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Understanding Temporary Labour Migration through a Settler Colonial Lens: A Critical Analysis of Canada's Seasonal Agricultural Worker Program and International Education Strategy

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ABSTRACT *The relationship between differential inclusion of workers migrating for employment internationally and the dispossession and assimilation of Indigenous people and lands is a growing area of study within critical migration studies. Less attention has been paid, however, to how (im)migration policies that foster migrant worker precariousness also extend settler colonial practices. Scholars situated in the transdisciplinary fields of Black Studies and Indigenous Studies have long theorized nation-state building as exclusionary to Black and Indigenous life, and reliant on limited mobilities and dispossession of Black and Indigenous peoples. Bridging this scholarship with critical migration studies, in this article we explore how policies regulating international migration for employment to Canada on temporary bases reflect and sustain the settler-colonial context in which they operate. We outline three logics of settler colonialism that underpin policies governing temporary migration for employment to Canada: (1) the racialized hierarchization of life and knowledge; (2) the reliance on technologies of governing, which foster unequal administrative burdens; and (3) the disruption of people's relationships to land and livelihoods. Analyzing Canada's Seasonal Agricultural Worker Program and International*

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Education Strategy, we illustrate how migration policies reinforce and replicate settler colonial practices.

KEYWORDS temporary labour migration; settler colonialism; Black Studies; Indigenous Studies; international students

Introduction

Labour migration programs are often associated with tenuous residency status and precarious employment. Yet, many receiving countries in the OECD long reliant on these programs are expanding them with the formal goal of fostering greater security through increased mobility for workers. Canada exemplifies this trend, as it grapples with public outcry over migrant worker exploitation (Marsden et al., 2021) but still seeks to use *both* temporary and permanent migration schemes to replenish its labour force. As such, similarities are increasingly apparent between Canada's longstanding temporary labour migration programs, recognized as perpetuating precariousness among participants, and newer programs recruiting "economically desirable" and "ideal future immigrant[s]" (Rajkumar et al., 2012; She & Wotherspoon, 2013; Spring, 2024; Trilokekar & Masri, 2019; Vosko, 2020, 2022, 2023). Receiving-country employers' demands for recruiting workers from abroad to address labour scarcities (Sassen, 1981) or qualitative labour shortages – that is, to fill jobs undesirable to citizens – likewise fuel precarity among both groups. Critical labour migration scholars have linked the conditions experienced by migrant agricultural workers in Canada, a majority of whom arrive from Caribbean and Latin American countries, to a history of neocolonial and racializing dynamics (André, 1990; Basok et al., 2023; Chartrand & Vosko, 2020; Satzewich, 1989, 1991; Vosko et al., 2019). They have also begun to illustrate how such dynamics shape the experiences of nominally more "mobile" migrant workers (i.e., open-work permit-holders), particularly those arriving from sending countries whose residents are racialized as non-white (Vosko, 2020).

While there is growing attention to the connections between the differential inclusion of workers migrating for employment internationally and the dispossession and assimilation of Indigenous people and lands (Chatterjee, 2019; Lawrence & Dua, 2005; Smith, 2019), less attention has been paid to how (im)migration policies contributing to migrant worker precariousness extend settler colonial practices. The incorporation of precarious "alien" labour (Avery, 1995), essential to national development projects and industrial growth historically, works in tandem with the dispossession of land from Indigenous peoples (Chatterjee, 2019). In other words, frequently racialized, gendered, and classed distinctions between future immigrants permitted to move throughout the labour force easily and deemed deserving of permanency, and temporary migrants understood to be perpetually replaceable or "permanently temporary"

(Rajkumar et al., 2012) helps to fortify and legitimize the settler-colonial social formation and its project of expanded capitalist accumulation (Smith, 2019, p. 173). In settler societies, such as Canada, the process of re-peopling (Bhatia, 2018) has prioritized economic growth and thus ties between government and business. Settler colonial (im)migration policies have placed social groups identified as Anglo-Saxon, that is, perceived to be proximate to white, Western-Europeanness, at the top of hierarchies while marginalizing migrants of colour and pursuing policies reducing, containing or assimilating Indigenous populations (Abu-Laban, 2022). Social science scholarship has often normalized the Eurocentric, Westphalian state system as a form of governance, diverting attention from both Indigenous political orders (Ladner, 2017) and the ways that "migration worlds are being made from below" (Walters, 2015, p. 11). As a counterbalance, some critical labour migration scholars strive for methodological de-nationalism, aiming to denaturalize the political formation of modern nation-states and their imposed categories of migrant and citizen (Anderson, 2019; Levitt, 2012; Vosko, 2011; Wimmer & Schiller, 2002). Collins (2022) points to an evasion of analyses of colonialism in migration studies, and suggests that the field move toward research and analysis practices that focus on the intersection of colonialization and migration, and make space for Indigenous, non-Western epistemologies and solidarities.

Scholars situated in the transdisciplinary fields of Black Studies and Indigenous Studies have long theorized nation-state building as exclusionary to Black and Indigenous life, and reliant on limited mobilities and dispossession of Black and Indigenous peoples (Browne, 2015; Maynard, 2019; Moreton-Robinson, 2015; Walia, 2013). Drawing on this theorising, we explore how policies regulating international migration for employment to Canada on (at least initially) temporary bases reflect and sustain the settler-colonial context in which they operate. We argue that (im)migration policies and practices contributing to migrant worker precariousness are intimately intertwined with logics of settler colonialism – by which we mean ideologies that take shape materially and symbolically in laws, policies, and practices that contribute to displacing or dispossessing existing inhabitants of a territory (often Indigenous people) and replacing them with new population(s).

Although settler colonialism is animated by many logics, in this article, we focus on three specific logics underpinning policies governing temporary migration for employment to Canada: (1) the racialized hierarchization of life and knowledge; (2) the reliance on technologies of governing, which foster unequal administrative burdens; and (3) the disruption of people's relationships to land and livelihoods. We consider how these particular logics are enacted in policies governing two of Canada's foremost labour migration programs – namely, the Seasonal Agricultural Worker Program (SAWP) and the International Education Strategy (IES) – assumed to serve very different purposes in the labour market and to reproduce contrasting conditions for temporary migrant workers. On the one hand, the SAWP is a longstanding guestworker program associated with migrant worker precariousness and, on

the other hand, the IES is a program for postsecondary students, designed to recruit "ideal future immigrants" while permitting employment among educational migrants during and immediately following their studies. In identifying settler colonial logics operating via the SAWP and the IES, we illustrate the similar forces structuring both programs, which effectively categorize peoples in ways that uphold hierarchies of the Westphalian nation-state system. We conclude with a call to strengthen efforts to bridge scholarly literatures on dispossession emanating in Black Studies and Indigenous Studies with critical labour migration studies.

On Writing as Non-Indigenous and Non-Black Scholars

We are a team of non-Indigenous and non-Black scholars: Spring is a white settler, descended from Irish and English settlers; Toomey is a first generation settler of Gujarati and Irish/Russian Jewish descent; Noack is a white second-generation settler, descended from immigrants of diverse ethnic heritage; and Vosko is a descendent of refugees fleeing anti-Semitism in Europe. We have neither laboured in seasonal agricultural work nor been international students. As inhabitants of Turtle Island and beneficiaries of many social and economic policies of the Canadian settler-colonial state, which exist alongside ongoing processes of dispossession of Indigenous peoples, we are accountable to understanding, naming and challenging ongoing practices contributing to Indigenous and migrant dispossession.

Engaging with Indigenous worldviews as scholars outside these identities requires reflection on our limitations and responsibilities. Indigenous ways of knowing are not simple or convenient means of filling gaps in Western knowledge systems (Starblanket & Stark, 2018). We learn from Hunt (2013) that truly meaningful engagement requires "an *actual shift in disciplinary ontologies and epistemologies*… [and an engagement] in discussions about the broader politics of knowledge production" (p. 6, emphasis added). As feminist scholars we likewise learn from Arvin et al. (2013) that because "a key aspect of the relentlessness of settler colonialism is the consistency and thus naturalization of heteropatriarchy and heteropaternalism" (p. 14), surfacing and critiquing settler colonial logics is integral to dismantling patriarchal social life. We also acknowledge that settler-colonial studies cannot be divorced from Black Studies, recognizing that the transatlantic slave trade was formative of settler colonialism in generating a "seismic... shift in economy, thought, and culture and in human alterability" (Walcott, 2019, p. 347). While Black Studies and Indigenous Studies are distinct fields, understanding how processes of racialization work in tandem with settler colonialism is key to thinking through the logics that inform laws and policies governing migrant labour. This essay is a cautious effort aspiring for engagement between critical labour migration and Indigenous and Black Studies scholarship.

Three Logics of Settler Colonialism

Colonialism is motivated by a capitalist economic system, which seeks to maximize profits for the capitalist class, at the expense of collective well-being. Western colonial incursions into lands and societies in Asia, Africa and North America were motivated by the desire to access and exploit both material resources and human labour. Iterations of these relations shape contemporary global economic systems, with national and multi-national corporations seeking to maximize shareholder profits by seeking to exploit both the earth's natural resources and the labour of people in economies that have been decimated by the effects of colonialism and Western power (Carroll, 2010). The valorization of capitalist accumulation is also associated with a devaluation of the work of social reproduction, that is, the ongoing process of nurturing and maintaining people, communities and societies, that are vital to making and maintaining working populations.

Extending these ideologies, settler colonialism "aims to expropriate Indigenous territories and eliminate modes of production in order to replace Indigenous people with settlers who are discursively constituted as superior" (Saranillio, 2015, p. 284). As a system, it relies on "a logic of elimination" (Wolfe, 2006) directed at Indigenous populations: it functions as a set of practices that lay claim to land by symbolically and materially displacing the original inhabitants, discrediting existing cultural and social systems, and assimilating them into the settler society. Scholars in Indigenous Studies expose practices of settler colonialism ranging from coercion into the Christian religion, to forced imposition of languages and destruction of Indigenous cultures, to systemic incarceration of Indigenous peoples, practices that together foster "the historical and ongoing dispossession of Indigenous lands, and the related incorporation of Indigenous peoples into capitalist class relations, typically as working-class labour or as part of an unemployed underclass" (Coburn, 2016, pp. 293-294). But, while settler colonialism is eliminatory, it is also productive, continuously regulating and circumscribing social relations in order to reproduce its power (Starblanket & Stark, 2018). Practices fostering both elimination and assimilation begin as ideologies, which manifest themselves materially in ways that are naturalized as "common sense" – that is, that come to be understood as immutable or a priori forms through legal, economic, educational, and cultural systems (Ferreira da Silva 2015; Moreton-Robinson, 2015; Rifkin, 2013). While multiple structuring logics uphold the power of late-capitalist settler-colonial states, we focus on three that are particularly evident in Canada's regulation of labour migration.

Racial Hierarchies of Life and Ways of Knowing

Settler colonialism rests on the assumption that human beings exist in a hierarchy of worth depending on their proximity to "advanced technologies,"

science and secularity, reason and rationality. Wynter (2003) illustrates how colonizing powers conceived of Indigenous, Black and racialized others as "savages" whose bodies, societies and ways of knowing needed to be civilized or subjugated (p. 265). Robinson (1983) explains modern capitalism as emergent from a European context that understood itself as a racialized hierarchy in which some humans, categorized as less than human, would be expendable in service to capital accumulation. Reading Robinson alongside Wolfe, Kelley (2017) points to the connection between settler colonialism and racial capitalism: "racialization within Europe was very much a *colonial* process involving invasion, settlement, expropriation, and racial hierarchy… modern European nationalism was completely bound up with racialist myths" (p. 272). Theorizations of the notion of "huma"' emerging from Black Studies illuminate how the construction of certain bodies as labourers, especially forced or restricted labourers, also constructed hierarchies of wealth, identities, and geographies. McKittrick (2013), for example, conceptualizes the plantation as an economic site where racial capitalism is apparent: the plantation generated wealth for white landowners and nation-states while dispossessing unfree and indentured labourers from their lands and simultaneously circumscribing those lands as "uninhabitable." Settler colonial expansion and racial capitalism work in tandem to structure relations: Indigenous, Black peoples and workers are cast as lower on the hierarchy of humanity, exploitable, and less entitled. Their traditional relations to land are subjugated to private property relations, as processes of racialization and patriarchal nationalist sovereignty are intertwined (Moreton-Robinson, 2015).

Administrative Technologies of Governing

Settler colonial societies are infused with and rely upon technologies of governing to enact political power. It is through "the complex of mundane programmes, calculations, techniques, apparatuses, documents and procedures" that authorities are able to "embody and give effect to governmental ambitions" (Rose & Miller, 2010, p. 175). Governments in contemporary settler colonial states, including Canada, typically rely on ostensibly neutral practices of quantification, or "metriciziation," to valorize particular types of knowledge and policy interventions (while obscuring others) and to reinforce racial hierarchies. Ray et al. (2023) identify a general pattern of "racialized burdens," that is, sets of administrative practices that "normaliz[e] and reinforce patterns of racial inequality…while obscuring discrimination" (p. 139), often under the guise of bureaucratic neutrality. The contrast between the appearance of neutrality and the ongoing reinforcement of racial hierarchies in public policy design, implementation, and evaluation is often enacted through policy doublespeak. For instance, many settler state governments have called for a reconciliation with Indigenous peoples, enacting processes resembling "multicultural nationalism" (Kernerman, 2006),

whereby Indigenous knowledges and ways of knowing become incorporated into existing expressions of diversity. As many scholars note, however, multiculturalism *sustains* the settler state; relegating indigeneity to one part of the settler state is key to its legitimacy (Saranillio, 2015; Tallbear, 2019). Policies oriented to reconciliation can be understood as a form of inclusion that function ultimately as a technology of settler colonial rule.

Fractured Relationships to Lands

Indigenous worldviews teach us that land is the source of culture, knowledge, spirituality, history, livelihood. Indigenous theory offers expansive conceptualizations of land as place, meaning-making and the source of cultural and intellectual sovereignty (Goeman, 2015, pp. 72-73). Knowledges that emerge from a wider understanding of land can account for "complex knowledge systems wherein animals, plants, and spirits are understood as beings who participate in the everyday practices that bring worlds into being" (Sundberg, 2014, p. 35). Settler colonialism transforms people's relation to land into one of private property ownership, circumscribing relations between peoples and places into capital exchange (Bhandar, 2018; Melamed, 2015; Moreton-Robinson, 2015). The fracturing of these relationships cultivates a sense of alienation and disconnectedness from land and water, as well as between human and non-human actors. It also provides social license for the pursuit of extractivist capitalism, seeking to maximize profit both through the extraction of natural resources and the exploitation of (often racialized and ndigenous) migrant workers labouring in these industries.

Indigenous communities and theorists point out that relations to land are about mobility; Indigenous peoples have always moved and travelled, and movement has nourished their relations to land (Goeman, 2015; Starblanket & Stark, 2018; Suliman et al., 2019; Whyte et al., 2019). Carpio et al. (2022) trace Indigenous theorizations of both mobility and colonialism, and observe that "settler colonial spaces ... [are] structures of mobility injustice ... created via assertions of power over movements and attached directly to claims or projections of ownership and belonging" (p. 2). Settler colonial ideologies and practices shape who can be mobile, a traveller, a discoverer, and who must stay in place or be forcefully relocated (Clarsen, 2015; Toomey, 2022). Who gets to move, when and why, remain constrained in "hierarchical practices of colonial ordering and management" (Walcott, 2023, p. 118).[2] Particularly salient for critical labour migration studies is how people's separation from their lands and thus their livelihoods, cultures, and ways of knowing,

[2] In Canada, these practices are starkly evident in the forced relocation of Indigenous children to residential schools and in the "pass system" long used by Indian Agents to control Indigenous people's movement off reserve, a variant of which re-emerged during the COVID-19 pandemic when identity cards were issued to migrant farmworkers in several rural communities across Ontario (Vosko & Spring, 2021).

effectively transforms them into wage labourers in service to the global economy.

Two Cases of Canadian Labour Migration Policy

Below, we analyze patterns and tendencies in the operation of policies governing two large labour migration programs operating in Canada, and identify the structuring logics of settler colonialism they reflect and engender. As scholars who have previously studied Canada's temporary labour migration programs, including the SAWP and the Agricultural Stream (e.g., Vosko, 2014, 2019; Vosko et al., 2023), the International Mobility Program and its subprograms (e.g., Vosko, 2020, 2022, 2023), and the international study permit (e.g., Spring, 2024, 2025), we engage in a deep re-reading in our existing areas informed by anti-colonial and anti-racist scholarship. Taking policy design, application and enforcement as workings of politico-economic power (Graefe, 2007), we explore key government documents including laws and policies on the books as well as government "strategies," protocols, and interstate agreements, identified on the basis of their relevance to contemporary migration policy directions, which we accessed either via public repositories, media sources or access to information requests (ATIPs).

Case 1: The Seasonal Agricultural Worker Program (SAWP)

The SAWP is Canada's longest-running temporary migrant worker program, operating without interruption since 1966 to meet agricultural employers' need for low-wage, flexible labour on a seasonal basis. As the largest sub-program of the Temporary Foreign Worker Program (TFWP), it provides for circular or rotational migration (i.e., repeated fixed period migration, often on a seasonal basis) and functions through bilateral interstate agreements between the government of Canada and sending countries in Latin America (such as Mexico) and the Caribbean (such as Jamaica, St. Lucia, and Grenada). As a model of "managed migration," the SAWP regulates temporary labour migration in a context in which pressures to emigrate from certain regions are growing but opportunities for permanent settlement in Canada are limited for workers deemed low-skilled (Piché, 2012; Vosko, 2019).

Policies guiding the operation of the SAWP set out highly restrictive conditions for workers, who are predominantly racialized as non-white and migrating from relatively low-income countries (André, 1990; Chartrand & Vosko, 2020; Satzewich, 1991; Smith, 2015; Vosko, 2019). These policies are inseparable from longstanding socioeconomic power imbalances shaping Canada's financial and political ties to and extraction of resources and labour from these countries – previously colonized by the Spanish, British and French. In this context, migrant workers engaged in Canadian agriculture emigrate

from settings where local capacities to produce and purchase food, and to have sustainable livelihoods, are circumvented by ongoing processes of land, resource, and labour expropriation – processes that compel workers to join the global labour force. It is against this backdrop that we read the SAWP standard employment contract ("the Contract"), the principal mechanism governing the day-to-day operation of the program, which sets out terms and conditions applicable to sending and receiving governments, and to employers and workers.[3]

Racial Hierarchies

A large body of scholarship illustrates how the SAWP is emblematic of racial capitalism insofar as it serves to recruit an expropriated pool of racialized workers driven to access better wages in Canada (André, 1990; Smith, 2019; Vosko et al., 2019). Migrant agricultural work is completed often under highly exploitative conditions premised on migrant farmworkers' deportability (De Genova, 2002) – a social condition often identified with undocumented migrants but also arguably encompassing threats and acts of removal among legally-authorized migrant farmworkers (Vosko, 2019). Deportability reinforces racialized migrant workers' differential inclusion, positioning them at the bottom or outside of the nation state and society, delineating them from citizens. Under the SAWP, such dynamics, in combination with long working hours, limited knowledge of health insurance or coverage and how to access it, lack of independent modes of transportation (Barnes, 2013), social isolation (Horgan & Liinamaa, 2017), and fear of lost hours of paid work, termination, or medical repatriation (Orkin et al., 2014) can compel hyper-productivity and foster heightened risks to workers' well-being and safety (e.g., McLaughlin, 2010; Perry, 2018; Vosko et al., 2023), effectively normalizing the devaluation of Latinx and Caribbean migrant workers' lives (e.g., Allahdua, 2023; Grez, 2023).

Racialized hierarchies of knowledge are evident in the SAWP's orientation to the recruitment of workers to fulfil jobs defined as "low skilled": they symbolize a de facto denial of the knowledge and expertise that migrants bring as farmers from different contexts. For example, in Ontario, the province with the largest number of workers enrolled in the SAWP, migrant farmworkers are engaged to work primarily in just two job categories defined by repetitive, deskilled tasks– those of harvester or general farm worker. In this sense, the SAWP perpetuates a settler colonial racialized order by locating migrant farmworkers at the bottom of the social and industrial hierarchy.

[3] SAWP standard employment contracts are renegotiated annually, in talks involving both the receiving and sending states as well as employer/industry representatives (i.e., absent worker/union representation).

Technologies of Governing

The Contract also ties farmworkers' residency status as "legal" temporary migrants to their employers (Employment and Social Development Canada [ESDC], 2024, pp. 10-11), thus workers' relationships with their employers determine their security of presence in Canada. The Contract stipulates that employers may terminate employment early in response to a workers' non-compliance, refusal to work, or "any other sufficient reason stated in th[e] contract" at any point (p. 12).[4] As well, with the exception of those employed in BC, migrant farmworkers are required to live in employer-provided housing (p. 2), consisting typically of bunkhouses located on worksites.[5] These provisions promote a range of surveillance practices, including self- or co-surveillance (Basok et al., 2014) that extend both employer and nation-state control over the intimate details of migrants' lives (Rose & Miller, 2010). This ongoing surveillance constrains farmworkers' agency and ability to engage in collective action (Caxaj & Cohen, 2019; Vosko, 2014), as well as their ability to rest and recover.

Inherently, the Contract functions as a racialized burden that, under the guise of neutrality and bilateral negotiations between nations, further reinforces racial inequalities. In addition, migrant workers are often exempt from labour protections and social benefits via seemingly neutral provisions, obscuring their discriminatory effects. For example, under Ontario's *Employment Standards Act* all "farm employees" and "harvesters," the two main occupational groups to which SAWP participants belong, lack access to overtime pay, rest periods, and public holiday pay. Such across-the-board exemptions are seemingly race- and citizenship-neutral as they refer to agricultural workers as a whole but effectively position the principally Mexican- and Caribbean-born farmworkers largely subject to them as less entitled to state protection. Meanwhile, migrant farmworkers' access to social benefits, including income support via Employment Insurance, provincial

[4] On the prevalence of repatriation for reasons ranging from those related to workers' medical conditions to voicing grievances, see Basok et al. (2014), McLaughlin (2009) and Vosko (2019). Notably, while the employer is expected to not discharge a worker during a 14-day trial period beginning upon the workers' arrival in Canada, Section 1 clause 4 of the contract permits that sufficient cause or refusal to work are viable exceptions to this rule. The Contract provides for minimum compensation for the worker when an employer terminates employment without meeting the requirements for early cessation, a process that requires sending-state officials to work, on behalf of the terminated migrant farmworker(s), with ESDC to determine whether the employer has breached the contract (ESDC, 2024, p. 12). However, this administrative process is potentially compromised by sending-states' officials' interest in maintaining foreign remittances and, as a result, good relationships Canada's government agencies and employers (McLaughlin, 2009; Vosko, 2014).

[5] This housing is often characterized as overcrowded, unsanitary, pest-infested, lacking privacy, and in general disrepair (Díaz Mendiburo & McLaughlin, 2016; Perry, 2018; Preibisch & Otero, 2014). Except in BC, employers must provide this housing free of cost, though in some provinces and for some workers, an employer may deduct a portion of wages to cover utility costs ($2.68 per working day in 2024; ESDC, 2024, p. 3).

health insurance, public pensions, etc., is systematically limited on account of holding permanently temporary residency status, despite their contributions via across-the-board payroll deductions.

Fractured Relations to Land

Many workers labouring under the SAWP migrate due to processes of expropriation and other dynamics of (settler) colonialism in their country of origin, compelling them to join the global labour force (on dynamics of settler colonialism in Latin American contexts, see Shlossberg & Amaya, 2024). These workers, some of whom are themselves Indigenous peoples displaced from their lands (e.g., Vosko et al., 2023), are then recruited into land-based work, often on unceded Indigenous lands or treaty territories, resulting a juxtaposition of alienage (i.e., vis-a-vis migrant farmworkers' differential inclusion in the receiving state such that they lack access to the full range of labour and social protections afforded to citizen-workers) and Indigenous dispossession.[6] As Smith (2019) writes, in analysing migrant farmworker's housing struggles in Norfolk County, Ontario:

> The peopling and keeping of the territory now known as Canada occurs through the deployment of migrant farm workers… Migrant farm labour… and the work to which that particular labour is assigned in the ongoing settler colonial project, undercuts the claims and very existence (i.e., the survival) of Indigenous peoples and communities to belong on terms of their own choosing… In the structural relationship of settler colonial Canada, the migrant other and the Indigenous other are linked through the undertaking of agricultural work in the service of settler capitalist accumulation; the work of survival of the former is deployed to undermine the work of survival of the latter. (p. 180)

Agricultural worksites are often in rural locations and migrant farmworkers generally lack independent modes of transportation, except bicycles (Reid-Musson, 2018), contributing to feelings of entrapment. Relative confinement to the worksite makes it difficult for workers to live full lives and leaves them alienated from both workers on other farms and local communities. Qualitative research undertaken with migrant farmworkers labouring during the COVID-19 pandemic (Vosko et al., 2023) illustrates how migrant workers were subject to strict requirements to remain on farm during both working hours and in leisure time. In one case, a migrant farmworker in Ontario that took a bike ride around the perimeter of the farm where they worked to "clear his head" was threatened with repatriation. The constrained mobility of migrant farmworkers takes sharp expression in the Contract's clauses on worker transfers, which allow employers and their industrial associations to recruit, place and transfer

[6] In adopting the notion of "alienage" here, we draw on Bosniak (2006) who uses it in a double sense, that is, to disclose citizenship's often hard external and potentially soft internal boundaries of community membership allowing for the citizenship of aliens.

workers as needed to fill labour shortages. Reminiscent of slavery-era practices, the potential for transfer is not necessarily benevolent, as noted in scholarly work (Choudry & Smith, 2016; LeBaron, 2020); it can function to reduce migrant farmworkers' security of presence, be it on a worksite, in a community or region and also in the country (Vosko, 2019). That SAWP participants are linked to Indigenous peoples in and through their performance of agricultural work, while at the same time systematically limited by the Contract in their ability to move freely while in Canada, reinforces settler colonial logics of alienation from land.

Case 2: Canada's International Education Strategy (IES)

Canada's IES permits those admitted to public post-secondary institutions to migrate as students who may ultimately gain access to pathways to permanency as Canadian degree or certificate holders. Following World War II, Canadian-based post-secondary institutions began to actively recruit international students, supported by discourses of world peace and humanitarianism, as well as functioning as a "soft power" means of "training and developing the infrastructure and human resource base of the developing world" (Trilokekar & Masri, 2019, p. 41). But justifications shifted by the early 2000s when federal policy discourse acknowledged international students' value as "ideal future immigrants" equipped to address skills shortages in a globalizing economy (She & Wotherspoon, 2013). To increase Canada's appeal in the international education marketplace, international students have access to Post-Graduation Work Permits – an open work permit for up to three years for former international students pursuing avenues for permanent residency.[7]

Postsecondary international students are permitted to work while enrolled in school, with some limits: prior to 2014 they were restricted to on-campus employment; in 2014 they were automatically authorized for 20 hours of off-campus employment, in 2022 the cap was raised to 40 hours, and in 2024 a 24 hour cap was introduced (Global Affairs Canada 2014). Differentially high tuition fees for international students effectively ensure that most work for pay during their studies. Accordingly, in recent decades, international post-secondary students have come to represent one of the largest groups of temporary residents permitted to work while in Canada (Immigration, Refugees and Citizenship Canada [IRCC], 2023a, 2024c). Thus universities and colleges, themselves operating within Canada's settler colonial landscape, are involved in recruiting educational migrants with a view to addressing shortcomings in institutional revenues (Spring, 2024) while attracting "economically necessary" (Rajkumar et al., 2012) migrant workers to fill qualitative labour shortages (Vosko, 2023). Yet, this role is increasingly

[7] Accessible to international students upon the completion of eligible Canadian degrees, this is the largest subprogram of the IMP and accounts for nearly half of those transitioning to permanent residency under its auspices (IRCC 2023a).

subject to public scrutiny, and in 2024, IRCC announced new policy changes, including an intake cap on international study permits (IRCC, 2024a), which was further reduced for 2025 (IRCC, 2024b), in attempt to restore the integrity of the international study permit, threatened by post-secondary institutions' over-reliance on international students (IRCC, 2024a), while also claiming to address growing pressure on overburdened health care, housing, and public services (on the risks of blaming international students for such crises, see Hamilton & Su, 2024).

Racial Hierarchies

A growing body of scholarship in Post-Secondary Education Studies reveals how affluent Western (settler) countries' recruitment of racialized international students from non-Western nations as ideal labour migrants and future immigrants rely on logics assuming the supremacy of Western institutions and knowledges (Buckner & Stein, 2020; Park & Francis, 2024; Stein, 2016; Stein & Andreotti, 2016). As educational institutions, Canadian universities and colleges consistently prioritize Western knowledge systems and epistemologies, (re)producing settlerhood among both domestic and international students (Park & Francis, 2024).

IRCC's new rules governing transitions out of the international study permit suggest a reinforcement of racial hierarchies via a seemingly economistic approach to selection; in addition to French or English language level requirements, as of November 2024, graduates from public college programs are only eligible for a post-graduation work permit if they were enrolled in an eligible field of study, such as science, technology, engineering and mathematics (STEM), health care, transport, or agrifood, among others. Notably, an outsized proportion of international students in college programs, compared to university level programs, come from lower-income countries where residents are racialized as non-white. For example, considering top source countries of origin in 2019, 69% of new entrants from India and 58% of new entrants from Brazil were college-bound, compared to only 17% and 28% of new entrants from the US and France, respectively (IRCC, 2023a); meanwhile, 61%, 28% and 22% of new entrants from Iran, the US, and France respectively entered graduate-level programs in 2019, compared to only 9% of new entrants from India and 10% of new entrants from Brazil (IRCC, 2023a). Thus, by putting these requirements on college program graduates, Canada is ensuring that a predominantly racialized group of migrants are only granted access to open work permits upon graduation if they are seen to be "economically desirable." Such changes in eligibility requirements, in combination with reduced PR targets, will contribute to many international students leaving Canada or falling out of legal status (e.g., Amad & Cyr, 2024).

Along with the cap, IRCC announced that spousal permits will only be provided to spouses of graduate students and those enrolled in professional

degree programs (and not undergraduate or college students, whose numbers were further restricted in early 2025) – a move that aligns with the exclusion of so-called "low skilled" migrants, including SAWP workers, from opportunities for family accompaniment (Vosko, 2025). Given the overrepresentation of migrants racialized as non-white in "low-skill" and lower-education streams, these policies have similar effects as the explicitly racist exclusion of families' of Chinese labour migrants in the early 20th century (Cho, 2018) and Caribbean migrant domestic workers (Arat-Koç, 2006; Glenn, 1992) throughout the post-war era (Vosko, 2025).

Technologies of Governing

Compounding the effects of the cap, Canada introduced a new requirement that all prospective international students demonstrate they have $20,635 CAD in savings,[8] in addition to funds sufficient to cover tuition and travel costs, in order to successfully obtain a study permit (IRCC, 2023b, para. 3). This requirement is framed as a means of limiting international student "vulnerability and exploitation" while ensuring that "international students are financially prepared for life in Canada" (IRCC, 2023b, para. 2). While neutral on its face, the rule disproportionately burdens international students from countries with weaker economies and less favourable exchange rates to the Canadian dollar, whose nationals are often racialized as non-white – an outcome inseparable from Canada's successful efforts to expand the proportion of international students from "developing and emerging economies" to foster sustainable growth (Global Affairs Canada 2014, 2019).[9] In reducing international students' abilities to secure permits, this savings threshold may also heighten pressures on educational migrants to take on education-related debt, thereby fostering dynamics of expropriation that can negatively impact their employment experiences and transitions to permanency (Spring, 2024). As an administrative burden with racialized effects (Ray et al., 2023), the increased requirement of demonstrated savings serves to uphold settler colonial racial hierarchies aiming simultaneously to foster entry of temporary *and* future (im)migrant workers under conditions that further differentiate such groups from one another.

Policy changes to Canada's IES are also characterized by a growing emphasis on metricization, exemplifying increasingly technologized processes of migration decision-making. For instance, IRCC is developing parameters

[8] The previous policy required international students to have $10,000 CAD in savings.

[9] Between 2015 and 2019, there was substantial growth in study permits issued to post-secondary students from targeted countries, with participation rates for students from India, Vietnam, and Iran each more than tripling over the course of four years (Spring, 2024). Meanwhile, between 2019 and 2023, study permits issued to students in Philippines, Nepal, and Mexico grew substantially (IRCC, 2024a).

for determining which institutions will be allowed to admit international students, and in what numbers, based on indicators such as the percentage of international students who remain in their original program after their first year in Canada, the percentage of international students who complete their program within the expected length of study, and the average teacher-student ratio for the 10 courses with the highest international enrolments (IRCC, 2023c). In general, these indicators have the potential to conceal the diverse circumstances of international students, and the context of different post-secondary institutions. For instance, students attending institutions in urban centres, where costs of living are high, will likely need to (legally or illegally) work more hours to sustain themselves and thus impact international students' abilities to complete programs according to prescribed timelines. Imposing such metrics contributes to the commodification of international students as "income units," and ensures that post-secondary institutions are incentivized to participate in selecting only those future migrants who can become settlers, further embedding state surveillance and state power into educational practices and processes.

Fractured Relations to Land

As noted above, international students are recruited into Canada's post-secondary education system and labour market by universities and colleges, institutions that are deeply involved in the reinforcement of Western knowledge systems as dominant and universal (Million, 2015). Academic institutions appropriate, extract from and contain Indigenous and Black bodies, lands, knowledge, and resources as a means of reinforcing Western knowledge systems. Accordingly, land theft and legacies of slavery live on in educational institutions today (e.g., via endowments, extractive archival and museum holdings, and anti-Black and anti-Indigenous practices) (Grande, 2004; Sium et al., 2012; Starblanket & Stark 2018; Stein, 2016; Tuhiwai Smith, 1999; Wilder, 2013). In light of reduced public spending on higher education, post-secondary institutions have also come to rely heavily on high-fee paying international students, many of whom emigrate from lower-income contexts and formerly colonized territories via predatory recruitment practices (Keung, 2020), as a key source of revenue (Spring, 2024). In order to succeed in these institutions, international students must embrace both the reinforcement of Western knowledge systems and the occupation of Indigenous land (Park & Francis, 2024). At the same time, international students' financial precarity compounds their reliance on insecure and overcrowded housing arrangements (e.g., Stick et al., 2024); recent research links IRCC's policies governing labour market participation and transitions to PR to compounded risks of racialized and gender-based housing violence for international students (Das Gupta & Sidhu, 2023). Similar to SAWP workers from Caribbean and Latin American countries, international students are both subject to and recruited into the

labour of reproducing settler colonial occupation of land, though often under insecure and sometimes unsafe living conditions.

Canada's IES also intensifies transnational processes of "brain drain" associated with educational migration. Placing greater emphasis on recruiting graduate students, who presumably have already completed a post-secondary degree elsewhere, further reproduces inequitable international divisions of social reproductive labour wherein the "costs of social reproduction… are borne away from where most of the benefits accrue" (Katz, 2001, p. 715). Likewise, the high costs of international travel and living in Canada create a situation wherein international students have limited ability to return to their countries of origin should they so choose, in which case they are separated from their homelands, families and communities for long periods of time. Pressures to remain in Canada are further reproduced by an effective prohibition of online instruction for international students; even during the COVID-19 pandemic, Canada only modestly adapted its position on online instruction for international students, while also excluding them from pandemic-related income supports, leading many to contribute as "essential workers" in industries such as food services and health even during large-scale shutdowns. Study permits tied to specific post-secondary institutions, as well as restrictions on online instruction and leaves of absence from study and online learning, effectively limit the mobility of international students.

The SAWP and the ISP appear to serve very different purposes – while the SAWP is designed to recruit permanently temporary migrant workers into jobs in agriculture associated with low levels of socially-recognized skill, the ISP purports to recruit ideal, highly educated, economically desirable future immigrant workers. Yet, by examining how three logics of settler colonialism operate across both the SAWP and the ISP, our analyses of the policy design and implementation of both programs reveal that, at their core, each program reproduces settler colonial racial hierarchies, technologies of governing, and fractured relationships to land, with concrete and detrimental effects for migrant workers. Notably, these two programs' relationship to settler colonialism are not unique, but can be identified across many of Canada's temporary labour migration programs; for example, past programs permitting temporary entry of migrant domestic workers, including the Foreign Domestic Program and the Live-In Caregiver Program, recruited women from the Global South into work essential to the daily and intergenerational social reproduction of (settler) citizens, while mandating family separation, high levels of employer dependence, and extended periods of insecure housing, residency, and employment (e.g., Arat-Koç, 2006, 2018; Glenn, 1992).[10] Tracing how these two seemingly divergent programs are linked via their reproduction of settler colonial logics points to the potential for analysing how other large temporary labour migration programs, such as Canada's Working

[10] See Shaw et al. (2024) on the ways in which the Caregiver Pilots, introduced in 2014 in response to migrant worker activism and public scrutiny and ostensibly designed to reduce vulnerability among migrant domestic workers perpetuated some of these issues.

Holidaymaker and Spousal Work Permit programs, might similarly reproduce settler colonial dynamics through their design and operation.

Thinking Forward: Towards a Framework for Studying Labour Migration in Settler-colonial Contexts

As we were finishing this article, the UN Special Rapporteur Tomoya Obokata (2024) released a report "on contemporary forms of slavery, including its causes and consequences" (p. 1), following a tour of Canada. The report presents a searing indictment of Canadian labour policies and practices as exploitative and productive of contemporary forms of slavery, and includes extensive suggestions for reforming the situation of migrant workers through policy change. Importantly, the report includes sections addressing Indigenous peoples and peoples of African descent that clarify the ties between Canada's historical mistreatment of these peoples, and the present injustices they face as workers. The report reflects what Indigenous and Black activism and scholarship has emphasized for decades: the legacies of Canada's colonial past reverberates in its present.

Critical labour migration studies has begun to grapple with histories and ongoing processes of external colonialism, while devoting less attention to *settler* colonialism. Theorizing in Black Studies and Indigenous Studies examines how (im)migration policies categorize peoples in ways that perpetuate the Westphalian nation-state system and its racial hierarchies. Analyzing two of Canada's largest labour migration programs through this lens illustrates how migration policies reinforce racial hierarchies and foster a process of re-peopling lands (Bhatia, 2018) in ways that reinforce and replicate settler colonial practices. Though the SAWP and IES differ in their design and implementation, both programs reflect the pervasiveness of settler-colonial logics.

Grassroots migrant justice movements, such as the Naujawan Support Network (NSN) and Migrant Workers' Alliance for Change (MWAC), support migrants' fight for equitable rights in Canada and against deportation. In response to the government's policy decision to eliminate COVID-era extensions to the Post-Graduation Work Permit and implement a cap on Permanent Resident applications, which have put many international students at risk of falling out of legal status and possible deportation, a NSN poster declares: "our governments are scapegoating immigrants for crises of their own making, falsely framing students as frauds and criminals… students are being forced into worse conditions of exploitation via bonded labour (LMIAs)… study visas [and] undocumented status" (Naujawan Support Network, 2024, para. 10). The NSN calls for policy changes specific to educational migrants, such as the re-instatement of PGWP extensions as well as viable pathways to PR, but it also calls for restrictions on labour market impact assessments (LMIAs) and employer or sector specific work permits, such as those held by

migrant farmworkers labouring under programs such as the SAWP. This approach is similarly taken up by MWAC in their demands for permanent residency for all migrant workers upon arrival (MWAC, 2023). These ambitious but necessary demands challenge the exemption of migrant workers from certain universal rights and freedoms promised to citizens and permanent residents of the settler colonial state, as well as the legitimacy of the racialized hierarchies that boundaries between citizens and noncitizens uphold.

Adjacent fields in migration studies are also beginning to address the importance of decolonizing theories. Writing about EU border externalization, Cappiali & Pacciardi (2025) grieve the abuse, neglect and death of African migrants at Spain's border, noting the importance of "aligning academic praxis with demands by oppressed groups to decolonise knowledge production and reorient ways of thinking" (p. 300). They argue that to understand a world that is increasingly interconnected and unequal, we must turn to decolonial scholars who interrogate "the ways colonial and imperial conquests continues to shape the modern world" (p. 302). In this article, we have attempted to demonstrate how bridging Black Studies and Indigenous Studies with critical migration studies advances a decolonial anti-racist feminist approach to transforming migration policy. Our hope is that migration studies scholars concerned with the rights of workers will pay greater attention to vital critiques offered by scholars working in Indigenous Studies and Black Studies, as migration policy cannot be transformed without understanding how it is permeated by settler colonial logics.

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