TO:	CHAIR AND MEMBERS STRATEGIC PRIORITIES AND POLICY COMMITTEE MEETING ON MARCH 26, 2018
FROM:	SANDRA DATARS BERE MANAGING DIRECTOR, HOUSING, SOCIAL SERVICES AND DEARNESS HOME
SUBJECT:	ARRANGEMENTS FOR THE CITY OF LONDON TO BECOME A SANCTUARY CITY/ACCESS TO SERVICE WITHOUT FEAR CITY

RECOMMENDATION

That, on the recommendation of the Managing Director, Housing, Social Services and Dearness Home the report by the Centre for Organizational Effectiveness, *Sanctuary City/Access without Fear Summary Report* (attached as Appendix A) on the arrangements necessary for the City of London to become a Sanctuary City/Access without Fear City **BE RECEIVED** for information.

PREVIOUS REPORTS PERTINENT TO THIS MATTER

- Consultations regarding arrangements for the City of London to become a Sanctuary City of London (SPPC: May 29, 2017)

BACKGROUND

On February 1, 2017, City Council resolved that the following actions be taken in response to the President of the United States of America's Executive Order to ban individuals and families from Syria, Iran, Sudan, Iraq, Yemen, Libya and Somalia from entering the United States of America:

a) *the Civic Administration BE DIRECTED to consult with the Diversity, Inclusion and Anti-Oppression Advisory Committee (DIAAC) and the community stakeholders who are working on the Diversity and Inclusion Strategy, and report back at a future meeting of the Strategic Priorities and Policy Committee with the appropriate arrangements for the City of London to become a Sanctuary City where residents can expect access to service without fear; and*

b) *the Mayor BE REQUESTED and the Civic Administration BE DIRECTED to communicate to the Federal Government, including the Ministry of Immigration and Citizenship, that the City of London continues to be committed to receiving refugees from Syria, Iran, Sudan, Iraq, Yemen, Libya, and Somalia who have been banned from entry to the United States of America as per the President's recent Executive Order;*

On May 29, 2017, a staff report on the consultations regarding appropriate arrangements for the City of London to become a Sanctuary City where residents can expect access to service without fear, was received by the Strategic Priorities and Policy Committee for information.

Background/Context:

A non-status individual is someone who typically entered Canada through authorized legal channels but whose status has lapsed, a condition that may be temporary until such time as their visa is renewed. This person could be a temporary foreign worker, visitor, or an international student whose visa has expired. The number of migrants who arrive irregularly (i.e. without proper documentation) is believed to be low.

A recent report to the City Council of Windsor (August 16, 2017: Response to CQ14-2017: Information Report on the Sanctuary City Movement in Canada), notes a designation of Sanctuary City does not impact the federal responsibility to accept, process, detain or deport refugees, nor does it impact the laws governing a municipal police force which adheres to provincial legislation. Finally, a designation of Sanctuary City or an Access to Services without Fear city does not impact the legislation under the Ministry of Health and Long-Term Care or the Ministry of Education.

The City of London is committed to being an inclusive community for all and to responding to the diverse needs of the people arriving and living in London. This includes inviting all residents to participate in and engage in the life of the city. This commitment is embedded within the City of London's Strategic Plan 2015-2019 within the focus "Strengthening our Community", specifically creating a "diverse, inclusive, and welcoming community". This is demonstrated in City-led initiatives such as the London & Middlesex Local Immigration Partnership, the Community Diversity and Inclusion Strategy, London For All, and the London Immigration Strategy which is under development.

The City of London and its agencies, boards, and commissions offer a variety of services to all residents, regardless of immigration status. These include for example, the use of parks, recreation services, emergency services, public libraries, sanitation, by-law enforcement, many services offered by the Middlesex London Health Unit, family centres, and emergency shelters.

Eligibility for the child care subsidy, social assistance, and affordable housing, all services which the City of London administers on behalf of the Province, require proof of documented immigration status.

Civic Administration does not believe the number of non-status individuals to be high. If London were to become a Sanctuary City, a small number of non-status individuals might flow from other cities within Canada, however this number is not expected to be significant.

Report by Centre for Organizational Effectiveness

In September, 2017, the Centre for Organizational Effectiveness was hired to do the following:

- prepare a summary report which included a comprehensive literature review and analysis of the issue;
- review and summarize feedback of the community consultations convened by Civic Administration;
- review and summarize written feedback provided by residents of London;
- conduct a facilitated session with representatives of certain sectors (settlement, law enforcement, public health and education); and
- provide recommendations for the arrangements that would be necessary to put in place should the City of London decide to become a Sanctuary City or a City that provides Access to Service without Fear.

There are various interpretations of the concept of Sanctuary City. As defined within the attached report by the Centre for Organizational Effectiveness, a sanctuary city can be a city where community-based organizations welcome and support immigrants; where a municipality limits its cooperation with the federal level to enforce immigration law, as sometimes occurs in the United States; or a city or organization that not only protects non-status individuals but also acknowledges their contribution to the community.

The report by the Centre for Organizational Effectiveness describes the consultations, the community feedback, and a summary of benefits and concerns. It also offers recommendations and potential implementation strategies for the City of London should it decide to become a Sanctuary City or a City where residents can access municipal services without fear that proof of their immigration status will be requested.

Summary of Recommendations of the Centre for Organizational Effectiveness

The report by the Centre for Organizational Effectiveness provides the following recommendations should the City of London decide to become a Sanctuary City or a City where residents can access municipal services without fear. These are more fully described within the report.

Terminology: Use terminology of "non-status individuals" and "Access without Fear"
Framing the Issue: Focus on collaboration with and amongst agencies who naturally engage with non-status individuals and gradually develop a policy that recognizes the existence of non-status individuals
Social Demographic Data: Conduct research to understand the population of non-status individuals in the community
Public Education: Create a public awareness and education campaign
Advocacy: Advocate with other levels of government to recognize non-status individuals and develop policies and funding

Frontline staff training and policy review: Develop front-line training to staff to apply the motto of "don't ask, don't tell" if identification is not mandated by legislation or by funding requirements.
Anchor within the Community Diversity and Inclusion Strategy: Anchor the implementation strategy within the Community Diversity and Inclusion Strategy
Inventory: Continue to build an inventory of what the City and community organizations of programs which are offered to non-status individuals

FINANCIAL IMPACT

Should Council wish to proceed with the implementation of the arrangements for London to become a Sanctuary City where residents can expect to access services without fear of disclosing their immigration status, the financial impact will be dependent on the model of service provision to non-status individuals. Civic Administration would be required to report back on the estimated costs once the specifics of this model are determined.

CONCLUSION

The City of London provides many services to its residents without the requirement to provide proof of immigration status. However, the City administers provincially legislated programs such as Ontario Works, Affordable Housing, and the Child Care subsidy where immigration status can be a determinant of eligibility.

PREPARED BY:	RECOMMENDED BY:
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APPENDIX A

City of London
Sanctuary City/Access without Fear

Summary Report

December 2017

Contents

A Case Study

Stuck in the middle – Lucia's case

Lucia entered Canada as an international student at the high school level four years ago. During that time, she needed mental health support but discovered her plan did not cover those services. She couldn't pay for it because her visa didn't allow her to work, so, since the services were out of her reach, she gave up.

Due to her mental health challenge, she forgot to renew her student permit when it was due, as well as her visa. Both documents were considered separately at the time.[1] As a result, Lucia was then considered a visitor, so she could stay in Canada up to six months but could not study or work. She couldn't permanently go back to her native country in Latin America, since she couldn't find jobs there to support her relatives in Canada or back home. So, she continues to go back to the Canada-U.S. border every six months to renew her permit. She could also apply for an extension from within Canada, but that process has a fee that she can't afford. As a visitor, she has no public health coverage and cannot work legally.

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[1] To renew a temporary work permit, you need different documents depending on whether you apply online or by mail. These documents are issued from different sources, and potential discrepancies can arise. For example, if you forget to report a code from the document issued by the employer, to the form requested by the online application, you'll be rejected – and there's no allowance for corrections during the process. In these cases, the applicant needs to restart the application from the beginning, repay the entire amount, and then wait again for a reply, which currently takes three to four months. In the meantime, if the current work permit expires, the applicant goes into *Implied Status*, a period in which the applicant loses the public health coverage, cannot leave the country (or if necessary, must ask for permission), and cannot change employers. Therefore, they can't risk getting fired, and so become even more vulnerable.

Part I: Context

On January 27th, 2017, the President of the United States signed an executive order issuing a travel ban from seven predominantly Muslim countries to the United States. This was an unprecedented order, and thousands of travelers were stuck at airports not knowing how to enter or leave the United States. In response to this political climate, London City Council put forward a motion directing Civic Administration (City staff) to consult with community stakeholders and the City's Diversity Inclusion and Anti-Oppression Advisory Committee, and those working on the Diversity and Inclusion Strategy regarding the possibility of London becoming a Sanctuary City. Staff was then to report back on the appropriate arrangements for the City of London to become a Sanctuary City.

Over the winter and spring months, City staff consulted with researchers, the community at large, and interested community activists to gauge the community's interest in becoming a Sanctuary City, and to learn best practices from other cities. The Civic Administration's first report to council concluded that further study into the research, as well as consulting with community partners, was needed to develop comprehensive and sound recommendations.

The Centre for Organizational Effectiveness was hired by Civic Administration to prepare a comprehensive literature review, summarize the community consultations and feedback as well as conduct a focus consultation with pertinent community partners to determine the community's readiness in becoming a Sanctuary City. This report summarizes the research, the consultations with the community and sector partners, and provides recommendations on how the City of London can move forward.

In this report, it is important to define two terms:

1. Sanctuary City – the report will use Sanctuary City as a term that can be interchanged with Access without Fear (a term used in Vancouver in lieu of Sanctuary City) or Welcoming City (a suggested name made by a community partner in the sector consultation).

2. Non-status individual – currently, the best practice is to refer individuals without Canadian documentation as non-status individuals. This term replaces the term "undocumented" as, in fact, these individuals likely have foreign documentation. It also replaces the derogatory term "illegals". The terms undocumented and illegals are only used if the report is referring to a specific comment made by a member of the community or a community partner.

The report provides a "Sanctuary Cities" primer, summarizes the sector and public feedback and provides overall findings (benefits and concerns) as well as recommendations. The supporting appendix provides further research on Sanctuary Cities.

The Approach to Developing Recommendations for the City of London[2]

Literature review ~ Research focused on who non-status individuals are, and their scope, as well as best practices from other Canadian cities, and the five sectors that most affect non-status individuals (health, employment, housing, education, and law enforcement). The purpose of the research was to better understand the scope of Sanctuary Cities, and to examine how to best support non-status individuals within the confines of existing legislation.

Summary of community feedback ~ All individual feedback shared with City staff was collated and themed to gauge the pulse of the community.

Community partner consultation ~ A three-hour consultation with agencies that represent sectors that would be more likely to engage with non-status individuals was held. The purpose of the consultation was to gauge the appetite to support non-status individuals, understand what is already being done within the community, and to determine if there is any opportunity to better support non-status individuals in the community.

In-depth interviews ~ Thirty-minute to one-hour telephone interviews were conducted with individuals in the community health, shelter, and education sectors. The purpose of these interviews was to learn more about current practices, and to assess if there has been an influx of non-status individuals in London.

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[2] In this report, "the City of London" and "City" with a capital C refers to the City of London Corporation. Otherwise, "city" with lowercase c refers to the city as in the community.

Part II: Primer on Sanctuary Cities

The meaning of "Sanctuary" as a concept.

There are three main interpretations of this concept.

The concept of Sanctuary – the idea that a place, or an entire city, is safe and welcoming to everyone – is rooted in the history of humankind. In this review, we use the term 'sanctuary' in its modern connotation, which also involves the idea of a series of orchestrated actions, policies, or regulations aimed to protect those immigrants that, for a series of reasons are in a (often temporary) situation of irregular presence in the hosting country. Currently, there are three main ways in which a city of sanctuary can be described.

1. Cities where community-based organizations and especially churches play the main role in welcoming and supporting immigrants even without public support and sometimes against public opinion and national regulations.

2. Cities that focus on the role of municipalities and local authorities in limiting their cooperation with the federal level and the federal police effort to enforce immigration law. This is common in the United States and the most common application of this rule would be "don't ask, don't tell."

3. Cities and organizations want to not only protect non-status people but also acknowledge their presence and contribution within the local community and guarantee their full access to the local services and their participation. Within this third way, the municipality is more active in promoting awareness among the general population, in removing barriers in accessing the services, and in advocating to other levels of government (provincial and federal) about the situations and needs of this specific population.

All three ways are followed in Canada, with the third way being most common (cf. Graham et al. 2017; Gabriel 2011; Lowry & Nyers 2003; Lippert 2005). According to Bauder (2016), the literature on the sanctuary city in Canada demonstrates practices of solidarity that aims to help form a collective urban community that does not distinguish between citizens and migrants, or between residents with and without status. Activist-scholar Harsha Walia (2014) observes that zones of sanctuary are actively constituted not by politicians but by service providers, educators, healthcare professionals, and neighbours on the basis of solidarity and mutual aid. These grassroots practices aim to create unity among activists, urban politicians, as well as non-status migrants and refugees.

The three most common misinterpretations of this concept.

It is important to briefly discuss which interpretations of the meaning of 'sanctuary' are inaccurate and untenable. The most popular misinterpretation and misunderstanding of this term tries to sustain that a sanctuary city would result in the following:

1. granting access to everybody, without any kind of control and selection, resulting in an increased number of non-status people in the community

2. increasing criminality
3. draining public services and resources.

Each of these points is incorrect both in its premises and in its consequences.

1. The number of individuals entering in Canada with no documentation is quite low, especially in Ontario. The Canadian government offers the most accurate statistics on irregular crossing through the data provided by the Royal Canadian Mounted Police (RCMP). In 2017, 13,211 people were intercepted in irregularly crossing at the Canadian borders. In Ontario, the number of irregular crossing intercepted was 0 (CIC)[3]. Therefore, the possible presence of people without a legal permit to stay in Canada would be a result almost exclusively related to changes in the status of those who are already legally present in Canada.

2. Within the US experience (there is only limited Canadian data), it is demonstrated that the relationship between the presence of sanctuary policies and the increase of criminality is inverted. This means that where cities adopted sanctuary policies, bridges to immigrant communities were built and they improved the police's ability to fight crime and protect the entire community. Non-status people accused of a crime are still referred to federal officials. Sanctuary Cities simply remove the policy (or informal practice) of referring individuals to federal officials just because they have an irregular presence on the national soil (cf. Ellermann 2014; Tramonte 2011).

3. Finally, since almost all non-status people originally came into Canada with a traditional permit, this means that they were already served by the system and therefore for the system to continue to serve them does not automatically equate to an increase or drain of public resources. Instead, the interruption of services would have great negative consequences to these people and to the community at large. The interruption of health, housing, or employment services, for instance, would result in huge difficulties for these people in continuing to correctly function and contribute to the community.

Who are we talking about?

How many

There is currently no official government estimate and no efforts to collect systematic data on non-status migrants in Canada. As noted by Bou-Zeid, since 1983, the figure of 200,000 non-status migrants in Canada has been adopted by politicians and the media as the most accurate estimate, although many of these sources acknowledge this number could be higher (Bou-Zeid, 2007). According to End Immigration Detention Network (2014), for instance, there were approximately 500,000 non-status migrants in Canada, while an unknown number of migrants on temporary visas were also engaged in unauthorized work. Vancouver, Montreal and Toronto host the highest number of non-status migrants.

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[3] http://www.cic.gc.ca/english/refugees/asylum-claims-made-in-canada.asp

How people fall in the category of irregular or non-status

The majority of non-status population initially entered Canada through authorized legal channels, including as *refugee claimants*, *sponsored immigrants*, or as *individuals with valid temporary resident visas*. In some cases, migrants are also smuggled into Canada although it is believed that, unlike the United States, the number of migrants who arrive irregularly i.e. without proper documentation, remains low (Khandor, 2004). Canada does not have any exit controls, which makes it impossible to know how many people who enter Canada with a temporary resident visa remain in the country when their permits expire. For this reason, several researchers consider Temporary Foreign Workers as an at-risk population (cf. Goldring & Landolt 2012). The following are definitions of different types of legal residents from the department for Immigration, Refugees and Citizenship Canada:

Permanent Residents are those who have been granted permanent resident status in Canada. Permanent residents must live in Canada for at least 730 days (two years) within a five-year period or risk losing their status. Permanent residents have all the rights guaranteed under the Canadian Charter of Rights and Freedoms such as equality rights, legal rights, and mobility rights, freedom of religion, freedom of expression and freedom of association. They do not, however, have the right to vote in elections.

Economic immigrants are people selected for their skills and ability to contribute to Canada's economy, including skilled workers, business immigrants, provincial and territorial nominees, and caregivers. The skilled worker component includes immigrants who are able to demonstrate their ability to enter the labour market and successfully establish in Canada by meeting selection criteria that assess factors such as English or French language abilities, and work experience.

Temporary Residents are people without citizenship or permanent residency status that want to stay in Canada. They need to own one of the authorized visas issued by the Canadian government, such as a study permit or a work permit (with or without a Labour Market Impact Assessment issued by the employer).[1]
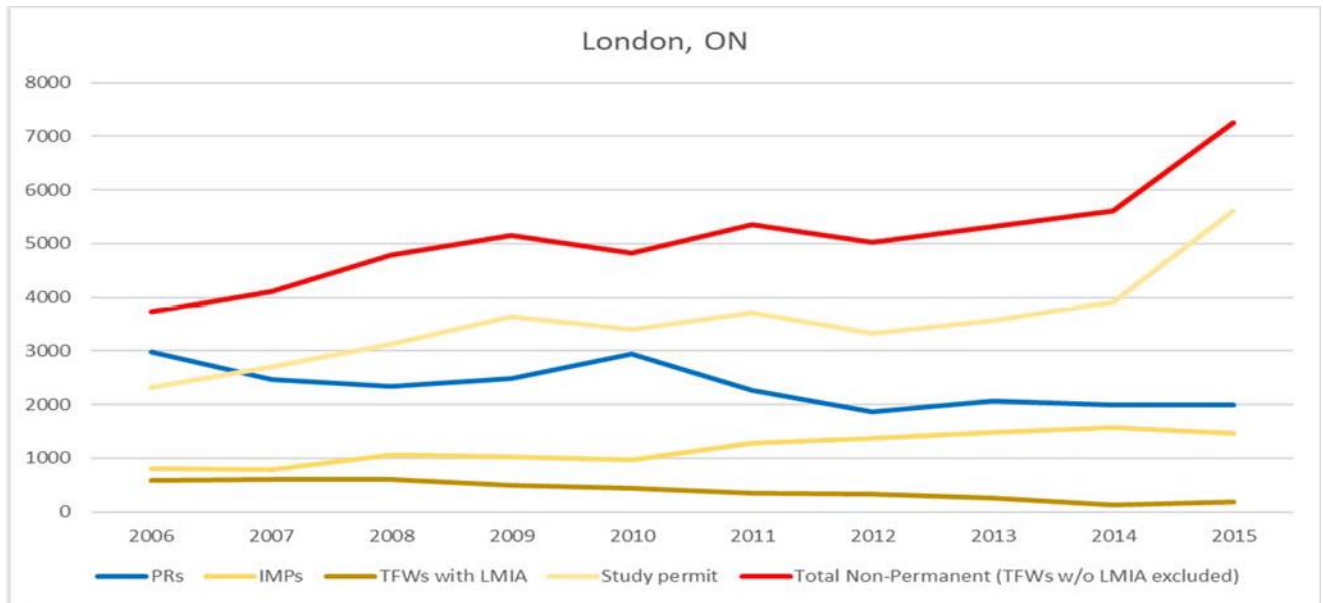
Chart keys:
PRs: Permanent Residents
Total Non-Permanent Residents (the Temporary Foreign Workers that do not need the Labour Market Impact Assessment – for example university researches – are not included in these statistics).

- IMPs: International Mobility Program
- TFWs with LMIA: Temporary Foreign Workers with Labour Market Impact Assessment
- Study Permit: students, mostly at the university level but also elementary and high school included.

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[1] Data sets include for chart: Canada Permanent Residents by Province or Territory
https://open.canada.ca/data/en/dataset/2fbb56bd-eae7-4582-af7d-a197d185fc93#
Data on Temporary Foreign Worker and International Mobility Program 2000-2015
https://open.canada.ca/data/en/dataset/360024f2-17e9-4558-bfc1-3616485d65b9;
Data on Residents with Study Permits https://open.canada.ca/data/en/dataset/31ef4cab-d2b3-4dba-8e91-48fe64211ec5
All sites were last accessed January 31st, 2018

With these trends, and considering the above analyses from the literature, the future increase of temporary immigrants that will face a period of absence of status is a fact more than a risk. The most crucial aspect highlighted in the literature is the necessity to think about a regularization strategy for those living on Canadian soil, but this argument seems to be a real taboo at all the governmental levels (cf. Goldring 2009).

The main areas of interest

There are primarily five sectors that are often cited as sectors that impact non-status individuals most. Non-status individuals often fear being detected by frontline workers in public service, which results in non-status individuals avoiding these formal sectors all together. When this happens, not only does this limit the quality of life for these individuals, it can also a ripple effect on the larger community as issues can escalate when not addressed. The five main areas are: Health, Law Enforcement, Employment, Housing, and Education.

Health

The human rights implications of living without status are profound. The degradation of mental and physical health is a primary concern, which is attributable in large part to fear of detection and deportation, social isolation, poor working and living conditions, vulnerability to abuse and exploitation, and a host of institutional barriers (Barnes 2011; Ruiz-Casarez et al. 2010; Larchanche 2012; Triandafyllidou 2016).

A 2013 report by Toronto's Medical Officer of Health also concluded that non-status persons, along with other uninsured persons (e.g., homeless people), face distinctively serious health issues (City of Toronto 2013). Primary areas of concern include reproductive health (Gray 2010; Gardiner 2010), mental health (Hynie 2010), chronic conditions (e.g., diabetes) (Caulford 2012), child and youth care (Li 2012), and communicable diseases (Toronto Public Health and Access Alliance Multicultural Health and Community Services 2011). The health effects of non-treatment become more severe the longer that one is denied care.

At a community level, there are greater risks of the spread of communicable diseases, particularly when individuals are not getting regular vaccinations. Additionally, when health issues are not addressed through an early intervention they can become more costly, harder to treat and have lasting effects.

Law Enforcement

In some communities, a serious concern is the lack of access to police services. Media reports and research show that the Toronto Police Service (TPS), the Vancouver Transit Police, and provincial agencies such as Ministry of Transportation Ontario have all actively inquired into immigration status, engaged in unsolicited sharing of personal information with the Canadian Border Services Agency (CBSA), and arrested and transferred non-status persons to the CBSA (NOII 2015). This has a disproportionately

harmful effect on women and children, especially in the contexts of domestic violence and sexual assault (Hamilton Community Legal Clinic 2013; West Coast LEAF 2012).

The engagement and commitment of the local police services is crucial to support non-status individuals. Literature shows that the full police commitment to support non-status individuals is difficult to obtain. If non-status individuals feel safe to approach law enforcement, they can contribute to the community by reporting crime without feeling that their own safety is at risk.

Employment

Precarious workers, who can easily fall in situations of non-status, are more exposed to dirty, difficult, and dangerous jobs, are considered at risk of exploitation where people have to cope with severe physical injuries and the development of mental health problems.

Less severe situations, but still crucial for a good integration and social support, are related to the difficulties in accessing employment services. Usually, this kind of service is open to everyone, without request of immigration status. However, as soon as one requires more in-depth support from a frontline worker, the staff member often needs personal information to track the agency's work (performance metrics). Consequently, a non-status person never seeks support or cannot be fully served.

With decreased possibilities of accessing formal employment, non-status individuals may rely on informal jobs. In addition to the individual risk that was already mentioned, this is also a loss in income tax revenue for the government.

Housing

Being able to obtain housing support without an immigration permit is extremely challenging. This is an area that can be influenced by the municipality; though they do not have control over private landlords. It is important to recall that almost all non-status individuals are cases of people who entered the country legally but for a variety of reasons lost their status and are in the country trying to regain a formal status to stay in Canada. The research shows that there are many cases of families in Canada that, because of bureaucratic issues, have to face several months of not having an official status, and for that reason they are at the risk of losing employment and their housing. Supporting them so that they avoid such negative consequences of being non-status greatly support them in ensuring they don't become homeless and focus in keeping their family from experiencing poverty.

There are also a host of intersecting human rights issues that span across institutions and different levels of government. For instance, the lack of access to social assistance, housing, and other social and economic supports prevents women without status from leaving abusive partners (Alaggia et al. 2009). The situation is more complicated when children are involved. Although family law officially permits non-status women to apply for custody of children when leaving and reporting an abusive relationship, there are social, economic, and institutional barriers, as well as fear of police force, that lead non-status women to choose "between living in Canada illegally and losing their children" (West Coast LEAF 2012).

Education

In absence of local research for London, we looked access to education for non-status individual is being addressed in Toronto. The Toronto District School Board (TDSB) passed Board Policy P.061: Students Without Legal Immigration Status (2007). This policy was adopted after the CBSA arrested two non-status students on high school property — an event that led to a powerful public response. The policy gave greater effect to, s. 49.1 of the Education Act, which states: *A person who is otherwise entitled to be*

admitted to a school and who is less than eighteen years of age shall not be refused admission because t he person or the person's parent or guardian is unlawfully in Canada.

In 2004, the Ontario Ministry of Education passed Policy/Program Memorandum No. 136, Clarification of Section 49.1 of the Education of Persons Lawfully in Canada. The policy states that no children should be refused admission to school solely because of their or their parents' inability to produce any of the following:

- proof of immigration status or application for legal immigration status,
- a work permit or social insurance number,
- health documentation that is different from that required of all other children,
- other documentation not required of other children seeking admission to school

The policy also makes mention of how personal information will be collected and stored.

From a community perspective, children and youth should be best prepared to help contribute to the city and the economy to which they currently live in. The residency status of a child or youth or their parents should not be a barrier to formal education that can equip them to contribute to as they become adults no matter where they live.

Part III: Community Feedback

Members of the community provided feedback in two ways: one was through letter writing (to their councillors, council-at-large, or staff members responsible for the file) or two, through a community consultation that was held in the evening of February 23rd, 2017. The City also held a small community focus group with volunteer members of various organizations on April 5th, 2017. This section includes a summary of that conversation as well.

Public Consultation

Over 170 participants took part, including approximately 14 staff from the City of London. Local immigration lawyers also attended as subject matter experts.

The consultation included an educational portion on defining undocumented individuals, and how to define a Sanctuary City. The City of London staff also shared a list of municipal services that do not require identification in order to receive access. Afterward, participants had the opportunity to share their feedback and give suggestions of other services the City should consider providing without formal identification.

Staff collected 46 written responses:

- 21 were supportive of becoming a Sanctuary City
- 15 were against becoming a Sanctuary City
- 10 were unclear on their position (they mainly had feedback on process or simply answered question about other service without providing an opinion)

Below is a summary of common themes that appeared on the response sheets, the number between the brackets denotes how many times the theme was mentioned in the summary notes:

Police Services (x 11) ~ When asked what other services should be included in a Sanctuary City, the most common response was to include police services. Many responses were simply "police" but others noted that by having undocumented individuals feel safe to seek the assistance of police, the entire community would benefit.

Public Education (x 10) ~ Participants touched upon the need for public education to dispel some myths around non-status individuals, to use correct and more respectful terminology (e.g., no longer using the term "illegal"), and to allow the community to see the social and economic benefits in allowing non-status individuals to integrate within the community. Participants noted that these elements were important in order to deescalate the anxiety around supporting non-status individuals, and to ensure the community buys into the concept.

Capacity and Costs (x 9) ~ This theme emerged predominantly among the critics of the City becoming a Sanctuary City. These participants thought the City did not have the resources to help additional groups. Other participants thought city services should only be for tax payers, and others worried the costs of supporting non-status individuals would be more than the City could afford. It was common for these concerned citizens to mention the importance of caring for "our own."

Feedback on Consultation (x 9) ~ There were several participants that provided feedback on the community consultation – supporters and critics alike. Critics did not appreciate the way the discussion was framed. Some suggested that it was 'leading' for the facilitators to ask if there are other services that should be offered. Supporters disliked how the discussion became very heated, and some participants felt unsafe. Others wanted stronger expertise and said that questions should not be answered by the audience. They also noted that the panel did not make it clear what would change should the city designate itself a Sanctuary City.

Frontline training (x 5) ~ Participants highlighted the importance for city frontline staff to understand what a Sanctuary City is, and to ensure training so that people are not asked unnecessarily for identification.

Rewrite resolution (x 4) ~ Some participants, who supported the concept of becoming a Sanctuary City, suggested a redrafting of the resolution so that it removes any reference to the United States, and for it to define the scope of a Sanctuary City in order to "reduce the fear of 'illegals' and to show that this will cost the public sector less, not more."

Federal Issue (x 4) ~ Participants noted that this was a federal issue, not within the jurisdiction of City Council, and others thought it was imperative to follow federal laws. Some dislike the idea of the City picking which laws to follow noting "we need guidelines to determine which laws City Council obeys."

More opportunities for feedback (x 4) ~ Some participants were worried that the public consultation was the only opportunity for people to give their opinion on the matter. One participant suggested a public participation meeting, and another suggested that all big decisions should be put up for referendum.

Other ~

- Consider using a term other than Sanctuary City because it's divisive (x 2)
  - "Do not use the term 'Sanctuary City', as it incites fear in residents, and gets negative media attention."
- Individuals' student ID or foreign ID should be acceptable (x 2)
- Free individuals from legal persecution (x 2)
- Importance of showing compassion to everyone (x 2)
- Provide legal assistance or assistance with immigration paperwork (x2)
- Public health and healthcare (x 2)
- Housing (x2)
- Counselling
- Consult and work with community partners
- Advocate to federal and provincial governments for buy-in
- Provide basic needs
- Consider private fundraising to cover extra expenses
- "We should work together to deport and detain illegal aliens."
- Slow down immigration
- "I do not support undocumented individuals."

Correspondence Received from Stakeholders/Residents

Twenty-eight individual letters were received related to London becoming a Sanctuary City. These letters were forwarded from Councillors with the permission of the author to be forwarded to staff, or they were sent directly to staff. Of these letters, there was a clear divide between people who were supportive and those against the designation of becoming a Sanctuary City, with thirteen for and thirteen against. Two letters were unclear, as they were asking questions and not putting a position forward. This section summarizes the general themes of the letters.

Letters supporting London becoming a Sanctuary City

Among the thirteen letters of support for London becoming a Sanctuary City, six of them used very similar wording. There was an outreach by community activists in favour of designating London as a Sanctuary City, to ask the City to become one, and to consider the following action items:

1. Offer all residents full access without fear, and regardless of documentation of status, to all municipal services and city-funded agencies, including the London Police Services.
2. Train staff and volunteers to offer all services without asking about immigration status, and to never relay information about status to the Canadian Border Services Agency (CBSA) or other police services.
3. Advocate for improved access to provincial and federal programs for all residents, and lobby for other municipalities to take a pro-Sanctuary position as well.
4. Develop an internal audit procedure to ensure compliance with the above, reporting back publicly within six months of adoption, and thereafter on an annual basis.

The remaining letters focused on the City needing to show compassion and empathy toward people fleeing their homes, that becoming a Sanctuary City aligns with the London Plan, and that this is an opportunity for the City of London to be a leader in a time of need. There were other citizens who did support the idea of becoming a Sanctuary City but had questions around police support, disapproved of the consultation process, or wanted to separate the designation of Sanctuary City from what is happening in the United States.

Letters against London becoming a Sanctuary City

There were thirteen letters from London residents that disagreed with the City becoming a Sanctuary City. Within these letters, the following themes emerged:

Capacity ~ Many Londoners were concerned, and in some cases felt certain, that the City of London did not have enough resources to help others who were undocumented. Londoners who oppose becoming a Sanctuary City would cite different examples of needing to prioritize "helping our own." Examples used of "our own" were people experiencing homelessness, and concerns around healthcare and veterans. One Londoner cited Toronto's shelter system being overburdened by undocumented individuals.

Obeying the Law ~ Londoners also expressed concern, or were opposed to the idea, that the City of London would be going against federal law, and that, as one Londoner wrote, becoming a Sanctuary City would "pit the City against the Federal Government." Other Londoners believed the City shouldn't

condone illegal activity, while others asked which laws the City will choose to follow. One Londoner also expressed the need to respect borders and due process.

Londoners also mentioned other concerns such as the motion by Council as being only a "knee jerk" reaction to the political situation in the United States. Certain Londoners expressed displeasure with the suggestion that they were not compassionate if they were against London becoming a Sanctuary City when, from their perspective, they are trying to focus their compassion on others before undocumented individuals.

Other Londoners (for and against) also put forward some concerns with the public consultation that was held in February, pointing to the lack of knowledge on the topic from those leading the consultation and tense discussions.

Community Focus Group – Volunteer Members of Various Organizations

The community focus group of April 5, 2017 consisted of seven community members from various organizations including: The Council of Canadians, the Woodfield refugee sponsorship group, the Canadian Union of Postal Workers, the London Coordinating Committee to End Woman Abuse, the London Muslim Mosque, and the Urban League of London. After a presentation from City staff, a large-group discussion took place between the community participants and city staff. In general, the community members were supportive of the City becoming a Sanctuary City. Below are the topics that were touched upon during the meeting.

Public awareness ~ Participants underscored the importance of the City investing in a public awareness strategy with the purpose of educating the public on non-status individuals, and what a Sanctuary City would entail. Further, one participant noted that it would also be important to highlight the benefits (e.g., economic) to the community and to the City, to better integrate non-status individuals into the community.

The public awareness strategy should also include communication pieces in multiple languages, to convey what services are accessible to everyone without needing to show identification. Further, if their status is shared, for one reason or another, there would be no active reporting to immigration agencies. Leveraging the Community Diversity and Inclusion (CDIS) champions to help spread the message was also suggested. Participants also noted that the City should lead by example with the support from various stakeholders.

Safe space ~ One participant suggested a safe space where non-status individuals can seek help with the immigration process, so that they can become individuals with a formal status in Canada.

Staff Training ~ Participants advised that any implementation should include City staff training. For staff to know when it is mandated to ask for identification, and to be instructed not to ask for identification otherwise. Training would also be required to diminish any implicit biases frontline staff may have toward individuals they suspect of being non-status. Participants also reinforced the idea of training staff on how to proceed when someone does disclose their undetermined status.

Community Resentment ~ Participants briefly spoke on the possible resentment from other newcomers since they went through the proper channels, and non-status individuals may have "jumped the queue." However, through education on showing how most individuals become non-status, it was agreed that some of this resentment may dissipate.

Participants also wanted the City to recognize the level of xenophobia and racism that currently exists in London, and how public messaging around the concept of a Sanctuary City needs to counteract these negative sentiments that are fermenting in the community.

Two participants shared a letter that was signed by other community members in response to the public consultation in February. Community members want future consultations to be held by experienced facilitators, to ensure all participants feel safe and are not threatened by other participants. There was also a request for greater transparency regarding who the City is consulting with, and what information they are gathering for the decision-making process.

Employment ~ One participant raised the challenge of non-status individuals working in Canada. However, other participants argued that working can take on different meanings in different cultures (e.g., home childcare for communities in exchange of goods and services). Further, working "under the table" is something many Canadians choose to do as well.

Law Enforcement ~ Participants highlighted the need for the police to be involved, and for there to be a better understanding by the community on when the police report to the Canadian Border Service Agency (CBSA). One participant also highlighted the possibility of looking at a report that concluded Toronto was over-reporting to CBSA, and seeing how London fares in comparison. It is likely that London does not report as often, and this may help with public trust.

Public Health ~ Participants expressed the need for other sectors to also collaborate with the city. One sector that was mentioned was the healthcare (public health) sector.

Part IV: Sector Feedback

A community partner (sector) consultation was held on October 24, 2017. The focus of the consultation was to speak to decision-makers and frontline workers from different agencies that would likely engage with non-status individuals, or with sectors that non-status individuals could benefit from accessing. Prior to the session, participants were sent a four-page primer with the purpose of having a shared understanding of who non-status individuals are, and which sectors these individuals would likely need to access.

Over 28 representatives from 23 agencies participated in the consultation. There was representation from the following sectors:

- Municipal services (City staff, Housing, and Libraries)
- Education (one school board, and both local post-secondary institutions)
- Law enforcement (Police)
- Emergency Medical Services
- Shelters
- Women's sector
- Mental health
- Public health
- Settlement & newcomer programs
- Employment
- Faith-based communities

There were multiple objectives to the consultation:

1. Create a shared understanding of Sanctuary Cities (Access without Fear) and non-status individuals
2. Learn what different sectors could do to support non-status individuals in our community
3. Develop an asset map of what is currently occurring in our community
4. Provide feedback on gaps, recommendations, and overall readiness, should the City move forward with becoming a Sanctuary City

The following is a summary of the large-group discussion on various points related to Sanctuary Cities and non-status individuals.

What does Sanctuary City mean to you?

Motivation of Designation ~ Participants were concerned that the sudden interest in becoming a Sanctuary City was politically motivated, and that it was only an impulsive reaction to what is happening in the United States. Participants wanted to ensure that this exercise was, in fact, necessary for London. As one participant noted, "this decision should be made by walking the streets, not because of political motivations." If the results show that there is a real need to become a Sanctuary City, participants thought it was important for the designation to have "teeth" and not just be a ceremonial or superficial designation.

Capacity and System Delivery ~ Participants were concerned that their resources are already overstretched and worried this implementation would increase pressure on an overstressed system. One participant also noted that it would be important to re-imagine the system of delivery for undocumented people. As one participant noted, right now, there are families coming into the city, walking into homelessness, and shelters are not the answer. The philosophy of 'housing first' should likely be adopted to stabilize families.

For other participants, it was important to gather more information on how many people the City intends to support this way. Only by understanding the numbers, can service agencies know their capacity, and which supports they can provide. Another participant noted that this approach of not asking for documentation could be extended to all those individuals that are marginalized such as people experiencing homelessness. An approach could be a broader community strategy that would extend to people without status.

Terminology ~ Several participants agreed that the term "Sanctuary City" is a divisive term. It was noted that some community members feel threatened or feared the unknown, and wondered who this will attract. One participant noted that Sanctuary City is more of an American term that perhaps Canadian cities should not adopt. Another participant suggested the City adopt a less divisive/threatening term such as "welcoming," which would fall in line with another City of London campaign focused on creating a welcoming community for all

Law Enforcement ~ Participants discussed the role of law enforcement as they saw the value in non-status individuals not fearing police and feeling safe approaching officers. It was noted that, generally, law enforcement does not actively inquire about immigration status. If an individual comes to police, they generally do not ask. They do, however, have a responsibility to execute warrants issued by the Canadian Border Service Agency.

Education ~ One participant shared a story of documented immigrants they were supporting that were completely overwhelmed by the process of getting their children into the school system. It took over seven pages of paperwork with no assistance from the school. The families were not addressed in person until the paper work was complete. The participant noted that the process was very impersonal, and that they would assume that, for a non-status family, it would likely feel impossible to access the education to which their children have a legal right.

Benefits

Participants were asked to share the benefits of London becoming a Sanctuary City. For participants this included:

- Safer city (increase of crimes being reported)
- Increase community belonging – opportunity live out being a welcoming community
- Greater public engagement on issues related to members of our community
- More members of the community (non-status) actively contributing to the community
- Future citizenship
- Families remaining intact
- Prevention of unnecessary deportation
- Decrease of costs on interventions when in crisis as feeling safe could mean proactively engaging in community and seeking help ahead of a crisis

  - o Supporting an invisible population that currently is hidden in London. This was seen as an extension of what many sectors are already doing
- Opportunity for collective advocacy to provincial and federal governments

Concerns

At their tables, participants discussed their top concerns, which were then shared as a large group. Afterward, participants voted electronically on what they felt were the most pressing concerns related to the City becoming a Sanctuary City. The top concerns were the public perception of becoming a Sanctuary City and what it means, staff capacity, and if the sudden interest in becoming a Sanctuary City was being done for the right reasons. Full results are in the table below.

Concerns	Percentage Response
Public perception (what citizens perceive Sanctuary City to mean)	25%
Staff capacity (stretched resources)	17%
Is this being done for political gain, or addressing a legitimate need?	16%
Do we have the right information (for London & area)?	14%
Are we doing this for the right reasons? (back to resolution)	9%
Can this be bigger than those with non-status (i.e., all who are vulnerable)	7%
Consult CBSA	5%
Issues with funding	5%
Do we need to have the citizens vote (referendum)?	2%
If we chose not to be, what are we saying?	0
Law Enforcement - no protection for non-status reporting crime	0

Discussion related to concern followed in large group and covered the following topics

- Risk of increased criminality
- Recognizing the importance of still addressing crime
- What works in one city may not work in another

- In housing, they are mandated to ask for status, and if there is a removal order for anyone in the household, they are deemed ineligible for housing
- How do you ensure income security if they do not have proper documentation? This is a central question to housing. They need a steady income to rent
- Drain in agencies' financial resources
- Capacity – resources are already stretched thin
- What kind of ID could we use? At times, some level of identification is important
  - Discussion of municipal ID, which is used in some American cities
- Privacy is important. Perhaps there are situations where asking for ID is necessary, but reporting a person is not

Recommendations

At their tables, participants discussed what their top recommendations were, which were then shared as a large group. Afterward, participants voted electronically on what they thought were the strongest recommendations related to the City becoming a Sanctuary City.

Recommendation	Percentage Response
Establish inventory of what we are doing already (at a service level)	24%
Advocate to receive support from province to extend services	20%
Use 'welcoming' vs. 'sanctuary' as this moves forward, remove challenge with language	15%
Dedicate resources (for training, advocacy)	14%
Implement Municipal ID (universal)	12%
Conduct targeted training and education (e.g front line staff)	11%
Healthcare - increase capacity for some health services to serve	3%
Education (2004 legislation) - easier access	1.5%

Follow-up Survey

A follow-up survey with those who participated in the sectors consultation followed to more gather more feedback regarding opportunities to support non-status individuals, and what the limitations would be. For those who completed the survey, they confirmed the value in supporting non-status individuals, and did discuss some opportunities to support them within their funding requirements, legislative requirements, etc.

Most, however, also stated that their funding often requires such detailed information and it would therefore be difficult to provide equal services to non-status individuals, as agencies do for other members of the community. For example, employment agencies have eligibility requirements that require social insurance numbers or other form of documentation of an individual's status. While employment counselling at the clinic would be possible, an ethical issue arises: The agency and staff could not encourage individuals to work in the informal market, as it makes the individual more vulnerable to unsafe work environments.

Other services, such as libraries, were more open to training their staff to not ask for formal identification as it would show implicit bias that would disfavour non-status individuals.

Participants from the settlement sector and law enforcement were more hesitant. Settlement agencies are funded by Immigration, Refugees and Citizenship Canada, and are therefore more naturally hesitant to provide formal supports to non-status individuals. Law enforcement noted they provide the same level of protection to all members of the community. However, they could not go as far as not reporting non-status individuals, as it would call into question whether or not "the law is equal for everyone."

Follow-up Interviews

Follow-up interviews were conducted to explore in greater detail what these sectors are experiencing, and how they might be able to help.

Community Health ~ staff A person who works in community health noted that, unless they are homeless, it will be challenging for a non-status individual to receive healthcare. The reason being that healthcare is so expensive that absolutely everything needs to be accounted for. The community health centre at times negotiates with other partners to help find care for individuals, but it is not sustainable. For example, one patient with cancer can cost hundreds of thousands of dollars. It was noted that the many community agencies had to stretch their limited resources to support the recent influx of Syrian newcomers. This was done, for many, without additional resources.

It was noted that there are consequences to overstretching, "every time you stretch to support someone's initiative, you leave someone else out." Many community agencies have not received new funding in years. It was suggested that, before asking what agencies can do, the City of London needs to lead by example by showing how they can provide support to non-status individuals, and also advocate to other levels of government.

Education ~ Three staff members from the Catholic and public-school boards were interviewed. All were aware and understood the provincial legislation that indicates all children have the right to education. Each also shared that, accessibility was another issue.

The person interviewed for the London District Catholic School Board shared that they have not seen an influx of non-status families, and therefore still treat each case on case-by-case basis. When someone does not have status, an admissions person determines whether the board can provide schooling for the children without asking for fees. As one person noted, "simply because children have the right to education, does not mean they can walk straight into a classroom." Paperwork is still required and assessing which school can take the children all takes time. If the individuals are seeking refugee status, but have not finalized their papers, they are often encouraged to wait until that process has been completed, as the enrollment process is simpler for a refugee claimant.

The Thames Valley District School Board, on the other hand, has been seeing a small but steady influx of non-status families entering their schools, primarily those residing at emergency shelters. The board, the school for that catchment area, and the case workers at the shelter have been working together with these families. These non-status families are typically people who have crossed the border but have not finished the paperwork to become formal refugees, as there is typically a 2 to 4 (sometimes up to 6) week delay.

The Thames Valley District School Board has developed an effective system that worked very well with the influx of Syrian newcomers that came to London in 2015. The system focused on acclimatizing students to their new surroundings, ensuring social cohesion, and positive attachments and warm transfers to different people they may encounter through the school system. It was noted, however, that there are several differences in working with non-status children. The non-status individuals who are now coming are not a monolith (unlike the Syrians who came as one group); they often speak different languages, have different education gaps, different levels of trauma, and differing needs overall. This makes acclimatizing the students into the school system more challenging. The desire at TVDSB to help non-status students is there; the concern is that they may reach a tipping point where the support needed becomes unsustainable.

Shelter ~ In June and July 2017, emergency began receiving people into their shelters who had not made refugee claims. There is no formal funding for non-status individuals, but they are not refused shelter. Caseworkers immediately begin to assist with the immigration process. The challenge is that lawyers, already overburdened with other cases, may be slower at being able to work with non-status individuals. Typically, they wait 4-8 weeks and it becomes a significant gap in their integration. The caseworker stressed that these families are eager to integrate, to begin their lives, and to contribute to the community. The staff person noted the incredible resilience these families exhibited during their time at the shelter. Since June and July 2017 there have been between 15-20 families, which is almost double the non-status families they worked with at the emergency shelters in the previous year. The caseworker noted that there is a desire to support these families, but there is a concern around sustainability and capacity.

Part V: Summary of Benefits & Concerns:

The following summarizes the benefits of being a Sanctuary City and the concerns related to becoming a Sanctuary City stemming from the research, community feedback and sector consultations.

At first glance, it may appear that addressing and/or supporting non-status individuals is a federal matter because immigration laws are a federal issue. However, it is at the municipal level that issues related to day-to-day living in community and building a cohesive and integrated community are addressed. This includes the fact that if non-status individuals are paying rent or own a house in the City, they are paying property taxes and would be considered taxpayers of London who should benefit from city services. This important perspective is the rationale behind why considering the readiness of a community to become a Sanctuary City occur at a municipal level.

Summary of Benefits

Based on the research, community feedback and sector consultation, the following is a summary of the key benefits of London becoming a Sanctuary City.

Cost savings ~ For example, in providing public health to non-status individuals, the community could help to reduce the spread of communicable diseases and can potentially prevent some visits to the Emergency Department, as non-status individuals seek assistance with their medical issue proactively instead of waiting for medical issues to become a crisis.

Integration and revenue generation ~ By providing support for non-status individuals in finalizing immigration papers, there is a greater opportunity for non-status individuals to work in the formal workforce and pay income taxes to the federal government. Integrating them by acknowledging their presence and current and future contributions will benefit all members of our community.

Increase in safety and strengthening our community ~ By reassuring non-status individuals that frontline staff will not be asking for identification where it is not required by law, non-status individuals may feel safer to fully participate in the community. Research shows that reducing isolation and increasing community belonging also improves safety for the individual and the community.

Similarly, should non-status individuals not fear the risk of being asked for identification from law enforcement, they would feel more comfortable in reporting crimes they may witness and seek assistance from the police when needed, if they are victims of criminal activity.

Summary of Concerns

In general, the concerns from community members and the sector consultations around becoming a Sanctuary City are *not* from a lack of compassion, but a concern around lack of capacity of our community and service providers to meet the needs

Capacity ~ There are concerns that community support and services are already stretched for resources and a worry that being asked to meet more individuals it would mean others being turned away from service or increase their wait for service.

Funding requirements and partnerships ~ Some funding specifically requires that staff document and identify individuals.

Influx of non-status individuals ~ There are concerns throughout the community that publicly using the term "Sanctuary City", non-status individuals will come to London for support and put more pressure on overstretched community resources.

Working against the law ~ Members of the community are concerned that the City of London would be actively working against federal immigration laws and whether this would weaken the City's relationship with the provincial and federal government. Additionally, concerns were raised around setting precedent for the City ignoring or working around other laws in the future.

Divide in the community ~ Even among supporters of the City becoming a Sanctuary City, there is a concern that without a proper public education campaign, this may divide the City.

Part VI: Recommendations

The following are recommendations for the City of London to consider based on the literature review, learning from other Canadian cities, and reviewing community feedback and sector consultation as it considers becoming a Sanctuary City.

Research, Education & Advocacy Matter

Terminology ~ Should the City of London move forward with becoming a Sanctuary City, it is recommended to use best practice and refer to these individuals as non-status individuals and ensuring there is no conflation with refugee claimants, temporary foreign workers or other types of immigrants. Furthermore, it is recommended that the City use another term such as Access without Fear instead of Sanctuary City. Many members of the community and service providers alike saw the term "Sanctuary City" as divisive and can conjure up misinterpretation of who it includes and the rationale for the strategy and policy.

Framing the issue ~ When framing the conversation, the City should focus on collaboration with agencies who naturally engage with non-status individuals and engagement with the other levels of government.

The City can also actively work toward developing policy that recognizes the existence of non-status individuals in our community shifting the focus and helping the public understand that a sanctuary policy would not be a way to take from someone (Canadians and immigrants with a valid status) and give to non-status people. Instead, it would be a way to add a policy that is able to acknowledge the presence of people temporarily without status, and create a series of administrative practices that would improve the city's capability and expertise in serving the community as a whole.

Additionally, while all governmental authorities have the right and the duty to check, know and control who resides in their territories, this control can be managed in several ways and sanctuary policies can focus on implementing non-oppressive, more open and compassionate ways to gather this information.

Social Demographic Data ~ Since many non-status individuals live in fear of being 'found out', it is a challenge to count how many non-status individuals are living in the City of London. More research is needed to gain a better understanding of how many individuals this strategy would impact. Having more accurate data would provide the City with important information to determine to what degree our community can support non-status individuals.

Public Education ~ An awareness and education campaign would be essential to help the community understand the different ways someone can become non-status, which is often related to systemic mishaps or delays, often at the bureaucratic level. Through the community responses, it is apparent that there is not enough information around non-status individuals and members of the community are afraid of the unknown. A public education campaign can help diminish these fears and help the community better understand not only the benefits of becoming a Sanctuary City but also demonstrate that the City is working on addressing some valid concerns the community may have.

Advocacy~ For there to be greater integration of non-status individuals with the community-at-large, greater advocacy needs to occur to put pressure on other levels of government to recognize the existence of non-status individuals and develop policies and provide funding to support this group.

Aim for Don't Ask Don't Tell

It is important to first clarify that being an individual without formal status in Canada is not a criminal offense. At times, individuals are detained but, just by virtue of being non-status individuals, cannot go to jail. It is also important to highlight that the work of being a Sanctuary City does not mean harboring criminals; any individual who has committed a criminal offense, regardless of status, must be reported to law enforcement.

With this context, and due to the lack of understanding around this essential point, for a successful implementation, should the City proceed, staff training, and policy reviews would be necessary.

Frontline staff training and policy review ~ Based on consultations with multiple public sectors, there was an openness from community partners to provide some level of support to non-status individuals. Many community partners agreed that these individuals are marginalized and should be encouraged to become engaged where possible in community. In order for non-status individuals to feel safe, there needs to be a level of frontline training for staff that would help eliminate implicit biases and to encourage staff to apply the motto of "don't ask, don't tell," if identification is not mandated by legislation or by funding requirements. It should be noted that these policies would likely help a larger marginalized population that may not have proper identification for various reasons not just immigration.

The City should "model the way" and then provide implementation strategies for other community partners to adopt this same approach.

Anchor in the City's Community Diversity and Inclusion Strategy

It is recommended that any implementation strategy related to supporting non-status individuals be anchored in the Community Diversity and Inclusion Strategy (CDIS). This would allow for any type of natural synergies with other pieces of the CDIS to occur. It would allow for creativity in policies and protocols that could provide a more welcoming experience for non-status individuals. Lastly, it would be part of a larger reporting process as City staff will be reporting on the CDIS on a periodic basis.

Additionally, continue to build the inventory (shared at the public consultation in February 2017) of what the City and community organizations are already doing to improve the conditions for non-status individuals would assist in understanding the assets and gaps of better integrating and serving non-status individuals into our London community.

Appendix A: Research

The meaning of "Sanctuary" as a concept

The three main interpretations of this concept

The concept of Sanctuary – the idea that a place, or an entire city, is safe and welcoming to everyone – is long rooted in human history. In this review, we use the term 'sanctuary' in its modern connotation, which includes the idea of a series of orchestrated actions, policies, or regulations aimed to protect those immigrants that, for a variety of reasons illustrated below, are in a (often temporary) situation in the host country. Currently, there are three main ways in which a sanctuary city can be described.

The first is related to those cities where community-based organizations, and especially churches, play the main role in welcoming and supporting immigrants, even without public support and sometimes against public opinion and national regulations. The religious interpretation of the concept is the most long-standing version of sanctuary, whereas the place is considered safe for anyone seeking help, refuge, or assistance, and where asylum seekers are welcomed and protected from deportation. This method is most popular in the United Kingdom (cf. Bagelman 2013; Squire & Darling 2013; Squire 2011; Darling 2010).

A second way in which cities are interpreting their role as sanctuaries, focuses on the role of municipalities in limiting their cooperation with the federal government's efforts to enforce immigration law. Immigration is a federal responsibility, but cities do play a role (e.g. developing immigration strategies to attract newcomers and help with their transition). However, the city's services will not report people even if they find the client to be a non-status person. The most effective application of this principle is to support policies such as "Don't Ask, Don't Tell", so services won't ask about immigration status, only about residency in the municipality. This second kind of interpretation is most popular in the U.S. (cf. Lyons et al. 2013; Freeland 2010; McBride 2009; Ridgley 2008; Gannon 1986).

Thirdly, cities and organizations want, to both, protect non-status people or people with an uncertain immigration status from deportation, as well as acknowledge their presence and contributions within the community, and guarantee them full access to the local services and their full participation in community life. Within this third way, the municipality is more active in promoting awareness among the general population, in removing barriers in accessing the services, and in advocating towards the other government levels (provincial and federal) about the situations and needs of this specific population. Also, this approach encourages acknowledgment of the issues immigrants face in the host country, switching from viewing them as unwanted guests, to identifying them in order to ease their challenging journey (Squire & Darling 2013).

All three ways are followed in Canada, with the third way being most common (cf. Graham et al. 2017; Gabriel 2011; Lowry & Nyers 2003; Lippert 2005). According to Bauder (2016), the literature on the sanctuary city in Canada demonstrates practices of solidarity that aims to help form a collective urban community that does not distinguish between citizens and migrants, or between residents with and without status. Activist-scholar Harsha Walia (2014) observes that zones of sanctuary are actively constituted not by politicians but by service providers, educators, healthcare professionals, and

neighbours on the basis of solidarity and mutual aid. These grassroots practices aim to create unity among activists, urban politicians, as well as non-status migrants and refugees.

The three most popular misinterpretations of this concept

Besides the different ways this concept has been interpreted, it's also important to briefly discuss which interpretations of 'sanctuary' are inaccurate and untenable. The most popular misunderstandings of sanctuary cities are that they

a) would grant access to everyone, without any kind of control and selection, resulting in an increased number of illegal people around, and
b) would result in an increase in crime, and
c) would be a massive drain on public services and resources.

Each of these points are incorrect, both in their premises and consequences. Our critiques to these points are illustrated throughout this review, but it's important to anticipate some elements in order to allow a discussion on the topic, free of unfounded assumptions.

a) The number of illegals entering Canada is quite low. The Canadian government offers the most accurate statistics on irregular crossings through the data provided by the Royal Canadian Mounted Police (RCMP). In 2017, 13,211 people were intercepted during irregular crossings at the Canadian borders. In Ontario, the number of irregular crossings intercepted was 0 (CIC)[4]. Therefore, the possible presence of people without a legal permit to stay in Canada would be a result almost exclusively related to changes in the status of those who are already legally in Canada.
b) Within the U.S. experience (there's still a lack of data on the Canadian situation), it's demonstrated that the relationship between the presence of sanctuary policies and the increase of criminality is inverse, in that where cities adopted sanctuary policies and the related community policing policies, bridges to immigrant communities were built, improving the police's ability to fight crime and protect the entire community. Non-status people accused of a crime are still referred to federal officials; Sanctuary cities simply remove the policy of referring individuals to federal officials based solely on their irregular presence (cf. Ellermann 2014; Tramonte 2011).
c) Finally, because nearly all non-status people were already in the country with a regular permit, they were already being served by the system, and so continuing to serve them doesn't mean an increase of public resources. Instead, the interruption of services would have great negative consequences on them and on the community at large. The interruption of health, housing, or employment services, for instance, would result in huge difficulties for these people in continuing to function and contribute to the community. Also, as highlighted in recent studies (Hudson et al. 2017), the improvements requested for a full implementation of a sanctuary policy would directly improve the local services in general, with positive outcomes for the community at large.

A municipal resolution on a federal matter. Some clarification

An additional point that is necessary to clarify, is to what extent this is an exclusive matter of the federal government. It's a fact that, currently, the presence of immigrants and newcomers in Canada is regulated

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[4] http://www.cic.gc.ca/english/refugees/asylum-claims-made-in-canada.asp

and managed by federal laws such as the Immigration and Refugee Protection Act (IRPA) that define categories, characteristics, pre-requisites, documentations, and by federal agencies such as the CBSA, the Immigration, Refugees and Citizenship Canada (IRCC) office, or the RCMP. It's also true that only the Canadian Government can issue visas and permits as well as interceptions at the borders, and deportations for those who must be removed from the country. And Canada, as well as other countries, can extend its area of action even beyond its geographical borders. For instance, through its embassies and immigration offices around the world where, for example, asylum seekers can apply for accessing Canada as refugees.

However, immigrants' experiences, newcomers' integration paths, and immigrants' contributions to Canadian society, can't be properly defined if they're to be exclusively considered through the federal and bureaucratic lens. Indeed, where immigrants live cannot be anything but a 'local' community, and the local communities are in a strong and direct relationship with the municipal authorities, and much less with the federal government (see Rodriguez 2008 on the US case).

Under this light, the relationship between local government and the other government levels can assume a different and, in our opinion, more appropriate and fruitful perspective where the sanctuary city policy can potentially challenge and question some of the decisions at other government levels. Decisions and regulations, still the elements on which local, provincial, and federal authorities could positively collaborate, are many and are crucial in building welcoming, effective, and thriving communities. As mentioned above, the third way to interpret the concept of sanctuary focuses on the acknowledgement that immigrants, even temporarily without a regular permit, are part of the communities, contribute to them, are engaged in community life and supported in their needs. Finally, without the inclusion of provincial and federal levels, some of the elements of the sanctuary policy would be difficult to implement and fully achieve. And this is one of the reasons why the municipal governments, which have the best angle to look at the local situation, should assume a leadership role in advocating towards provincial and federal governments. As a matter of fact, in the Toronto case, the original Sanctuary City motion was stated in order to ask the province to join the city in a common, orchestrated implementation of the policy.

Unfortunately, at the moment, the federal government is not placing this type of policy as a priority. The federal authorities may not be seeing migration as a pressing social phenomenon or a human rights problem in Canada. There is lack of data research, and evaluation in this area. Additionally, such a complex area presents issues, but also opportunities that require the collaboration among government levels and the creation of an integrated system. These processes cannot be managed by a single sovereign (Rodriguez 2008).

Process at Initial Stages | Lack of Follow-Through
An important note concerns the fact that, of the cities that have declared themselves as Sanctuary (Toronto, Feb. 2013; Hamilton, Feb. 2014; Vancouver – Access Without Fear, Apr. 2016; Montreal, Jan. 2017; several other cities are discussing the policy), there is not yet an example of full implementation of the policy. So far, the discussion on the policy and the best strategies to implement it differ significantly from city by city, with a few attempts to coordinate the efforts across Canada, mostly from activist groups instead of local authorities. For these reasons, it is difficult to identify best practices that could be transferred across contexts.

Since the cities are not working together to collectively learn and share best practices and because of the absence of standardized procedures that could be followed for the implementation of the policy, the comparison among cities cannot be systematic. Examples of what is happening and what may benefit London follow:

Toronto: The policy was launched in February 2013. Budget for implementation is not yet in place. For this reason, some of their priorities are not yet implemented, including: training for city staff, municipal ID card, formal agreement with the police. Police are implementing the "Don't Ask" but have not yet moved to both "Don't Ask and Don't Tell".

Hamilton launched their policy in February 2014. Budget has not been allocated. Training for city staff and advocacy actions towards provincial and federal levels were announced, but at the moment there is no information on their actual implementation.

Vancouver made an explicit choice to avoid the label 'sanctuary' in favour of the wording "Access to City Services Without Fear (ACSWF)". The policy was launched in April 2016. As the other cities, Vancouver focuses on municipal services. The Board of Parks and Recreation, the Police Service, and the Public Library Services are all governed by individual boards and are not included in the policy. The City asked them to adopt a policy that supports the spirit of the ACSWF policy.

Montreal: There is no formal documentations from the City Council. The policy was launched in January 2017. The grey literature review tells us that the debate seems to be focused on security issues, and on the influx of asylum seekers from the U.S., as well as the collaboration of Police Services with the CBSA in reporting undocumented people without any reference to those who already live in Canada without status and how to serve them.

Ottawa is discussing the possibility of becoming a Sanctuary City but has not yet formally launched the policy. There, the debate seems to be broader than in other cities (esp. Montreal). Ottawa is focusing on immigrants with precarious statuses, which are those without citizenship or permanent residency including refugees, temporary foreign workers, international students, and undocumented migrants. Also, the arguments used for the discussion seem to be more accurate than those used in other cities, with a deeper analysis of the topic and its several different aspects.

Who are we talking about?
How many

There is currently no official government estimate and no efforts to collect systematic data about non-status migrants in Canada. As noted by Bou-Zeid, since 1983 the figure of 200,000 migrants has been adopted by politicians and the media as the most accurate estimate, although many of these sources acknowledge that this number could be higher (Bou-Zeid 2009). According to the End Immigration Detention Network (2014)[5], for instance, there were approximately 500,000 non-status migrants in Canada, while an unknown number of migrants on temporary visas were also engaged in unauthorized work. As a result, the estimates range significantly (Magalhaes et al., 2010; Beristein et al. 2004).

Vancouver, Montreal, and Toronto host the highest number of non-status migrants. Some 50% of this population are believed to reside in Toronto and occupy precarious employment such as construction

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[5] https://endimmigrationdetention.com

workers, caregivers, housekeepers, cooks, and cleaners (Magalhaes et al., 2010; Goldring et al., 2009). A report by Soave Strategy Group found in 2006 that in the Greater Toronto Area there were up to 40,000 non-status workers, of which half are employed in the construction industry. In 2003, Ontario's Construction Secretariat purported that there were 76,000 non-status migrants in Ontario's construction industry alone. In addition, at least 36,000 failed refugee claimants had never been deported, and another 64,000 individuals overstayed their work, student, or visitor visas in 2002 (Magalhaes et al, 2010). A more recent research conducted by Hynie on emergency room consultations estimates the number of non-status migrants in Toronto to be 16,000 (Hynie at al., 2016). These figures point not only to the absence of reliable statistics, but also to some of the pathways into irregular migration in Canada.

How people fall into the category of irregular or non-status

The majority of the non-status population initially entered Canada through authorized legal channels, such as *refugee claimants*, *sponsored immigrants*, or as *individuals with valid temporary resident visas*. In some cases, migrants are also smuggled into Canada although it is believed that, unlike the United States, the number of migrants who arrive irregularly (i.e., without proper documentation) remains low (Khandor 2004). Canada does not have any exit controls, which makes it impossible to know how many people who enter Canada with a temporary resident visa remain in the country when their permits expire.

Several authors consider Temporary Foreign Workers (TFW) as an at-risk population (cf. Goldring & Landolt 2013). McNevin (2013) say that TFW started to be badly managed and we need analyze and show the origins of the non-status people. It is recommended to study TFWs in construction, hospitality, manufacturing industries, and domestics (housekeepers, cooks, caregivers, and cleaners). Additionally, several authors show how the most vulnerable and precarious people tend to increase the number of non-status people. Considering the refugee system, Goldring & Landolt (2013) tell us how much easier it is to fall 'out of status', whereas a smaller percentage of potential non-status people can be identified as those who came into Canada as children or spouses, and then never regularized.

As highlighted by Ellis (2015), despite the multiple humanitarian and social aims formally listed in the IRPA, widening disparities among the numbers of the three classes of immigrants reveal how immigration law is employed to meet economic concerns, whereas in 1980 the numbers of newly admitted immigrants in independent, family, and refugee classes were relatively equally distributed. In 2004, the distribution was 56.7%, 26.4%, and 13.9% respectively (Bou-Zeid 2009), and in 2013 there were even greater gaps: 62.3%, 27.2%, and 10.5% (CIC). Canadian state agents are also relying increasingly less on long-term nation-building and more on temporary workers to address Canada's labour shortages. Since 2003, the number of temporary workers in Canada has increased every year at an average increase of 15% between 2003 and 2008, and grew 7% in 2009, 2010, and 2011. In 2008, Statistics Canada reported that a greater number of non-permanent residents entered Canada (399,523) than the number of immigrants who became permanent residents that year (247,243) (Pang 2013).

Most importantly, what starts off as temporary migration often ends up in family reunion, asylum seeking, or irregular migration. Observing this process on a global scale, Castles and Miller (2009) argue that one of the greatest lessons of the last half-century of international migratory movements is that "it is extremely difficult for countries with democratic rights and strong legal systems to prevent migration from turning into settlement" (33-34). In Canada, as many as 95% of irregular migrants are estimated to have entered with temporary status and thereafter overstayed the duration of their permits (Bou-Zeid 2009). Yet, state agents continue to enact policies that treat migration as if it could simply be turned on and off, permitting legal entries followed up by illegal (over)stays.

Looking at the most recent CIC statistics and definitions webpages, the trend towards an increasing number of temporary immigrants continues. Below, there is an analysis, with definitions, of the trends in receiving Permanent Residents and Temporary Immigrants (subdivided in several categories).

Permanent Residents are those who have been granted permanent resident status in Canada. Permanent residents must live in Canada for at least two years within a five-year period or risk losing their status. Permanent residents have all the rights guaranteed under the Canadian Charter of Rights and Freedoms such as equality rights, legal rights, and mobility rights, freedom of religion, freedom of expression, and freedom of association. They do not, however, have the right to vote in elections.

Since 2002, Canada's immigration program has been based on the Immigration and Refugee Protection Act (IRPA) and its regulations. The IRPA replaces the Immigration Act of 1976 and defines three basic categories of permanent residents, which correspond to major program objectives: reuniting families, contributing to economic development, and protecting refugees. Accordingly, statistical information in this section is presented for the main categories of permanent residents, and refers to principal applicants and accompanying spouses and dependents (unless otherwise noted).

Economic immigrants are people selected for their skills and ability to contribute to Canada's economy, including skilled workers, business immigrants, provincial and territorial nominees, and caregivers. The skilled worker component includes immigrants who are able to demonstrate their ability to enter the labour market and successfully become established in Canada by meeting selection criteria that assess factors such as English or French language abilities, and work experience. The business immigrant component includes those who invest their money in an approved venture, those who intend to run their own business, or those who intend to be self-employed. The provincial and territorial nominees are permanent residents designated by a province or territory that have entered into agreements with the Government of Canada to select immigrants who will meet their local economic needs. While these nominees must meet federal health and security admission criteria, they are not subject to the skilled worker selection grid for determining eligibility. Caregivers are individuals who are granted permanent residence after providing, in Canada and for a determinate period of time, home child care or care for people with care needs such as the elderly, people with disabilities, or people with chronic diseases.

Temporary Residents are people without citizenship or permanent residency status that want to stay in Canada. They need to have one of the authorized visas issued by the Canadian government, such as a study permit or a work permit (with or without a Labour Market Impact Assessment issued by the employer).

A work permit, or authorization to work without a permit, is required in order for a foreign national to be allowed to work in Canada (section 30 of the IRPA). There are specific requirements that must be met by the foreign national and the employer under the Temporary Foreign Worker Program (TFWP) or the International Mobility Program (IMP).

The TFWP lets employers hire foreign workers to fill temporary labour and skill shortages.

The IMP lets employers hire temporary workers without a Labour Market Impact Assessment (LMIA). Exemptions from the LMIA process are based on i) broader economic, cultural, or other competitive advantages for Canada; and ii) reciprocal benefits enjoyed by Canadians and permanent residents.

The following chart focuses on London, Ontario, and shows the 2006-2015 entry trends by permit. It is the result of our elaborations on the data available at the CIC Statistics webpage open.canada.ca/en/open-data.[2]
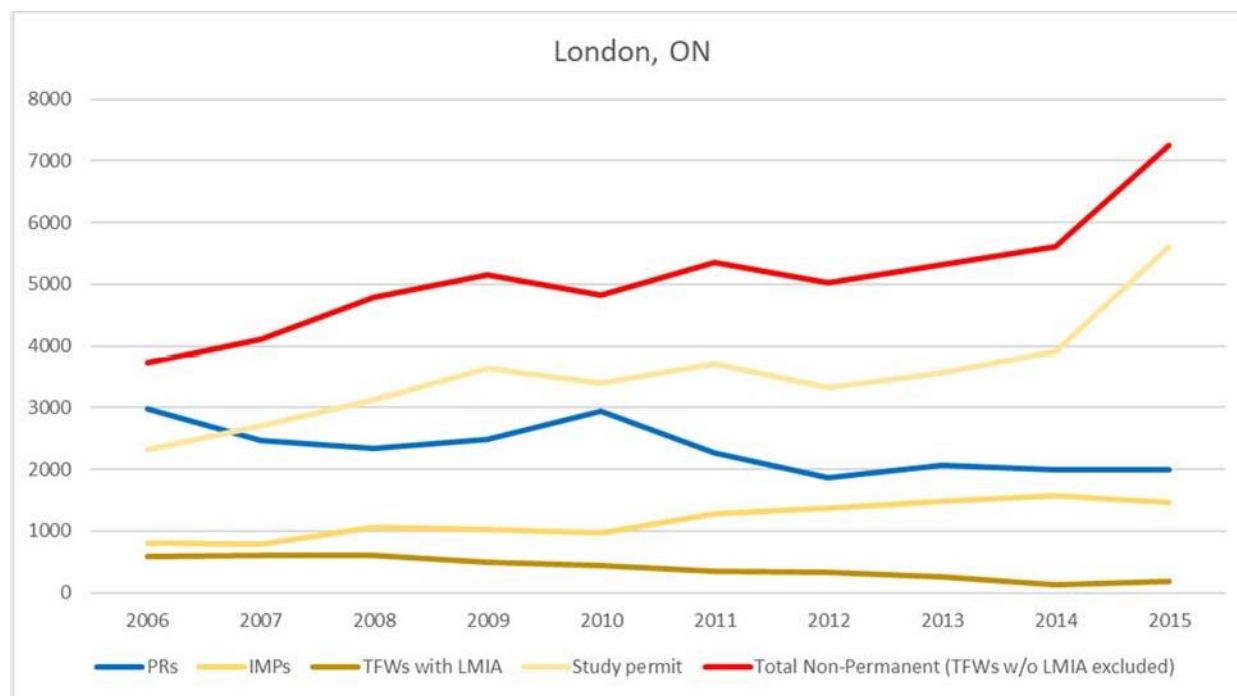

Chart keys:
PRs: Permanent Residents
Total Non-Permanent Residents (the Temporary Foreign Workers that do not need the Labour Market Impact Assessment (for example, university researchers are not included in these statistics).
- IMPs: International Mobility Program
- TFWs with LMIA: Temporary Foreign Workers with Labour Market Impact Assessment
- Study Permit: students, mostly at the university level, but also elementary and high school included.

With these trends, and considering the above analyses from the literature, the future increase of temporary immigrants legally entered that will face a period of absence of status is a fact more than a risk. The most crucial aspect highlighted in literature is the necessity of thinking about a regularization strategy for those living on Canadian soil, but this argument seems to be a real taboo at all the governmental levels (cf. Goldring et al. 2009).

Some clarifications on the labels: irregular? Non-status? Undocumented?

Even if it is possible to find definitions and explanations of terms like 'undocumented', 'irregular', or 'illegal' within the local, provincial, or federal regulatory apparatus, along with descriptions of the legal processes in which immigrants and refugees are involved, the practical and daily use of those terms still vary quite largely among practitioners, decision makers, and service providers (cf. Hudson et al., 2017).

Vocabulary / Definitions

Personal | Impersonal

Bogus — Irregular *Too general* — Uninsured *Crucial in Health System* — Precarious *More specific but still large*

Illegal — Undocumented — Non-Status

Ethically denoted — *Fuzzy* — *Several meanings* — *Preferred by lawyers and front-line orgs*
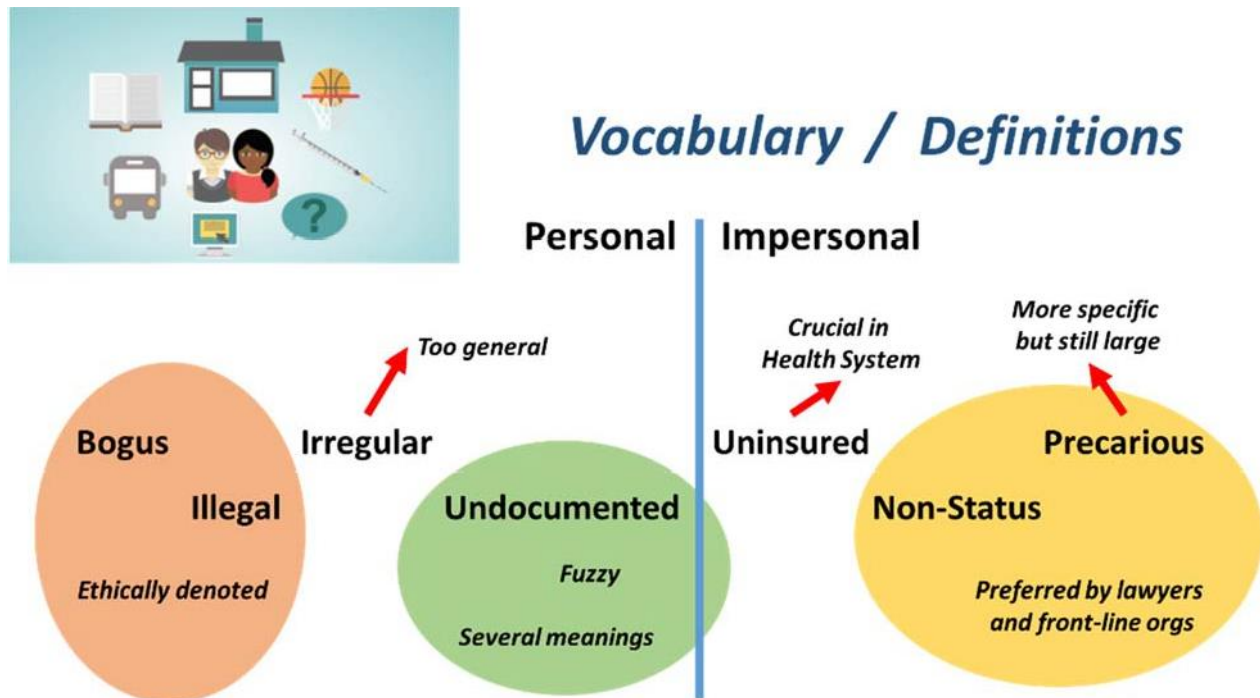
The first terms analysed are those more negatively connoted, such as 'bogus', 'illegal', and 'irregular'. These terms are used in some political areas by some opinion leaders and mass media sources, but rarely used by front-line workers and practitioners. These terms are very common in the public debate under several forms, and they share a root source that lies in the ethical realm. Indeed, these terms entail a moral judgment on conditions that, on the one hand, could be described in different and more technical ways (see below), and, on the other hand, carry on fictitious and negative imaginaries. These terms are able to arouse fear, recall something that is morally wrong and that could harm the 'good' immigrants and, eventually, the Canadian citizens. Additionally, the rhetoric implemented puts the responsibility of those illegal situations on the immigrants themselves, considering them accountable for those conditions that justify the use of the terms. Additionally, these labels over-represent a phenomenon that, even if present in terms of immigrants that try to enter Canada without being eligible for any visa program, is quite marginal within a system that actually improved the strategies and tools to preselect the newcomers (both economic immigrants through the several types of visa, and refugees that are known by the system several months before landing on Canadian soil) and increased its capacity in deporting people not entitled to stay in Canada. Secondly, these ethical labels spread their negative connotations onto the other immigrants and refugees, those who are entitled to stay or in possession of a regular sojourn permit, but which suffer practical consequences in terms of discrimination, stigmatization, and racism due to this accusing rhetoric. Being a 'bogus refugee', for instance, entails an intentional and premeditated plan orchestrated by the refugee him/herself in order to bypass the system and use an easier way to access the country and receive services. This picture seems to be very popular and easily

embraceable by public opinion, but it is imprecise and inadequate to describe the refugee situation in Canada.

Considering these characteristics, those labels are not adequate in identifying the people addressed by sanctuary policies.

On the other side of the diagram above, we listed terms that are considered more adequate to describe the situations of refugees and immigrants because they are more technical and not ethically connoted. For instance, 'uninsured' is a precise term, able to describe a technical status, a label that is crucial for the public health system in applying eligibility criteria and defining the costs of the services provided. Additionally, it is a term able to cover all the spectrum of visas and permits and also the condition of absence of visa, because it's not related to the immigration status. However, exactly because of its limited semantic extension and its peculiarity, 'uninsured' is quite unable to frame the population a municipality needs to take into account regarding sanctuary policies.

The term 'non-status', even if with some weaknesses, is preferred by lawyers and front-line workers, compared to the other words in the chart. It defines a condition that is not related to any moral judgments and can be temporary, leaving space for the idea that this kind of status is something more related to the bureaucratic aspects and maybe to something that the person did not do (i.e. renew or change the visa) instead of something that the subject carries on as a personal characteristic, or something that the subject intentionally did with the goal to steal, bypass, or cheat. The characteristic to be temporary is crucial. It is able to explain, intuitively, that we are talking about a circumstantial condition that can occur just because of some lacks or fails in the system, or in some bureaucratic passages, and this is also able to decrease the fear among uninformed people.

The same idea of being in a temporary situation is also present within the semantic area of the other term in the chart: 'precarious'. It's also very often used by those who directly work with immigrants without visas. However, it is more problematic than 'non-status'. Indeed, this adjective covers too many situations: a temporary work permit holder can be considered precarious in terms of accessible services and long-term possibilities to stay in Canada; a student can be precarious between the end of the studies and the beginning of an employment; and so on. Nonetheless, 'precarious' is a term able to immediately evoke the vulnerable condition of these subjects, and for that it is present in the vocabularies of front-line workers and in the advocacy actions of practitioners and organizations.

The term in the chart that needs to be discussed is 'undocumented'. This word is largely used by those who propose and support the sanctuary policy, like councillors, politicians, and decision makers. This term seems to be somewhat inadequate in order to target the population the municipalities should focus on. Indeed, even if this term is actually very popular and able to immediately identify the semantic area that the policy wants to cover. Nonetheless, it's too large and inaccurate to be adopted by lawyers, practitioners, and advocacy organizations. The fact that it is the most oft-used term to talk about people addressing this policy, does not mean it reflects the conditions of immigrants involved. Indeed, it partially falls into the left side of the chart, where we put the terms that have a negative ethical connotation. The reason lies in the fact that when saying 'undocumented', people not well informed are immediately pushed into thinking that a person is in an illegal situation, and that should not be entitled to receive public services. Still, a specific bureaucratic condition is framed as a guilt for which the immigrants should be blamed. The idea infused in the public opinion is close to that of 'illegal' immigrant, a dehumanized entity without an identity formally recognized by any authority.

Finally, a more politicized term that we did not consider in the chart but that is from literature, is 'illegalized'. This term, proposed by Bauder (2016), is intended to draw attention to national laws, policies, and practices that deny migrants full status or legal residency, and that puts them in a precarious and vulnerable situation.

The main areas of interest

Health

The human rights implications of living without status are profound. The degradation of mental and physical health is a primary concern, which is attributable in large part to fear of detection and deportation, social isolation, poor working and living conditions, vulnerability to abuse and exploitation, and a host of institutional barriers (Barnes 2011; Ruiz-Casarez et al. 2010; Larchanche 2012; Triandafyllidou 2016). A comprehensive report on newcomer health, written by Toronto Public Health and Access Alliance Multicultural Health and Community Services, noted:

> Migrants without status also face unique and serious health needs and access challenges… (r)esearch found that non-status migrants in Toronto present signs of trauma, chronic stress and depression from family separation, and physical illnesses associated with stress. One local study has noted that those living with precarious status experience a constant fear of deportation, along with anxiety about becoming ill and not having the economic means to seek care. Social isolation, stress and fear of being unable to access required health care can have a significant impact on the mental health of individuals facing these circumstances, potentially contributing to depression, suicidal thoughts, PTSD, and addiction. It is important to recognize that the challenges facing residents without status are often persistent; they are not unique to those who have recently arrived in Canada (Access Alliance 2011, p. 117).

A 2013 report by Toronto's Medical Officer of Health also concluded that non-status persons, along with other uninsured persons (e.g., homeless people), face distinctively serious health issues. Primary areas of concern include reproductive health, mental health, chronic conditions (e.g., diabetes), child and youth care, and communicable diseases. The health effects of non-treatment become more severe the longer care is denied. As Hynie (et al. 2016) highlights, Canadian immigrants can be without health insurance for many reasons, and they present an at-risk population. The uninsured are more likely to be diagnosed with mental health (insured: 3.48%; uninsured: 10.47%) or obstetric problems (insured: 2.69%; uninsured: 5.56%), be triaged into the two most severe categories (insured: 11.2%; uninsured 15.6%), leave untreated (insured: 3.1%; uninsured: 5.4%), or die (insured: 2.8%; uninsured: 3.7%). Also, uninsured status is associated with more serious health status on arrival to emergency departments, and more negative visit outcomes. The consequences for the community as a whole can be negative, for example in terms of neighborhoods' and schools' health and quality of life.

Law Enforcement

A particularly serious problem is lack of access to the police services. Media reports and research show that the Toronto Police Service (TPS), the Vancouver Transit Police, and provincial agencies such as Ministry of Transportation Ontario have all actively inquired into immigration status, engaged in unsolicited sharing of personal information with the CBSA, and arrested and transferred non-status persons to the CBSA (NOII 2015). This is a feature of "urban securitization" — a process where local and provincial authorities participate in the management of perceived risks to state and "citizen" at the scale of the city (Valverde 2014; Lippert & Walby 2013). The effect is that real risks to the person are ignored.

Already vulnerable to abuse, non-status victims and witnesses cannot report crimes to police due to fear of deportation, which dissuades many from seeking police assistance (Magalhaes et al. 2010; Simmons et al. 2015; Ricard-Guay & Hanley 2014). This has a disproportionately harmful effect on women and children, especially in the contexts of domestic violence and sexual assault (Hamilton Community Legal Clinic 2013; West Coast LEAF 2012).

The engagement and commitment of the local police services are crucial in order to avoid the report to the federal level, and the literature shows that full police involvement is the most difficult result to obtain. To support this engagement, several arguments can be used. Below we list a series of points that should be taken into consideration.

Immigration Law Enforcement Jurisdiction in Canada is the sole responsibility of the CBSA. Municipal governments and police forces do not have the jurisdiction to detain or deport non-status individuals for not having official status in Canada. Instead, they must refer such cases to the CBSA. In 2008, a report finalized by the Immigration Legal Committee, a product of a joint project of the University of Toronto International Human Rights Program, No One Is Illegal - Toronto, and the Law Union of Ontario concluded that the law does not require police to disclose immigration status to federal officials except when they are carrying out a warrant issued under the Immigration and Refugee Protection Act.[6] In addition, it is very likely that disclosure of this information conflicts with police duties under the Police Services Act,[7] as well as with the Victims' Bill of Rights[8], the Charter of Rights and Freedoms[9], the Ontario Human Rights Code[10], and international law. Consequently, not only is there no duty to disclose, but a practice of regular disclosure of immigration status by police is likely contrary to statutory, constitutional, and international law[11]. Consequently, the Immigration Legal Committee further recommended that the Board extend its "Don't Ask! Don't Tell!" policy to other persons police come into contact with, and not restrict it to victims and witnesses[12].

Additionally, section 5(1) of the Ontario Regulation 265/98 indicates that officers may only disclose personal information "if the individual is under investigation, is charged with, or is convicted or found guilty of" a number of offences. It does not authorize them to share information about victims and witnesses of crime, nor about any individual who is "carded" or otherwise stopped on the street while not being directly under investigation. Even for individuals about whom police officers are authorized to disclose information, Section 6 of Regulation 265/98 specifies that they have to use their discretion to decide what is reasonable and consistent with the public interest.

However, in Toronto's case the Police Service reported 3,278 people to the CBSA between November 2014 and June 2015, whereas less than 7.1% of those reported had outstanding immigration warrants (NOII, 2015).

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[6] Immigration and Refugee Protection Act, S.C. 2001, c. 27.

[7] Police Services Act, R.S.O. 1990, c. P.15.

[8] Canadian Victims Bill of Rights, S.C. 2015, c. 13, s. 2.

[9] The Constitution Act, 1982, Schedule B to the Canada Act 1982 (UK), 1982, c 11.

[10] Human Rights Code, R.S.O. 1990, c. H.19.

[11] Police Services: Safe Access for All Legal Arguments for a Complete "Don't Ask, Don't Tell" Policy: A Report by the Immigration Legal Committee. Presented to the Toronto Police Services Board, May 2008, at 1. http://toronto.nooneisillegal.org/sites/default/files/Immigration%20Legal%20Committee%20Report%20Re%20Toronto%20Police%20November%202008.pdf

[12] Ibid, at 2.

Employment

Precarious workers, who can easily fall in situations of non-status, are more exposed to dirty, difficult, and dangerous jobs. They are considered at risk of exploitation and have to cope with severe physical injuries and the development of psychological problems.

Less severe situations, but still crucial for a good integration and social support, are related to the difficulties in accessing employment services. Usually, this kind of service is open to everyone, without request of immigration status. But when it comes to obtaining, for example, support in building a résumé or following a course and when a placement opportunity comes up, non-status people cannot be fully served.

Housing

Being able to obtain housing support without an immigration permit is virtually impossible. This is an area where the municipality has a service management role and can assist. Here it's important to recall the notion that almost all non-status people have entered legally but, for various reasons, have lost their status and are still here trying to regain a formal position and stay in the country. The research practice shows many cases of families regularly present in Canada that, due to bureaucratic issues, have to face several months of being non-status, often leading to the loss of their home, job, and support. Helping these people to avoid the most negative consequences of being non-status, would be to support their coping strategies and the efforts to keep their families out of poverty.

These findings are replicated in all social spheres. The Ontario Council of Agencies Serving Immigrants (OCASI) reports that a "defining experience for those without legal immigration status is the uncertainty and fear of being deported that result from their lack of legal immigration status" (OCASI 2012, p. 73-75). This impedes access to a wide range of services beyond health care, including education, shelter, and labour rights (Bihari 2011; Inghammar 2010; Goldring & Landolt 2013; Maldonado 2013; Marrow 2012).

There are also a host of intersecting human rights issues that relate to multiple identities and span institutional divides. For instance, the lack of access to social assistance, housing, and other social and economic supports prevents women without status from leaving abusive partners (Alaggia et al. 2009). The situation is more complicated when children are involved. Although family law officially permits non-status women to apply for custody of children when leaving and reporting an abusive relationship, there are social, economic, and institutional barriers, as well as fear of police, that lead non-status women to choose "between living in Canada illegally and losing their children" (West Coast LEAF 2012).

Education

In absence of literature on the London context, we looked at the Toronto situation. The Toronto District School Board (TDSB) passed Board Policy P.061: Students Without Legal Immigration Status (2007). This policy was adopted after the CBSA arrested two non-status students on high school property — an event that led to a powerful public response. The policy gave greater reach to s. 49.1 of the Education Act, which states: A person who is otherwise entitled to be admitted to a school and who is less than eighteen years of age shall not be refused admission because the person or the person's parent or guardian is unlawfully in Canada.

In 2004, the Ontario Ministry of Education passed Policy/Program Memorandum No. 136, Clarification of Section 49.1 of the Education of Persons Lawfully in Canada. The policy states that no children should be

refused admission to school solely because of their or their parents' inability to produce any of the following:

- proof of immigration status or application for legal immigration status,
- a work permit or social insurance number,
- health documentation that is different from that required of all other children,
- other documentation not required of other children seeking admission to school

The policy also makes mention of how personal information will be collected and stored.

Possible implementation strategies

Change the language and shift the attention

A non-conflicting alternative interpretation of sanctuary policies – based on recent research and on the dialogue with community leaders (cf. Hudson 2017) – focuses more on the potential collaboration between authorities and civic society instead of on the contraposition between the two parts. Indeed, while governmental authorities (at any level) have the right and the duty to check, know, and control who reside in their territories, at the same time this control can be managed in several ways, and sanctuary policies constitute a way that can support this control in non-oppressive, more open and empowering ways than those the current literature reports. It would be beneficial for a municipality to better know who lives in the territory and support them in confidently using city services and contributing to city life. This would have positive outcomes on public health, social relationships, crime, taxation system, control on illegal practices by Canadians (e.g. employers, landlords), and many other aspects of society.

This argument supports the idea that a sanctuary city policy would not be a way to take from someone (Canadians and immigrants with a valid status) and give to non-status people. Instead, it would be a way to add a policy that is able to acknowledge the presence of people temporarily without status and create a series of administrative practices that would improve the city's capability and expertise in serving the community as a whole. It would also be more aligned with a series of elements coming from the Charter and Canada's human rights obligations, as well as from other national and international regulations that define rights that irregular migrants already hold (i.e. children's rights, or the UN consideration of health as a human right).

Additionally, advocating would be beneficial to changing those socio-economic and labour conditions, those local, provincial, and federal regulations, and those employers and service providers' practices that potentially lead to precarious status, and consequently to non-status condition.

The municipal ID card: a solution?

On this topic, the only experiences are from the U.S. New Haven (2007), San Francisco (2007), Oakland (2009), Richmond (2011), Los Angeles (2012), and New York City (2014) have the municipal ID card. It is available to all city residents, regardless of immigration or citizenship status. It's valid only in the city that issued them. It can be used for identification with police, school and other city officials, local banks, and stores. They function as library cards, discount cards for local businesses, and prepaid debit cards. (see de Graauw, 2014). In response to those who criticize the adoption of a municipal cards, there are several arguments. In the U.S., a court reaffirmed that the New Haven ID card program does not constitute a local attempt at immigration regulation because card applicants are not asked about their immigration or citizenship status. Additionally, in a San Francisco case, it was argued that City officials do not make a

determination about the immigration status of ID card applicants since "immigration status is not considered at all under the Ordinance." (Langfeld v. City of San Francisco, 2008; de Graauw, 2014).

On the other side, Toronto once started looking at the municipal card and an assortment of difficulties, listed below, were highlighted. It's important to consider that this matter has huge legal implications and the discussion of this kind of topics should be coordinated by legal experts. In addition, since other cities in Canada are discussing the topic, the creation of a common discussion on the possibility of implementing municipal ID cards could be a fruitful undertaking. Finally, the following critiques were referred to a municipal ID card issued only to non-status people, whereas the above U.S. examples were related to the implementation of a card that would be issued to all the residents and used by all of them. Here are the critiques:

Under the Municipal Freedom of Information and Protection of Privacy Act - MFIPPA, personal information that the City has collected must be retained after use for a period of one year or the period set out in the City Retention Bylaw, to ensure that the individual has a reasonable opportunity to obtain access to their personal information. Once the information needed to issue an identification card has been collected, the City is not permitted to destroy that information until the retention period has expired. Therefore, the City of Toronto needs to consider several implications of implementing a Municipal Identification Card, including:

- Destruction of the evidence used to establish the identification could raise questions about the integrity of the issuance process;
- Under MFIPPA, the existence and full description of a municipal identification card database would have to be publicly transparent in the Directory of Records on the City's website;
- This information would be vulnerable to disclosure during the retention period in the event of a law enforcement investigation or a formal request from another order of government;
- The card would serve to further identify undocumented Torontonians and may leave them more vulnerable to legal demands for disclosure (i.e., the majority of individuals using the card would likely be undocumented Torontonians); and
- The card would decrease privacy protections for this vulnerable population.

In addition to the complex issues surrounding MFIPPA, other measures would need to be in place to address equity, diversity, and human rights issues before a municipal identification card could be pursued:

- For the most part, municipal services in Toronto do not require identification other than proof of residency, such as a utility bill. Unless the City and other orders of government negotiate the federal and provincial services that could be accessed using the municipal identification card (i.e. the card would serve as a stepping stone towards regularization, either through a Permanent Resident Card and/or Citizenship Card or it could be used to get a driver's license), the card will have limited validity.
- Under the City's Human Rights and Anti-Harassment/Discrimination policy, service recipients can raise a discrimination complaint to the City's Human Rights Office. Under the Ontario Human Rights Code, a complaint of harassment and/or discrimination can be launched with the Human Rights Tribunal of Ontario on the grounds of "citizenship" irrespective of actual status except where Canadian citizenship is a legal requirement to get a job or get certain services (for example, certain competitive sports require that participants be either Canadian citizens or permanent residents). A municipal identification card would have no effect in these circumstances.

- The City could be legally mandated to share the information with other orders of government and/or government agencies. This defeats the purpose and spirit of Toronto being a "Sanctuary City" as referenced by advocates.

City staff and politicians' engagement and commitment

In order to see the policy supported by the community effectively implemented and thriving, a great and constant commitment in promoting awareness and in supporting the virtuous reasons for the policy is needed. This would be important, but not without other strategic decisions such as an economic commitment for staff training, services reorganization, and advocacy towards the other governmental levels. The implementation of strategies to improve and maintain high quality levels of communication among and within the city's divisions would be very helpful. Indeed, having a common vocabulary and disseminating common and unambiguous messages would have great impact on the population at large, and on the effective implementation of the policy. For that, we suggest taking into consideration the horizontal and vertical communications channels within the same department, between departments, and between City and citizens.

Endorsement and community engagement

The educational training should also be delivered to schools and organizations, community centres, businesses, and civil society at large. Also, any good practice and successful local experience, initiative, or event already related to this policy, should be covered by media and widely disseminated.

Another necessary task is the definition of the labels the City wants to use. Indeed, due to the high politicization of the topic, there are no neutral labels that can be applied. As we already noted in several occasions around the city, the use of the term "Sanctuary City" is able to immediately provoke reactions that go from a deep solidarity – sometimes blindly towards the difficulties, negativities, and risks in implementing the policy – to a deep rejection of the proposal, sometimes unable to consider the facts and the driving reasons for non-status conditions. Several labels could be identified. In Toronto, community organizations recently suggested the term "Human Toronto". In any case, this is a decision that the City needs to make and then support, before seeking public opinion.

Looking for the current core institutional values

In order to support the implementation of the policy, it would be important to search for values already present within the City's departments, as well as formal/informal practices adopted by employees. This can be done through research, and the identification of core values and practices would greatly support the entire process.

The City of London already stated several times that sanctuary city policy is aligned with its core values, but research results from other Canadian cities already show that most cities' divisions overestimate the extents to which these values are translated into practice, and underestimate the range of distinct kinds of knowledge, skills and training necessary to actualize core values in practical settings. In those cities, as well as what has already emerged in London, there seems to be a sense that no additional work is needed in order to implement the policy, or that compliances are not required. These assumptions, though, have to be proven, and, so far in the other cities, we have not yet registered full implementation of the policy.

Socio-demographic data collection

Which kinds of data collected from the municipal services' clients can affect the ability to analyze, understand, and then act. The main issues here are related to confidentiality, privacy, storage, and use of the data collected, especially in communications with provincial and federal levels. But, on the other side, there is the necessity to do so in order to have a clearer idea of the situation, and so being able to elaborate strategies. The main piece of legislation governing the privacy rights in the city is the Municipal Freedom of Information and Protection of Privacy Act (MFIPPA).

Appendix B - Bibliography

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