigration policy and temporary foreign worker programs, with the primary focus on the time period from 1990 to 2010 with the goal of analyzing Canada's evolving construction of national identity through immigration policy and its tense relationship with efforts to bolster the country's economic competitiveness. The analysis of parliamentary discourse is based on debates in the House of Commons that discussed either temporary foreign worker programs (or guest worker programs) or immigration over a twenty year time span. It draws on approximately seventy eight documents and over two thousand pages of text and captures debates held primarily by the Standing Committee on Citizenship and Immigration and published as either Committee Evidence or in the Hansard.⁴ Additionally, key government publications from the Auditor General of Canada and Citizenship and Immigration Canada are included in the analysis.

This chapter begins by describing the evolution of temporary foreign worker programs in Canada, which were initiated in the 1970s, followed by a section describing the contemporary characteristics of temporary foreign worker programs. In order to establish the broad political landscape of immigration reform, each time period begins with an overarching description of the nature of immigration debates and major policy reforms, followed by a more focused analysis of debates about temporary foreign worker

⁴ Hansard is the official name for the transcripts of all Parliamentary debates, published for every House of Commons session and are thus not limited to specific committees.

programs (TFWP). The final section is a distillation of the changing discourses and political narratives used by the Canadian Parliament to both justify and critique TFWPs.

Immigration Policy & Temporary Foreign Worker Programs in Canada

Similar to the United States, Canada is a nation of immigrants and flows of newcomers have been central to its history and national identity. However, Canada's relatively low population has continued to motivate nation building strategies that rest heavily upon immigrant entries- a situation which ceased in the U.S. many decades ago (Kobayashi et al, 2012). Demographic trends and labor market forecasts continue to undergird a sense that "immigration will be an increasingly important source of population and labour force growth, accounting for all labour force growth in the not so distant future (CIC, 2011). This perspective has influenced Canadian immigration policy since national origin quotas were abandoned and the point system was established in 1967, which evaluates immigrants based on skill levels, educational attainment, and potential labor market contributions (Kobayashi et al, 2012). The Canadian government's policy of multiculturalism followed the creation of the point system, and was partially motivated by a desire to create a 'non-discriminatory' criterion for immigrant admissions.

Since 1971 the policy of multiculturalism has supported immigrant integration through a wide range of government funded programs. Canada's multiculturalism policy emphasizes pluralism as a core value of Canadian identity and mandates all levels of government "to reflect the preservation and enhancement of the diverse cultural heritage of all citizens and immigrants to Canada" (Kobayashi et al, 2012: xxiii). Although in the abstract this multicultural ideal promotes inclusivity, in practice much conflict has arisen in Canadian society regarding the potential for multiculturalism to inhibit immigrant's

adaptation into society, which many argue results in polarization and division between immigrant's and native born citizens. Critics further argue that Canada's policy of multiculturalism weakens national identity, while supporters point to the need for tolerance and diversity (Jedwab, 2006). Debates about multiculturalism throughout the 1990s also reflected overall concerns about the relationship between integration and economic independence. Support for multiculturalism as a federally funded initiative has decreased since the mid-1990s, when the program became dismantled and funding was severely reduced (Abu-Laban, 1998; Kobayashi et al, 2012). As a result, Canadian immigration policy today has experienced a stark shift away from a formal policy of multiculturalism to one emphasizing the economic adaptability and potential contributions of immigrants (Ghosh and Pyrcce, 1999).

Over the last several decades, immigrant admissions in Canada have fluctuated from a low of .3 percent of the population in 1984 to a high of .9 percent in 1993 and have remained close to .7 percent since 1995 (CIC, 2010). Although the volume of immigrant entries has remained fairly consistent in relation to the overall population of Canada, the composition of immigrants has changed dramatically. Until relatively recently Canada's immigration policy was guided by the Immigration Act of 1976, which encouraged greater provincial consultation in matters of immigration and also created new immigrant classes: the independent class, humanitarian class, family class, and assisted relatives class. Under this scheme, only the independent class was subject to the point system, which evaluated potential immigrants on the basis of skill and education levels. The 1976 Act was amended for decades and eventually replaced by the Immigration and Refugee Protection Act (IRPA) in 2001 (Makarenko, 2010). Unlike

admissions in the U.S. which are dominated by family based categories, Canada’s immigrant stream is dominated by its ‘economic class’ which currently includes Federal Skilled Workers (FSW), Provincial Nominees (PNP), Business Class, Live-In Caregivers, and the Canadian Experience Class (CEC). Table 6.1 highlights the growth in the admission of the economic classes and the associated decrease in family based immigrants and refugees from 1990 to 2010.

Table 6.1. Changing percentage distribution of immigrant admissions by class. Note that a small category of ‘other’ is excluded from this data (Source: CIC, 2010).			
Immigrant Class	1990	2000	2010
Family Class	35%	27%	22%
Refugees	19%	13%	9%
Economic Immigrants	45%	60%	67%

In addition to the shifting composition of immigrant entries towards economic immigrants that are intended to meet Canada’s labor force needs, the importation of temporary foreign workers has also played an increasingly significant role in these needs. The current temporary foreign worker program (TFWP) evolved out of the Non-Immigrant Employment Authorization Program (NIEAP) passed in 1973, which was initially targeted at highly skilled workers, such as academics and business executives (Nakache & Kinoshita, 2010). The NIEAP incorporated previously existing programs for domestic workers and farm labor. The Commonwealth Caribbean Agreement, established in 1966 between Canada and several Caribbean countries to operate the seasonal agricultural worker program (SAWP), was expanded under NIEAP to include Mexico. The NIEAP also incorporated the program for domestic workers currently known as the

Live-In Caregivers Program (LCP). Prior to the passage of the NIEAP, TFWPs in Canada were limited specifically to agriculture and care giving, and as such were relatively small in size (Sharma, 2006). The passage of the NIEAP in 1973 laid the foundation for what would eventually be described as “a shift in Canadian policy from immigration for permanent settlement to temporary foreign workers” as temporary entries now outstrip permanent immigrant entries (Fudge, 2009: 8).

During the 1990s, the NIEAP was split into two separate programs with different guidelines, one for highly skilled workers and the other for low-skilled workers, which encompassed both the SAWP and the LCP. In 2002, the Low-Skilled Pilot Project (LSPP) was created to provide employers with access to low-skilled foreign workers that were not admissible under the SAWP or the LCP. Under the Pilot Project, workers were required to have either a high school diploma or two years of occupation specific training and could work in a variety of industries (Cragg, 2011). It is the low-skilled portion of the TFWP that is the primary subject of this analysis. While much research has been devoted to the SAWP and LCP, less attention has been paid to the non-agricultural, low-skilled TFWs that are increasingly occupying a range of occupations (for exceptions, see Cragg, 2012 and Foster, 2012). As opposed to the SAWP, which brings workers solely to agricultural areas where they live on site, and the LCP which is limited to private domestic care, low-skilled TFWs are employed in a variety of industries and have the ability to live ‘in town,’ creating more possibility for interaction with the broader communities where they live and work (See Appendix B for a diagram of the various programs).

Program Characteristics

Legally, all TFWs, except agricultural workers admitted under SAWP, may apply for permanent resident status, and may do so from within Canada. LCPs may apply for residency after two years of authorized full time employment, and the FSWP and the CEC provide direct pathways to residency for skilled workers. The remaining avenue is to apply for residency through the provinces, using the Provincial Nominee Program (PNP). The number of PNPs has grown substantially since the program was created, increasing from 500 in 1999 to more than 22,000 in 2008 (Nakache & Kinoshita, 2010). The program was originally intended to funnel immigrants to the Eastern provinces, but with the energy economy booming in Western Canada, British Columbia and Alberta have instituted their own PNPs, which have grown at a greater rate than other provinces. Criteria for nomination are tailored to each province's labor needs and thus vary considerably between the provinces (CIC, 2011). Due to the design of these programs there is virtually no direct path to residency for low-skilled TFWs, which marks but one aspect of the differences that dictate workers of different skill levels. For example, many high-skilled workers do not have to have a labor market opinion⁵ (LMO), and the spouses of high-skilled workers can acquire open work permits, while those of low-skilled workers must apply as TFWs. Additionally, high-skilled workers have better access to achieving permanent resident status, as they have direct pathways through the CEC, PNP, and the FSWP. To the extent that the TFWP in Canada privileges high-skilled workers with mobility and access to residency, low-skilled workers are equally saddled with less options and more precarious conditions, illustrating how "Canada encourages the

⁵ A positive labor market opinion is obtained after an employer proves that no native workers are available for the job.

integration of highly skilled workers and is indifferent to that of lower-skilled workers” (Nakache & Kinoshita, 2010: 1).

For workers that do require a LMO, the administrative process for obtaining employment in Canada is very similar to that of the U.S., and involves three separate agencies. The first step for employers is to apply for a LMO from Human Resources and Skills Development Canada (HRSDC). In order to receive a positive LMO, employers must demonstrate that they were unable to obtain native workers, and also that they will pay the prevailing wage rate (for more details on the determination of the prevailing wage rate, see Fudge and MacPhail, 2009). After receiving a positive LMO, workers must then apply for a work permit to Citizenship and Immigration Canada (CIC). The final step is entry of the foreign worker, which is at the discretion of a Canadian Border Services officer. Because the process is employer driven, TFWs are essentially tied to the employer which holds the LMO for their position. While it is possible for TFWs to switch jobs if they are able to locate a new employer with a suitable LMO, in practice this is a very difficult change to make and leaves TFWs (primarily low-skilled ones) vulnerable to deportation (Byl, 2010).

The TFWP began to increase significantly following the passage of the Immigration and Refugee Protection Act in 2001 (described in more detail later). Figure 5.1 displays trends for two categories: all TFWs and TFWs on a LMO. The total number of TFWs includes those arriving under ‘international arrangements’ (such as NAFTA), spouses of workers, and workers who fall under the category of “Canadian interests” which refers primarily to intra-company transfers and entrepreneurs (Citizenship & Immigration Canada, 2012). TFWs on a LMO include the LCP, SAWP, LSPP (low-

skilled pilot project), and a large category designated “other” for which no direct explanation can be found⁶ (Foster, 2012). Data on TFWs with a LMO is not available prior to 2001. By displaying these two categories simultaneously in Figure 6.1, it is apparent that the growth of the TFWP was largely driven by an increase in workers with a LMO from around 2001 to 2009. Since 2010 growth has been driven largely by increases in workers that fall under the categories of “international arrangements” and “Canadian interests.” There are currently no numerical limits to any of the TFW categories.

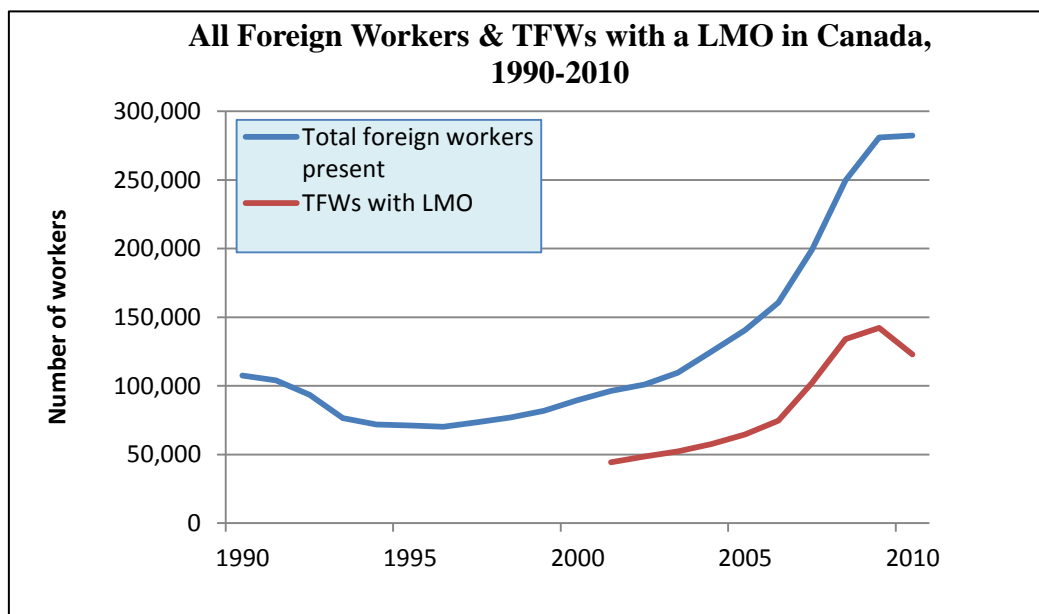


Figure 6.1. All foreign workers and TFWs with an LMO present in Canada, 1990-2010 (Source: CIC Facts & Figures, 2010).

The temporary population has been steadily increasing since the early 1990s, driven primarily by a growth in foreign workers (Figure 6.2). In 2008 for the first time in

⁶ While some workers with a LMO may fall into semi-skilled categories, the vast majority are likely low-skilled. However this distinction is by no means one hundred percent accurate due to the unknown category of “other.”

history, there were more foreign workers with temporary status present in Canada than there were permanent residents admitted. This is a direct reflection of the shift in policy away from residency and towards temporary workers (Figure 6.2) (CIC, 2010). The humanitarian category highlighted in Figure 6.2 includes refugee claimants whose paperwork has not yet been filed or processed, as well as a small number of “special considerations.”

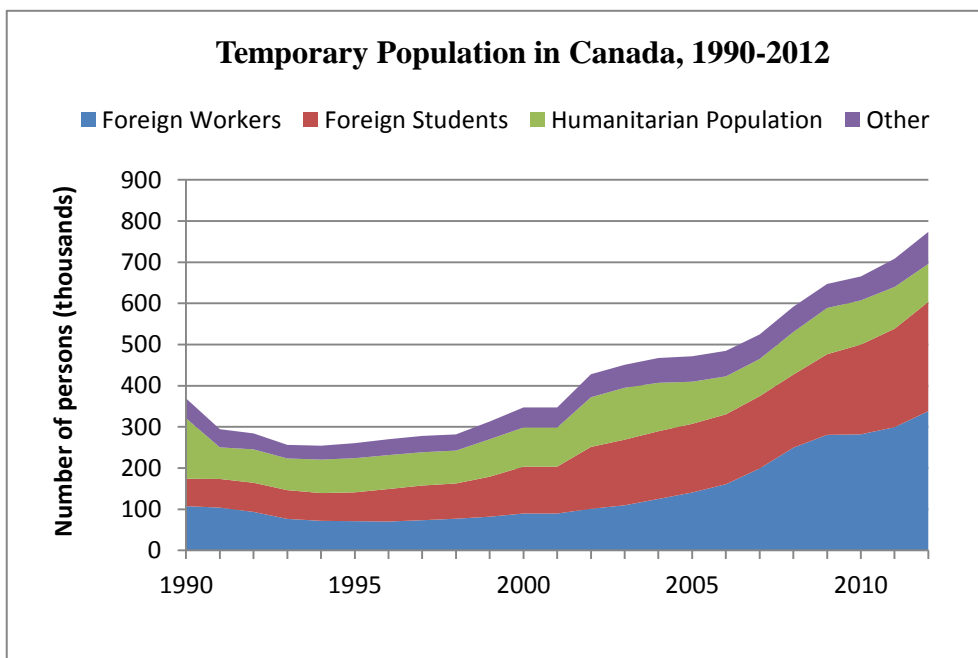


Figure 6.2. The temporary population in Canada, 1990-2012 (Source: CIC Facts & Figures, 2012).

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trend away from permanent residency towards temporary workers is also highlighted in Figure 6.3, which displays the growth in foreign workers overall since 1990, including the decreased rate of growth that occurred briefly between 2009 and 2010 when the economy slowed. However, this trend did not continue, and the number of foreign workers present in Canada expanded by twenty percent from 2010 to 2012 (CIC Facts & Figures, 2012).

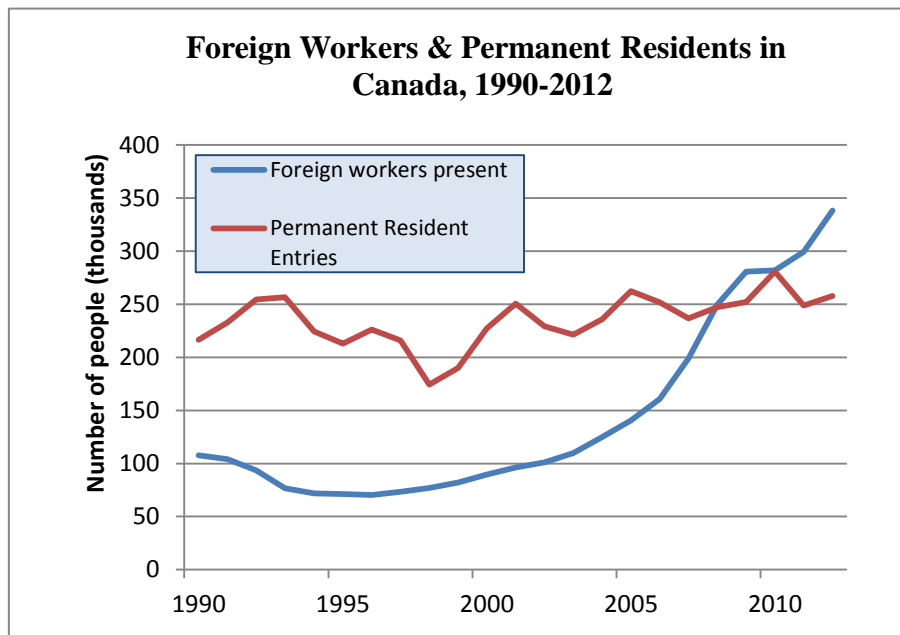


Figure 6.3. All foreign workers and permanent residents present in Canada, 1990-2012 (Source: CIC Facts & Figures, 2012).

Figure 6.4 displays the changing use of the various TFWPs, based on the SAWP, LSPP, and the LCP from 2002 to 2010, as a breakdown by specific stream is not available prior to that time. However, during the 1990s, the TFWP was composed primarily of high-skilled workers, with only one third of the workers arriving under the SAWP and the LCP combined (Foster, 2012). While the SAWP grew mildly between 2002 and 2010, the LCP grew considerably, and the LSPP spiked drastically. The SAWP tends to be dominated by workers from Mexico, Jamaica, and Guatemala (see Reed 2008 for more history on the SAWP) while the LCP is dominated by female workers from the Philippines (for more on the LCP, see Parrenas, 2001). It was not until the introduction of the LSPP in 2002 that the number of TFWs ballooned from an average of 70,000 in the 1990s to a peak of 300,000 in 2011 (CIC, 2012).

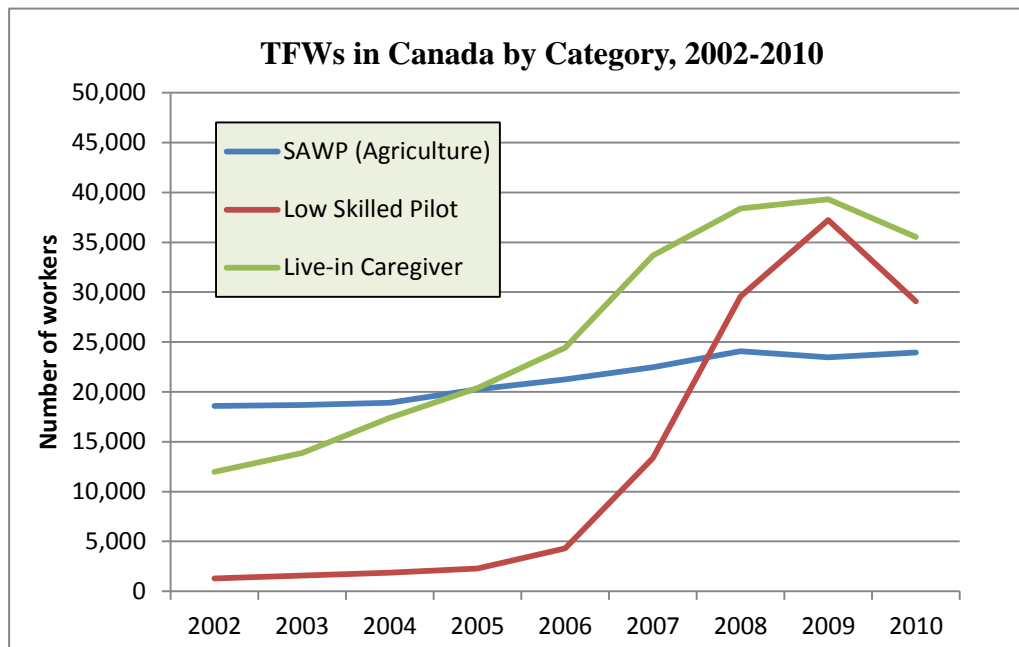


Figure 6.4. TFWs present in Canada by category, from 2002-2010 (Source: CIC, 2011).

From 2002 to 2007, there were a number of policy changes to the TFWP that eased restrictions and facilitated employer access to temporary foreign workers. For example, work permits that were initially valid for one year were extended to two years and an Expedited Labour Market Opinion Pilot Project was introduced to accelerate application processing times for certain occupations in BC and Alberta. Additionally, in 2008, twenty-one new occupations were added to the e-LMO Pilot Project, including low-skilled positions in hospitality, cleaning, and construction (Nakache & Kinoshita, 2010). These policy changes have further contributed to the expansion of low-skilled workers, growing from twenty-six percent of all TFWs in 2002 to thirty-four percent in 2008. On the other side of the spectrum, the percentage of high-skilled workers has decreased from fifty-seven percent of all TFWs to thirty-six percent during the same time span (Nakache

& Kinoshita, 2010). This shift was especially apparent in Alberta alongside the growing labor needs associated with the development of the Alberta tar sands.

Geographically, British Columbia experienced the largest percentage increase (610 percent) in TFWs from 2000 to 2011, with the largest absolute numbers of TFWs entering British Columbia, Alberta, and Ontario in 2010. Overall, TFWs (in all categories) are dominated by nationals from the Philippines, United States, Mexico, Australia, France, India, United Kingdom, China, Korea, Germany, and Jamaica (CIC Facts & Figures, 2012). CIC does not maintain data on specific jobs or industries that employ TFWs, but an analysis by Foster (2012) of LMO approvals reveals that low-skilled TFWs are primarily employed in accommodation and food service, construction, manufacturing, and retail trade (Foster, 2012).

Provincial Role

Although the federal government maintains the dominant and decisive role in matters of immigration, it is an area of concurrent jurisdiction, which allows for federal-provincial consultations. The federal government regulates the entry and stay of TFWs but the provinces regulate their employment rights, education, and housing (CIC, 2010). Since 1991, the provinces have been using the Provincial Nominee Program (PNP) to achieve labor supply goals and immigration targets. The process begins when an employer (who has brought a TFW to Canada) nominates a worker for residency, often upon completion of a length of employment as a TFW. Once a TFW is nominated to a province for residency, that province makes a recommendation to the federal government to either confer residency to the applicant or deny it. Provinces are able to tailor admission criteria and, while most provinces support nominations only for skilled

workers, there are several provinces which allow for the immigration of semi-skilled workers (Trumper and Wong, 2010).

Over the last ten years, the PNP has become the second largest source of economic immigration to Canada. The PNP is praised for its ability to efficiently meet the immigration needs unique to each province, largely because workers nominated under the PNP are able to bypass the lengthy federal immigration process. However, the PNP has also been heavily criticized as a privatization of immigration and citizenship because employers have the power to initiate the process of obtaining residency for their TFWs. It has also been criticized for enabling the provinces to focus on immediate labor market needs over longer term socio-economic outcomes (Trumper and Wong, 2010).

Since the 1990s Canada has used the PNP and the TFWP to welcome an increasing percentage of its foreign born population as temporary workers rather than permanent residents. While those arriving as higher skilled TFWs have options for labor market mobility as well as paths to residency, low-skilled TFWs remain tied to their employers and, for the most part, are prevented from becoming part of the Canadian nation. During the same time period permanent admissions of family based immigrants and refugees have decreased, in favor of a growing number of immigrants admitted under the economic class. Combined with a devolution in citizenship granting authority from the federal government to employers via the CEC and PNP, these changes to Canada's immigration policy represent an increasingly economized evaluation of citizenship, highlighting a fundamental contradiction of neoliberal globalization. On the one hand, entry into the nation is encouraged for immigrants who are considered economically valuable to the labor force, which promotes capital accumulation. On the other hand, low-

skilled TFWs are also admitted based on their perceived value to the labor force, also aiding in capital accumulation, but only on a temporary basis. Indeed, the ‘temporariness’ associated with TFWs has more to do with their authorized length of stay than with the labor market needs they fill (Foster, 2012). The essential contradiction that emerges is the desire to control the composition of the nation while also promoting economic growth and capital accumulation. This tension faced by states is not a novel problem. However the use of guest workers (and the use of undocumented workers in the U.S.) does appear for many to be a “quick fix” to address this contradiction.

The Changing Nature of Immigration Policy & Temporary Foreign Worker Debates in Parliament

As Canadian immigration policy has become increasingly driven by the desire to maintain economic competition, TFWPs have surfaced as both a symbolic and heavily utilized tool to achieve a more flexible workforce. The following section explores the discourses used in parliament to justify these pursuits, within the overall context of debates about immigration policy in Canada. The National Immigration Employment Authorization Program, which gave birth to the present day TFWP, is discussed first, followed by an analysis of guest worker and immigration debates during the decades of the 1990s and the 2000s.

The National Immigration Employment Authorization Program (NEIAP)

The creation of the NEIAP in 1973 followed the 1967 immigration reforms, which removed country quotas that had previously favored Western Europe, replacing them with a point system. In the following decade, Canada’s immigration stream became increasingly diversified while at the same time the large immigrant population entering Canada in the family and refugee classes were admitted regardless of skill level (See

Introduction to Section I for more detail). In her 2006 book, *“Home Economics: Nationalism and the making of ‘Migrant Workers’ in Canada,”* Nandita Sharma studies the parliamentary debates that occurred during the development of the NEIAP from 1969 to 1973. Sharma’s analysis uncovers how Parliament initially created and justified the category of temporary worker, arguing that the creation of such a category enabled the Canadian state to maintain control over the composition of the nation while simultaneously experiencing challenges to its sovereignty amidst a period of global capitalist expansion. The increasing pressures of globalization situated foreigners (countries, corporation, and citizens) as a challenge to Canada’s economic competitiveness, partially because low-wage labor in other countries was viewed as undermining Canada’s ability to compete. At the same time, the shift in source countries for a large portion of Canada’s immigrants contributed to the ‘costs’ of foreigners, albeit those living within the national territory. Sharma argues that while the competition and ‘threat’ of foreigners initiated outside the territorial boundaries of the Canadian state, this threat was eventually remapped onto an ideological construction of the nation, resulting in a construction of foreigners and foreign workers in particular as a problem inhibiting economic growth. However, rather than make drastic changes which could undermine the humanitarian and family values fundamental to immigration policy, the solution proposed by Parliament was to “make foreigners out of the majority of migrants entering Canada to work” (Sharma, 2006: 76). Indeed, the TFWP allowed Canada to pursue and maintain global economic competition while externalizing the cost of labor by inhibiting access to Canadian citizenship for many foreigners entering Canada.

Throughout her discourse analysis, Sharma found that a common theme in immigration policy from 1969 to 1973 was an emphasis on “shifting the multiple meanings of national membership in ways that helped to legitimize greater competition” (Sharma, 2006: 75). Her analysis highlights how Parliament used the TFWP as a tool to alleviate the growing pressure to maintain economic competitiveness through accessing a mixture of high-wage as well as flexible, low-wage labor abroad. By “occupying the physical space of Canada but expunged from its ideological space, they [TFWs] were a vanguard of the emerging post-Fordist labour force- flexible, competitive, and readily disposed of” (Sharma, 2006: 77). TFWPs were constructed to sit at the fault line between a need for immigration and the desire to exclude immigrants from the nation. Indeed, this contradiction continued to plague Parliament in the following decades, as the ability of Canada to maintain competitiveness rested heavily upon global labor pools, which created a continual need to delineate between those acceptable as residents and those acceptable only temporarily. Regardless of labor shortages for semi and low-skilled workers, Parliament created a system that prevented these workers from accessing residency.

At its inception, the Canadian state had sought to use the TFWP to mitigate the threat of foreign labor to undermine Canadian competitiveness. As Sharma’s analysis highlights, the program was a powerful tool in constructing a category of worker that was externalized from the Canadian nation both ideologically and politically, yet laid the foundations for providing access to a profitable labor force needed to maintain capitalist expansion. However, as will be discussed throughout the remainder of this chapter, as the TFWP grew alongside economic globalization, the program itself eventually became seen

as a threat; one which Parliament justifies through competing, and often contradictory discourses. These discourses illustrate one of the many strategies pursued by states to control the composition of the nation while simultaneously remaining competitive amidst a globalizing economy.

Debates of the 34th- 36th Parliament (1988-2000)

“We must be mindful that resources once plentiful are now dear. In this context, our citizenship and immigration program must be more than fair and compassionate, it must be affordable and sustainable” (Citizenship and Immigration Canada, *Into the 21st Century: A Strategy for Immigration and Citizenship*, Minister of Supply and Services Canada, 1994: ix).

Parliamentary debates over immigration policy throughout the 1990s were concerned with the anticipated economic challenges of the 21st century, and the central approach to those perceived challenges was the re-classification of Canada’s immigration streams. Although the decade of the 1990s followed a time period which viewed immigration as a source of economic growth (and potential voters), high levels of unemployment, a change in the source country of immigrants from primarily European to Asian, and several high profile criminal cases involving immigrants contributed to a perspective of immigrants as ‘costs’ rather than ‘benefits’ (Abu-Laban, 1998). A concern about the low ‘success’ rate of immigrants during the 1990s was embedded in a discourse about the relatively low skill level of refugees and family class immigrants. This was expressed by a member of Parliament who opposed maintaining Canada’s longstanding tradition of setting immigration targets equivalent to one percent of Canada’s population:

These sorts of problems will only be made worse if we accept the flood of immigrants proposed by this government, especially when those immigrants are chosen largely from the family or refugee classes and not as independent immigrants chosen for their human capital, chosen for their skills, their ability to quickly and independently integrate into Canadian life as well as their ability to

contribute to the economic needs of this country (Art Hanger, 35th Parliament Hansard, 2/2/1994: 803).

This economic evaluation of immigrants and the associated emphasis on self-sufficiency is framed as something that Canada “needs” in order to remain competitive:

To direct us on our course, we have identified several priorities in order to better serve the Canadian people... As a result, we will see newcomers with skills move into our society more rapidly and in more significant numbers. This adjustment in emphasis recognizes that Canada needs adaptable people who can quickly and effectively integrate and contribute to Canada's economic and social development. Our new selection criteria will place greater emphasis on education, on the ability to communicate in one of our two official languages, and on the relevance of skills to today's changing economic marketplace (Sergio Marchi, Minister of Citizenship & Immigration, Standing Committee on Citizenship & Immigration, 6/1/1995).

In response to growing concerns about maintaining economic competitiveness on an increasingly globalized landscape, policy reforms were adopted in 1994 that favored the economic valuation of immigrants over humanitarian considerations with the claim that, “it is a different economy, we are seeking different people” (Sergio Marchi, Minister of Citizenship and Immigration, 1994). As a result of the preference given to workers with skills that could contribute to the needs of Canada’s economy, the proportion of economic class immigrants has increased from forty-five percent in 1990 to sixty-seven percent in 2010 (See Table 5.1).

During the 1990s, there was also an increasingly common use of the term ‘integration’ and an absence of the term ‘multiculturalism.’ As Abu-Laban points out in her analysis of debates in the 35th Parliament, “there has been a decline of multiculturalism as a policy and discourse, and the nascent ascent of a discourse on integration as the professed means to include immigrants in Canada” (Abu-Laban, 1998: np). Indeed, there was a call within Parliament to abandon multiculturalism altogether

because the “policy of multiculturalism is divisive. It divides Canadians” (Diane Ablonczy, 35th Parliament Hansard, 2/7/1994). This call for the end to multiculturalism was also based on the argument that multiculturalism is a policy that is too expensive:

I have shown how the federal government's interpretations of multiculturalism support must come to an end. We can no longer spend money we do not have financing such a notion (Jan Brown, 35th Parliament Hansard, 10/3/1994).

Combined with a criticism about the desirability of multiculturalism, this monetary evaluation aided in efforts to abandon the policy altogether.

Parliamentary debates in 1994 which introduced amendments to the Immigration Act were driven by several high profile murders in which the aggressor was an immigrant under deportation proceedings. This introduced an element of criminality and threat as an important driver of immigration reform (for more on the connection between refugees and criminality, see Mountz, 2010):

When cheaters abuse the generosity of Canadians or when thieves or murderers try to pretend they are refugees, we and this government should say to them: Enough is enough. The reality is that they are not only stealing from the Canadian taxpayer. They are also stealing from would-be immigrants and refugees who really need our help. There is a limit to the resources and energy that can be expended on immigration and refugee matters and when some of those resources and energy are squandered on felons and cheaters, it clearly takes away from those who truly need our help (Ray D. Pagtakhan, 35th Parliament Hansard, 1994).

The connection between criminality and immigration, which resurfaced again after 9/11, reinforced the economic argument that immigrants needed to be ‘better selected.’ There were repeated calls for the government to place more priority on admitting immigrants who are employable and competitive given the current ‘economic realities’ facing Canada:

Quite frankly the government is giving too little priority to admitting immigrants to Canada based on their potential economic benefit to our country. This is

especially disturbing because, as the government has often pointed out, we are now a part of a global economy and this is changing the nature of our economy at home. There is currently little demand for an abundant supply of unskilled labour. Education is now the key to the success of individuals. There is little opportunity for employment and advancement for anyone with less than a high school diploma (Philip Mayfield, 35th Parliament Hansard, 10/3/1994).

As this statement very clearly lays out, the demands of the global economy are interpreted as leaving virtually no desire or need to admit unskilled labor, particularly if the goal of nation building rests on being part of the global economy.

Parliamentary debates about immigration during the 1990s highlight a changing perception of immigrants, which shifted from underlying values associated with multiculturalism to the economic needs of an increasingly globalized economy. Within this framework, low-skilled immigrants and refugees were portrayed as inhibiting free market efficiency and as such became a growing concern for the government. As a result, policies were enacted that encouraged the admission of more high-skilled workers that could provide a direct benefit to the labor force and economy. This was also the case for temporary foreign worker policies, which focused heavily on admitting workers that were a good ‘match’ for Canada’s needs. During the 1990s those needs were driven by the growth in the information technology sector, and TFWs were perceived as not only having expertise and skills that Canada lacked, but also as being capable of training Canadians as part of their work tenure while in Canada.

As Parliament sought to maintain economic competition amidst the anticipated challenges of a globalizing economy, high-skilled TFWs were portrayed as a quick fix that could temporarily get the IT industry ‘up to speed.’ Proposals were introduced to streamline the admission of high-skilled TFWs in the IT industry, a result of widespread

public narratives about a lack of qualified individuals in that sector. Given how the informational technology industry was positioned as central to a strong, competitive, and independent economy, it was seen as an urgent issue to address:

There is a current and serious deficiency in the number of software and other IT workers essential to maintaining Canada's competitive position in the global marketplace... Since speed and flexibility are so essential, the unavailability of strategic personnel to head up a project or supply essential skills at the right time has meant, and will continue to mean, the loss of contracts to other companies- or to other countries... facilitating the entry of foreign workers to Canada to assist the IT industry can be only a short-term solution to the lack of highly skilled and specialized labour (Standing Committee on Citizenship & Immigration, "Facilitating the Entry of Temporary Workers to Canada," 1997).

Despite this narrative, the use of TFWs overall remained relatively small throughout the 1990s, with an average of 88,000 workers present annually,⁷ compared to an average of 182,000 from 2000 to 2010. Indeed, during the 1990s, the TFWP was still in its infancy, limited to specific jobs in specific industries (namely agriculture, care-giving, and likely high-skilled workers). The need for high-skilled IT workers, and the recognition that those skills were not available from within Canada represents an initial pull of globalization on the TFWP, which would subsequently lead to a massive expansion in both the number of workers entering and the industries they were employed in.

This growth was foreshadowed by an independent advisory group formed in 1996 to review immigration legislation. Their report, titled "Not Just Numbers: A Canadian Framework for Future Immigration" was published in 1998. Among other things, the report recommended a selection model for immigrants that would ensure "success in a dynamic labour market" as well as "an openness to entry of temporary foreign workers" (CIC, 1998: 6). These recommendations heavily shaped debates and policies of the

⁷ Data on TFWs by skill level is not available during the 1990s.

2000s, as labour market needs and the entry of TFWs were the primary drivers throughout the first decade of the 21st century.

Debates of the 37th - 40th Parliament (2001-2011)

“Indeed, Canada is well positioned to use immigration as a key instrument for our future economic, social and cultural development. Our country is open to the world, tolerant and diverse, with a solid track record in the integration of many generations of immigrants, and a population that broadly supports immigration” (CIC Annual Report on Immigration, 2005: 50).

Immigration debates during the decade of the 2000s took place largely within a continual focus on economic expansion and changing labor market dynamics. A growing backlog in visa applications and associated inefficiencies in the immigration system were a source of conflict that led to the introduction and promotion of alternative avenues to ensure employer’s access to foreign labor. One result was the devolution of citizenship granting authority from the Canadian government to employers, which marks a major policy change during this time period.

In 2002, Parliament passed the Immigration and Refugee Protection Act (IRPA), which was the first major immigration reform in over thirty years, replacing the Immigration Act of 1976. Among its various provisions, IRPA expanded the pathways for provinces to assume what had previously fallen under the purview of the federal government; the ability to initiate citizenship applications. IRPA allowed for the creation and expansion of an in-Canada landing status that enabled TFWs to apply for citizenship from within Canada, when previously they had been required to leave the country. IRPA also redesigned admissible immigration categories in order to attract immigrants “who are capable of adapting and contributing to an evolving labour market” with the focus on “selecting immigrants with the flexible and transferable skills needed to succeed in a

rapidly changing, knowledge-based economy...who are expected to have enough money to support themselves and their dependents as they settle in Canada” (CIC, 2005: 17).

Clearly, high-skilled and middle- to upper-class immigrants were the target of many of these policy reforms.

Throughout the decade, debates about immigration continue to be heavily infused with a discourse about the problems of inefficiency and backlogs in visa processing, with a recognition that the immigration system needs to function more smoothly to ensure Canada’s economic growth:

We are the lucky ones when people choose to come to our country. There is competition around the world for immigrants and for economic migrants, et cetera. We are out there actively trying to attract people to come to Canada. That is the stated policy, but our actions seem to contradict our own stated policy because we throw up hurdles and barriers to the point where people are frustrated and stymied. People who are qualified and would make legitimate immigrants look at their options around the world. They look at what it takes to move to Canada, to Australia and to the United States. Not all of them choose Canada because it is difficult to move here (Pat Martin, 40th Parliament Hansard, 9/22/2010).

One example of the inefficiencies of the immigration system in Canada is the existence of undocumented, or “non-status” workers. Unlike in the U.S., a non-status population is not associated with the demands of the labor market, but rather is connected with visa fraud and inefficiencies in the administration of the immigration system. While illegality is still a security concern, it is one not necessarily associated with border security, as many non-status immigrants entered Canada with documentation and were unable to adjust their status to remain legally. An example is asylum seekers, who may have legitimately entered the country but were not awarded refugee status and remained without authorization. Indeed, the existence of non-status workers is primarily directed at a problem associated with refugees, rather than TFWs, as entries of TFWs were quite low

in the early 2000s. In contrast, the country was experiencing an increasing pressure to admit refugees (See Mountz, 2010). Thus, while connections were made between non-status workers and illegality or criminality (particularly in the examples of human trafficking), there was much more of an emphasis in these parliamentary debates on an undeniable and detrimental labor shortage:

We can't afford to get rid of all these folks who are part of the economy. They're contributing to the economy. They have adapted to this country. It should have absolutely nothing to do with how many more people are waiting in line, because we can get those folks in. We've got a shortage of people, and this would help address that (Andrew Telegdi, Standing Committee on Citizenship & Immigration Evidence, 39th Parliament, 11/29/2007).

As this quote suggests, the labor shortage Canada is facing is a much more disturbing and pressing problem to policy makers than the status of workers. The value and emphasis placed on maintaining economic growth and competition is not only given priority over other concerns (e.g. humanitarian, security) but is also framed by a sense of urgency and the fear that Canada will fall behind in the global marketplace. Indeed this urgency is itself manifested in the massive expansion of the TFWP during the 2000s which was partially driven by Parliament's decisions during the 1990s to give priority to high-skilled workers. The assumptions of late 1990s that low-skilled workers were not a needed source of labor for global competition and thus were an undesirable group of immigrants to admit to the country eventually clashed with the growth in the service sector in the 2000s. As a result, the discourse about the detrimental effects of a massive labor shortage shifted from high-skilled workers to low-skilled workers, as evidenced by this statement:

Ladies and Gentlemen, when the labour shortage starts to affect our ability to go to Tim Horton's⁸ and get a double-double I'd say we've got a serious problem

⁸ Tim Horton's is a popular national fast food chain in Canada.

(Monte Solberg, Minister of Human Resources and Social Development, 1/23/2007).

The need to import foreign labor to flip burgers symbolizes a huge shift from the prior decades' need to import IT workers to transfer their skills to train Canadian workers.

One of the major critiques underlying the existence of a labor market crisis for low-skilled workers blames the point system of admission for failing to accommodate the labor market needs of Canada. By heavily favoring highly skilled economic immigrants, there is a strong perspective that Canada was ill equipped to handle the growth in service sector jobs that accompanied both the construction boom as well as the development of the Alberta tar sands. The TFWP thus arises as a symbol of how the point system is failing. That failure, in turn, becomes a justification for the expansion of the program:

What they succeeded at was in creating a real crisis by having a point system that doesn't reflect what the economy needs. It is a problem, and as a result we have the rise in temporary foreign workers, which is the way to get around it, because they can't get them in under the point system, but these people are needed by the economy (Honorable Telegdi, Committee Evidence of the 39th Parliament, 5/13/2008).

The minister keeps saying we need these doctors; we have to have doctors in Canada. When employers desperately need labour, they go the temporary foreign worker route (Olivia Chow, Committee Evidence of the 39th Parliament, 5/13/2008).

The need for low-skilled workers, framed as a crisis by employers and Parliamentarians alike, motivated Parliament to seek out new ways to expand and facilitate the TFWP.

Rather than create an immigrant stream for such workers, or provide them with a path to residency, Parliament introduced policies such as the 'Occupations Under Pressure' list in 2007, which was designed to streamline and expedite the admission of TFWs who are considered to be most in need. The occupations varied according to the unique needs of

each province. These changes were promoted by Parliamentarians as a way to alleviate the labor market shortages caused by the inefficiencies of the immigration system:

There are a lot of good things that we're doing, but we're particularly speeding things up and making it possible to get these individuals here, because it's so difficult and so time-consuming to get them here through the permanent class at the moment (Diane Finley, Committee Evidence of the 39th Parliament, 5/13/2008).

We are processing a record number of temporary foreign worker applications. Just last year, we took in over 100,000 temporary foreign workers. We have recently announced changes to the temporary foreign worker program to make it easier and faster for Canadian employers to meet their labour force needs. We have cut the red tape. We have ensured that the process goes quicker and smoother. We have ensured that we have the resources in place to help employers accept these workers and process them through so they can be a part of the workforce. These changes will reduce the time that employers have to wait to get workers they need and to extend the time that workers can stay in Canada from one year to two years (Ed Komarnicki, Parliamentary Secretary to the Minister of Citizenship and Immigration, 39th Parliament Hansard, 5/11/2007).

In the face of a nearly unquestioned labor market crisis, the TFWP is framed as the solution to ensuring, not only employer's labor needs, but also the health of the economy:

Employers avail themselves of the Temporary Foreign Worker Program to address labour shortages, which are reportedly acute in certain sectors such as construction. Otherwise, employers confronted with labour shortages may cope by hiring under-qualified staff or by passing up business opportunities. Alternatively, costs increases associated with recruiting qualified personnel can lead to the cancellation of projects and can hamper competitiveness. The combined effect is to "hold back economic growth," according to Terry Jorden of Alberta Economic Development. The employment of temporary foreign workers is intended to mitigate these effects (Library of Parliament, "Temporary Foreign Workers," 2007: 5).

I had the owner of the Tim Hortons restaurant along Albert Street say to me, 'John, I don't need a doctor, I don't need a lawyer, I don't need an accountant, but I do need somebody who can pour coffee. That's what I need.' I have retailers who want people to come to work. We have McDonald's restaurants in Regina that cannot either open their drive-through or open the restaurant because they do

not have the people they require to get it done. We are on the cusp of something unbelievable in Saskatchewan. The growth potential is almost limitless in this province, except for one critical thing, and that is the labour shortage. The demographic trends are there, and they're there in spades. There's a freight train coming, and if we don't do something about it, our economic growth potential is not even going to be close to realized (John Hopkins, witness, Standing Committee on Immigration & Citizenship, 4/2/2008).

These sentiments, expressed right before the economy slowed in Canada, highlight the “freight train” that was anticipated by many Parliamentarians, and the urgency and unquestioned necessity which frames the TFWP.

Amid the massive expansion of the program during the mid-2000s and a growing recognition that the TFWP was being used by higher-skilled workers as a way to bypass the federal immigration system, the Program increasingly came under attack. In 2009, a publication by the Auditor General of Canada ignited debate about the TFWP after stating:

The pilot project for occupations requiring lower levels of formal training was launched with limited analysis of risks and without any formal goal, objectives, or basis on which to evaluate its success, nor has it been formally evaluated since then. It has been a pilot for seven years. Combined with live-in caregivers, temporary foreign workers under this pilot project now account for more than half of all temporary foreign workers in Canada... The issues we noted in the delivery of the Temporary Foreign Worker Program pose significant risks to the integrity of the program and could leave many foreign workers in a vulnerable position, particularly those who are physically or linguistically isolated from the general community or are unaware of their rights (Report of the Auditor General of Canada, 2009: 34, 40).

Concerns about the vulnerability of TFWs (particularly low-skilled ones) to exploitation were particularly pronounced following the policy changes that expedited the process of obtaining TFWs. These concerns were often met with a discourse about the need to create a balance between protection and employer's needs:

The whole idea of the program is to be quickly responsive to labour market needs. We want to ensure that there are sufficient protections, but also that there is no unnecessary red tape (Jason Kinney, Minister of Citizenship, Immigration, and Multiculturalism, Standing Committee on Citizenship & Immigration Evidence, 2/10/2009).

The description of the TFWP, and in particular the LSPP as haphazard and potentially detrimental, contributed to a discursive shift in Parliament from actively advancing the program to defending it. Because labor laws and employment standards are written and regulated by the provinces however, Parliament often deflected the call for increased worker protections for TFWs to the provinces:

While the federal government and employers clearly bear some responsibility to inform program participants, other government and community actors can also take initiative (Report of the Standing Committee on Citizenship and Immigration, “Temporary Foreign Workers and Non-Status Workers,” 2009: 29).

I am aware that in a small minority of cases there are allegations or evidence of apparent abuse on the part of some employers... Part of the challenge is that the labour rights of these individuals fall under provincial jurisdiction. Federally there's very little we can do to enforce those labour rights (Jason Kinney, Minister of Immigration, Citizenship and Multiculturalism, Standing Committee on Citizenship & Immigration Evidence, 3/10/2009).

Again, concerns about exploitation or mismanagement of the program are met with a discourse about labor market needs. At times, this even includes framing the TFWP as supporting economic development in countries that send TFWs to Canada:

“Employers, from my region of Niagara to the east and west coasts, are united around the economic necessity of the temporary foreign worker program. Temporary foreign workers support Canadian jobs and Canadian companies, as well as their families in their home countries. That is why we should welcome them and support the program that allows them to come here. This is a made in Canada foreign aid program and it is happening right here in our country (Rick Dykstra, 40th Parliament Hansard, 12/9/2009).

Debates about the TFWP from 2000 to 2010 were heavily focused on the expansion of the program, which was constructed by Parliament as a solution to economic growth and associated labor market shortages but which eventually became framed as a problem by many who saw the program as becoming out of control. As will be described below, the shifting construction of TFWs as a solution/problem feeds into an overarching Parliamentary discourse concerned with promoting global economic competition.

Discourse Analysis & Parliamentary Narratives

“Examining the rhetorical process by which certain people and certain kinds of social relations are made into problems for Canadians while certain legitimate solutions are also constructed within the parliamentary debates helps reveal the character of these new realities” (Sharma, 2006: 76).

The time period from 1990 to 2010 was marked by a discourse of evaluating immigration within the context of economic competitiveness, which is a sharp departure from previous decades' emphasis on multiculturalism and humanitarianism. This time frame was characterized by the first major overhaul of the nation's immigration policy since 1976, as well as a fundamental restructuring of access to citizenship and residency. The appropriation of family based and economic class immigrants also shifted during these two decades from a model that had been dominated by family class immigrants at the start of the 1990s to one dominated by economic class immigrants by the mid 2000s (Fudge & MacPhail, 2009). Within the broader framework of Canada's economic model of immigration, the TFWP was formulated as a way to externalize the costs of low wage labor. It was thus an overarching discourse about global economic competition that gave rise to the construction of TFWs as an economic and labor market necessity. Parliament sought to reconcile this increasingly economic driver of immigration policy with

Canada's reputation for humanitarian values. A typical articulation of this narrative was evident as Parliament discussed the passage of IRPA in 2001:

We all know that immigration has been an absolutely positive asset in helping build this country over the past 130 years or so, and that Canada has a proud history and tradition of compassion for those bona fide refugees who have been persecuted in their own lands. And so we have a great opportunity, working together as a committee and as a Parliament, I believe, to strike the new immigration act for the new century to help build our country. We know it's a very competitive world out there, everybody needs people by the looks of it, so we're up against some formidable competitors that also want to attract the best and the brightest in the world (Chair Fontana, Standing Committee on Citizenship and Immigration Evidence, 3/1/2001).

As this statement by Chair Fontana suggests, the admission of immigrants and "bona fide" refugees reflects Canada's 'compassion.' However, it is suggested that their presence may in some way inhibit Canada from attracting "the best and brightest in the world."

Analysis of Parliamentary debates about immigration policy and TFWPs highlights the overriding discourse that is constructed about the ways in which Canada can and must maintain global economic competition. Because Canada is increasingly operating on a global field and competing for the "best and the brightest in the world," it is Parliament's duty to craft immigration policy that will promote this competition and thus the interest of all Canadians. This discourse allows Parliament to produce the TFWP as the necessary tool to ensure the strength of Canada's economy and thus its success as a nation.

While the TFWP is justified solely for economic health and necessity, what results is actually a de facto policy of social exclusion and discretionary power to deem aliens as either admissible for citizenship and inclusion in Canadian society or admissible with only temporary status. TFWs are an important and powerful tool used by Parliament to create a category that encompasses those needed by employers and the

economy while simultaneously excluding low-skilled TFWs from society. The discourse of global economic competition justifies the program and shields Parliament from criticisms about xenophobia as well as the failure to uphold Canada's commitment to openness. However, there is a fundamental contradiction that arises between pursuing TFWs as a solution to maintaining global economic competition and the conditions of the program, which undermine Canada's democratic and humanitarian values.

The use of the TFWP is not the first time that Parliament has been presented with this contradiction, and in fact is the latest iteration of what has been a historical struggle for both Canada and the United States in externalizing particular populations from the nation while maintaining an image of humanitarianism and equality. For example, the point system, which admits immigrants based on a specific set of economic criteria, was formed to overcome previous immigration policies in Canada that were overtly racist (See Introduction to Section I). By using economic criteria, Canada sought to depoliticize immigrant admissions as being rooted in objective evaluations, rather than country specific quotas. The framing of immigration policy broadly, and TFWP specifically, in purely labor market terms helps to overcome criticisms about any lingering motivations that may be racist in nature. However, this also creates a problem for Parliament, as an economized immigration system is harshly criticized for allowing the immigration system to be driven by employer demands:

We are seeing that labour market policy in Canada is informing immigration, so the link between the two areas of policy is there, but we are concerned that this might amount to a devolution to businesses of this responsibility, the responsibility of building the country through immigration (Robert Jovel, Ontario Council of Agencies Serving Immigrants, 39th Parliament Evidence, 4/9/2008).

Parliamentarians thus find themselves caught between a need to reaffirm Canada's 'traditional openness to newcomers' while maintaining economic competitiveness and flexibility. The discourse of global economic competition, which drives Canadian immigration policy and supports employer demands for low skilled TFWs, encounters complaints about "the dangers of temporary foreign workers increasingly replacing immigrants" (Andrew Telegdi, Kitchener-Waterloo, Standing Committee on Immigration and Citizenship, 4/9/2008), which represents a "disturbing shift" in government policy:

Immigration is about building more than just the well-being of employers' interests. Immigration policy is fundamentally about building our communities, workplaces, and society in a thoughtful, inclusive, accountable, and democratic manner. The proposed amendments [of IRPA] come in the context of and contribute to a disturbing shift towards the use of immigration primarily to meet Canadian employers' needs without regard for the broader Canadian interests. This includes the problematic increase in reliance on temporary foreign workers. Canada needs to consider immigrants as full participants in society, not simply as temporary or disposable units to fill current available jobs (Hassan Yussuff, Secretary-Treasurer, Canadian Labour Congress, Standing Committee on Citizenship & Immigration Evidence, 5/13/2008).

Indeed by the late 2000s, the aggressive pursuit of TFWs, which Parliament had sought as a solution to global economic competition, posed a problem for the democratic and humanitarian values of Canada. This ideological tension escalated when the economy slowed at the end of the decade, and the legitimacy of the TFWP came under attack:

It may have been a good idea to fill legitimate job shortages with temporary foreign workers three and four years ago, when there was a surplus of work. We are in the middle of a recession and we are still bringing in 50,000 temporary foreign workers who take legitimate jobs away from Canadians, and these are not immigrants. These are foreign nationals who leave the country with those pay cheques. How does that benefit anybody? (Pat Martin, 40th Parliament Hansard, 9/22/2010).

Despite harsh criticism, the TFWP continued to expand after the economic downturn, which perhaps highlights the role that the program serves beyond labor market needs. In

response to concerns about the continual expansion mentioned above, Minister of Citizenship, Jason Kinney, stated:

Tens of thousands of Canadian businesses would go under if they did not have access to hard-working individuals who come to this country to fill jobs for which Canadians are not applying. We do not want to put Canadian businesses out of work and out of business during this difficult economic time by denying them access to hard-working individuals who are willing to contribute to the Canadian economy (Jason Kinney, Minister of Citizenship, Immigration, and Multiculturalism, 40th Parliament Hansard, 12/3/2009).

TFWs are still framed as a solution to employer's needs and economic health and in this context the TFWP is necessary to protect Canadian businesses and, by extension, Canadian society as a whole.

In Canada, the TFWP provides Parliament with an avenue to control foreigners entering the country by preventing aliens with certain skill levels from becoming permanent residents. Thus, the TFWP can be interpreted as a powerful discursive tool used by Parliament to simultaneously promote Canada's humanitarian reputation and openness to immigrants in the political spectrum, while providing employers with access to low-skilled foreign workers in the interests of economic flexibility and competitiveness, all the while maintaining a very clear distinction between citizen and alien. Within an overarching discourse of global economic competition, there are repeated narratives used by Parliament to situate the TFWP as a solution and defend it from criticism.

The narratives highlighted below evolved throughout Parliamentary debates and represent specific and repeated strategies by Parliament to address tensions between the desire of the Canadian state to promote economic competition while externalizing the cost of low wage labor. These narratives promote the TFWP as a solution to the

overarching discourse of the need to maintain global economic competition, specifically in the context of a broken immigration system. The repeated narrative that the ‘system is broken’ provides Parliament with multiple justifications for bypassing the traditional immigration process through channels that devolve citizenship granting authority to provinces and employers. This devolution also helps to support the operation of the TFWP as something that employers and provinces “need” and can independently pursue in the name of economics. TFWPs provide an avenue to “get people quickly” as opposed to processing them through typical immigration channels which are more time consuming and which generate more reflection on questions of national identity and belonging (as it is assumed TFW are permanent aliens who will be re-exported back to home countries).

The discursive strategy for ‘overcoming’ the tensions produced by an expanding temporary worker program begin first and foremost with a repeated trope about the ‘broken’ immigration system:

I think all of us are familiar with the system. We know that the immigration system has been broken for many years. What with the wait times and backlogs, things are out of control and change is essential. We agree with this. The potential immigrants, especially from India and China, are waiting too many years for verdicts on their applications. The changes we are proposing to the immigration legislation will tackle the 900,000-plus backlog. The changes will help to ensure that people with badly needed skills will gain quick admittance to Canada (Nina Grewal, Standing Committee on Citizenship & Immigration Evidence, 5/13/2008).

This narrative makes alternatives to the federal immigration system seem not only inevitable but essential. Contrary to the U.S. narrative that the immigration system is broken, which is largely rooted in the existence of undocumented workers, in Canada the broken system is attributable to administrative inefficiencies that inhibit the entry of

immigrants, such as backlogs and the perception of a growing problem with fraudulent refugee claims.

As Parliament sought to delineate between those wanted as citizens and those wanted only as temporary workers, TFWs became a solution to the negative impacts that could result from a backlog of visa applications:

because of the delays in processing caused by the backlog we inherited from the previous government, we have deliberately had to start tearing down the walls between the permanent and temporary streams. If you'll check the numbers, you'll see that we allowed in record numbers of temporary foreign workers and foreign students. This is to compensate for the time it takes to process six-year-old applications, which can take twice as long, and by law we're required to process those applications, with few exceptions, in the order in which they were received (Diane Finley, Minister of Citizenship and Immigration, Standing Committee on Citizenship & Immigration Evidence, 11/29/2007).

As is clear from the growth of low-skilled TFWs during the mid-2000s, what many employers needed was access to low-skilled workers, who had no path to residency, and thus were not waiting in the immigration queue at all. As the program expanded, TFWs themselves became conflated with the broken system:

The expansion of the temporary foreign worker program represents a failure of the economic stream of immigration to bring in the type of workers needed and in a timely fashion. The Committee heard repeatedly that the “immigration system is broken” and that if it were amended, the demand for temporary workers would lessen... We will know that our immigration system is working effectively when the TFWP is relegated to providing temporary workers to fill short-term needs (Report of the Standing Committee on Citizenship & Immigration, “Temporary Foreign Workers and Non-status Workers,” 2009: 4-5).

The ‘system is broken’ narrative is also heavily woven into criticisms about the undesirable consequences of not providing TFWs with permanent status:

I'll conclude by saying we have an immigration system that is broken. What is fundamentally needed is a points system that reflects the needs of the economy. I get concerned when I look at the experiences in other countries that have a large number of guest workers, if you will--Germany is one case in point--and the kinds

of problems that entails. I think it would be best for everybody if we could get people in as immigrants, get them landed, and give them status, so they're not open to exploitation and all the other problems going along with it (Andrew Telegdi, Standing Committee on Immigration and Citizenship Evidence, 4/1/2008).

My belief has always been that if you're good enough to work here, you're good enough to stay here. We should be bringing in these workers as landed immigrants, but our point system is broken. We know that. There's no queue for them to line up in because they may not have the degrees (Olivia Chow, Standing Committee on Immigration and Citizenship Evidence Evidence, 4/9/2008).

As these two statements suggest, the 'broken system' narrative that was originally used to justify the expansion of the TFWP eventually came full circle to construct the TFWP itself as emblematic of a broken system, particularly as it became more visible and pervasive. In response to these concerns, Parliament increasingly relied on a narrative that deflected criticisms about the TFWP to the provinces and employers.

The repeated narrative that the immigration system is 'broken' helps to justify the devolution of citizenship granting authority from the federal government to the provinces and to employers, as it is assumed that more autonomy will lead to more efficiency and be more reflective of provincial labor needs. The existence and expansion of programs such as the Canadian Experience Class and the Provincial Nominee Program (PNP) during the 2000s was justified primarily through the narrative about the failures of the federal immigration system. The solution was to devolve immigration matters to the provinces, as has been done with the PNP.

Because the PNP allows individual provinces to tailor admission criteria, they have the ability to admit low-skilled workers if it is in their best interest to do so. Thus, through the PNP, the government provides a small, potential window for low-skilled TFWs to gain permanent residency, but it is a window that is distanced from any

particular Parliamentarian or political party. This path to residency shields Parliament from accusations about the undesirability of admitting low-skilled immigrants who may be dependent on social services or become an economic drain. On the other hand, it also enables defenders of the TFWP to legitimately claim that there is in fact an avenue to residency for all TFWs, regardless of skill level, even if this avenue is extremely limited. As is highlighted in the statement below, this window is acknowledged, but the overriding emphasis is still on retaining the ‘best and the brightest.’

We are also working to ensure that other streams of immigration work better. We have expanded our provincial nominee programs, creating greater flexibility and a closer alignment of our immigration intake with our regional economic needs. It's important to note that other avenues, such as provincial nominee programs, are open to those who do not fall within the priority occupations identified in the ministerial instructions under the action plan. We have also created the exciting new Canadian experience class, which now provides a pathway to permanent residency, and eventually citizenship, for international students and qualified temporary foreign workers. As a result, it makes Canada more competitive as we seek to attract the best and the brightest (Jason Kenney, Standing Committee on Immigration and Citizenship Evidence, 2/10/2009).

The devolution of citizenship granting authority described in this quote was criticized for privatizing immigration policy and also for not providing adequate protections for TFWs:

What concerns me is that this means there's no cap on foreign workers, and it means we have an employer-driven immigration system, putting nation building in the hands of the private sector (Jenna Hennebry, Assistant Professor, Committee on Immigration and Citizenship Evidence, 4/9/2008).

However, by putting decisions about citizenship and foreign labor recruitment directly into the hands of employers, Parliament attempts to depoliticize this devolution by claiming that the TFWP is a demand based program, driven entirely by employer's needs and purely economic decisions:

The temporary foreign worker program is limited. It is limited according to the demand. We only approve those applications where Canadians are not filling the

jobs (Jason Kinney, Minister of Citizenship, Immigration, & Multiculturalism, 40th Parliament Hansard, 2/26/2009).

As Minister Kinney suggests, the design of the TFWP is not only driven by the needs of the economy, but also provides assurances to Canadians that the presence of TFWs in Canada furthers economic growth. The narrative associated with this devolution also provides Parliamentarians with a way to combat criticisms of exploitation by stating that it is the responsibility of the provinces to independently address the protection of TFWs. While the provinces create their own labor laws and regulations, the TFWP is a federally administered program, which results in an overlapping jurisdiction in matters of immigration that suffer from weak oversight:

In particular, immigration responsibilities are increasingly being shifted to the provinces, but specific oversight measures required to monitor and ensure the safety of foreign workers and to identify fraud and abuses have largely remained unemployed (Gurbax Malhi, Hansard 40th Parliament, 12/9/2009).

Despite this overlapping jurisdiction and blurred boundary, immigration responsibilities are very clearly deflected by the Minister of Citizenship, Immigration and

Multiculturalism to the provinces:

Provincial labour law is a provincial responsibility, and it's not for our government to dictate to Ontario, or any other province, what labour laws they adopt. That's up to their legislatures. I will say that as a result of the regulatory changes we are making, there is much better information sharing between the provincial labour ministries responsible for the oversight of working conditions for most temporary foreign workers and our ministry. As you know, the objective will be that when abuses are reported to the provincial labour ministries, they in turn will be reported to us and we will put bad employers on a blacklist, so they don't have the same access to temporary foreign workers. So we are taking action on that, and if you have issues with respect to provincial labour market regulation, I invite you to take that up with the respective provincial labour ministers (Hon. Jason Kenney, Minister of Citizenship, Immigration and Multiculturalism, Standing Committee on Immigration and Citizenship Evidence, 12/6/2010).

As this quote highlights, it is ‘information sharing’ rather than any on the ground enforcement measures that underscore the federal government’s responsibility for TFWs that enter the country through the federal system.

Concerns about the exploitation of TFWs also extend to more theoretical criticisms about the creation of a disposable labor force, or a second class citizenry that is susceptible to exploitation, which is exacerbated by the devolution of citizenship granting authority to the provinces and employers. The PNP enables the provinces to design admission criteria for permanent residency for TFWs based on what they independently identify as their labor market needs. However, TFWs must first be nominated to the province by their employers. Thus through categories such as the PNP, the CEC, and the LCP, a great deal of power is devolved to the provinces and to employers in selecting immigrants (Nakache & Kinoshita, 2010). These conditions present a fundamental contradiction to the democratic and humanitarian values of Canada:

We stand at a moment when we have to make decisions such as whether we want to build a nation in which people with precarious status continue to live in the shadows and in fear. In this model, citizens and permanent residents occupy the top tier of society, while those with precarious immigration status occupy the bottom tier. Even if there are pathways to permanent residence and citizenship, the presence of a segment of people with precarious status raises questions about the value and scope of citizenship and democracy in Canada. Are these to be enjoyed by one segment of society? In this model, immigration status becomes a legitimate basis for discrimination, and communities become divided through fear (Luin Goldring, Associate Professor, Standing Committee on Immigration and Citizenship Evidence, 4/9/2008).

The issues captured by Professor Goldring above present a tension for Parliament in promoting the TFWP, particularly as the percentage of TFWs with virtually no avenue to citizenship has expanded. Indeed, the unprecedented growth in the TFWP during the 2000s led to a number of vocal criticisms about the program. Many of these criticisms

revolved around the design of the TFWP, which lends itself to exploitation. Low-wage workers are particularly vulnerable to exploitation because they are tied to one employer, and also because their relatively low levels of education and language training put them at a disadvantage of being unaware of their rights. However, by allowing employers and provinces to drive the immigration system, Parliamentarians depoliticize the TFWP and insulate themselves and the federal government from the negative problems associated with the TFWP. Defenders of the TFWP continually relied on narratives of economic need and the responsibility of employers and provinces in ensuring the integrity of the program. This responsibility is particularly significant and justified under the discourse that that ‘system is broken’ which rationalizes the retreat of the federal government in matters of both immigration and labor market needs. The narratives described here highlight how the TFWP and the associated devolution of citizenship granting authority to employers and provinces provides Parliament with the ability to both externalize and depoliticize the active process of excluding certain foreigners from full inclusion in the Canadian nation, while continuing to promote economic growth.

Conclusion

“I think we should also acknowledge and celebrate the fact that in Canada there is actually a fairly broad consensus on the big issues facing immigration across the political spectrum. We should be proud of the fact that Canada has avoided some of the divisive debates on immigration that we see elsewhere and that there are very few xenophobic voices in our public discourse on questions like immigration, pluralism, and integration” (Jason Kinney, Minister of Citizenship, Immigration and Multiculturalism, Standing Committee on Immigration and Citizenship Evidence, 2/10/2009).

This analysis of over twenty years of Parliamentary debates on immigration policy broadly, and the TFWP specifically, supports Minister Kinney’s claim above that indeed there are “very few xenophobic voices” in the public discourse. However,

exploring the changing politics and policies produced by Parliament demonstrates that, while the xenophobic sentiments may not be explicitly expressed, they do indeed exist in Canadian immigration policy. Although this tendency has been exposed by other scholars exploring Canadian immigration policy through the lens of the TFWP (Abu-Laban, 1998; Sharma, 2006; Preibisch, 2007), my analysis represents the most comprehensive research conducted on Parliamentary discourse to date involved in the production of TFWPs. As will be explained in Chapter XII, the comparative nature of this analysis also opens up new pathways for such research in the future.

Canadian immigration policy since the 1990s has followed a model of deregulation and devolution, shifting both power and responsibilities to employers and provinces regarding access to permanent residency. The close connection between Canadian national interests and economic competition- as is evident through an analysis of TFW debates- can also inform debates about the role of the state amidst neoliberalism and globalization. The growth in international labor migration, fuelled largely by neoliberal globalization, creates a class of workers with extremely limited rights, to whom the state has few obligations. Through the mechanism of citizenship, the state is able to render “some workers more exploitable than others” (Bauder, 2006: 28) proving that neoliberal globalization “is not really about deregulation of the economy and society, but rather about reregulation in favor of certain groups” (Lawson, 2004: 255). This analysis of TFW debates illustrates how the granting of citizenship rights to certain individuals and the simultaneous denial of those rights to others *residing in the same territory* has become a powerful governing mechanism in Canada. Access to citizenship has indeed been transformed from a model rooted in a shared identity and territory, to a

powerful economic tool used to compete in the global marketplace. This transformation has been aided by the TFWP.

Scholars such as Nagel (2004) and Agnew (2005) have argued that processes of neoliberalism and globalization indicate a retreat of the state as both market forces and supra-state actors are increasingly supplanting the state's position as the long-standing locus of political identity and community. Others suggest that "no matter what it says on the bottle, neoliberalism rarely involves unilateral acts of state withdrawal" but rather "new state forms, new modes of regulation, new regimes of governance" (Peck & Ticknell, 2007: 31-33; Rudolph, 2005; Herod, 2009). What is often portrayed as a retreat of the state may also be interpreted as a reassertion of state power in new ways. This analysis demonstrates how the Canadian state is simultaneously retreating and reasserting power through the TFWP (see Preibisch, 2007 for a similar argument focused on the SAWP and agribusiness in Canada). By capitalizing on economic arguments, such as the need for skilled workers to ensure competitiveness, Canada is able to exclude "undesirable" immigrants in a manner that is acceptable for an open, democratic society. Nowhere is this more evident than through the creation of employer and province driven residency streams for TFWs. By enabling employers and provinces to become an increasingly powerful driver of immigration policy, "primary decision making around access to permanent residency [has been] transferred by the Canadian state to Canadian employers" (Valiani, 2010: 1). Canada has 'passed the buck' to individuals in the name of free market ideology and efficiency, all the while achieving immigration goals that while no longer overtly exclusionary or racist- result in a similar delineation between those who belong and those who do not. Indeed, the construction and evolution of the

TFWP in Canada since 1990 highlights a quintessential example of the state retreating visibly while continuing to exert influence through less visible channels:

The TFWP's most important effect may be how it contributes to the push by employers and neo-liberal governments toward a more flexible labour market. Competitive pressures and global competition have driven employers to contain labour costs through a variety of avenues, including regulatory liberalization, anti-union animus and economic pressure. The TFWP may be best seen as another avenue by which employers pursue a more flexible, compliant workforce... By restricting the labour mobility rights of TFWs and by relying heavily on the contract of employment to regulate the employment relationship, the state facilitates a skewing of bargaining power in key sectors of the labour market. TFWs represent the epitome of the "flexible" worker, in large part due to policy decisions on the part of the state (Foster, 2012: 42).

Rather than an exploration of the influence of processes associated with neoliberal globalization, this analysis of Parliamentary debates provides an example of how the *discourses* of globalization and neoliberalism have indeed reconfigured the relationship between state and society through a "new regime of governance." This regime-symbolized through the TFWP and associated devolution of citizenship granting authority, has become a tool that enables Canada to maintain global economic competition while simultaneously externalizing the cost of social reproduction of particular segments of the labor force.

CHAPTER VII

CONCLUSION TO POLICY ANALYSIS

Throughout history, immigration policies in the United States and Canada have been composed of remarkable similarities and fundamental differences. Since the late 1980s, the U.S. has maintained an overwhelmingly restrictive attitude towards immigration while in Canada immigration is continually promoted as a “solution to the nation’s problems and a source of prosperity” (Omidvar & Lopes, 2012: 54). Thus, while the overall nature of immigration policies diverges between the two countries, the use of guest worker programs highlights a shared contradiction- how to reconcile the desire for low-wage labor in a democratic society that is simultaneously infused with humanitarian values and fears about the threat of foreigners.

Both Parliament and Congress rely on a discourse that the immigration system is broken to make the importation of temporary workers seem unavoidable even though such programs contradict each nation’s identity as a democracy and as a country of immigrants. While these discourses are used in different ways, they both necessitate the pursuit of solutions and alternatives in the form of guest worker programs. In the U.S., the discourse that ‘the system is broken’ relates largely to the presence of undocumented workers, who have become a structural element of the U.S. economy. The discourse itself is a very powerful tool which *obscures* the reliance on undocumented labor by enabling the presence of ‘illegal’ workers to be framed as an unintended consequence of poor border security against the impoverished hordes aided by a broken immigration system. This allows Congress to compose ‘solutions’ or explanations about ‘problems’ of the system without fundamentally changing it, which would necessitate either the

legalization or deportation of undocumented workers and would lead to profound political and economic ramifications.

In Canada, the discourse that the system is broken relates to ‘the need’ to maintain global economic competition to justify expanding more ‘efficient’ avenues to accessing labor, such as the temporary foreign worker program. Whether obscuring the realities of undocumented immigration or justifying global economic competition, guest worker programs are enacted to further the desire of both countries to maintain a clear distinction between citizen and alien. Because guest workers are identified, regulated, and temporary, their presence does not encroach- nor does it *seem* to have the potential to encroach- upon the composition of the nation. By clearly maintaining an ‘alien’ status, guest workers who are present inside the territory of the state also help to reinforce the status of citizens by serving as their antithesis. In the U.S., this distinction is drawn largely on a de facto basis, between undocumented and documented labor, while in Canada it is drawn on a de jure basis, between legal workers with access to permanent residency and those without. This analysis of the discourses used by Parliament and Congress highlights that, while guest worker policies are similar in both countries, they are undergirded by highly different motivations.

In her landmark book *Inside the State*, Kitty Calavita (1992) explores the failures of the Bracero Program through a detailed analysis of the administrative and bureaucratic workings of government agencies. She approaches guest worker policy as a dialectical relationship between law and the state, arguing that “a capitalist democracy contains within it contradictions, and that law often represents the state’s attempt to grapple with or reconcile the conflicts derived from those contradictions” (Calavita, 1992: 9). She

suggests that any attempts to reconcile those conflicts (such as the demand for labor and the desire to inhibit access to citizenship) are inherently doomed, not only to failure, but to producing further conflict. This is particularly true in the case of guest worker programs, which attempt to resolve structural contradictions inherent to capitalist economies, by institutionalizing the marginalization of low-wage foreign labor. What results is the perpetuation of a fundamental contradiction of guest worker programs, which allows foreign workers to participate temporarily in the economy of a country while they are simultaneously barred from inclusion in the nation.

In her testimony before the 39th Parliament, Luin Goldring compares the use of the term ‘undocumented’ in the U.S. and in Canada, arguing that “people whom we might be tempted to call undocumented are often documented in that they are known to authorities, having entered with some form of legal immigration status” (Goldring, Standing Committee on Citizenship and Immigration, 10/5/2005). She then testifies that it is a failure of the Canadian state that has allowed such individuals to slip into non-status. Her argument highlights how government policies work to construct a ‘precarious’ immigration status. While Goldring’s focus fluctuates between documented and undocumented, her overall conception of a precarious immigrant worker rests in an absence of status. In this way her work reflects the preoccupation of many immigration scholars with illegality, or the de facto construction of the quintessential precarious labor arrangement- one which relies on a labor force that exists without rights and lives in the shadows of society (Anderson, 2010; De Genova, 2002; Fan, 2004, Goldring et al, 2009; Goldring, 2011; Harrison and Lloyd, 2011; Nelson et al, in progress; Wills et. al., 2010).

Recent research has explored the active role of the state in constructing precarious labor arrangements, with some studies specifically focusing on the use of immigration policy in that construction (Anderson, 2010; Bauder, 2006; Goldring et al, 2009; Goldring, 2011). However, state policies that actively produce conditions of ‘unfree’ labor have largely overlooked guest worker programs in favor of illegal immigration (for exceptions see Anderson, 2010; Foster, 2012; Fudge, 2009; Preibisch, 2011). Anderson, for example, introduces the concept of “institutionalized uncertainty” to explain how immigration controls in the UK “work to form types of labour with particular relations to employers and to labour markets” to produce precarious workers (Anderson, 2010: 301). She argues for the importance of analyzing the relationship between immigration policy and labor markets which “not only illegalise some groups, but legalise others in very particular ways” (Anderson, 2010: 312). While her primary focus is on illegality, her work provides an important starting point to complicate the literature on precarious labor from a preoccupation with illegal immigrants to one focused on legal foreign workers:

Thus, while ‘illegality’ is acknowledged as producing vulnerability to exploitation, this article argues that this is not, as commonly imagined, because of absence of status, but is an instance of one of the many ways in which immigration controls and migratory processes produce certain types of labour. In the current conjuncture they serve to produce, among other groups, precarious workers. It is not only the smuggled ‘illegal’ workers...but often ‘legal’ workers too (Anderson, 2010: 313).

While it can be argued that precarious work for those without status is a structural byproduct of the relationship between labor markets and immigration policy, focusing on illegality is a very different undertaking than exploring the production of such a regime within a legal and very public discourse by government officials. While perhaps not as precarious as undocumented labor, guest workers play a particular and highly disciplined role in labor markets in the context of globalization. While undocumented workers

clearly operate in the labor market and in society as precarious workers, the reason an analysis of guest worker debates is important is because it unveils efforts to produce precarious status that are both deliberate and documented and cannot be attributed to the unintended consequences of an inadequate immigration policy. By exploring the political justifications used to promote and defend legal guest worker policy, this research more fully answers the call for studies that address the role of the state in institutionalizing precarious status.

In the United States, guest workers occupy the space between undocumented workers and citizens as they are legally present to work, yet have no access to legal channels to remain. They experience a range of mechanisms of social and political exclusion and control for the time they are present. In this way they represent a hybrid subject, blurring the distinction between citizen and alien. In the absence of a sizable and threatening undocumented population, guest workers in Canada (specifically low-skilled ones) delineate a firm boundary between citizen and alien, capturing those who are temporary workers but will remain permanent aliens. A comparison between the discourses used in guest worker debates in the U.S. and Canada reveals some provocative differences, yet the fundamental value of the program in both countries remains strikingly similar. This value is captured well by political scientist Aristide Zolberg:

It is the very qualities (real or imagined) that make certain groups particularly suitable for their role as workers that make them unsuitable for membership in the receiving society. Shared by all classes and strata in the receiving society, these integrative concerns, whether expressed in manifestly xenophobic ideologies or by way of euphemistic codes, universally impinge upon the determination of immigration policy. The conflicting interests of industrial societies – to maximize the labour supply and to protect cultural integrity – can be thought of as a dilemma to which a limited number of solutions are possible (Zolberg, 1981: 15).

As Zolberg suggests, the dilemma of maximizing the labor supply while protecting cultural integrity is central to many industrial societies. Debates about guest worker policies provide an important window into understanding efforts by states to solve this dilemma, which can be answered by a very ‘limited number of solutions.’ Clearly, one of these solutions is a guest worker program. However, as will be seen in the following two chapters, it is the combination of workers of different status (based on the parameters of different visas as well as the absence of documentation altogether) that has the potential to overcome the ‘conflicting interests of industrial societies’ by creating a disciplined and profitable workforce that both minimizes social costs and protects the cultural integrity of the nation.

CHAPTER VIII

GUEST WORKERS IN THE LOCAL CONTEXT: EXPLORING LABOR MARKET AND SOCIAL DYNAMICS

“The powerful machinations of states appear not only in the borders drawn on maps and the pages of public policies, but in the fractured fault lines of daily practice. It is important, therefore, to examine daily life as one register of state power” (Mountz, 2010: xxi).

The use of low-skilled guest worker programs in the United States and Canada marks an important strategy by advanced economies to meet low-wage labor needs while externalizing the social costs and responsibilities of citizenship. Analyzing the discourses used in political debate to promote and defend these policies as well as the narratives embedded in these programs provides an important understanding of the purpose of these policies, which institutionalize differences between workers of different status. The importance of national-scale political/ policy analysis notwithstanding, it is important to trace how these policies are enacted ‘on the ground’ in relation to local labor markets, and concrete social relationships. Critical to understanding the power of state constructed categories is exploring the material realities that are produced in the local context when these state categories encounter local social and economic conditions. Indeed, it is essential to “contemplate the social relations within which the nation-state is enacted by examining interfaces between discourse and materiality” (Mountz, 2010: xxvi). The following two chapters examine these interfaces using a case study approach to analyze the labor market and community ‘materialities’ that are created when policies conceived at the national scale interact with concrete actors at the local scale. Specifically, they will address the following research questions:

- 4. How does the employment of guest workers in rural communities influence local labor markets?**

5. What effect does the presence of guest workers have on place identity, social interactions and belonging within receiving communities?

The two case study chapters that follow are inspired by scholarship by political geographers and others that aims to ‘ground’ the role of the state in studies of immigration (Anderson, 2010; Bauder, 2006; Calavita, 1992; Coleman, 2009; Harrison & Lloyd, 2011; Mountz 2003, 2004, 2010). In her research on the Canadian state’s response to the boat arrival of Chinese refugees in 1999, Alison Mountz (2003; 2004; 2010) constructs an ‘ethnography’ of the state to uncover how state employees operating at a variety of levels produce different geographies of exclusion and confinement. In a similar fashion, Kitty Calavita (1992) explores the bureaucratic intricacies behind the administration of the Bracero Program (See Chapter II). Both of these studies uncover the work of state power through an examination of how state actors interpret and enact immigration policies, and the impacts of those practices on immigrant lives and national political discourse. In a related approach, Harrison & Lloyd’s (2011) study of undocumented workers in the U.S. dairy industry explores how migrant workers experience the category of illegality, specifically in regards to the workplace. By deconstructing the state and exploring other scales through which state power operates, this body of research highlights that “the state is shaped by the local and regional communities in which it operates and, in turn, it shapes them” (Mountz, 2003: 628).

In order to understand this dialectical relationship between state and society in regards to guest worker programs, I build upon the scholarship above by focusing largely on the labor market as a place where broader political contestations about belonging and exclusion are revealed. However, contrary to a focus on illegality and enforcement that defines not only the work of both Harrison & Lloyd and Mountz but also the bulk of the

literature, this dissertation focuses on constructions of *legality*. Such constructions are nevertheless predicated on exclusion (particularly in the case of guest workers who must return home after their visas expire) and are also intimately related to the operation of racial hierarchies in the labor market and within broader social relations of belonging.

Overview of Case Study Communities: Fernie, British Columbia & Sun Valley, Idaho

Fernie, British Columbia and Sun Valley, Idaho are both rural communities nestled in the Rocky Mountains (Image 8.1). They have an economy heavily dependent on outdoor amenities and tourism. While Sun Valley has a long history as a year round tourist destination, Fernie has only recently started to make that transition. Both communities, however, have experienced considerable growth since the mid-1990s, which has influenced both their identity as well as the labor force they rely upon. With constrained geography and small, racially homogenous populations, these towns provide ideal case studies because the presence of guest workers has an observable impact on both the labor market and the community.

Both Fernie and Sun Valley have experienced rapid gentrification since the late 1990s, with the cost of housing increasing and the establishment of many businesses catering to a very high end clientele. The arrival of wealthy newcomers not only drove up the cost of real



Image 8.1. Regional location of case study communities (Source: www.geography.com)

estate, but also increased the demand for service sector jobs, particularly in construction, landscaping, and hospitality. What had previously been economies partially driven by seasonal tourism has transitioned to (nearly) year round economies dominated by low-wage, service sector jobs. One by product of this transition has been the ‘hollowing out’ of the middle income population in both these locales, with increasing polarization between low and high income populations. This polarization is reinforced by immigration status, which segments the labor market based on race as well as nationality. The traditional ‘ski bum’ lifestyle that previously provided these towns with low-wage labor is no longer sustainable given the increased cost of living that now exists. As a result, both Fernie and Sun Valley have increasingly turned to alternative sources of labor. Employers in each case study turned to different workers to fill this demand, for those in Canada the easier-to-access working holiday visa allowed many employers to legally employ foreign labor, while in the U.S. case employers were more likely to tap into a Latino labor force composed of both documented and undocumented flows. At times these workers were combined with the use of guest worker labor. While the legal intricacies of these two cases differ, given the different national policy, legal and political contexts, these political economic changes produced similar divisions of labor at the local scale in that labor markets in both areas became fundamentally constituted by race and nationality.

Research undertaken in the two case study communities focuses on two issues: how guest workers influence community dynamics and social interaction and how the presence of guest workers is re-shaping local labor markets⁹. Although my primary focus

⁹ It is important to note that H-2B workers in the U.S. have visas that run the duration of their seasonal employment, which depends on the industry, but in Sun Valley this tends to follow either the summer or

is on guest workers, the complex interaction between workers of different status in the labor markets of the two case study communities necessitates an analysis not just of the guest worker category, but also of other forms of immigration status. This approach provides important insights into the interaction between immigration policy and material realities at the local scale, illustrating how local conditions can both reinforce and mitigate national categories of exclusion.

winter season and spans roughly three to four months. In Canada, low-skilled temporary foreign workers have a two year visa regardless of the seasonality of the positions in which they are employed.

CHAPTER IX

TEMPORARY FOREIGN WORKERS IN FERNIE, BRITISH COLUMBIA

Processes of globalization are increasingly influencing local places in curious and creative ways (Tsing, 2004). In the rural town of Fernie, British Columbia, global scale processes have re-structured the local economy, contributing to a heavy dependence on labor that is controlled by national immigration policies. This chapter explores how processes operating at multiple scales have intersected to reconfigure not only the dynamics of the labor market, but of the community as well. Specifically, it will address how Fernie's economy and labor needs have evolved since the 1990s, producing material realities driven by economic changes and intimately linked to state categories of immigration status. The economic and demographic characteristics of Fernie are addressed first, followed by an analysis of how different categories of foreign workers have been utilized in the labor market and how this has influenced the social geography of the broader community.

Fernie is located in the Elk River Valley of south-central British Columbia, forty miles north of the U.S.-Canada border. The Valley is surrounded by the Rocky Mountains and is nested within the Crown of the Continent Ecosystem, composed largely of protected and rugged terrain (Image 9.1). However, the northern portion of the Valley is home to the towns of Sparwood and Elkford, which are heavily dominated by the presence of coal mines. Fernie's relatively isolated geographic location and its proximity to a range of natural amenities have shaped its economy and helped maintain its rural character. As of 2011, Fernie had a population of 4,800 and as of 2006 had a small

immigrant population of 400 composed primarily of immigrants from Europe, the U.S. and Oceania (Statistics Canada, 2011; BC Stats, 2006).

Fernie originated as a coal mining town in the late 1800s and coal mining continues to heavily influence the economy of the Valley, which is home to five surface coal mines operated by Teck Coal that produce eighty percent of Canada’s steelmaking coal (Image 9.2) (Teck.com). Much of this coal is transported by train to the west coast of Canada, where it is shipped primarily to Japan, Korea, and China (Teck.com). While there is no longer an active coal mine in Fernie itself, the town is

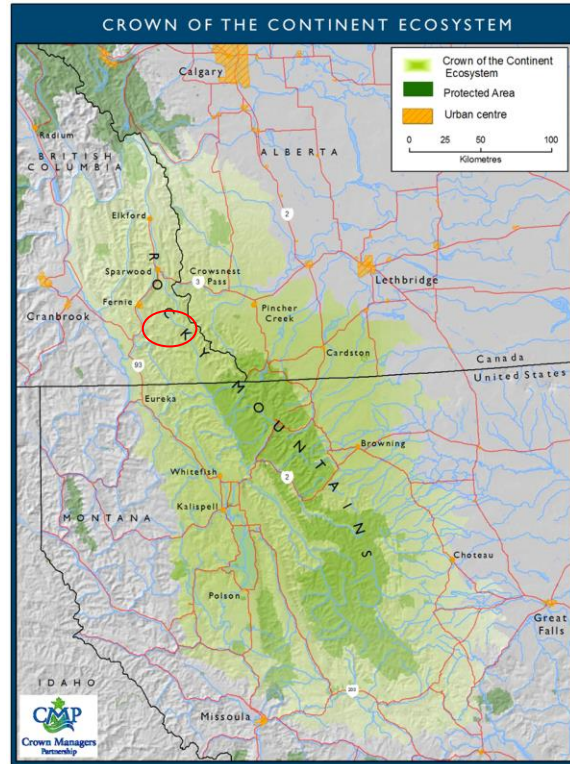


Image 9.1. Crown of the Continent ecosystem, with Fernie circled in red (Source: nps.gov).

still heavily influenced by the coal mining industry. Many of Fernie’s residents are



Image 9.2. A surface coal mining operation in the Elk River Valley (Source: Vancouver Sun).

employed at the mines located in the northern end of the Valley, and corporate employees of the mine rely on Fernie’s hospitality sector while travelling between the Valley and urban areas throughout Canada. Coal mining jobs offer high wages for relatively low skill levels, with cleaners and long haul

truck drivers earning a starting wage of nearly \$30 an hour (Teck Coal employee, pers. comm., 9/5/2013). Roughly twenty five percent of Fernie's population is employed by the mines, which results in a shortage of workers, particularly in low-skilled positions in the service sector (City of Fernie, 2007; Fernie Liveability Report, 2010).

While coal mining is still the bread and butter of Fernie's economy, offering high paying jobs and year round employment, the influence of coal mining on the landscape is visible only in subtle ways, such as the playgrounds in Fernie (Image 9.3).



Image 9.3. Fernie's playgrounds, which indicate the influence of coal mining (Source: Author's collection). The most visible (and audible) presence of the coal mining industry on the landscape in Fernie are the coal trains that operate daily. During my fieldwork in Fernie, I lived in a house that bordered the railroad tracks (Image 9.4 below shows the view from the house), and can estimate from observation that roughly twenty coal trains passed through Fernie on a daily basis, operating twenty-four hours a day.

The steelmaking coal produced in the mines to the north of Fernie have been steadily increasing production over the past decade and, as Teck Coal states, “we foresee strong growth in demand for steelmaking coal in China, which is currently undergoing the biggest process of urbanization and industrialization in human history” (Teck.com). Rapid urbanization and a growing demand for



Image 9.4. Coal train running through Fernie (Source: Author's collection).

steelmaking coal in China is one way that globalization has made its mark on both the landscape of the Elk River Valley as well as the social and economic characteristics of the small, isolated town of Fernie. While much of Fernie’s economy is dependent upon the steady and well paying jobs at the mine, there is a tension between the social identity of Fernie, which is tied to natural amenities, and the mining culture that dominates the northern end of the valley in the towns of Sparwood and Elkford, which are located adjacent to the mines themselves. The social identity of Fernie- and this growing dichotomy- is largely shaped by the increasing number of amenity migrants and urban second home owners now residing in Fernie. The social and economic changes of this urban influx of wealth represent another highly visible way that globalization is driving change at this local scale.

Despite a heavy reliance on the coal mining industry, Fernie’s economy is increasingly supported by a developing tourism industry, driven by outdoor recreation activities such as mountain biking, fly fishing, and skiing. Fernie has a long history of

drawing tourists to the ski resort, Fernie Alpine Resort, which was established in the 1960s. The resort operated primarily for local and regional skiers until it sold in 1997 to Resorts of the Canadian Rockies (RCR). RCR owns multiple ski resorts throughout Canada, and the shift from a locally owned ski resort to a nationally owned one also brought a shift in the marketing of FAR. As a result, a growing number of tourists have ventured to Fernie during the winter season from international destinations, driving a growth in real estate development as well as a demand for labor (chamber of commerce, personal communication, 8/9/2013; tourism industry, pers. comm., 8/22/2013; Go2, 2013). Rising real estate costs associated with a growing tourism industry have been exacerbated by an influx of second home owners primarily from Calgary. With the growth of tourism as well as the demand for services by second home owners, Fernie's economy has started to transition from one peak season in the winter, to an additional peak season in the summer, expanding labor needs that have become increasingly difficult to fill as the cost of living increases.

While still a small rural town, Fernie has experienced continued growth pressures since the late 1990s. The low amount of housing stock, combined with second home owners, tourism, as well as the high wages associated with the mining industry have driven up the cost of housing, which more than doubled from a median sale price of \$167,000 in 2000 to \$350,000 in 2006, and has fluctuated since (Fernie Liveability Report, 2010). The 2000s witnessed the establishment of upscale restaurants and retail stores on the main street, a change described by a resort manager who arrived in Fernie in the mid-1990s:

Int: When you got here, were there the kinds of businesses on main street that there are now?

Resort manager: No. It was, it's really evolved. It didn't feel like this, like where the Best Western is now, there was a hotel called the Motor Inn, which everyone jokingly called the murder inn and the pub that's in our hotel was the only bar you could go to where you wouldn't get beat up. It was a rough mining town... the difference between your observations now and the observations of ten years ago are night and day. You could shoot a gun down main street and there was nothing, and now there's patios.

Additional interviews with residents suggest that the town has undergone significant changes in terms of both the built landscape and place identity since the 1990s.

As the draw of amenity tourism in Fernie has attracted more urban second home owners from Calgary, in addition to other new arrivals, contradictions between the mining industry, which clearly provides the major scaffolding of its economy, and the amenity tourism industry have become increasingly complex. Coal mining in the Elk River Valley is done through surface mining techniques, which are particularly visible (Image 9.2) and produce a landscape that is at odds with natural amenity tourism, which promotes images of pristine and untouched natural landscapes (fernieflyfishing.com). Indeed, the “stunning vistas of natural beauty” (TourismFernie.com) seen from Fernie vary considerably from the mining landscapes outside the towns of Sparwood and Elkford, just twenty to forty miles north. While these two distinct political economies pose a contradiction to the identity of Fernie, this does not necessarily divide those that could be considered ‘long time locals’ from new arrivals drawn by the natural amenities of Fernie. According to my interviews, while many long time locals do work at the mine, there are also a growing number of amenity migrants who are employed there because of the high cost of living in Fernie. The mines are the primary source for a livable wage and employment there is often the only avenue for newcomers to afford to purchase a house in Fernie and remain, despite the seeming contradiction between the draw of natural amenities and the environmental impacts of the mining industry. The social aspect of this

contradiction is explained as follows by a young woman who has lived in Fernie since the early 2000s:

People come here... and they think they're going to be able to do something with their computer science degree, I don't know why, but they think they're going to be able to do other things and eventually it's like, actually, I think I'm just going to have to work at the mine. And they just have to try to justify it by the fact that they really don't have a lot of other options. So, it is, it's a definite... it's a contrast, and you can see it, you can feel it with people. People who are like, love biking and things and then they're like, 'yeah, but I work for the mine' [said in a somber voice]. It's like there's a bit of shame to that, but that certainly, you gotta do what you gotta do.

The limited availability of professional jobs in Fernie and its high cost of living have produced a complicated identity for residents drawn to the area by its natural amenities who find themselves tapping into the economic opportunities offered by the mining industry.

The combination of high-wage jobs at the mines and an influx of second home owners from Calgary have also created a major problem in Fernie regarding the affordability of housing for lower and middle wage residents, as well as for seasonal workers. The Fernie Affordable and Attainable Housing Strategy, published in 2007, found that home ownership was not attainable for many working people, rental housing is limited, and that these housing issues impact employee recruitment and retention (City of Fernie, 2007). Many interview respondents complained about the increasing number of second home owners from Calgary who remove houses from the rental pool and do not contribute to the labor force:

So, we've had all this real estate being built, and homes being built, but it's all shadow populations, so they don't live here, they come and recreate here.

Nearly thirty percent of homes in Fernie are not permanently occupied and the existence of this “shadow population” has led to concerns about impacts not only on housing prices but also on “community cohesion” (Fernie Livability Report, 2010: 5). Although Fernie

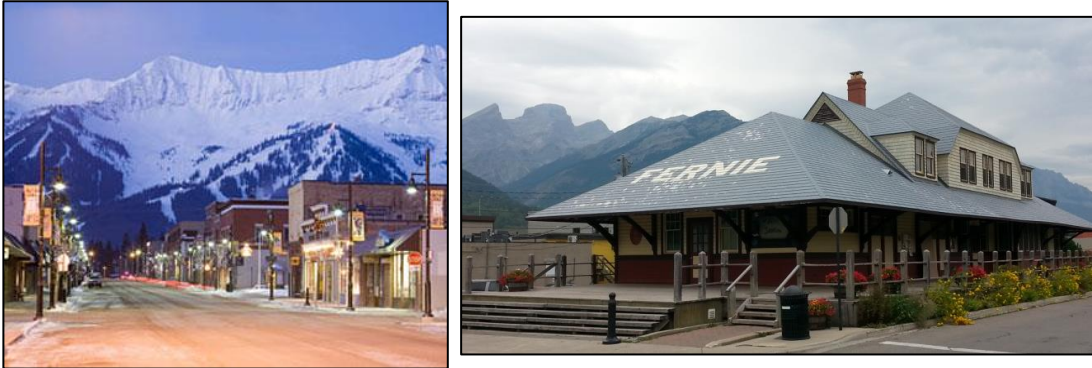
has a large seasonal population which is very transient, the general sentiment expressed both in city publications and personal interviews is that the seasonal population contributes to cohesion in the community by offering a vital source of labor (local resident, pers comm., 8/15/2013; Fernie Livability Report, 2010; City of Fernie, 2007). Second home owners, on the other hand, are criticized for occupying housing space and demanding services while not contributing to the labor force. This presents a major threat to Fernie's identity which is rooted in a strong sense of community and is a major aspect of its image as a rural, welcoming, and adventurous mountain town (Fernie Livability Report, 2010).

“Small Town Charm, Big Mountain Adventure”

Fernie promotes itself as a destination that, unlike many other ski resorts in the Canadian and U.S. West, has maintained its charm and personality. As stated by the local tourism agency, “Why is this place different? Unlike many destinations, you don't feel like you're part of a packaged experience- you take the day at your pace and do what you want to do” (TourismFernie.com). Indeed interview respondents also praised Fernie for not turning into a soulless and impersonal resort, such as Whistler (north of Vancouver, BC). My observations in Fernie and surveys done by the city indicate that its “small mountain charm” is not simply a marketing slogan but a true asset to the community and is an important aspect of quality of life for residents (Fernie Livability Report, 2010).

In addition to heavily promoting its outdoor experiences, which have long been Fernie's greatest draw, there is a more recent marketing of Fernie as a boutique shopping destination. Since the mid-2000s, high-end specialty shops and fine dining establishments have increasingly been added to Fernie's main street (Image 9.5). Perhaps the most

iconic symbol of Fernie's transition from a coal mining, railroad town to an amenity destination is the art depot, which is housed in the former rail road station (Image 9.6).



Images 9.5 and 9.6. Photos of Fernie, highlighting main street (Source: FernieFix.com) and the art depot (Source: Author's collection) and main street (Source: FernieFix.com).

The typical consumer portrayed in the marketing of Fernie's image is white, middle- to upper- class, and athletic, which also reflects the image of Fernie's resident community. Promotional materials marketing Fernie as well as community publications are consistent with promoting this image (Image 9.7). Archival searches of Fernie's newspaper, *The Free Press*, show little mention of diversity. A rare exception arose in December 2013, when several articles were published about the nascent Filipino community in Fernie, drawing attention to a growing diversity in the labor market and the presence of temporary foreign workers. The articles discussed labor law violations by an employer of several Filipino temporary foreign workers in Fernie (Hynd, 2013).

A recurring theme that arises in Fernie's social media landscape is a satiric commentary on the negative impacts of newcomers to the community (Image 9.8). Postings on the Facebook page called *Elk Valley Memes*, consistently present humorous graphics and slogans relating to the influx of 'Calgarians,' and seasonal workers. The

page is managed by residents from the upper Elk Valley, as “a place to mock, in good humor, Valley life as we all know really exists” (Elk Valley Memes Facebook Page).



Image 9.7. Marketing photos of Fernie, portraying the typical consumer and resident (Source: Tourism Fernie).

Posts on the page reveal the stark contrast between Fernie and mining communities to the north, where there is an absence of amenity tourism and a very different cultural and economic atmosphere. While perhaps only representing the thoughts of a few community members, the images and statements on the site present an interesting commentary on community and economic dynamics in the Valley. Faux headlines such as “Graduates with honors: drives haul truck for the next forty years” and “Long line of traffic won’t let you on the highway? Just wait for the light to change in Calgary,” give a sense of some of the issues facing communities in the Valley. Lines such as “you see a cyclist in Fernie, ‘that’s the culture here. You see a cyclist in Sparwood, ‘that dude must’ve got a DUI’,” indicate an underlying tension between the mining culture that dominates the northern end of the valley and the amenity culture that comprises Fernie.

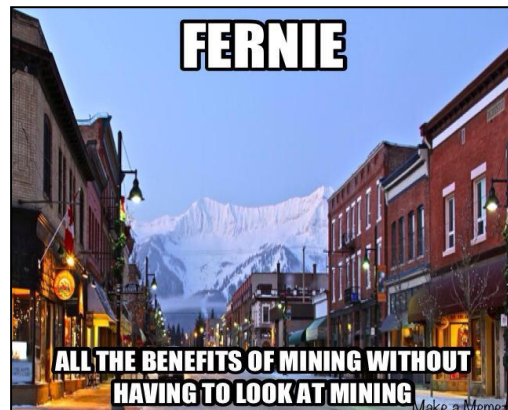


Image 9.8. A satirical commentary on the political economy of mining in Fernie (Source: Elk Valley Memes Facebook Page).

The Elk Valley Memes Facebook page also mocks seasonal workers from Australia, whose presence is directly tied to the ski resort and in the past has been limited to the winter season (Image 9.9). Prior to the last decade, the mass departure of workers from Fernie after the ski resort closed was a consistent feature of the economy and community. However, as Fernie's economy has continued to expand, the idea that seasonal workers must leave when winter is over is rapidly giving way to year round labor needs. This is creating new labor market challenges for this rural community. The nature of this transition and the role of workers from overseas are discussed below.

Labor Market Conditions

Since the mid-1990s, labor market conditions in Fernie have been re-shaped by



Image 9.9. Satirical commentary on seasonal workers from Australia in Fernie (Source: Elk Valley Memes Facebook Page).

growth in the hospitality/service sector, driven by an expanded tourism season and the arrival of second home owners from Calgary. As seasonal labor market needs in tourism and hospitality

have been lengthened to become nearly year round, concerns about labor supply have heightened. This section will explore how employers have responded to these changes by pursuing new strategies and utilizing the labor force in ways that is re-shaping local labor market dynamics.

In 2013, Go2, a British Columbia tourism consulting group which is supported in tandem by private industry and the BC government, conducted a study focused on the labor market needs of several resort communities throughout the province. Their final

report, titled “BC Resort Community Labour Market Strategic Analysis” is aimed at identifying strategies to improve recruitment and training efforts in BC’s resort communities. Fernie was one of fourteen case study communities in the analysis, which includes a small survey of business owners and community leaders. The findings from the report are used as a secondary source in the following section to supplement data gathered during personal interviews.

The largest seasonal employer in Fernie is Fernie Alpine Resort (FAR), which employs roughly six hundred workers during the winter season, and maintains a year round staff of roughly one hundred (FAR manager, pers comm., 8/12/2013). Just over half of FAR’s staff are Canadian, followed by staff from Australia, England, New Zealand, and a small number of workers from Europe and South America. According to FAR, they do not guarantee hours; if the ski conditions are poor and there are no guests, employees do not work. FAR has a huge advantage over other employers in Fernie because they can provide their employees with a free season pass to the ski area. Although the wages that FAR pays are well below many employers in town, FAR does not encounter problems meeting their labor market needs. As one FAR representative stated, “we’re selling an experience, not a wage” (FAR representative, pers. comm., 8/15/2013). While FAR operates a shuttle bus from town to the mountain (which is less than ten miles), they do not provide housing. Many employers in the community feel that FAR’s failure to provide employee housing has exacerbated the demand for rental units which has contributed to driving up the cost of those rentals (business owners, pers. comm., 8/7/2013, 8/29/2013, 8/27/2013; Go2, 2013). High rental rates combined with low wage service sector jobs has contributed to intense competition for employees.

Although the large corporation of FAR dominates the demand for seasonal labor, many businesses in Fernie are small and independently owned. When I contacted businesses to schedule an interview and asked to speak to a manager, I was often surprised that it was the owners themselves managing the store and working behind the counter. Many business owners I spoke with had originally arrived in Fernie to either ski or work seasonally and became entrepreneurs as a way to support their lifestyle and build permanent lives in Fernie. Due to their small and independent nature, these business owners felt particularly disadvantaged by labor shortages because they could not ‘buffer’ against employee losses during the peak tourist season. It is for this reason that owners often acted as stand in employees.

Estimates of the local labor market provided by Go2 suggest that there are approximately 1,600 seasonal jobs in Fernie, seventy percent of which are filled by non-local residents. During the ‘slack seasons’ which span from October to November and again from April to May, roughly ninety percent of the labor force is composed of local residents (Go2, 2013). The majority of seasonal workers arrive in Fernie in November and attempt to secure jobs with FAR then depart after the mountain closes in April. When asked about how a sense of community is influenced by having such a large transient population, the general sentiment is that their contributions to the workforce are essential to the community, as expressed by this resident:

I think largely the community really embraces the seasonal workers, it brings life into the town and you can tell, in late October, beginning of November, the job fair happens, there's a feeling, there's a buzz, there's more people around. And they are a part of the community of what's making Fernie run. There's some people who have lived here their whole life, who I think are a bit grumpy about some things that have happened, some of the changes, all the people coming in, the streets getting blocked off for festivals, different things like that, but I don't think that's the majority.

Another resident of the community expressed a similar sentiment in relation to the labor market:

They're not here to do the jobs that the Canadians want, they're here to be lifties and get paid minimum wage and the rest of us can't survive on minimum wage cause we want to pay our mortgage. We need them.

The recognition that external sources of labor are needed to keep the town sustainable helps to mitigate tension that could arise between residents and seasonal workers.

The combination of a small population and high paying jobs at the mine, both of which have remained consistent since the growth of Fernie's tourism industry, have resulted in a very tight labor market. This is particularly acute in the service sector, as many hotels and restaurants lose employees to the mine where, as previously mentioned, entry level jobs pay starting wages as high as \$30 an hour. As described by one hotel manager:

A classic example is our housekeeping supervisor at the Inn, she was fantastic, we brought her down from the Columbia Valley and she worked for us for one and half years and she basically...she said, I gotta quit I got a job at the mine. And we started talking about it, and I think we were at a pay scale of 35 to 40,000 a year, and they're making over 100,000 a year at the coal mine, in entry level positions. The reality is any job associated with that is two to three times the pay wage of anything driven by hospitality. So from housekeeping supervisor to a head chef at our hotel, to a secondary chef, we've lost a number of people who were not only in entry level positions but in senior positions just because there's that disparity between the two wages. So those were some of the elements or factors that changed the labor market here.

The tight labor market in the service sector has been exacerbated in the last three to five years with Fernie's growth from seasonal employment exclusively in winter to a second season of employment during summer. Fernie has experienced particularly rapid growth since the early 2000s, with hotel revenues more than doubling from 2000 to 2011 (Go2, 2013).

Fernie's ongoing transition from a seasonal economy with peak labor market needs in the winter, to a more year round economy with a second peak seasonal need in the summer has created both challenges and opportunities for business owners and employers. Those I interviewed reacted to these changes in different ways. For some businesses, having two peak seasons facilitates worker retention, as employers are able to offer nearly year round employment,

which prevents loss of staff after the winter season ends. During the slack seasons of fall and spring, rather than lay workers off, many businesses mandate that employees take vacation time or reduce hours. On the other hand, some business owners found it very difficult to find staff that would return after the slack seasons or simply to find enough workers to meet demand in general.

The new labor market challenges brought by the growth in Fernie's tourism industry have led to different employer strategies to meet labor needs. Due to the small and independently owned nature of many of Fernie's businesses, many companies are able to cultivate a family atmosphere for their employees. This ranges from providing benefits such as health care stipends, to having employee days, when the business is closed and employees get together for an outing or party (Image 9.10). Such efforts hint at the tight labor market, which is also plagued by fierce competition between employers. Several employers complained about losing workers during the height of the peak season,



Image 9.10. Small business promoting employee retention by closing early and providing a getaway for employees. (Source: Author's collection).

which often happens if a slightly better wage is offered by another employer or if a better shift is available with another company. As explained by a local business owner who runs a restaurant and a resort hotel:

Int: So explain to me a little about your labor force.

Owner: It's sketchy because we don't have access to the Mexicans like the States would have...and in the restaurant business, guys will jump ship for 50 cents an hour, they don't even, it costs me \$5,000 to train somebody.

Given these labor market conditions, employers in Fernie have relied on different segments of the labor force to help meet various demands.

The Labor Force

Fernie's tourism industry, which has increasingly drawn visitors from around the world, has also increasingly employed workers from outside the region. The majority of these workers are young people, either Canadians or short term workers from mostly Commonwealth Countries using a Working Holiday Visa who are looking to work in Fernie seasonally and take advantage of the outdoor amenities. Prior to the recent spike in the cost of living, Canadians and visitors on a Working Holiday Visa provided a sufficient labor force to meet the needs of one peak season in the winter. However, as the cost of living increased and wages in the hospitality sector remained low, these sources of labor became less sustainable and reliable, opening a need that is just beginning to be filled by temporary foreign workers, largely from the Philippines and other countries of the 'Global South.' The labor market in Fernie today consists of a combination of workers with different visas/immigration status, that are incorporated into different divisions of labor based both on the parameters of their status as well as the local social and economic characteristics of the community. The following section addresses the

characteristics of each of these categories as well as their influence on labor market dynamics.

Native Born Canadians

While still an important source of seasonal labor for many employers in Fernie, the relative value of native born Canadians to the labor market in Fernie seems to be consistently declining. Employers that I interviewed, as well as those in the Go2 study, perceive Canadians as having a poor work ethic and little motivation to commit to low wage work. As one manager of a grocery store commented:

Int: Describe the staff over time since you started and how things have changed.

Manager: Well I came from the coast, and I was an assistant manager at a store there for nine years and from the day we came up here and opened the store, I've always said that, one, it's a different work ethic in the Kootenays, everybody's kind of more laid back, it's that, I'm here to hike, I'm here to fish, I'm here to enjoy the lifestyle first and work, if time allows, after.

College and high school students that used to fill peak labor needs are becoming less available. An owner of a fast food restaurant that has operated in Fernie for over a decade and now relies almost exclusively on temporary foreign workers (TFWs), describes how his labor force used to be composed primarily of Canadians:

When I built and opened it, there was not a hiring problem. In fact, we had a sizeable staff and quality applicants. However, as the mine grew in size and appetite for workers and as the tourist, resort businesses grew in size, the shortage of workers became much more significant. Initially, we relied totally on local folks as employees. Some were women who wanted to earn some extra money, others wanted full time work and still others were kids from the high school...in most cities, high school students are an excellent source of part time employees. This is true throughout North America. But not true in Fernie. The coal mining industry pays extremely well, so the parents of many of the high school students have plenty of disposable income and the kids are not required to work in these families.

Employment at the mines has removed many local Canadians from the service sector. A similar dynamic was expressed during an interview with a former manager of a resort hotel. It should be noted that many people in Fernie do not refer directly to the temporary foreign worker program (TFWP) but rather use the terminology of labor market opinion to denote use of the program¹⁰:

Int: So the ones on labor market opinions at [a resort hotel], were there certain positions that were harder to fill?

Former manager: Yeah, at that time, housekeeping was really hard to fill, because again, they can go to the mine at \$34 an hour and we only paid whatever, twelve, so no local will do that, because there's enough work at that time. Now it is still the same.

Many employers in the service sector have been unable to compete with the mines for employees for a number of years¹¹. For this reason, employers in the service sector largely rely on individuals carrying a Working Holiday Visa to meet seasonal labor needs. Interviews with employers and community members indicate that young people on a Working Holiday Visa have been coming for Fernie for at least a decade, and likely started arriving in the 1990s.

Working Holiday Visa

Individuals from select countries are able to enter Canada on a Working Holiday Visa (WHV) (renamed the International Experience Canada Initiative in 2014). The WHV is a program composed of bilateral agreements between Canada and roughly thirty countries throughout the world. It should be noted that the majority of these countries are either former Commonwealth members or European. The program is designed for young

¹⁰ A labor market opinion is an employer's proof that they were unable to obtain workers locally and are thus eligible to import TFWs.

¹¹ The expansion of the Alberta tar sands has also removed potential Canadians from the local labor market in Fernie, further exacerbating labor shortages.

people age eighteen to thirty-five who are considered “young professionals.” Workers may remain in Canada for one to two years, depending on the visa, and have an open work permit which allows them to change employers freely after arrival. To be eligible for a WHV, applicants must carry their own health insurance, pay a participation fee, and demonstrate the possession of sufficient funds in their bank accounts. According to the Government of Canada, the WHV is “a rite of passage... a dream of many... and a once-in-a-lifetime opportunity too good to miss” (Foreign Affairs, Trade, and Development Canada). The WHV is primarily framed as a cultural experience, rather than an employment opportunity and the ability to work while in Canada is promoted as a way to help sustain that cultural experience and perhaps return home with a bit of change.

In Fernie, the WHV brings individuals primarily from the United Kingdom, Australia, and New Zealand (and a handful from Europe) who are either taking a ‘gap year’ between college and starting a career, or are in their early thirties and are essentially taking an extended holiday. They are overwhelmingly white, English speaking, and middle class. Indeed, the general sentiment of Holiday Visa workers (HVWs) is that “we come for the lifestyle, not for the money” (Holiday Visa worker, pers comm., 8/23/2013). From the standpoint of employers, HVWs are a mixed bag. On one hand, they are a great labor force because they come with skills and not for the money, so they are not too concerned with the jobs they get, a perspective expressed by this hotel manager:

Int: But then that also enables them to be choosy, because they’re not really here to make money?

Manager: Right, because a lot of them would come with full bank accounts for a fun year but in some respects that helped because they weren't actually that choosy because it was like, well I'm actually just, I'll take a job, a lot of them would look for jobs in the evenings, because they wanted to ski or snowboard during the day and we would, we had housekeeping duties that could happen in the evening as well. There was always stuff that could be done.

Int: So within the housekeeping realm, those were easier?

Manager: Afternoon or evening shifts were definitely easier. Yeah, they didn't want to work nine to five.

Int: So do you think it was less about the nature of housekeeping and more about the timing of the shift?

Manager: Yeah, absolutely.

While perhaps not specifically concerned with wages, HVWs have mobility in the labor market, and will often change jobs for better shifts, sometimes during the peak of the season, leaving employers with a void to fill.

Not only do HVWs have labor market mobility, but they also have social mobility in Fernie. They are not considered, nor do they consider themselves, to be foreign workers. People in the community describe them as 'internationals.' What is significant about those arriving on a WHV is that they do not stand out from the local population. Physically, they are not visible within the larger dominantly white population in Fernie. Economically, they have similar spending abilities as the middle and upper class population of Fernie and occupy a variety of positions in nearly all sectors of the seasonal labor market. And finally, socially, they are completely integrated into the community, enjoying the same spaces of social interaction as native Canadians. Indeed, HVWs "come for the same reasons as tourists, and in fact are classified as tourists when not working" (Go2, 2013: 59). If there is anything that may highlight difference or segregate HVWs from the community of Fernie, it is their reputation for drinking and partying late into the night, which has caused some tension for the community. Due to the high cost of housing, they tend to crowd into rental units, which has also contributed to a negative impression by some community members. Interviews that I conducted supported the statement by Go2 that, "during the peak seasons additional social issues were identified, such as vandalism, noise, and 'party houses' (Go2, 2013: 57).

Overall, the WHV has provided Fernie with access to a consistent supply of labor during the winter season. As Fernie is beginning to transition to a more year round economy, some of these workers are staying for the summer¹², but the majority of them are only present during ski season and even those numbers are beginning to decline slightly. As reported by Go2, “the availability of labour is decreasing, with employers witnessing a general decline in the overall number of job applicants over the last five years” (Go2, 2013: 58). Data from the Go2 study as well as personal interviews highlight that specific jobs are chronically difficult to fill, namely housekeepers and cooks. Even FAR, which is the most sought after employer by seasonal workers, revealed that they are beginning to face challenges filling these positions. Amidst a declining supply of labor and an expanding tourism market, employers in Fernie have started to turn to the temporary foreign worker program.

Low-skilled Temporary Foreign Workers

While the number remains small, there is a nascent movement by employers to utilize the temporary foreign worker program (TFWP) for low-skilled workers. Since around 2008¹³, when the tourism season started to transition to a more year round industry, the type of labor force being sought shifted to accommodate those needs. The chronic labor shortage for cooks and housekeepers has primarily driven demand for temporary foreign workers (TFWs) in Fernie. The first employer to bring TFWs to Fernie

¹² Because I conducted fieldwork in the summer, all of the HVWs I interviewed were ones that had arrived in the winter and chose to stay for the summer, which represents a minority of HVWs.

¹³ It should be noted that while the housing crash in 2008 reduced the numbers of visitors to Fernie, Fernie’s real estate market and overall economy were largely unaffected, a situation that was at least partially mitigated by the continual expansion of coal mining operations.

was Tim Horton's¹⁴, followed by a cleaning company, and a hotel (business owner, pers. comm., 8/12/2013; hotel manager, pers. comm., 8/30/2013). Today the largest employer of TFWs, both in terms of business size and demand for workers, is the fast food industry. Employers who hire TFWs are not required to pay for housing their workers, but do help to arrange it.

While there is no data available from the Canadian government on the characteristics of the TFWP in Fernie, both field observation and interviews suggest that low-skilled TFWs consist primarily of Filipinos. While it appears that both men and women are employed in fast food, the majority of TFWs in housekeeping are women, indicating that there is likely a gender bias within the Filipino population of Fernie. Although still quite small, the Filipino population is increasing, and the presence of a non-white, non-native English speaking population is introducing an entirely new dynamic in Fernie, which will be explored in greater detail later.

Although the majority of TFWs employed in Fernie are Filipino, the program is used by some HVWs who are seeking ways to remain in Fernie. Depending on the country of origin, many HVWs are not able to remain beyond a certain age or renew their visa, so they turn to the TFWP. Often times, this avenue is pursued by an employee who has a working relationship with an employer who can sponsor them after acquiring an approved labor market opinion. In this way, the TFWP is used by employers to retain particular individuals and by HVWs to either remain in Fernie for a few more years, or continue to work while pursuing residency. While they may be employed in low-skilled positions, HVWs are well positioned to apply for residency because they tend to have the skills necessary to pass the point system. In addition to the low-skilled stream, some

¹⁴ Tim Horton's is a popular national fast food chain that uses TFWs in its stores throughout Canada.

utilize the TFWP for skilled tradesmen, skilled chefs, and managerial positions. These positions are often obtained by HVWs already in Fernie who are looking for ways to stay and work. Teck Coal also relies on the TFWP to fill numerous skilled and semi-skilled positions (Teck Coal representative, pers. comm., 9/5/2013). These workers come primarily from Jamaica and Ireland, and live in the mining towns in the northern end of the Elk River Valley, roughly thirty miles from Fernie.

Although Fernie is composed of different sets of workers, some arriving as HVWs and some as TFWs, both of them are primarily engaged in low-wage, service sector jobs. While their presence is evident in both the labor market and the community, there are vast differences in the material realities of workers arriving in Fernie that are based on the type of visa they have. As will be explored in the remainder of this chapter, these differences are an important indicator of how state constructed categories intersect with local social and economic conditions to shape everyday life.

Social Geographies

“Restricting immigration is not tantamount to restricting people’s mobility. In short, constructing people as foreigners has not resulted in their exclusion from Canadian society. Limits to immigration, then, lay not so much in the ability of states to restrict people’s geographical mobility but to restrict their freedom once they are within nationalized labour markets” (Sharma, 2006: 25).

Nandita Sharma’s (2006) analysis of Parliamentary discourse in the 1970s (discussed in detail in Chapter VI) is a provocative and theoretically compelling argument about the state’s role in constructing categories of belonging and the ideological power of those categories. What Sharma’s analysis does not do, however, is explore the material realities of those state constructed categories in the local context. However, when immigration status, constructed by Parliament at the federal level, intersects with local social and economic conditions, different geographies of mobility and belonging are produced. The

following analysis attempts to address how these categories- defined largely by the stipulations of their respective visas- influence both the communities and labor market realities of foreign workers in Fernie. Fernie's hospitality industry relies heavily on seasonal workers, the bulk of which now arrive from overseas. These workers can be further differentiated by the respective visas that dictate their presence in Canada- those on a WHV and those on the TFWP. The difference between these workers, and the status conferred to them by the Government of Canada is reflected in their everyday geographies, which is defined by both their visibility in the community and their labor market mobility.

Differentiating foreign workers in Fernie based on their visas, or immigration status, is a complicated division to make because there is a sizable proportion of TFWs in Fernie who transitioned from a WHV to the TFWP as an avenue to remain in Fernie. Thus, it would be false to claim that TFWs are solely racial minorities from less developed countries. However, unlike Filipinos who arrive in Fernie as low-skilled TFWs, workers who transition from a WHV to the TFWP still have more mobility than their Filipino counterparts. With a few exceptions, they tend to remain with the same employers they had while working with a WHV, indicating the desirability of their jobs. Importantly, the choice to participate in the TFWP is motivated by lifestyle rather than income and actually reflects a high level of mobility. For example, one former HVW I interviewed who transitioned to the TFWP and was employed in housekeeping was in the process of marrying a Canadian man and was using the TFWP as a way to legally work until her application for residency was processed.

Given the blurred boundary that sometimes arises between workers on a WHV and the TFWP, analyzing them as separate categories may appear arbitrary. However, one of the most compelling arguments for reaffirming this distinction comes from the perspectives of the community itself. Indeed, a striking indicator of social difference and belonging between TFWs and HVWs is the tendency to refer to the former as “foreign” and the latter as “international.” This tendency reaffirms the racial, linguistic, and nationalistic components that mark the foreignness of TFWs in Fernie. They *appear* different from the community, reinforcing perceptions that actual differences exist. These perceptions are nonetheless shaped by an ideological category of unbelonging that is constructed by Parliament through the TFWP. Indeed, categories of immigration status not only dictate who belongs and in what manner at the national scale, but also become mapped onto other categories and processes that define social positions at the community scale. The discursive distinction between TFWs as ‘foreign’ and HVWs as ‘international’ reveals, not only the power of state constructed categories to shape public attitudes and influence everyday life, but the interaction between formalized processes of exclusion produced by the state and more informal processes of exclusion that emerge through localized social and economic conditions.

With the exception of a handful of immigrants, a few Filipino-Americans, and a small number of Filipino immigrants who have transitioned to residency from the TFWP, the majority of Filipinos in Fernie are low-skilled TFWs. It is difficult to estimate the total number of Filipinos living in Fernie. Conversations with the local Catholic Church indicate that there are twelve to eighteen Filipinos who regularly attend services, and that number is growing slowly but steadily. Based on interviews with business owners that

employ TFWs, I estimate there are roughly forty to fifty Filipinos employed in Fernie as TFWs (out of a total population of roughly 4,000). Despite the lack of a firm number, the contradictory viewpoints expressed by interviewees hints at the lack of social interaction between Filipinos and the broader community of Fernie. Several interviewees expressed the sentiment that “Fernie doesn’t have a Filipino community” (longtime resident, pers comm., 8/30/2013). While on the other hand, an interview with another community member produced the following exchange:

Int: So people have said, oh there's a growing Filipino population and others have said there isn't.

Community member: I just don't think they see it.

The presence of a variety of Filipino products in the local grocery store suggests a sizable presence of Filipinos in Fernie. This was revealed both through participant observation as well as an interview with the manager of a grocery store:

Int: Have the items that you stock here changed, in terms of people that are shopping here?

Store manager: I've tweaked a few things, as far as bringing in more I'm definitely carrying more Filipino products now because of the people that are now being employed in Fernie.

Int: And when do you think that started?

Store manager: I would say probably one and a half, two, three years ago, in that time frame. It hasn't been since we opened for sure. But other than that not much has changed in the store.

Int: And you get a fair number of Filipino shoppers?

Store manager: There's a definite little community that's growing, like a lot of them work at Tim Horton's and Boston Pizza and I think they're starting to now bring their family members over, so they're starting to apply for visas.

Descriptions of the presence of Filipinos in the community are inconsistent, reflecting the tenuousness of their social belonging in the community. Further underscoring this tenuousness is an absence of the visibility of Filipinos in Fernie which, according to a

Holiday Visa worker who arrived in Fernie in 2008, is not at all based on their actual numbers:

Holiday Visa Worker: Every month or two months, all a sudden I see them out somewhere.

Int: A party or?

Holiday Visa Worker: Yeah, just a whole bunch of them out, but just randomly, once every couple weeks.

Int: So you don't really see them day to day?

Holiday Visa Worker: No, not at all, I don't even know where they stay or I don't know if they shop here, I see them working, if they're working in jobs like that, but then that's it, I don't see them anywhere.

Int: So you don't have a sense of how much that population has grown since you got here?

Holiday Visa Worker: Oh totally yeah. I try to go and talk to them, so I saw them out at the Royal [local Bar] one night and I came up to them and said, I see you working but I never see you out, I'm interested in them too, cause I just never see them, and I know that people have been starting to do the LMOs¹⁵ from overseas and they come in and obviously their families want to do it so they want to come in and yeah, they've probably, since I've been here quadrupled in size in terms of how many were here in the first place.

Int: And what do you base that off of?

Holiday Visa Worker: From talking to them, just saying to them, how come there's so many of you here right now, I always thought there was a couple of you and they're like oh no we've come in.

Exploring the visibility of Filipinos in Fernie provides insight into understanding their mobility, which in turn reflects their manner of belonging in the community. The absence of their physical presence in a range of public spaces frequented by the predominately white population indicates an absence of social interaction and thus belonging in the social fabric of the community. Indeed, as expressed by the Holiday Visa Worker above, the visibility of Filipinos is almost exclusively tied to their place of employment. This observation was captured succinctly by a community member:

¹⁵ LMOs refers to labor market opinions, which is a process that employers must undertake prior to applying for a TFW to prove that no native worker is available.

People say that there's this big Filipino community that's growing, but I don't really see it, it's not out there, you don't see them walking around, hanging out at the bars and coffee shops, so I don't know. They might be serving you a coffee when you drive through Tim Horton's, but that's about it.

The lack of visibility of the growing Filipino population in Fernie is not only something that interview respondents described, but also something that I continually observed through participant observation.

One of my key questions while conducting research in Fernie was to understand the level of interaction between foreign workers and the local community. Understanding this interaction would allow me to evaluate a sense of belonging for both foreign workers and the broader community. Evaluating this interaction was quite obvious and transparent in the case of HVWs who, as previously mentioned, are largely indistinguishable from the resident community, which is predominately white. In fact, the nature of their visa provides them with an identity that is less tied to their role as workers, and more aligned to the role of tourists, encouraging them to take part in national and local cultures and public activities. However, in trying to gauge a degree of interaction and belonging for the Filipino community, I was unable to reach this less visible community, which in and of itself reveals a lack of social inclusion. I only encountered Filipinos at their place of work, and as such did not feel it was ethical or appropriate for me to establish contact with them. Although I made several contacts through personal channels and had brief interactions via phone with several Filipino TFWs, they were either not available or not willing to talk with me. One worker that I attempted to interview in August 2013 filed a labor claim against his former employer in December 2013 alleging wage violations (The Free Press, 12/5/13). I suspect this may have influenced his reluctance to speak with me. A Filipina-American resident of Fernie that I spoke with informally stated that she had

very little contact with the broader Filipino community and could not comment on how they were interacting with the community or the nature of their arrival or duration of stay. Thus, while I did not conduct any full, in-person interviews with Filipino TFWs, the difficulty I experienced in encountering them during two months of residency indicates their lack of visibility¹⁶. Indeed, as the above interview respondents indicated, the fact that the visibility of Filipino TFWs in Fernie is primarily tied to their place of employment reveals that their belonging is inherently rooted in their position in the labor market.

The lack of visibility of Filipinos in Fernie was reinforced by interviewees who stated that the Filipino community is very closed and insular. When interviewing the local catholic priest, I asked him how the Filipino community was fairing and he replied “they keep to themselves, that’s how they fare” (pers.comm, 9/8/2013). Even when interviewing participants in managerial positions who supervise Filipino TFWs it was difficult to understand the nature of their relations- indeed, off the record, people expressed discomfort, explaining in confidence to me how difficult it was to establish personal relationships. One upper level hotel employee described an imbalance of power that she felt existed between her and the Filipino employees at the hotel where she works, despite the fact that she was not in a supervisory role. She talked about the long period of time it had taken her just to begin to establish friendships with Filipinos she interacted with daily at the hotel, describing them as a closed social group bounded by “a line they don’t cross” (pers. comm., 8/22/2013).

¹⁶ While I was in Fernie only during the summer season, this does not affect the accessibility of TFWs, as their contracts are for continuous employment throughout a two year time period.

The geographic and social mobility of Filipinos in Fernie may only be partially limited purely by economic conditions, particularly given the high cost of living there. Many Filipinos in Fernie are employed in low-wage jobs and are bound to those jobs by their visa. The economic constraints that shape their mobility are a prime example of how state immigration policy interacts with local conditions to produce different levels of exclusion. In addition to the constraints placed on them based on their immigration status, the fact that Filipino TFWs in Fernie are a racial minority in a rural area dominated by an Anglo population reinforces and perhaps even legitimizes their lack of social and economic mobility. Indeed, there is a strong and normalized distinction made by both employers and the community at large between Filipinos who come to Fernie “to better themselves” versus ‘international’ workers who “come for the lifestyle and not the money” (business owner, pers comm., 8/27/2013; HVW, pers. comm., 8/23/2013). This perception of the different spaces that these workers of different status occupy not only shapes ideas of where they ‘belong’ but also influences employer strategies and labor market dynamics in Fernie.

Labor Market Dynamics

“The maintenance of national borders occurs not only at the boundary between one national state and another, but also within national space. This is clearly manifested within the labour market where workers labour under highly differentiated state categories of residence” (Sharma, 2006: 144).

In addition to the distinction between workers of different status that is evident in the social fabric of the community, there are also distinctions that are evident in the labor market. These distinctions play out through divisions of labor and shape how employers navigate the challenges of Fernie’s seasonal labor market, once again revealing the ways in which labor market transformations, and ultimately the social geographies of

communities, intersect with immigration policies and laws that themselves are embedded in particular racialized categories and assumptions about ‘the nation.’

A common perception exists among employers in Fernie about a different work ethic and level of commitment between HVWs and TFWs. This perception is based on qualitative attributes of the workers themselves, and largely concerns their behavior in the workplace. As this business owner stated:

These guys want to work, they want to show up, they show up on time, their punctual, they do their job, they’re not out getting drunk and stoned... they’re here to do a job, because if they screw up, their gone.

The ‘superior’ work ethic associated with TFWs compared to HVWs is shaped by the nature of their labor contracts which differ vastly based on their visas. The primary purpose of the WHV is to allow young people who travel to Canada to have the ability to work, in order to sustain the travel experience. As such, they have an open work permit, allowing them to switch jobs like any Canadian resident. However, the purpose of the TFWP is to provide Canadian employers with labor that they cannot get locally, and hence the presence of TFWs in Canada is based solely on the work contract. Although technically, they are allowed to switch employers- and they sometimes do- this is a precarious transition that can leave them vulnerable to deportation. Due to the differences that underlie their visa categories, TFWs often are more structurally ‘committed’ or obliged to remain in the positions they are in. However, in the cases where a HVW transitioned to become a TFW, they almost always had a previous relationship with the employer (who must sponsor them) and thus have either an established work history or personal connection with the employer. The mobility afforded to HVWs is not something that they sacrifice after becoming TFWs, largely due to the sentiment expressed earlier that HVWs “come for the lifestyle and not the money”

(HVW, pers. comm., 8/23/2013). Indeed, all of the HVWs that I interviewed who had transitioned to the TFWP had been motivated, not by the income, but by a desire to stay, and essentially play, in Fernie or to make some money while applying for residency.

Divisions of Labor

Differences between state constructed categories of status not only dictate the parameters of the labor contract, but also the respective socio-economic conditions of individual workers. A worker arriving in Fernie as a low-skilled TFW does so because he or she does not have access to Canada's labor market through alternative channels. At the same time, employers in Fernie who pursue the TFWP do so because they are unable to fill those positions with the labor force at hand. The result is the emergence of a dual labor market in which TFWs occupy the "bottom rung" or least desirable jobs and shifts within the community. This labor market dynamic is largely the result of structural changes in the local economy that increased the demand for low-wage service workers- a demand that has been met by the political creation of temporary foreign workers that provide a wonderful 'solution' to recruit and retain workers into these jobs.

The majority of low-skilled TFWs in Fernie work either in the fast food industry or as housekeepers. These positions are characterized by employers in Fernie as chronically short of labor, partially due to the fact that high school students and women who had traditionally occupied these positions are supported directly or indirectly through the relatively high-wage employment available in the mines. The growing prosperity of the mining industry has created a situation that has removed these potential workers from the labor market, as part-time, low-wage work is no longer a necessity for them. At the same time, a former reliance on HVWs is also beginning to diminish as

these workers are increasingly arriving in Fernie with less incentive and desire for employment. As one housekeeping manager described, the growing affluence of the seasonal workforce over the last decade has contributed to a demand for TFWs to fill specific positions:

Manager: It's getting to the point that we're seeing the Australians and New Zealanders that are coming, are richer, they don't have to work.

Int: So that's been a change since you started?

Manager: Yes, they're not getting here and having no money and stuff so that most of them, ninety percent of them are here just to have fun. Maybe work part time, but they're not scrambling for jobs like they used to.

Int: Which I would think is a Catch 22 for trying to fill a housecleaning position.

Manager: It is, and that's why we have gone to the foreign workers.

A decreasing availability of HVWs, particularly in certain positions, has combined with a rise in less desirable jobs, deepening dual labor market dynamics. As one resort employee described in this exchange:

Int: So I'm still trying to get a sense of the shift between a dependence on Australians and New Zealanders to Filipino workers and I'm still trying to figure out what drove that.

Employee: I think it just got to the point where there were more, I guess I'll say entry level type positions or back of the house type positions, lower skilled jobs that we just couldn't fill in this town and so I think matching that up with a desire from the foreign workers to come to a new country, make a new start, get ahead for themselves and their families.

These structural changes to Fernie's labor market are likely to permanently reinforce both social perceptions and labor relations that will eventually result in jobs in the fast food and housekeeping industries being normalized in the community as work that is only done by temporary foreign workers from the Global South.

The recruitment of TFWs also represents a critical component of how labor market dynamics have evolved in relation to legal statuses and temporary worker

policies. For example, some employers of TFWs that I interviewed relied on personal references and social networks to recruit workers from overseas. One Filipino TFW that I spoke with informally via phone told me that he served as a recruiter for a fast food restaurant in town, which may explain the dominance of Filipino TFWs in that industry¹⁷. Others, however, are not willing to take the risk of hiring (and covering the travel costs) to bring workers from abroad without first meeting them and either juggle the unpredictability of Canadian workers, or manage to maintain a revolving door of HVWs. As one employer, who only hires TFWs already present in Fernie commented, “it’s too high a cost, it’s too scary to hire people you never met” (pers comm., 8/29/2013). Tellingly, this business owner has decided to close one branch of her businesses due to the difficulty of finding and maintaining staff. In addition to a decrease in the availability of HVWs and an increase in low-wage, “back of the house” positions, a growing reliance on TFWs has also been driven by employer’s desire for more consistency and stability.

Consistency and Stability

Growth in the tourism industry from one peak winter season to an additional peak summer season has presented challenges for Fernie’s businesses to maintain an adequate labor force. As the nature of the tourism industry has changed, so has employer’s reliance on the TFWP. TFWs were originally recruited to Fernie during the height of the economic boom, around 2008. The program was utilized by employers as a strategy to fill positions for which no local labor force could be found. However, what was originally a strategy to find ‘warm bodies’ is increasingly an avenue to secure a certain type of labor that provides stability and consistency. This re-shaping of the labor market was partially

¹⁷ It should be noted that the national fast food chain, Tim Horton’s, employs Filipino TFWs in its stores throughout Canada.

driven by the nature of the work permit (a condition constructed by the Government of Canada) and partially by employer strategies to meet local labor market needs.

When Fernie was dominated by one peak winter season, employers were able to meet their labor needs with seasonal workers, both young Canadians and HVWs. However, many of these workers have shied away from year round employment in Fernie's service industry. Young Canadians in search of year round employment tend to go to the mine, and most HVWs do not arrive in Fernie with the intention of staying beyond the winter season. In this context, TFWs are increasingly being used by employers to accommodate year round labor needs, while peak seasonal needs are met with Canadians and HVWs.

There are two reasons that TFWs are used by employers to maintain stability in year round positions. One is the parameters of the labor contract for TFWs, which requires that they maintain a minimum number of hours year round to remain in Canada, and thus cannot have their hours reduced during the slack seasons of spring and fall. As a result of this stipulation, it is Canadian workers and HVWs that either get laid off or have their hours reduced when business is slow. This situation was explained by the owner of several local businesses, who describes the reasons why some businesses feel 'forced' to use TFWs and the consequence of native Canadians getting laid off:

Many raise their hands being forced to do that [hire TFWs] because less folks are coming in that we've traditionally relied on to fill those jobs, they're not here as long, regardless about talking anything about generations and their work ethic, they're not here as much, whereas the feedback that I have heard from anyone going through the LMO process has been very positive, that they get dependable workers, who want to be here, they know how long they're here, they want to make their money. The one stress that does come up is when they do hire someone through an LMO they have to guarantee them full time hours, but then if something seasonal starts to happen and they're, say it rains in the start of December and the ski hill doesn't really get swinging until January, they're forced to cut hours of Canadians or permanent residents and keep their LMO person on full time hours, so optically, it can make for

bad politics and they personally struggle with it, but they understand that they committed to guaranteeing this person hours, but they can't afford to keep everybody on if the volume is not there.

As this business owner highlights, TFWs provide a much more consistent labor force than other alternatives. However, employers that rely on the TFWP also have a commitment to maintaining that consistency so as not to violate the work contract. This can create challenges for them if the tourist season is slow, and can also “make for bad politics” in the event that Canadian workers or HVWs get laid off or reduced hours when business is slow.

The second reason for utilizing TFWs as an avenue to stability is the level of commitment that is associated with TFWs, a perception by employers that extends beyond the work contract and duration of employment to qualitative characteristics based on the positive work ethic of TFWs. An upper level employee at one hotel that relies heavily on the TFWP described the program as “the way to go because it's too hard with local people, they don't want to make a commitment to working and in this industry you need someone that's going to make a commitment” (hotel employee, pers comm., 8/30/2013). Another business owner who employs TFWs commented:

Business owner: I'm not constantly, it's funny, because people keep thinking in town that I'm constantly employing temporary foreign workers, in fact that's not the case at all. I originally brought 3 in on the program... who are great and we've had to keep, they really have been the backbone of the company, in it changing in different ways and I have to say have really filled those, even those short term needs in being flexible in how that works. If it wasn't for them there would be a lot of times that you were just like...

Int: Scrambling?

Business owner: Yeah, and so it's not temporary, it really does give you consistency. There is also a sentiment expressed by employers that the nature of the TFW visa gives them a certain amount of power over workers, which facilitates worker retention and

shapes a work ethic that is positive for business operations. This sentiment is revealed by a former resort manager:

I think the LMO is great, I'm in favor of that. We had a couple of people working at [name of hotel]...and they stayed. They work hard because they know if they don't, sorry, they're out of the country.

Another business owner describes a similar perspective:

Int: Have both your businesses become more year round in the summer since you started?

Owner: Yeah, used to be feast and famine in Fernie, now it's, this place is easily as busy in the winter as it is in the summer, and then the lodge is probably 70-30 right now but every year it goes up a couple more points in the summer.

Int: Does that make it easier to keep staff?

Owner: One hundred percent... I can guarantee my guys forty hours of work a week all year long. But the problem is everybody becomes reliant on everyone else, we don't have a lot of excess baggage, so if one guy gets sick or decides he wants to go to Shambalah for a music festival or goes on holiday, it really puts a cramp in everyone else's program. So they want the hours when they're available and then they want to take holidays so that's why we're getting our two extra guys [TFWs] and everybody is going to drop about 5-6 hours a week.

Int: Cause these guys will be one hundred percent, year round?

Owner: These guys will be my slaves, so to speak, for 5 years.

As described by both these interview respondents, TFWs are a source of labor that is disciplined and obliged by their visa, which enables employers in Fernie to navigate the challenges of the labor market.

In Fernie, workers of different status are utilized by employers in different ways to negotiate labor market needs, which in turn re-shapes how the labor market functions. Indeed, this analysis of the influence of the TFWP on labor market dynamics in Fernie reveals that the program is used to acquire a stable labor force with longevity, rather than a way to meet temporary labor shortages. However, this desire for consistency is not simply a strategy used by employers. HVWs who transition status use the TFWP either as

an avenue to extend their temporary stay, or a stop gap measure until they've achieved permanent residency. Furthermore, I heard from a number of employers that many Filipinos arriving as TFWs are able to negotiate the system to position themselves to apply for residency. This is done despite the fact that there is technically no avenue to residency for low-skilled TFWs in British Columbia. However, if they are able to get a promotion from their current position, they are placed in a semi-skilled category, which will enable them to be nominated for residency through the provincial nominee program (PNP) (See Chapter VI). This not only ties them to their employer and dictates a certain standard of laboring, but also provides another interesting example of how the everyday existence of TFWs is shaped by national policy. Indeed, the devolution of citizenship granting authority from the federal government to Canadian provinces and employers reinforces the role that TFWs play in providing stability and consistency in the labor market.

Rather than a source for temporary, flexible, or disposable workers, the TFWP is actually used as a strategy to acquire stability and longevity in Fernie by both employers and employees alike. For employers, it fills a chronic labor shortage and for employees it is often part of a broader strategy to remain in Canada for the long term. Both of these outcomes are almost the polar opposite of the stated purpose of the policy.

Conclusion

This analysis of the changing labor market and community dynamics in Fernie provides an example of how state constructed categories of immigration status intersect with social and economic conditions in a rural community that is largely dependent on amenity based tourism. As processes of globalization have expanded Fernie's labor

market needs, employers have relied on workers with different status to negotiate both seasonal labor fluctuations and fill chronic shortages. What has resulted is a re-shaping of the local labor market and the emergence of a dual labor market in which Filipino TFWs occupy the least desirable shifts and positions, and HVWs receive the privilege of mobility and choice. This is a major transition from the early 1990s, when both native Canadians (often women and high school students) and HVWs occupied a variety of positions throughout the labor market. The nature of this transition is shaped by differences in immigration status, which are partially defined by race, ethnicity, and nationality as the growing number of TFWs in Fernie are arriving from the Philippines.

The recent arrival of Filipinos under the temporary foreign worker program, while still relatively small in number, presents a new dynamic to the rural and racially homogenous community in Fernie. This analysis of the relative invisibility of Filipinos TFWs highlights that the 'spaces' in which they are visible are predominately tied to their place of employment. HVWs, on the other hand, permeate the social fabric of the community, to the point that they are nearly indistinguishable. These everyday, material realities are not only produced by state constructed categories of immigration status but also serve to reinforce and normalize the process of organizing groups of people into hierarchies of belonging. As Nandita Sharma suggests,

[state] identifications are always about positioning people within a grid of power in which ideas of belonging mark not where one is located geographically but where one is positioned within the global political economy of home.

Differentiated identities are part of a kind of home economics whereby people are separated from one another not by space or place but by being 'embraced' by the nation and the state in highly differential ways (Sharma, 2006: 29).

Sharma's insightful analysis of the power of state categories to influence and shape both identity and belonging overlooks the material realities of that power in the local context.

Indeed, as the analysis in this chapter argues, differentiated identities do indeed reveal themselves through space and place. It is not only the political construction that holds power, but the dialectical relationship between state and society that provides a channel for the material production of inequality and categories of unbelonging.

This analysis has also drawn attention to the multiple ways that *legal status* shapes a disciplined workforce through mechanisms of deportability and the employer contract. This was particularly evident when employers referred to TFWs as “slaves” who “work hard because they know if they don’t... they’re out of the country.” While the parameters of this disciplined workforce have been structurally designed at the national scale, they have been shaped by social perceptions and economic strategies at the local scale.

CHAPTER X

GUEST WORKERS & THE LATINO LABOR FORCE IN SUN VALLEY, IDAHO

“It is reasonable to suggest that citizenship also strategically divides a global labor force. In my interpretation of segmentation theory, workers with different citizenships tend to be tied to different segments of the labor market. Whether workers with different citizenships are locked into different nation-states due to mobility constraints or are mobile and live inside a single country...does not fundamentally change this function of citizenship” (Bauder, 2006: 29).

This chapter presents a second case study of the Sun Valley area to explore how workers of different immigrant (and non-immigrant) status have been recruited into the labor market and intertwined with the social geography of this rural resort community in the U.S. Specifically, I address how structural changes to Sun Valley’s economy since the 1990s have created a demand for labor that has drawn from a combination of Latino immigrants (both documented and undocumented) and guest workers of many nationalities. Although this dissertation is primarily focused on guest workers, the presence of Latino workers in local industries since the early 1990s has mitigated employer’s use of formal visa programs in Sun Valley and is thus a critical element to understanding how guest workers become imbricated into local social and economic conditions. I begin with a geographic and socio-economic description of the Sun Valley area, followed by an analysis of how changes in the labor force have re-shaped both labor market dynamics and the community itself.

The town of Sun Valley is located in the Wood River Valley of south-central Idaho, roughly two and half hours east of the city of Boise (Image 10.1). Sun Valley itself is both a town and a privately owned resort, but is also identified with the Wood River

Valley as a whole.¹⁸ This has been particularly true since the mid-1990s as an increasing percentage of the labor force supporting the resort and tourism industry live in the



Image 10.1. Idaho and Sun Valley (Source: SV Preferred Reservations)

southern end of the Wood River Valley, creating strong economic and social ties throughout the Valley. The primary population centers are the towns of Ketchum, Hailey, and Bellevue, which are dotted along the river, south of Sun Valley (Image 10.2).

Prior to the development of Sun Valley as a resort, the towns in the Wood River Valley were primarily dependent upon silver mining and shepherding

(Ketchum Draft Comprehensive Plan, 2013). The creation of Sun Valley (both the town and the resort)

was initiated in the 1930s by officials from the Union Pacific Railroad who wanted to create the first destination ski resort in the United States. From its inception, Sun Valley was marketed as a resort for America's wealthiest (Ketchum Draft Comprehensive Plan, 2013).

The resort expanded in the 1960s when ownership changed hands, and again in the 1980s when Sun Valley Company was purchased by Sinclair Oil, the current owner. Despite expansion of guest services and skiable terrain, the draw of Sun Valley Resort remains relatively small. While similar in base population size, Sun Valley is dwarfed in tourism by Aspen, for example, that tends to receive twice the tourism traffic (Foley, 2005). Indeed, Sun Valley continues to market itself as a playground for a small group of

¹⁸ In this dissertation, 'the Valley' is used to refer to Sun Valley and the Wood River Valley interchangeably.

the rich and famous, while maintaining its small town charm. Fieldwork revealed that it is a place where a celebrity such as Arnold Schwarzenegger has the ability to go to breakfast and not draw a crowd of spectators. Although Sun Valley is the iconic resort town that drives the tourism industry of the entire Valley, the population base and the workforce supporting the tourism industry is spread throughout the towns of Ketchum, Hailey, and Bellevue, each of which has a unique socio-economic profile (Image 10.2 & Table 10.1). The different demographic and economic characteristics of these towns provide an important background to the functioning of the labor market and social dynamics of the Valley, as the majority of the labor force is located outside the towns of Ketchum and Sun Valley. The Valley is nested in Blaine County, which had a population of 21,000 in 2010 (Sustain Blaine, 2012). Sun Valley itself consists primarily of second home owners, which occupy roughly two thirds of the housing stock (City of Sun Valley Comprehensive Plan, 2005). The city of Ketchum, located directly next to Sun Valley, is also composed primarily of second homes, with sixty percent of housing stock belonging to seasonal residents. In contrast, the towns of Hailey and Bellevue, located roughly ten to twelve miles south of Ketchum and Sun Valley consist primarily of year round residents. Various socio-economic characteristics, presented in Table 10.1 below, illustrate the differences in the Valley.



Image 10.2. Map of Wood River Valley (Source: Wood River Bike Coalition).

Table 10.1. Socio-economic characteristics of towns in the Wood River Valley (Source: American Community Survey, 2012 & Sustain Blaine, 2010 Community Profiles).

Town	Population	Median Household Income	Median Home Values	Median Age	Percent Latino
Sun Valley	1,400	\$59,000	\$934,000	54 years	5%
Ketchum	3,000	\$52,000	\$720,000	44 years	9%
Hailey	8,000	\$57,000	\$366,000	35 years	28%
Bellevue	2,300	\$45,000	\$320,000	35 years	28%

As shown in Table 10.1, although the income levels for Sun Valley and Ketchum appear comparable to those of Hailey and Bellevue, over half of the population in the former towns is composed of seasonal residents, whose income levels are not captured by the U.S. Census. This is important because the economy is supported largely by those seasonal residents, who have very high incomes, and heavily influence not only the economies of those towns but also its social fabric. Furthermore, it should also be noted that, while the median incomes for Hailey and Bellevue appear quite high, these numbers do not necessarily capture undocumented Latinos employed in low-wage service sector jobs. Despite these caveats, there is an obvious trend in housing prices, Latino populations, and age associated with distance from Sun Valley. Indeed, the bulk of the labor force supporting the tourism industry lives in Hailey, Bellevue, or towns located outside the Valley (a situation that will be discussed in greater detail in the labor market section of this chapter).

An “American Shangri-La”

Since its inception, Sun Valley has been marketed as a seasonal destination for the rich and famous in search of a quiet outdoor amenity oasis (Image 10.3). Celebrities such as Ernest Hemingway, Gary Cooper, Arnold Schwarzenegger, and Bruce Willis have

shaped Sun Valley's image of exclusivity. A close connection with Hollywood in the 1970s and 1980s created a migration stream between California and Sun Valley and many of the area's second home owners are California residents. This connection is underscored by the local airport, which provides direct flights to only four locations, two of which are to California- Los Angeles and San Francisco.



Image 10.3. Historical marketing images and pictures of Sun Valley, and a photo of Ernest Hemingway in Sun Valley. (Source: sunvalleyhistory.com, Sun Valley Images, 2002).

While this image of exclusivity has defined Sun Valley for decades, there is an increasing drive to expand the tourist base to include a greater population of visitors. Indeed, the high cost of a lift ticket at the ski resort, combined with the high end nature of

many of the area’s hotels and eateries has presented a challenge to sustaining the tourist based economy, particularly as many of Sun Valley’s clientele are older visitors (Image 10.4 below). Regardless of the shifting image of Sun Valley from an exclusive playground for the rich and famous to younger families seeking a variety of outdoor activities, the image of the typical Sun Valley visitor is still upper class, athletic, and white.



Image 10.4. The Sun Valley Lodge & Inn (Source: mountainreservations.com).

While the image of Sun Valley has remained fairly consistent over the years, textual analysis of local media publications reflects a growing concern with a lack of affordable housing. These concerns are reflected in the comprehensive plans for both Blaine County as a whole and the individual towns of Ketchum and Hailey (City of Ketchum, 2013; City of Sun Valley planner, personal communication, 10/9/2013). It is feared that this lack of housing will inhibit middle class families from establishing residence in the Valley, further contributing to less diversification of the economy and inhibiting a balance to the aging population. Ketchum in particular is striving to expand businesses beyond tourism in order to be a “balanced resort community” and to “create strategies to attract and retain young people” (City of Ketchum, 2012). It is also

increasingly recognized that there is a growing population of low-wage workers in hospitality and construction that do not have access to adequate housing. This contributes to both a commuter workforce as well as overcrowded residences (Ketchum City Council member, personal communication, 12/11/2013). Despite these undesirable characteristics, the Valley remains dominated by an image of wealth and exclusivity, which no doubt precludes the formation of affordable housing.

Affluence Beyond Hollywood

Although Sun Valley has always been defined as an exclusive resort, both the scale and the nature of affluence have shifted over the past several decades from a tight knit community bound by a love of skiing to one increasingly composed of part-time residents motivated by real estate investment and social status. The atmosphere of the 1970s and 1980s was described by one long time resident:

You'd always had the vacation homes...people used to come up here to get away from New York, LA, Seattle, San Francisco, this was their little haven away from that stuff in the city. I have distinct memories of sitting at the bar at the Pioneer with a CEO of some company, me- a bank teller, taxi driver, whatever- and a carpenter and the guy that drives the snow cat were all sitting and having a beer and talking and no one even knows what the other person does for a living, it doesn't matter, it's just that. And a lot of people felt they could escape the city life or the craziness, come up here and leave it behind. I think a lot of people then started coming here when it became a little more chic or the place to come, but they brought all that stuff with them... it used to be everyone was just here to have fun and enjoy it.

Changes in the social atmosphere of the Valley have been driven primarily by an influx of wealth from urban areas in the U.S. Indeed, Sun Valley's transition from an isolated resort town to a location for real estate investment and speculation was aided largely by a growing movement of wealth from urban to rural amenity destinations that occurred

throughout the U.S. beginning in the 1990s (Nelson et al, forthcoming). The City of Sun Valley itself recognized this trend in their 2005 Comprehensive Plan which stated:

Once a destination resort community with a diverse resident and moderate income second home population, the City is now composed of more part-time residents and significantly fewer moderate-income residents...this transition is occurring in resorts nationwide as the accumulation of wealth accelerates the demand for vacation homes in easily accessible locations. This trend is particularly noticeable in areas such as Sun Valley that offer a respite from omnipresent concerns about personal safety, traffic congestion, and the hurried urban lifestyle (City of Sun Valley Comprehensive Plan, 2005: 11).

This transition was also described as follows by a city employee who had been brought up in the area and, after relocating to Southern California for several decades, returned to the Valley in the late 1990s:

Employee: So in 20 years, it goes from a sleepy hideout and- I want to come here so I want to own property too- to should we park our money in Sun Valley, or Vail, or Aspen.

Int: So not necessarily to ski?

Employee: Pure speculation...if we have this stash of cash, let's put it somewhere, let's go look at Sun Valley. And then you get into the early 2000s and the normal person starts to do that instead of the millionaire or billionaire. I'm gonna buy 3 condos and it just goes mad. In 06 when things were nuts and all the ski towns were competing, you started to hear that conversation about the \$11 latte, whose going to serve it to you, there is not going to be a live body within 200, 300 miles who is able to get here, get paid minimum wage, serve you your latte for anything less than, \$11, \$15, so that was just starting to be realized. We needed to do something, we don't know what we'll do for housing when that lower end service pool comes back.

The massive spike in the cost of living that accompanied the influx of second home owners sent repercussions throughout the local labor market, as the demand for low-wage jobs exploded while the increasing cost of living drove out the existing labor force (City of Sun Valley planner, pers. comm., 10/9/2013).

The Labor Market

“Either you’re in the five house club or the five job club” (long time resident and social service worker, pers. comm., 11/8/2013).

The labor market in Sun Valley has been completely transformed from a small resort economy that catered to wealthy vacationers to one dominated by a proliferation of services that support second, third, and even fourth home owners. While the economy of Sun Valley has nearly always been seasonal in nature and resort oriented, the changes that occurred in the 1990s and 2000s brought a massive demand for low-wage workers in construction, landscaping, and housekeeping¹⁹. Second home owners demanded a level of service that had previously been almost non-existent in the Valley. As the manager of one landscaping company told me, homeowners began to request water features such as ponds and lakes, which required more labor and for longer periods of time. Such projects would cost tens of thousands of dollars and employ an entire crew for months at a time. The demand for labor quickly outgrew the local working population, which itself had been transformed from residents who worked low-wage jobs to feed their ski habit to a large proportion of residents that did not work at all. The economic and demographic changes brought about during the 1990s and 2000s have permanently re-shaped both the labor market dynamics and the labor force of this rural resort community. The influence of the rise of second home ownership on the economy was described by a long time resident:

Int: And the growth in second home ownership started after the 90s, late 90s?

Resident: It was always here, cause you always had the so and so's in town, and you would have 3,000 or 4,000 properties but 400 live bodies in town in the mid 70s and that was it. You'd have a snowball fight on main street when the bars

¹⁹ As of 2011, 35 percent of the County’s workforce was employed in either construction or leisure/hospitality, with another 17 percent in retail (Sustain Blaine, 2012).

closed, no cars, no activities, a sleepy little town, then it starts to grow and second home owners... it becomes an investment and it's much more widespread, people started to park serious money in different properties and it becomes more of a long term investment. So in the 80s and 90s we go from condos to enormous 70 percent second home owner type economy where the landscaper, property managers are making a killing but nobody's here.

Indeed, the expanded nature of services for this kind development created an increased demand for low-wage labor in particular. Prior to the explosion in second home ownership, this demand had been met primarily by American 'ski bums' that lived either year round or seasonally in the Valley. However, as the cost of living rose, employers increasingly relied on importing labor from outside of the community, primarily drawing in a Latino population, and, to a lesser extent, foreign workers on visa programs.

The labor force in the service sector in Sun Valley can be divided into roughly three categories: native workers, Latino workers, and guest workers. This division is significant because each of these groups of workers has a different influence on the labor market and that influence is heavily shaped by national constructions of belonging, as reflected through legal status. These constructions range from citizenship for native workers and some Latino immigrants, to temporary legal status for guest workers, and finally to 'illegal' status for undocumented workers. As will be argued later in this chapter, these constructions are not necessarily based on actual status, as many Latino immigrants in the Valley are American born citizens, yet they continue to encounter barriers to labor market mobility. This reflects not only how the state influences the labor market through the construction of national immigration policies, but also how local perceptions of belonging based on race and ethnicity become intertwined with those national policies to produce labor market realities shaped at multiple scales.

The American Ski Bum

Long-time residents or ‘locals’ that I interviewed spoke fondly of the time period when many of them first arrived in the Valley to work in seasonal jobs. Young people in their twenties and thirties would work several jobs, one of which was usually at the ski resort and provided them with a free ski pass. A labor force composed primarily of ‘locals’ was described by a resident who arrived in the early 1980s:

Int: Since you got here, what were some of the big changes?

Resident: It’s really changed. When we first got here it was still in the late stages of being a ski bum type of town. There was affluence but it was still a town where there was a true community, everybody knew each other... And the laborers who worked on projects and houses...I hired all local construction guys, everything was local, when the wind came up, they all left the job to go windsurfing down in Magic [Reservoir], that was just what happened... There were a few landscape companies, they were all local guys, it isn't the same as it is now. Then things started building and booming and things started changing and all the local ski bums who would ski in the winter and do construction or landscaping in the summer, that all changed, that whole dynamic changed.

A reliance on American workers to meet labor demand became unsustainable when the housing market expanded and the cost of housing began to increase in the early 90s, as described by an employee of the resort who grew up in the Valley:

They were for the most part Anglo kids and they'd either finished college or between semesters or they were living the adventure life and they came and they filled any position that would allow them to ski and recreate here. Then those jobs could not pay enough...as the price of real estate and the cost of living increased...kids couldn't afford to do them anymore.

Although the labor market in Sun Valley is no longer reliant on young ski bums, it should be noted that there are a fair number of individuals who arrived in the 70s and 80s to work at the ski resort, or often in retail, who have remained in the Valley and either continued to work in the service industry or moved into professional positions. They were

able to buy homes before housing prices escalated and have maintained a lifestyle of working to ski.

The nature and intensity of jobs responding to the amenity migration boom in the 1990s outstripped not only the supply of workers, but also the work ethic of the typical ski bum. This, combined with the rise in housing costs, made the ski bum lifestyle unsustainable, driving many away from the Valley. The loss of the American ski bum as a source of labor opened up the space for an entirely new dynamic in the labor market in Sun Valley. While there had always been some element of importing labor from outside the local region, changes in the 90s produced a heavy reliance on such labor, replacing what had previously been an occasional and casual need. This reliance was shifted primarily to Latinos, drawing them from the surrounding region and other areas of the U.S., as well as directly from Mexico and Peru.

Latino Immigrants

Latino immigrants have a relatively long history in the agricultural industry of south-central Idaho. For some time, Mexican and Peruvian workers have been employed in sheepherding and agriculture (primarily sugar beets and potatoes) throughout the surrounding region (Peruvian worker, pers. comm., 1/17/2014; long time resident, pers. comm., 11/10/2013). The demand for this labor was largely seasonal in nature and Peruvian sheepherders and Mexican farm workers would engage in cyclical migration patterns returning to their home countries in the winter. Additionally, these workers lived on farms and ranches, remaining fairly secluded from the surrounding communities. Then, during the 1990s, more Latinos began to settle in the towns spread roughly forty to eighty miles south of the Wood River Valley to work year round in the dairy industry.

Today several of these towns, including Shoshone and Jerome, have established Latino populations comprising thirty percent or more of their total population (U.S. Census, 2010). As will be discussed later in this chapter, part of the Latino labor force in Sun Valley consists of commuters from these towns. While a study of Latino workers in those industries and locations is beyond the scope of this dissertation, it is important to highlight that the arrival of Latino immigrants to the region was initially driven by agricultural demand.

As the Valley's economy expanded in the 1990s and 2000s, and the cost of living increased, the demand for workers started to draw Latinos out of shepherding and agriculture both from the surrounding region as well as parts of California and Texas. Some of the early Latinos employed in construction and landscaping had transitioned out of those industries creating a new dynamic both temporally and spatially. For the first time, Latinos were settling in towns in the Wood River Valley, including Hailey and Bellevue, interacting with local residents on a daily basis. Despite the largely seasonal nature of the Valley's economy, landscape and construction companies began to operate year round. Roofing companies, for example, would 'tent' their projects, essentially creating a heated work space during the winter. Landscape companies diversified their services and worked in snow removal in the winter. These two modifications to the labor market created a massive demand for labor, recruiting a year-round presence of Latinos in the Valley to fill that demand.

Mexicans and Peruvians who started to transition from agriculture to the service sector tended to start out in the least desirable jobs, while also getting paid less than the

Anglos they worked with. One former ski bum who arrived in the 1970s and has remained in the Valley described the situation:

The construction was predominately staffed and owned by Anglos and then some of the fellows that I worked with skiing in the winter, they were construction foremen or owners, they started noticing the Mexican crews, they were guys that would come on the crew and they started out doing labor and pick up and then they were adept, they started putting on tool belts and working on site as paid carpenters for less money than the Anglos were getting. They were obviously discriminated against financially but I don't know at that time that it was truly intentional. They came on stronger and stronger and they worked for less hourly than Anglo crews.

A Peruvian immigrant who transitioned from shepherding to construction in the 1990s presented a similar viewpoint:

We are cheap pay. Okay, you guys can do it too, but you guys are expensive, you guys will not work for \$8 or \$9 an hour. When I was working at construction, I saw all my people was doing less money and when all the white people come to work they have less experience but they were making \$15, \$16 an hour. But we cannot do nothing. What we can do?

As the construction and landscape industries swelled and matured, Latinos became more integrated into these industries. Today, the largest landscaping and construction companies are dominated by Latino workers, who serve both as manual laborers and foreman. There are also a handful of Latino owned companies- both Peruvian and Mexican- that have been very successful. Although the initial arrival of Latinos in the Valley was dominated by men employed in construction and landscaping, women started to arrive in the late 90s and have since worked primarily in housekeeping. There is also a growing presence of Latino workers in grocery stores and back of the house positions in restaurants.

H-2B Workers

The H-2B visa for low-skilled, nonagricultural workers allows foreign nationals from specific countries to be employed seasonally in the U.S. (See Chapter V). While the

duration of employment varies on the seasonal labor need, in Sun Valley this tends to be limited to the three to four month peak seasons that occur in winter and summer. The H-2B program was fairly short lived in Sun Valley and although data on specific employer's use of the program is not available prior to 2000, conversations with the biggest user of the program, Sun Valley Company, imply that the program started to be used in the late 90s and was relatively small until the 2000s. From 2000 to 2011, Sun Valley Company (referred to as the Company) dominated the program, followed by several construction and landscape businesses. During the ten years of heavy use of the H-2B program in the Sun Valley area, the average wage of H-2B workers remained close to \$8.60. Figure 10.1 displays the number of H-2B workers brought to the Sun Valley area during that time. The program peaked in 2004 at roughly 1,100 workers and has declined consistently since that time. There are currently no companies in the Valley using the program.

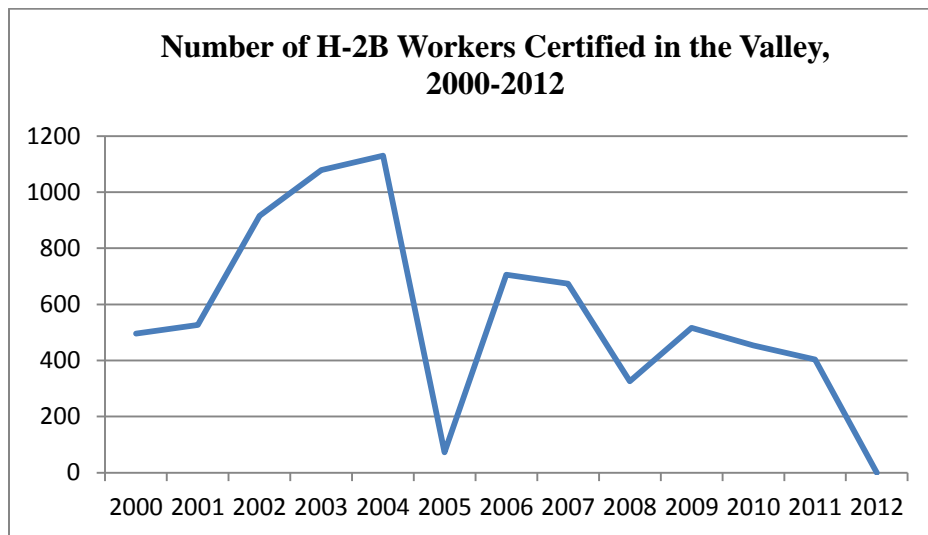


Figure 10.1. Number of H-2B workers certified in the Wood River Valley, 2000-2012. The drastic decrease in 2005 can only be explained by an error in the data. The decrease in 2008, however is due to policy changes that disadvantaged many ski resorts from obtaining visas due to the timing of their hiring cycle (Source: Foreign Labor Certification Data Center).

According to an upper management employee of the Company, the H-2B workers came from all around the world, and tended to be “older, more seasoned” than high school or even college students (Company management, pers. comm., 2/25/2014). Despite a potential source for needed labor during the peak seasons, the H-2B program was short lived in Sun Valley. The Company started shifting to the use of J-1 visas during the 2000s and the smaller companies that did try out the program quickly became dissatisfied with its constraints and requirements. Indeed, the short lived tenure of the program and its relative low use can be partially attributed to the availability of undocumented workers, a situation that will be explored later in this chapter.

J-1 Cultural Exchange Student Workers

The J-1 Visa is described as an ‘exchange visitor program’ that “provides countless opportunities for international candidates looking to travel and gain experience in the United States” (U.S. DOS). There are a variety of programs that exist under the J-1 Visa including programs for short term scholars, au pairs, and physicians. J-1 Visas used in Sun Valley fall under the category of summer work travel, which enables full time students to work in the U.S. during their summer breaks from university.

The only employer in the Valley that uses the J-1 program is the Company. The Company uses J-1 visas largely from South American countries in the winter and from European countries in the summer. Students who obtain a J-1 visa pay a sponsoring agency in their home country to connect them with an employer and process the necessary paperwork. They must prove a level of English proficiency, carry medical insurance, and are also required to pay their transportation (U.S. DOS). The combined costs of using the program can run as high as several thousand dollars. As university

students with the ability to travel to the U.S., J-1 workers tend to be financially mobile and well educated. Indeed, their primary purpose for working low-wage positions during their summer holidays tends to be oriented more towards the cultural experience than any financial benefits.

Use of the program has fluctuated over the years and is now relatively small, averaging around 200 J-1 visas annually (which amounts to less than half of the Company's seasonal workforce), roughly split between summer and winter seasons. J-1 workers have completely replaced H-2B workers at the Company, although both groups have been employed primarily in food and beverage operations. While the reasons for this transition are not completely clear, obtaining J-1 workers is less costly and less time consuming than obtaining H-2B workers. Furthermore, the risk of J-1 workers overstaying their visas and remaining in the U.S. illegally is much lower than the risks for H-2B workers, an issue which concerned the Company, as expressed by this Company employee:

Int: With the H-2B, did you worry about the workers not going home?

Employee: Yes, but we were worried about it... that the program would shut us down. Ultimately it could have affected our program so we were always nervous about it.

Although J-1 workers have significantly re-shaped the labor force of Sun Valley Company, they have had little impact on changing broader labor market dynamics in the Valley, which are largely influenced by Latino immigrants.

Changing Labor Market Dynamics

The shift from fairly modest vacation homes to the massive expansion of second, third, and fourth homes created structural changes in the Valley's economy and produced a more complex demand for labor. While there are still opportunities for skilled

tradesmen, which are positions often filled by long time, working class, Anglo residents, these structural changes limited the expansion of middle-class professional jobs (managers, teachers, etc.) while producing an abundance of low-wage, seasonal jobs. Professional positions are filled mainly by Anglo ‘locals,’ many of whom are amenity migrants themselves trying to carve out a living in order to ski, hike and enjoy the lifestyle, while low-wage service sector jobs are increasingly filled by foreign-born, mostly Latino/a workers with a range of immigration statuses. Both groups struggle to survive in a very high cost of living context, often juggling multiple jobs and at times commuting to work.

Businesses and employers have relied on different groups of workers, whose mobility and position in the labor market are molded by their status, to navigate the challenges of a seasonal, amenity based economy, creating distinct divisions of labor as well as new social geographies. To the extent that this dissertation is focused on temporary worker programs, temporary workers in different phases of economic growth/decline and contexts have helped employers meet the demand for low-wage, seasonal workers. But as already suggested in my analysis above, the use of temporary workers was limited due to the presence of both undocumented and documented Latino workers, who proved to be a more flexible, profitable, and readily available source of labor. As will be explored below, guest workers on formal visa programs were used to meet peak seasonal labor needs, particularly during the height of the economic boom, providing employers with ‘warm bodies’ that were tied to them by the stipulations of their visas. On the other hand, Latino workers (both documented and undocumented) enabled employers to expand operations beyond peak seasons, particularly in

construction and landscaping, by having continual access to hard-working individuals. In a handful of cases, employers used the H-2B program to ‘legalize’ their undocumented workers either to avoid losing them or to avoid the legal ramifications of employing workers without status. While perhaps not pervasive and widespread, this strategy highlights the importance of understanding the labor market dynamics associated with workers of different status.

Warm Bodies & Commitment

From the mid-1990s until the late 2000s, economic expansion in the Valley encountered a limited supply of labor, causing many businesses to pursue strategies that would supply them with enough ‘warm bodies’ to do the work. Fierce competition between businesses also motivated employers to pursue workers that would not be stolen away by the promise of higher wages. These two factors led to the use of the H-2B program by employers in landscaping and construction, as well as by Sun Valley Company, who eventually transitioned to the J-1 visa as previously described. With the exception of the Company that has massive labor needs and an economy of scale to tackle the paperwork required to process the visa applications, smaller businesses that tried out the H-2B program as a desperate measure during the economic boom quickly abandoned it. This was largely due to the growing influence of Latino workers- both documented and undocumented- and employers’ growing dependence on them.

Employers that used the H-2B program did so for two primary reasons. Some stated that they simply could not find enough ‘warm bodies’ to keep up with demand, and others stated that demand for particular positions that could not be met. For the Company, H-2B and J-1 workers were used primarily to replace American ski bums that had

formerly worked a variety of low-wage service jobs, including on mountain operations such as lift operators (who essentially ensure that skiers are seated correctly on the chair lift and are not harmed in the process) and throughout the food and beverage department which encompasses sixteen different restaurants. This transition was described by an employee of the Company:

Winter time you would get a lot of ski bums. Positions change, from when I came on in 2000 from what it meant to be a lift operator in the 70s, 80s, has changed, the mentality. It was kind of a cool thing to be a lift operator back then. A lot of people who come here, 'oh, I spent a winter in 89' or whatever I was a lift operator, I had a free ski pass. You hear those stories, we don't get as much of that, we have to rely more now on the visa employees for those types of positions. The large corporate nature of the Company and the huge labor demands they need to meet every year made using the H-2B and J-1 programs feasible. The Company also owns dorms that they use to house seasonal workers, which, at various times, has been a stipulation of both visa programs. When they first started using the program, they contracted the process to a law firm, and estimated the costs were over \$50,000 annually. After several years they hired a full time person just to oversee the program. At the height of its use, the H-2B program brought nearly 800 workers to the Company, primarily employed in their grounds keeping and food and beverage departments (Foreign Labor Data Certification Center, 2012). As one Company employee stated, "it takes an army to keep this place staffed." This employee, who has worked at the resort for several decades, also commented that the low-wage nature of the jobs contributed to the difficulty of finding enough labor locally:

Int: And was the mentality that we just couldn't get enough bodies?

Employee: I hate to say it, but for the wages we pay, for those types of seasonal positions that aren't skilled, it's hard to attract people, so we started reaching out and that's when the program began.

The labor shortage experienced by the Company was thus underscored not just by a lack of people, but a lack of people available at the wages offered. Such low wages were relatively more valued by workers from the Global South, which the Company had very little difficulty recruiting.

Although the J-1 program was only used by the Company, which also dominated the H-2B program, the owners of construction and landscaping businesses that did use H-2B visas described it both as a way to ‘legalize’ undocumented employees to keep them with the company and as a way to ensure that employees would stick with them amidst fierce competition between employers during the economic boom. In this way the program was used not necessarily to meet labor market shortages but to ensure access to a specific type of labor- one that is reliable and tied to the employer. The manager of one landscaping company described their use of the H-2B program as a way to re-gain access to undocumented employees that they could not retain any other way:

Int: So you used the H-2B, what led you to pursue that?

Manager: The motivation was, you've got somewhat of a profile of the type of employee you're looking for and...being very service oriented, you're looking for someone young and educated, with a great attitude, and presentable and probably some big percentage, maybe 30%, maybe more did not have citizenship, so you'd watch them have to leave. And it was like, oh that guy was perfect, he had a great attitude, he spoke English, he was educated, but he can't stay here, that's what prompted us. How do we get those guys, we know them by name, by face, how do we get THOSE guys to stay here, not how to recruit new people, we wanted to retain people that were working for us.

Another construction company that briefly used the H-2B program used it as a way to ensure employees would remain with them in the face of extreme competition for workers. The co-owner of the company described the situation below:

Co-owner: Okay so one year it was extraordinarily bad, we would send workers to sites and the contractors would see the workers and say, I'll pay you \$3 an hour

more, so it's a steal employee kind of game. This is when the economy is rocking and money is no problem. And we thought, what are we going to do? I thought I would try this program.

Int: So leading up to your decision to do that, was there not enough Latino workers?

Co-owner: There was not enough, because all the landscapers totally grabbed them all, just not enough people.

Int: And since then?

Co-owner: Everything has kind of leveled off. You don't have contractors coming around stealing people because they don't have the work because there's a lot of contractors that are no longer in existence here.

Although the H-2B program was beneficial for a handful of employers, the majority of companies were reluctant to use the program. This was partially due to the financial and time commitments associated with pursuing an H-2B visa, but also because of the availability of undocumented workers. This was explained by the former owner of an H-2B consulting business that was created to match employers in the Valley with H-2B workers. As she describes, the business did not succeed largely due to the paperwork requirements, but also due to the existence of undocumented workers:

It just didn't stick, what I found was most businesses wanted to have them there illegally and they didn't want to deal with any paper. I was surprised at the number of businesses that said this is too much effort and we'd rather do it illegally than legally.

Indeed, undocumented workers, who were recruited by businesses into these sectors proved to be such a stable and reliable source of labor that the H-2B program in comparison was not attractive except in the most extreme labor shortage context (roughly the mid-2000s). The H-2B program, and to a lesser extent, the J-1 visa, were limited in volume and duration, but for the companies that did use these programs, they were able to obtain workers who were not available locally and were also ensured that workers would remain with them.

Accessibility & Flexibility

Although the H-2B program aided employers in providing volume and commitment to their labor force, there were many drawbacks to the program beyond the time and energy required to obtain a visa. The duration of employment for H-2B workers is limited to seasonal needs, which only filled labor needs for three to four months either in winter or summer. While this worked well for the Company, whose many food and beverage departments close down completely between seasons, this limited duration was less desirable for construction and landscaping businesses that were starting to operate on a nearly year round basis, particularly during the economic boom. However, while both of these industries experienced more year round labor needs, these needs were inconsistent and varied according to specific projects. As a result, employers wanted *access* to a labor force year round, without having to actually provide year round employment. Employers found a solution to this need for flexible and accessible labor through the recruitment of Latino immigrants, both documented and undocumented.

Undocumented workers arrived in the Valley alongside other Latino immigrants in the 1990s. While the interviews I conducted did not provide enough information to identify the different mechanisms of recruitment and settlement between these groups, I did speak to a number of documented Latino immigrants whose fathers had been employed in agriculture (some during the Bracero Program) and had gained status after the passage of the Immigration Reform and Control Act in 1986 (See Chapter V for more on the 1986 Act). These workers and their families seem to have largely migrated from other areas of the U.S. and were attracted to the Valley upon learning of job opportunities, which usually occurred through family ties and social networks. Others

crossed illegally and came directly from Peru and Mexico, perhaps as a result of chain migration that occurred in the home towns of emigrants that gained legal status²⁰. In addition, some early immigrant workers arrived in the Valley with visas and then transitioned from formal visa programs to undocumented status. This was the case for some shepherders who arrived on H-2A visas as well as some H-2B and J-1 workers who had initially been employed by Sun Valley Company. The Company itself was aware of employee desertion with the H-2B program, a situation which is much less likely with J-1 workers because they are college students who intend to return home to complete their degrees. One former shepherder who gained legal status explained how the H-2A program was used to obtain entry for his family, as well as the network that supported his arrival:

Former shepherder: My other brother cannot go to Peru yet, we are working on it to make him legal, the only one legal is me here. But they feel safe because I am with them. If they have any problem or get pulled over by the police I help them.

L: Was it hard for them, how did they get here?

Former shepherder: One of my brothers come like a shepherder, but then when I quit doing that, I didn't have any more help from the ranch [to organize a visa], so I brought them illegally from Peru. I paid for those guys.

L: Was it scary?

Former shepherder: Yes, it was really scary, but in that time it was fast, everybody was coming fast, early 90s, we paid the guy and in one week he was here. We didn't have any communication for one week but we knew he was coming because everybody from there was in communication. So then my other brother, each of them brought their wife from Peru.

As highlighted in the example of this former shepherder who has established residency and transitioned to the service sector, formal visa channels brought both documented and undocumented immigrants to the Valley. This process was supported and expanded upon

²⁰ It should be noted that the majority of Mexican immigrants living in the Valley are from Cuanajo, Michoacan (bi-lingual social service worker, pers. comm., 10/17/2013; Latino teacher, pers. comm., 12/8/2013)

through the existence of family networks and social ties that have since established many families in the Valley.

Prior to the economic downturn, undocumented workers occupied a range of positions in the service sector, including landscaping, construction, and house cleaning. Several employers stated to me that although they were no longer too concerned about the legal status of their employees, it had previously been a major issue. As the manager of one large landscaping company revealed:

Manager: A lot of these Hispanic folks are second generation, younger folks who were educated in our schools here locally and regionally, so not that big of a deal when it's all said and done, because it's not your typical immigrant, illegal worker type thing. We've been through a full INS audit and really didn't have any problems.

Int: Whereas maybe 10 or 15 years ago, just generally speaking in this area, would that have been the case?

Manager: Yeah, 10 to 15 years ago, if they had done an INS audit back then, it probably would have been a lot worse [laughing].

While it appears that the use of undocumented workers has declined in landscaping and construction, there is still an undocumented population present in the Valley, most clearly filling a labor market niche in housekeeping. Housekeeping positions, whether for large property management companies or done independently are largely identified with undocumented Latinas. This interview with a small business owner augmented other perspectives that expressed a similar viewpoint:

Int: Are there certain industries that are able to hire undocumented folks easier than others?

Business owner: Housekeeping. Easy. Anybody who is in housekeeping is probably not legal.

I also spoke to friends informally who stated that they have relied on undocumented Latinas for both personal housekeeping needs and childcare, supporting the perception of the business owner above.

It is very difficult to assess how the economic downturn influenced the undocumented population, or what percentage of the Latino population is currently without legal status. In talking to many people in the community, however, my overall sense is that it is currently a minority of individuals. Some people claim that the downturn drove many people out whose presence had been tenuous, while others claim that this opened up spaces for undocumented workers to remain. As this state employee suggested:

I've seen more people who are in the system [unemployment system] move and relocate. We had a large percentage of the workforce who left, so that leaves a window open for an employer who says, I don't have enough money to sustain a full time position, or if you're used to getting \$15 I can only pay you \$10 in this economy. There's a whole group here who will do it and so they have found more employment opportunity.

As this viewpoint suggests, undocumented workers, who were profitable during economic expansion, are also profitable during economic contraction, as businesses are searching for ways to minimize their costs.

Despite an apparent decline in the used of undocumented workers, their presence during the economic expansion of the 1990s to late 2000s certainly contributed to the competitiveness of local businesses and their ability to meet mounting demand. As previously discussed, several interviewees highlighted that the lower pay that Latino construction workers received when first entering the labor market in the Valley was at least in part due to their undocumented status and inability to protest. It is highly possible that the presence of undocumented workers, specifically in construction and landscaping,

contributed to a dominance of Latinos in those industries which remains today. In addition to obliging lower pay and working in positions that are the most difficult to fill, undocumented workers also provide employers with flexibility, which is highly valued in a labor market that is heavily shaped by seasonality (Nelson et al, forthcoming). The labor market fluctuations that result from seasonality require employers to pursue strategies that will mitigate the turnover that can result when business is slow and employees are laid off. One of these strategies is the use of unemployment insurance, as explained below.

The issue of seasonality and unemployment insurance is an interesting and complicated dynamic. Some employers suggested that it is easier to maintain a documented workforce than an undocumented one, because during the slack seasons in spring and fall employees are able to access unemployment insurance²¹ (EI). They can maintain a ‘job attached’ status that allows them to collect EI while not having to apply for jobs because they have a specific date of return to their employer. This is certainly a strategy used by a large number of seasonal industries as well as seasonal workers, with nearly all landscaping and construction businesses utilizing the job attached EI program (Business owners, pers. comm., 10/30/2013, 11/4/2013, 12/10/2013; Idaho Department of Labor employee, pers. comm.. 3/5/2014). According to the local Department of Labor (DOL) office, a large portion of the people accessing EI in this fashion in the Sun Valley area are Spanish speaking and have permanent residency. In fact there are so many Spanish speakers (many of them nearly mono-lingual) that rely on the local DOL office that it is completely staffed with bilingual employees. While there are certainly Anglo

²¹ EI is available to anyone “authorized to work” in the United States who has met specific wage and employment requirements (Idaho Department of Labor).

workers using EI during the slack season, the number is much lower, which reflects both the dominance of Latinos in these industries, as well as the tendency for Anglo employees to hold upper-management positions that are year round.

There have also been a handful of undocumented workers who applied for EI through the local DOL office but are denied based on a lack of status. Undocumented workers do not have access to EI during the slack season, which some employers claim inhibits the ability to retain them, making them a less desirable workforce. On the other hand, Latino workers who are legal have the mobility to return to Mexico or Peru during the slack season, which puts them in violation of EI, because if they are out of the country they are not available for work. This can also cause problems for employers who want to be able to access their laid off workers if a job arises, resulting in an interesting dynamic that may actually favor the use of undocumented workers, at least as temporary help during the slack seasons. This situation was explained to me by an employee at a local state agency:

One of the problems that a lot of employers will bring up here, especially with the seasonal industry, is that they'll have people that come in and during the lulls, their people will leave and go back to their home country for a month or two months and they know, oh I have to get back in December because it's going to snow, which puts them in violation of accessing EI because they are not available for work. Sometimes we'll see employers turn in a list and say this person and this person left for Mexico, even if they have a residency card. The person who isn't authorized is available because there's no way they're going to go back across the border because they can't come back. Then all of a sudden it opens a door for this back door group, they're more flexible, they're going to be here 24/7, they're not going anywhere.

In effect, the mechanism of EI enables seasonal businesses, which in the case of the Valley are largely construction and landscaping and to a lesser extent housekeeping, to maintain access to laborers year round while not actually providing year round

employment. However, it is a complicated dynamic because Latino workers with legal status have mobility, which makes them that much less accessible compared to undocumented workers employed in similar positions, revealing a hierarchy in the profitability and flexibility within the Latino workforce.

The recruitment of undocumented workers played an important role in shaping the labor market during the economic boom of the 1990s to the late 2000s. They provided employers with profitable and flexible labor that contributed to the overall establishment of Latinos as the dominant workforce in construction and landscaping. While their influence has significantly decreased since the economy slowed around 2009, the presence of undocumented Latinos in the Valley continues to shape the labor market. This is particularly true in the case of housekeeping which, according to many interview respondents is composed primarily of undocumented Latinas. Although the use of undocumented workers during economic expansion had a lasting influence on the labor market in the Valley, it was a reliance on the Latino population overall (which today is largely documented²²) that has re-shaped labor market dynamics and created a racialized dual labor market in which Latinos dominate the lowest paying and least consistent positions while Anglo workers occupy the majority of higher wage, year-round jobs. Within construction and landscaping, Latinos are moving into foreman positions, but have yet to occupy a considerable number of mid-level management positions (with the exception of Latino owned businesses). As a new generation of Latinos is growing up in the Valley, it remains to be seen if this dual labor market, which is heavily racialized, will persist, or if these bi-lingual American citizens will integrate into other areas of the labor market.

²² All interview respondents that were asked about the undocumented population felt that it is a minority.

A New Generation of Latinos

Many of the Latino immigrants that arrived in the Valley in the 1990s settled there and had families. Although the school district is now thirty percent Latino, the English as a Second Language Program (which had previously been quite large) is nearly non-existent because so much of the Latino population was either born in the Valley or grew up there from a fairly young age (school district employee, pers. comm., 11/4/2013; former ESL teacher, pers. comm., 11/10/2013). Despite an increased level of English proficiency and a decreasing percentage of undocumented immigrants, many Latinos remain employed in low-wage service sector jobs. As described by a young Mexican immigrant with legal status who moved to the Valley as a teenager:

Int: The people you grew up with, are a lot of them still here?

Mexican immigrant: Quite a few of them are. There's a few of my generation that actually graduated from college, or they're still going to college, but a lot of us are just working like me at a grocery store. I've got a few friends working at Subway, construction, landscaping, all of those jobs basically.

It is important to note that there are very few professional, middle income options for anyone living in the Valley. However, what is fairly unique is the multi-generational progression of some Latino families within the same company. As described by the manager of a landscaping company, “we're probably 75 to 80 percent Hispanic, and within that number we have probably on average of sometimes three generations-grandfather, father, son, working here.” There is a similar dynamic at Sun Valley Company, explained by a Company employee:

Employee: One thing that is kind of interesting, and this is here at Sun Valley, in our housekeeping department for example, and even in grounds departments that are mostly Hispanic, we now have second generation. So in the early years there was always concern, especially in 2000, if someone was legal to work and now we have people that have been born here in the 90s and they're citizens.

Int: And they're still doing to the same jobs?

Employee: Same type of job, there's a lot of second generation employees now. We'll have a mother who's in her 50s and a daughter who is in her 20s working in the housekeeping department.

As this example highlights, although the Latino population in the Valley is increasingly established and permanent, labor market mobility is still quite limited, which points to the role that race plays in shaping the existence of a dual labor market at the local scale.

However, as the Latino population has grown, the need for bi-lingual employees has grown with it, opening up small windows of professional opportunities. This is particularly true for bank tellers and health care professionals. However, Latinos are still primarily employed in the low-wage, service sectors jobs that they were first established in upon arrival. Their entrenchment in these positions is likely to continue as the economy recovers amidst a service oriented labor market that is hierarchically organized with Anglos at the upper end and Latinos at the lower end.

As the economy begins to recover nationally, the real estate market in Sun Valley has also started to rebound, with new construction beginning again and the demand for services returning. Initial signs of economic recovery have many businesses feeling that labor needs are indeed already picking up (Blaine County Comprehensive planning committee, pers. comm., 2013, 2014; Sustain Blaine, 2012). What remains to be seen, but what this dissertation predicts, is that the labor market in Sun Valley has been permanently re-shaped both by structural forces that accompanied the housing boom and by the recruitment of Latino workers into specific sectors. This transformation is not limited to the labor market, however, but is also apparent in the social geography of the Valley, which has shaped a spatial distribution of labor dependent on wage, race, and place.

Social Geography of the Valley

“The manner in which international migration regulates labor markets does not follow a prewritten, universal script but evolves in a place- and context- specific manner” (Bauder, 2006: 199).

In his 2006 book, Labor Movement, Harold Bauder explores how processes of social distinction and citizenship regulate local labor markets. In a similar vein, Anderson’s (2010) study of low-wage workers in the United Kingdom uncovers how immigration policy interacts with local labor market conditions to “form types of labour with particular relations to employers and to labour markets” (Anderson, 2010: 312) (See Chapter II for more on Anderson). Indeed, as described throughout this chapter, the labor market in Sun Valley has been heavily shaped and influenced by the presence of a combination of workers with temporary status, permanent legal status, and with no status at all. The establishment of Latinos in construction, landscaping, and housekeeping- a large portion of whom initially arrived without legal status- not only shaped the labor market but also the social geography of the Valley- in a place specific manner. The Latino population, which is currently segmented into the lowest paying and least consistent jobs, tends to live farthest from the resort center of Sun Valley, highlighting a spatial distribution of labor that is configured by local labor market dynamics and reflective, not only of divisions of labor, but also divisions of belonging. This geographic pattern of settlement is driven by housing costs and income, which constructs a class-based segregation that is also racialized by the predominance of Latinos in relatively low-wage jobs.

Spatial segregation between a Latino immigrant labor force and the broader community in the rural West has been described by Hiemstra (2010) in her study of immigrant workers in Leadville, Colorado. While Hiemstra focuses largely on *illegality*

to explore how neoliberalism operates in the local context, my research focuses on different forms and relationships of status (and non-status) to explore similar ways in which “neoliberalism is diffused and embedded into local economic, political, and social processes” (Heimstra, 2010: 76). Indeed, the demand for flexible, accessible, and committed sources of labor has intersected with the economic geography of the Valley, creating different scales of belonging ranging from spaces marked by nearly total segregation to a ‘middle geography’ in which rigid constructions of belonging formed at the national scale become increasingly fluid at the local scale.

The Spatial Distribution of Labor

The cost of living in the Sun Valley area decreases with distance from the resort of Sun Valley itself. This has created a distinct spatial distribution of labor and residence that plays out as one moves south through the Valley. Indeed, distance from the resort correlates positively with the Latino population. Thus while the economy of Sun Valley is heavily dependent on a Latino labor force, this labor force resides primarily outside of the resort area.

The towns of Ketchum and Sun Valley, which are the heart of the resort and tourism industry, are composed of residents who are predominately Anglo and middle to upper income, if not independently wealthy and out of the labor force altogether. With the exception of J-1 workers and Americans employed seasonally at Sun Valley Company, who live and work on Company property, the vast majority of the labor force is distributed in towns south of the resort. Indeed, the fact that H-2B workers and J-1 workers were segregated from the broader community by the ties they have to their employer directly reflects their status as temporary workers.

It is not until one drives a few miles south of the ski area that the first accessible housing appears, in the form of a dilapidated trailer park. When the real estate market expanded in the 2000s, many workers and local families were pushed out of Ketchum and moved south to Hailey. Although the cost of Hailey has also increased significantly, it remains dominated largely by middle income families. There is one area in particular on the south side of town that is composed of a mix of single family houses and subsidized apartments, and is relatively more affordable than other areas and it is there that the majority of Latinos live. However, the affordability of the area is not consistent with the average incomes of construction workers, housekeepers, or landscapers. For example, the average wage for construction and landscape workers is \$15 an hour and for housekeepers is \$9 an hour (Idaho DOL, 2012). At the same time, the living wage in Blaine County is \$17 an hour for a single adult (HungerCoalition.org). In order for a family of four to make a living wage in Blaine County, the parents must collectively earn nearly \$80,000, which is almost three times more than the federal poverty line (HungerCoalition.org). Latinos that have managed to remain in Hailey and Bellevue have developed livelihood strategies that have enabled them to remain in a town with a high cost of living while working low-wage jobs. Indeed, while many of their Anglo counterparts and predecessors left the Valley when the cost of living skyrocketed, Latinos have managed to persist. This is largely due to livelihood strategies that involved pooling resources together, such as multiple families living in one apartment. Ironically, this same strategy was used by the ski bums of the 1970s and 1980s, before the housing market expanded and there were limited rental options.

In addition to the Latino population that lives in the Valley, mostly at the southern end of Hailey, Bellevue, and in pockets of trailer houses spread throughout the Valley, there is a large Latino population in the towns south of the Valley, whose economies are rooted in agriculture and dairy. These towns provide the Valley with a commuter labor force, which is supported by the local transportation system, Mountain Rides. Mountain Rides operates daily commuter vans for individual companies as far south as Twin Falls, which is roughly seventy miles from Sun Valley. As the cost of living in Hailey and Bellevue increased, many Latinos moved south to towns such as Jerome and Shoshone that were already predominately Latino. The significance of this commuter labor force for many employers is highlighted by this exchange with the manager of a landscaping company:

Int: So the people that have stayed with you, if you can offer year round work, that makes it easier?

Manager: Correct, but a lot of them don't necessarily live here, they are commuting up, using Mountain Rides, or vanpools, and that type of thing. So they're finding ways to live where it's cheaper to live and then commute up.

Int: Do you know what percentage of your workforce is doing that?

Manager: I would guess roughly half.

The spatial distribution of labor that has been created by the growth of the Valley is not only shaped by the high cost of living in the area, but also by the type of job being worked. Jobs that provide a stable, higher wage tend to correlate with residents who live in the northern end of the Valley, while jobs that are more seasonal and lower paying draw on workers from the southern towns of Bellevue and Hailey, and beyond. This was described by one resident of Sun Valley:

It just kind of tiers out according to pay scale, the type of job. If it's a year round permanent job, they tend to live further north, and the lesser, more temporary jobs

are further south. So the time of season dictates how much workforce they need and that dictates how broad of an area that they pull from.

As one moves south, what constitutes a ‘livable wage’ decreases significantly²³. This spatial distribution, which is rooted in wages and reflected heavily by race, indeed shapes social dynamics in the Valley and reinforces the image of Sun Valley as an exclusive place for the white and wealthy upper class. However, there is a large Latino population that is established in Hailey and Bellevue, which is also the core for year round permanent residents in the Valley as a whole. The result is a level of social interaction and inclusion, which presents a ‘middle geography’ that does not exist in the Anglo dominated communities to the north, nor in the Latino dominated communities to the south.

Scales of Belonging

The middle geography of Hailey and Bellevue provides a window into how national immigration policies that create categories based on various degrees of inclusion and exclusion have evolved in the local context. The labor market and residential geography of the Valley has undoubtedly been re-shaped by the interaction between structural economic changes, national immigration and guest worker policies, as well as local perceptions about race, which is a situation that is likely to persist. However, community dynamics have opened up avenues for interaction that both mitigate and reinforce these divisions. This illustrates how rigid national constructions of belonging can become fluid and contested in the local context.

The Latino population in the Valley is increasingly composed of people who either arrived at a young age and grew up in the Valley or were born here (former ESL

²³ See Table 7.1 which displays housing values throughout the Valley, which ranges from \$934,000 in the north to \$320,000 in the south.

teacher, pers. comm., 11/10/2013; resort employee, pers comm., 2/15/2014; Mexican immigrant, pers comm., 12/18/2013). Many, although certainly not all, of these young Latinos are citizens, and the Valley has nearly always been their home, providing a level of comfort and attachment to the area. I heard repeatedly that the rural, small town character of the Valley contributed to a feeling of safety and many Latinos I spoke with mentioned how similar the area is to their home towns in Mexico and Peru. This was expressed by one young Mexican man, in his mid-twenties, who arrived in the Valley when he was sixteen:

I've been so used to this town, cause where I'm from, I'm not from a big city, I'm just from a small town the same size as Hailey, I don't like the big cities, I don't like traffic, to grow up and live here it's pretty nice, kind of expensive, but...

Although the safe and peaceful atmosphere of the Valley is comforting, even in these remarks by this young man, the cost of living factors into the evaluation of his feelings of attachment and belonging. However, there are a proliferation of social support and non-profit groups in the Valley, largely funded by wealthy philanthropic residents. These organizations provide numerous opportunities for interaction regardless of income or language ability.

Latinos now comprise thirty percent of Blaine County's school population, and the school has a dual immersion program that began in 2000. The many social service and non-profit organizations in the Valley, ranging from food assistance to the women's shelter, often employ Spanish speaking employees and focus quite heavily on the Latino community. Various groups have made genuine efforts to build bridges in the community, creating social organizations and parenting groups that emphasize cross cultural dialogue. The increasing language and ethnic diversity of many organizations in the Valley have aided in creating a sense of community for Latinos and Anglos alike.

However, the fact remains that much of the day to day experiences for Anglos and Latinos are shaped by their residential location, their religion, and their place of work. These areas remain largely separate even in Hailey. The school system is one example of this division and several school teachers that I interviewed stated that the students continue to form cliques based on ethnicity. This was explained by one Latino teacher:

I see an integration in the classroom but when it comes to, for example lunch, there is the Hispanic table...the Hispanics are all together. They have their own click... they go to church together, they go to concerts together, there is even a basketball league that is all for Hispanics, it's a club coached by a Hispanic person, it has a Hispanic name. And it's the same with soccer.

Interview respondents felt that the biggest barrier to interaction was language ability, and that the student's perspectives were largely shaped by their parent's limited English proficiency. Indeed language barriers between the school aged children are quite small, unlike the language barriers that existed in the 1990s and early 2000s when so many Latinos were first arriving in the Valley. However, the high cost of living and the relatively low incomes of many Latinos in the Valley may also inhibit day to day interactions with Anglos. As I found in trying to arrange interviews, many Latinos are nearly always working and do not have opportunity to engage in community events.

A growing Latino population, increasingly composed of citizens who grew up in the community, are blurring the line between inclusion and exclusion, while simultaneously reinforcing social and labor market segregation that persists despite the growing number of Latinos who were born and raised in the Valley. This contradiction highlights how local conditions are beginning to counteract national categories of exclusion by creating small windows of social inclusion and interaction. However, these national categories are continually reinforced both through labor market dynamics- which have become structurally racialized with Latinos dominating the lower end of a dual

labor market- as well as through a spatial distribution of labor that reinforces residential and social segregation based on race and class.

Conclusion

“The mobilities that national states attempt to manage consist not only of people trying to physically cross national borders but, perhaps more importantly, the geographical, labour market, and social mobility of differentiated groups of people within nationalized spaces” (Sharma, 2006: 143).

This chapter has explored how national categories defined by immigration policy interacted with local conditions in the rural resort area of Sun Valley, Idaho. The recruitment of Latino workers to meet employer’s desires for a flexible and accessible labor force has permanently re-shaped both the labor market and the community- a situation that is likely to become increasingly evident as the economy rebounds and the Latino population dominates specific industries as well as a growing proportion of the school aged population.

Initial signs of economic recovery in construction and landscaping services are tapping into a labor market that was dominated by Latinos when the economy crashed during the global recession in 2009. As a result, there is now a strong perception that construction, landscaping and housekeeping are “Latino jobs.” Indeed, the minority of workers in those industries could be described as ski bums, college students, or Anglos in general, as explained by this city employee:

City Employee: Right now everyone that’s left has left, and then when we recover, they're going to start tracking those college students, ski bums, that type of thing but they're not as reliable a resource as they should be. They'll come in here and say, yeah I need a job and they'll rent someplace and they'll come back 2 months later and say I don't want to work anymore. They'll get the pass and they're gone. So somebody is going to come forward and fulfill that.

Int: And do you see that being the Latino population?

City Employee: Absolutely, yes. Construction, absolutely, right now the contractors are working barebones, doing a lot of the work themselves, but as it expands its just not going to be possible, so the Hispanics and the people that we import from other areas are going to fulfill that need.

As this interviewee suggests, Latinos will play a key role in meeting the Valley's future labor needs. This is both because Latinos have proven to be more flexible, hard working and profitable than their Anglo counterparts, and also because Latinos (both living locally and in surrounding areas) have persisted despite the recession, largely due to their ability to navigate the high cost of living in the Valley.

This analysis has also demonstrated how immigration policy, which constructs rigid categories of exclusion and inclusion, can become more fluid and malleable in the local context. The case study of Sun Valley provides a local scale example of this fluidity, revealing the ways in which economic and geographic exclusion are reinforced, while small windows of social inclusion are opened up. The nature of Sun Valley- its image, economy, and geography- pushes laborers to its outskirts. This is true not only of Latino workers, but Anglos workers as well. However, the increasing percentage of Latinos engaged in the 'bottom end' of the service sector has created not only a racialized division of labor, but also an increasingly racialized gap between wealthy amenity migrants and the low-wage population. This has played out not only in the labor market, but also in the geography of the Valley, with Latinos increasingly living in areas further away from the resort. The middle geography of the Valley, however, provides a residential and social space of interaction, which is beginning to foster a certain degree of inclusion for Latinos in the community.

CHAPTER XI

CONCLUSION TO PLACE ANALYSIS

“Embodying the nation-state means moving beyond analyses of policy and structure, to the more fluid, daily, personal interactions that surround and disrupt these formal instruments of governance to locate political processes in a time and a place” (Mountz, 2004: 325).

In her analysis of temporary foreign worker programs in Canada, Sharma states that “borders do not affect everyone similarly. In particular, for people assigned a ‘migrant worker’ or ‘illegal’ status in the countries in which they live, work, and sometimes die, borders follow them to school, to work; indeed they encounter borders in every aspect of their lives” (Sharma, 2006: 4). This dissertation has analyzed two case study communities to explore the multiple ‘borders’ encountered by workers of different status, ranging from constraints in the labor market to forms of exclusion and inclusion embedded in the social geographies of these places. The multi-scale processes that shape, reinforce, and contest these borders reveal but one example of the complex and increasingly ‘economized’ pursuits undertaken at multiple scales to externalize the social cost of labor while simultaneously reaping the economic benefits of that labor. These pursuits, infused with neoliberal economic principles, reveal themselves not just through state policies or social constructs, but garner power in their ability to ‘seep through scales.’²⁴

Since the 1990s, both case study communities have experienced an unprecedented transfer of wealth driven largely by globalization and patterns of capital accumulation visible in more globally-linked cities. In Fernie, this has occurred through a combination of the coal mining industry- which is exporting coal around the world, and largely to meet China’s urban demands- and the influx of wealthy newcomers from Calgary. In Sun

²⁴ The phrase is borrowed from Nancy Hiemstra (2010) who used it to explore how neoliberalism operates in the local context through the mechanism of illegality.

Valley, similar transformations have been driven by the arrival of wealth that had accumulated in urban areas along the east and west coasts of the U.S. In both communities, the arrival of wealthy urbanites created demand for housing construction and a range of services, which in tandem required labor that could not be met by the existing, 'local' pools of labor—whether long time locals, teenagers or 'ski bums' hanging out post college. Not only did demand far out-strip supply, but *characteristics* of the labor demanded by these industries could not always be met by existing labor pools as high productivity and flexibility at a level usually rejected by 'locals' became the norm for these expanding industries.

Shifting labor market demands and the nature of the existing labor force was made more complex by the rising cost of living, particularly housing, that made low-wage, temporary work in construction and services unsustainable for the lifestyles of many 'local' native born workers. In other words, when the cost of living in these communities was commensurate with the wage of seasonal work, the labor market functioned smoothly, and both workers and employers accepted a certain degree of unpredictability and uncertainty. However, when the economy expanded in the 1990s and competition between businesses increased, the need for profitability and flexibility reached new levels and employers started to seek out workers who would accept low wages while remaining hardworking, accessible and highly flexible. In this context, immigrant and migrant workers of varying legal status became a very attractive option. In Fernie, the shift to importing workers from outside the community to fill low-wage positions was partially driven by competition with the mines that provided 'local' workers with access to much higher paying jobs that required a similar skill level as the

service sector. In Sun Valley, this shift was largely driven by a massive spike in the cost of living. As employers in both communities tapped into these new immigrant / temporary worker labor pools, they experienced the advantages of bringing in workers who were disciplined in various ways: by temporary work permits that did not allow them to change employers, by ‘illegality’ and the threat of deportation, by language barriers that increased their dependence on the employer, or by the ways race and class intersected with all of these dynamics. Within a few years, particular segments of these local labor markets were quickly re-orientated away from native born workers towards workers of different legal (and illegal) statuses.

While governed by different policies, guest workers in both the U.S. and Canada experience remarkably similar constraints. They are both bound to their employers by a labor contract, which severely inhibits mobility between employers. This situation is exacerbated by the fact that these workers are engaged in low-wage jobs in places with a high cost of living, and thus their dependence on employers for housing is severe. However, differences in national policy dictating these visas have also influenced broader labor market dynamics and employer strategies. While H-2B and J-1 workers in the U.S. have visas that authorize them to work during seasonal periods, low-skilled temporary foreign workers in Canada have a two year visa regardless of the seasonality of the positions in which they are employed. This has created a situation in which temporary foreign workers in Fernie are increasingly used for consistency and longevity, while in Sun Valley H-2B and J-1 workers were used to meet peak seasonal needs. Businesses in both communities have essentially ‘balanced’ guest workers with other forms of labor,

producing labor market dynamics and social geographies that exhibit both striking similarities and remarkable differences.

Guest workers do not operate as isolated actors in the labor market or in the community, and therefore analyzing the presence of workers of different status is a critical element to understanding how mobility and belonging are shaped by multiple scales. In Sun Valley, the use of guest workers has been limited, largely due to the preference for ‘year round’ Latino workers (both documented and undocumented) who provide employers with an accessible and flexible labor force. In Fernie however, the labor market is described as “sketchy because we don't have access to the Mexicans like the States” (business owner, pers. comm., 8/27/2013). As a result, employers in Fernie are increasingly relying on low-skilled temporary foreign workers to maintain a consistent and stable workforce. Thus, while guest workers have been used in both of these rural communities to meet very similar labor needs, they have done so in different ways due to the parameters of their visas, as well as the presence of ‘alternative’ sources of labor- primarily undocumented workers in Sun Valley and young individuals on a Working Holiday Visa in Fernie.

In both case study communities, the labor market and social mobility of foreign born workers has been heavily ‘moulded’ by their national immigration status, which marks them as foreigners and their presence as a racial minority legitimizes and reinforces their lack of social and economic mobility. This local scale research has revealed how labor market transformations, and ultimately the social geographies of communities, intersect with immigration policies and laws that themselves are embedded in particular racialized categories and assumptions about ‘the nation.’ In Fernie, the presence of a nascent

Filipino population, arriving as low-skilled temporary foreign workers is largely invisible and tied to place of employment, while in Sun Valley, the established Latino population is highly visible, yet still marginalized in terms of their spaces of social reproduction, as workers live in areas far from the resort, and are invisible to the resort image.

Understanding how the social geographies in these communities have been reconfigured both by broader scale structural forces as well as local scale socio-economic conditions reveals the ways in which rigid constructions of belonging formed at the national scale seep into everyday life, creating spaces for varying degrees of both contestation and reinforcement at the local scale. In the case study communities, these spaces range from marginalization in the labor market and social geography to small windows of social and economic mobility for foreign workers. In Fernie, the exclusion of the nascent Filipino population, apparent in their marginal position in the labor market and their relative invisibility in the social geography of the community, reifies the exclusion upon which their visas are predicated. In Sun Valley, however, the longer tenure of Latinos has produced a growing number of Latino citizens who are an established part of the community and are beginning to experience more residential and labor market mobility. Although there are spaces of equality and interaction, for the most part the Latino population remains spatially and economically segregated despite their legal status, reflecting how race operates to reinforce local modes of exclusion. These contradictions highlight the complex interaction between scales of belonging and exclusion as well as the place specific manner in which these interactions evolve.

Neo-liberal economic processes, rooted in free market ideology and individual responsibility, have worked to institutionalize uncertainty for many in the Global North,

reducing access to permanent employment as well as the attainment of a living wage (Harvey, 2005; Peck & Ticknell, 2007; Ong, 2006). This uncertainty has been partially externalized from the nation by the creation of a labor regime that relies on workers from the Global South to maintain economic competition while limiting the economic and social mobility of much of that labor (regardless of actual citizenship). In the rural and relatively geographically isolated communities of Fernie, British Columbia and Sun Valley, Idaho, processes of globalization that are rooted in neo-liberal principles have restructured local economies and decreased the value of the existing labor force, in favor of low wage labor largely from the Global South. In both places, the economic and political structures associated with neoliberal globalization have worked to infuse the strategies of both national states and local businesses to pursue strategies that privilege profitability and necessitate flexibility. The resulting labor market dynamics and social geographies of these communities have been heavily shaped by these multi-scales processes, particularly as national immigration policy and temporary worker programs reconfigure the parameters about what kind of labor is available locally, both enabling and dictating local, national, and even global competition. Indeed, this multi-scale reconfiguration of social, political, and economic arrangements serves to legitimize the marginalization of low wage labor, regardless of whether or not that labor resides permanently or temporarily within the national territory.

CHAPTER XII

REFLECTIONS

This dissertation has approached immigration policy making broadly and guest worker programs specifically, from a range of perspectives, including the national discourse of policymakers in individual states, the local experience of communities, and also the comparative and multi-scaled connections between these perspectives. As a result, it represents a comprehensive analysis of the use of temporary foreign labor, whether temporary in the sense of the legal parameters of work contracts for guest workers, or temporary as representative of a lack of permanent status, as in the case of undocumented workers. Indeed, one of the most important contributions of this dissertation lies with its approach to going beyond a focus on a single type of status, a single scale, or even a single country to explore an increasingly troublesome characteristic of ‘advanced’ economies and societies that are composed of a growing number of temporary workers who remain permanent aliens.

The case study research in Sun Valley, Idaho and Fernie, British Columbia undertaken in this dissertation highlights the importance of studying workers of different status. In Sun Valley, the combination of undocumented Latino workers, documented Latino workers, H-2B workers, and J-1 workers represent a ‘suite’ of different labor force characteristics, which employers have relied on to maintain flexibility, accessibility, and profitability. In Fernie, foreign workers of different status include those on a Working Holiday Visa and a nascent presence of Filipinos arriving as low-skilled temporary foreign workers. Filipino workers are increasingly used to maintain consistency and stability in the labor market, contrary to the ‘temporary’ nature of their visa, while those

on a Working Holiday Visa enjoy full labor market mobility and freedom from a work contract regulated by the state. In both of these rural and amenity oriented communities, national immigration policies have influenced employer strategies to adapt to structural changes in the local economy, largely driven by the influx of wealth from global cities. Dual labor markets have arisen, exacerbating the polarization between income and class that is visible in these small towns and is also increasingly racialized, as low-skilled labor is dominated by workers from the Global South. These conditions are apparent in the social geographies of these communities, in which the spatial distribution and visibility of foreign workers is shaped by their position in the labor market, and their lack of belonging is reflected in their absence from the image or identities of these communities. In Fernie, Filipinos are largely invisible to the community outside of their place of work, while in Sun Valley Latino workers are residentially and socially isolated from the resort image.

Understanding the local scale influences of temporary foreign labor in each country is important for several reasons. Rural areas in the Rocky Mountain region of both the U.S. and Canada are undergoing demographic changes as urban to rural migrants bring new levels of wealth and new socio-cultural ideals. As a result, small, racially homogenous communities such as Sun Valley and Fernie are becoming more expensive places to live, while at the same time the demand for services is escalating, creating the need to import low-wage labor from outside the community. In Sun Valley and Fernie, as well as in a growing number of rural amenity destinations throughout the West, this labor is increasingly composed of workers from less 'developed' regions. Because they are primarily engaged in low wage service sector and construction jobs, the inequality that

results in these small communities is shifting from one that had previously been small in scale and rooted primarily in class to one that is progressively more rooted in race. This racialized inequality should be a major concern for these small, relatively isolated communities, which draw a lot of value and security from a cohesive identity and a shared sense of place.

The case study component of this dissertation research can inform local efforts at addressing these challenges. For example, in Fernie the invisibility of Filipinos may be something that is easy to disregard, but as this dissertation shows, their lack of visibility is a direct reflection of their lack of mobility in the labor market and the limitations in the spaces in which it is perceived they ‘belong’ rather than the suggestion that ‘Fernie doesn’t have a Filipino community’ (community member, pers. comm., 8/30/2013). In the case of Sun Valley, the limited labor market mobility and spatial distribution of Latinos continues to counteract the integration of the growing number of American born Latinos who were raised in the Valley. The initial arrival of Latinos in the Valley was characterized by a large percentage of undocumented Latinos, which has directly shaped how they were integrated into the lowest paying and least secure positions in the labor market. What is significant is how a lack of status that was entrenched in labor market dynamics persists despite the legal status that many Latinos in the Valley now have. In this situation, which is not isolated to Sun Valley, local conditions are perpetuating the inequality that has been rigidly constructed at the national level. At the same time, the nascent prominence of bi-lingual Latino workers in professional, year-round positions and the degree of belonging Latinos express in the overall community points to how such rigid constructions can indeed become more fluid and contested in the local context. This

awareness, which this dissertation hopes to draw attention to, can have huge implications for developing strategies to reduce this inequality. My findings indicate that the community around Sun Valley has started to develop these strategies, through a dual language program, and the nascent prominence of bi-lingual Latino workers in professional, year-round positions.

The value of the findings in these two communities also exists independently of one another. However, when taken together, they open up the potential for new research trajectories that push the boundaries for immigration studies. Contemporary research on guest worker programs has blossomed in Canada over the last ten years alongside the massive expansion of Canada's temporary foreign worker program. On the other hand, research on foreign labor in the U.S. has been focused almost exclusively on undocumented workers. These two literatures have remained relatively disparate, with the exception of Basok (2000) who compared agricultural guest worker programs in the North American context, and Anderson (2010) and Wills et al (2010) who studied workers of different status in other countries. The dual, cross-border case study research in this dissertation has attempted to overcome this division by analyzing the presence of workers of different status, both guest workers and undocumented workers. Furthermore, by undertaking a comparative study in these two countries, this dissertation also overcomes a division in the literature (that has been rooted in either Canada or the U.S) by combining perspectives in both countries. Thus, while the temporary foreign worker program is a major issue in Canada and undocumented immigration is a major issue in the U.S., this dissertation has conceptualized these issues, not just as they are manifested in the local context, but also as they are manifested in different national contexts, with a

goal of overcoming the dichotomy between concerns about legal versus ‘illegal’ workers in North America.

The outcome of this dissertation also establishes that, while perhaps not a false dichotomy, the separate treatment of workers of different status in the literature must be overcome if we are to fully conceptualize how both governments and communities produce inequality. Scholars such as Anderson (2010), Bauder (2006), and Goldring et al (2009) have made this call by suggesting that it is not simply an absence of status that shapes inequality and ‘institutionalizes uncertainty’ but that different ways that workers are legalized must also be taken into consideration. This dissertation has fully answered that call, and gone further to claim that the interaction between scales and in different national contexts is an essential component of understanding contemporary issues of labor migration and ‘temporary’ status. Despite the initial calls made by the aforementioned scholars in the mid- to late-2000s to widen the parameters beyond a narrow focus on a particular form of legality or illegality, such research remains largely unaddressed. This dissertation provides an exception and has demonstrated a broader and more inclusive conceptualization of illegality by focusing on *legality* and widening the parameters beyond a single scale, or a single country to a comparative and multi-scaled framework.

The multi-scale analysis in this dissertation emphasizes the importance of studying both the tangible labor market and the social realities that exist for workers of different status as well as the more theoretical, discursive analysis that takes place in the national political arena. This project has explored those political discourses within the context of neoliberal globalization which has pressured states to integrate into the world

economy by decreasing barriers to trade and promoting free market economic principles. However, the economic demands of neoliberal globalization have produced a conflict between the free movement of goods and the free movement of people. This conflict has manifested itself in the guest worker programs of the U.S. and Canada, as well as many other 'advanced' economies that pursue programs that attempt to promote global economic competition while reasserting state power based on ideals of sovereignty- a mode of control that is fundamentally at odds with the free market principles of neoliberalism. The analysis of government debates in this dissertation helps to uncover and expose the inner-workings of this contradiction as it surfaces in the national political arena. Indeed, guest workers are an understudied, yet increasingly utilized example of state efforts to maintain control in ways less visible than border control and less aggressive than deportation.

While both Canada and the U.S. have pursued guest workers to achieve global economic competition while minimizing the costs of maintaining a low-skilled labor force, the discourse analysis undertaken in this dissertation reveals important differences between the underlying motivations this labor force has been sought. These differences, in turn, reflect the diverse values, anxieties, and preoccupations inherent in the national identities of these countries. It is no surprise that U.S. immigration policy and political discourse is narrowly focused on the central 'problem' of the 'illegal' alien. This 'problem' has necessitated the maintenance of guest worker programs, despite their contentiousness since the Bracero Program. Indeed the value of the H-2B program has much less to do with actual labor market needs (which is highlighted by the fact that only 66,000 workers are granted visas annually) and much more do to with the discursive framing of the program's potential to combat undocumented immigration.

In Canada, on the other hand, undocumented immigration is not, at least yet, a major concern within immigration debates and guest worker programs are used primarily as an economic tool, rather than a discursive or symbolic solution. Temporary foreign workers in Canada have grown to the point where Canada now has a higher percentage of foreign born individuals with temporary status than with permanent residency. Many of these workers have no access to citizenship- a situation which is mirrored by low-skilled guest workers and undocumented workers in the U.S. One fundamental difference however, is that there are a variety of avenues in Canada for guest workers to attain residency which, technically speaking, extend to all skill levels and all guest workers. Despite the political claim that there is equal access to residency, such a pathway is virtually non-existent for low-skilled guest workers. Thus while Canada places great emphasis on visibly promoting pathways to residency (regardless of the realities of those pathways for low-skilled workers), the U.S. is very firm that there is no intention that temporary workers remain permanently. Despite these differences, both countries rely on a discourse that the immigration system is broken, which serves as a powerful tool shaping interventions and necessitating 'solutions.' Guest worker programs, which are inherently at odds with democratic values, are justified in the U.S. in order to protect against 'illegal' aliens, while they are used in Canada to maintain a profitable and flexible labor force. Whether obscuring the realities of undocumented immigration or justifying global economic competition, guest worker programs are enacted to further the desire of both countries to maintain a clear distinction between citizen and alien.

The importance of temporary foreign labor (whether legal guest workers or 'illegal' immigrants) as both a structural component of the labor market and a significant proportion of society challenges many of the fundamental underpinnings of democratic ideals espoused

in Canada and the United States. The presence of unequal workers inside the territorial boundaries of a state not only erodes traditional conceptions of sovereignty and territory, but also has implications for the administration of laws and rights. This research has shown how guest worker programs are used by the U.S. and Canada, not to meet temporary, acute labor needs as they are claimed to do, but rather to compliment a suite of strategies that helps employers and states alike to compete globally while protecting their sovereignty and citizenship from the ‘costs’ of labor, particularly foreign labor from the Global South. In both countries, professed values of humanitarianism and equality, as well as the national identity associated with being ‘a nation of immigrants’ are diluted when the political motivations for guest worker programs are exposed. If it is true that “nations can be understood only in comparative perspective” (Lipset, 1990: xviii), this dissertation provides an important contribution not only to concerns about immigration and citizenship in each country, but also to broader concerns about belonging and exclusion in the North American context.

In his classic book, Spheres of Justice, Michael Walzer argued that “to tear down the walls of the state is not...to create a world without walls, but rather to create a thousand petty fortresses” (Walzer, 1984: 39). As someone who has studied immigration, this statement resonated with me as it represents much of what I have found throughout my research. Whether interpreted as 'walls' or borders, the barriers that people face are fluid in their dimensions and their penetrability. The geography of these borders may rest at the boundary between states as well as the boundaries that are erected between people. This dissertation has explored these boundaries, as they are erected by national states and enacted by local communities, with the belief that it is where borders rest that the greatest possibilities for infusion, overlap, and disruption occur (Grosfugel, 2008). In the arena of

immigration politics, national policy-making has nearly always been about erecting walls. Who is able to enter, and under what conditions, reflects not only perceptions about who belongs, but also state strategies for what is in the best interest of the nation. These perceptions can be both reinforced and contested at different scales (Hopkins, 2010). While I would like to argue that the communities in this dissertation are proving the fluidity of national categories, in reality the local scale outcomes are primarily reinforcing exclusion, with relatively small signs of weathering at the walls. However, human agency is a powerful force and the nature of existence throughout humanity has been the persistent ability to adapt to change. It is my hope that as 'nations' (whether at the scale of a country or a local community) experience changes driven by globalization and new social geographies develop, that the commonality of humanity will overcome the tendency to create a thousand petty fortresses.

APPENDIX A

LIST OF ACCRONYMS

Canada

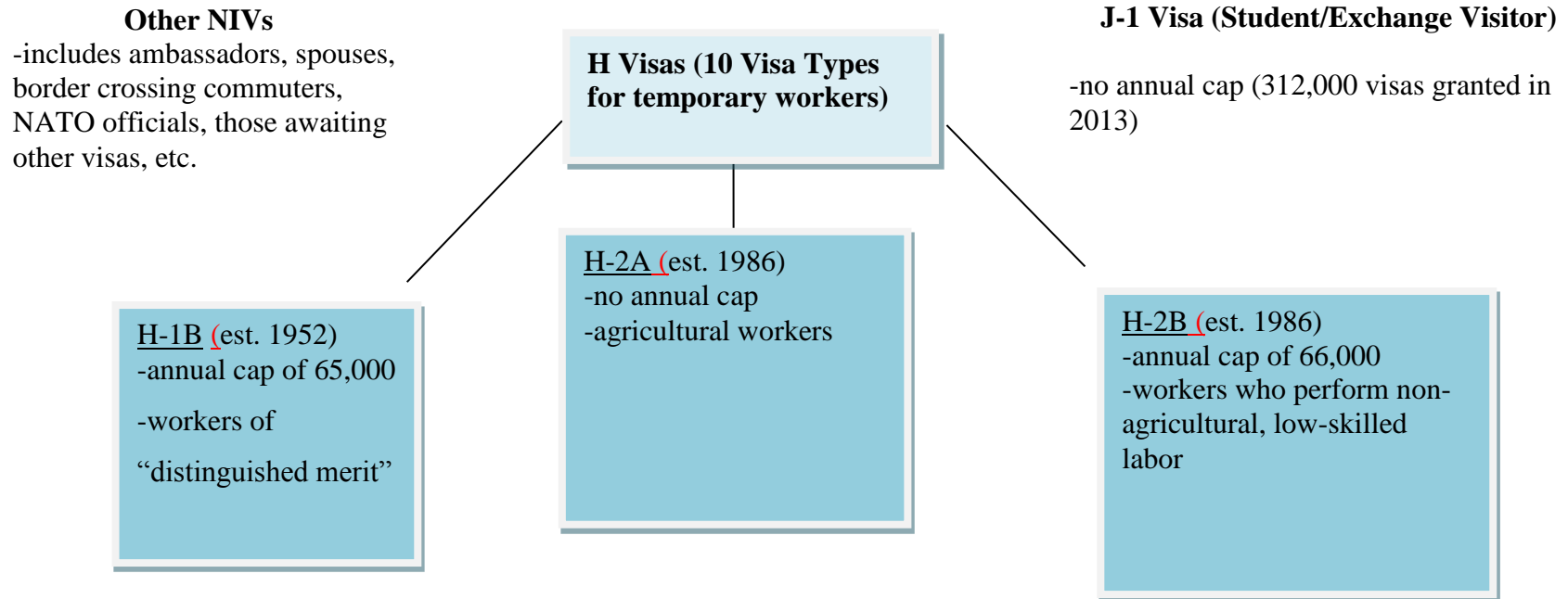
CEC	Canadian Experience Class
CIC	Citizenship and Immigration Canada
CIMM	Standing Committee on Immigration and Citizenship
FSW	Federal Skilled Worker
HVW	Holiday visa worker
IRPA	Immigration and Refugee Protection Act
NIEAP	National Immigration Employment and Authorization Act
LCP	Live-in Caregiver Program
LMO	Labour market opinion
LSPP	Low-skilled Pilot Project
PNP	Provincial Nominee Program
SAWP	Seasonal Agricultural Workers Program
TFWP	Temporary Foreign Worker Program
TFW	Temporary foreign worker
WHV	Working Holiday Visa

United States

CIR	Commission on Immigration Reform
DOL	Department of Labor
DOS	Department of State
IRCA	Immigration and Refugee Control Act
SCIRP	Select Commission on Immigration and Refugee Policy

APPENDIX B

DIAGRAM OF NON-IMMIGRANT VISAS (NIVS) IN THE UNITED STATES, 2012²⁵



²⁵ There are over seventy different non-immigrant visas issued by the U.S. Department of State. This diagram highlights only those categories that import foreign workers on a temporary basis who fall under either the H or J visa category. Furthermore, within the H Visa category, this diagram only highlights the categories of H-1B, H-2B, and H-2A who are largely referred to as “guest workers” and who also compose the largest number of H category visas. In 2013 there was a total of roughly nine million non-immigrant visas issued. (Source: U.S. Department of State NIVStatistics, 2013).

APPENDIX C

DIAGRAM OF TEMPORARY FOREIGN WORKER PROGRAMS IN CANADA, 2012²⁶

Live-In Caregivers Program (LCP) (est. 1992)
-workers employed as caregivers
-19,800 workers present

Low-Skilled Pilot Project (LSPP) (est. 2002)
-workers requiring 'lower levels' of training
-30,200 workers present

Other
-no direct definition available
-32,600 workers present

Information Technology Workers
-758 workers present

Seasonal Agricultural Workers Program (SAWP) (est. 1966)
-25,500 workers present

²⁶ The categories of temporary foreign workers displayed in this diagram pertain to those who require a labor market opinion. Other foreign workers may also arrive in Canada under international arrangements such as NAFTA, or as highly skilled workers, who do not need to obtain a labor market opinion in order to work temporarily in Canada. In 2012, there were roughly 228,000 such workers. At the time of writing, Canada was in the process of restructuring its temporary foreign worker program (TFWP). To date there has been no annual cap on entries under the TFWP. (Source: CIC Facts & Figures, 2012).

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