

TO:	CHAIR AND MEMBERS STRATEGIC PRIORITIES AND POLICY COMMITTEE MEETING ON JUNE 25, 2018
FROM:	SANDRA DATARS BERE MANAGING DIRECTOR, HOUSING, SOCIAL SERVICES AND DEARNESS HOME
SUBJECT:	FREE OF FEAR SERVICES FOR ALL POLICY

RECOMMENDATION

That, on the recommendation of the Managing Director, Housing, Social Services and Dearness Home, the following actions be taken with respect to London adopting a *Free of Fear Services for All* Policy:

- a) the commitment to ensuring access to municipal services free of fear to non-status immigrants or immigrants with uncertain status **BE AFFIRMED**;
- b) the initiative of providing access to municipal services to non-status immigrants or immigrants with uncertain status **BE DESIGNATED** as “*Free of Fear Services for All*”.
- c) the attached by-law (Appendix A) **BE INTRODUCED** at the Municipal Council meeting to be held on June 26, 2018 to adopt the Council Policy entitled “*Free of Fear Services for All*” (Schedule 1);
- d) that Civic Administration **BE DIRECTED** to implement Option #2 as outlined in this report it being noted that the cost of this option will be accommodated within the approved operating budget; and,
- e) that Civic Administration **BE DIRECTED** to report back on the results of research and any anticipated long-term program costs as a result of implementing this policy.

PREVIOUS REPORTS PERTINENT TO THIS MATTER
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- Consultations regarding arrangements for the City of London to become a Sanctuary City of London (SPPC: May 29, 2017)
- Arrangements for The City of London to Become a Sanctuary City/Access to Service Without Fear City (SPPC: March 26, 2018)

BACKGROUND

On March 27, 2018, Municipal Council resolved that:

- the staff report dated March 26, 2018, entitled “Arrangements for The City of London to Become a Sanctuary City/Access to Service Without Fear City” **BE REFERRED** back to Civic Administration to report on next steps for London to become a Sanctuary City/Access to Service Without Fear City, including details on modelling options and associated costing, for consideration at a future meeting of the Strategic Priorities and Policy Committee.

The purpose of this report is to:

- request Council’s approval of the designation of this initiative as *Free of Fear Services for All*;
- request Council’s approval of the *Free of Fear Services for All* policy;
- provide details on two options for implementation of the initiative, with associated costing;
- request Council’s approval of Option 2;
- request that Civic Administration be directed to report back on the result of research and any anticipated long-term program costs.

The recommendations presented below and in Appendix B (Definitions, Impact and Demographics, Municipal Scan and International Best Practices) reflect the advice presented in the report by the Centre for Organizational Effectiveness *City of London Sanctuary City/Access without Fear Summary Report*, December 2017, presented to the Strategic Priorities and Policy Committee on March 26, 2018; consultation with and review of the policies and practices of the

municipalities of Toronto, Vancouver, Hamilton, Kingston, and Windsor; and input from the Diversity, Inclusion, and Anti-Oppression Advisory Committee.

Internationally, as the number of migrants worldwide reached an all-time high of over 65 million people in 2017, the concept of Sanctuary Cities and Access to Services without Fear is spreading through the United States, Europe and South America.

Policy Rationale:

Free of Fear Services for All aligns with the direction of Council’s Strategic Plan, in particular the Strengthening our Community area of focus and specifically, the objective of creating a diverse, inclusive, and welcoming community. This initiative aligns with the Community, Diversity and Inclusion Strategy approved by Council in 2017. London is a welcoming community and it participates in various initiatives to welcome and settle newcomers such as the London & Middlesex Local Immigration Partnership. London is also a Compassionate City, and since 2011 has followed the International Charter for Compassion.

Non-status individuals may be reluctant to access municipal services due to the fear that information on their immigration status may requested and then in turn, reported to the police or the Canadian Border Service Agency. This policy will ensure that non-status individuals and individuals with uncertain immigration status be treated with dignity and respect. It will also offer these individuals the opportunity to access municipal services without fear that they will be asked to provide information or documentation that will disclose their immigration status.

Program and Service implications:

As a municipality which serves its residents, the City of London, City of London funded agencies, and boards and Commissions in London provide many services to non-status individuals or individuals whose status is uncertain. These services range from licensing, to use of recreation programs, to emergency services and others. Eligibility for the child care subsidy, social assistance, and affordable housing, all services which the City of London administers on behalf of the Province, legally require proof of documented immigration status.

Naming the initiative:

The *City of London Sanctuary City/Access without Fear Summary Report* by the Centre for Organizational Effectiveness recommended that the City of London employ a term other than Sanctuary City such as “Access without Fear”. The report noted that members of the community and service providers alike regarded the term “Sanctuary City” as divisive and one that incites fear among some residents. Similarly, in consultations with several Canadian municipalities which have or have considered policies to serve non-status individuals, Civic Administration was cautioned about use of the term Sanctuary City as it has a negative connotation, and has been associated with American policies. Civic Administration therefore proposes that London adopt the terminology *Free of Fear Services for All*.

Policy:

While many cities have implemented measures with respect to Sanctuary City/Access to Services without fear initiatives, only two Canadian cities have developed policies around the work. Civic Administration is of the opinion that a policy will provide the framework and principles behind the initiative while laying out responsibilities for management and staff.

The *Free of Fear Services for All* policy would apply only to municipal services under the jurisdiction of the City of London, and limited to those services provided directly by the City. It would not apply to any agencies, boards, or Commissions of the City of London.

Options for implementation:

Following an analysis of the report *City of London Sanctuary City/Access without Fear Summary Report* and a review of municipal practices, (See Appendix B for details), Civic Administration has developed two options. The first option is to increase awareness of Services (see Option #1). The second option, which builds on the first option, and also supports the capacity of the municipality to provide services to non-status individuals and individuals with uncertain status (see Option #2).

Option #1 – Awareness of Services

1a) Inventory	
Activity	Create public inventory, with criteria and limitations, of commonly accessed services in London (both City of London, City funded programs and services, and relevant boards and commissions).

Purpose	To ensure non-status individuals and individuals with uncertain status are aware of municipal services that are available to them.
Cost	Staff Time
Timeframe	End of July 2018.
Lead	Manager, Strategic Programs & Partnerships, HSSDH
Desired Outcome	Non-status individuals are aware of services in the City that they can access without fear.
1b) Promote Inventory	
Activity	Add inventory to City website and promote using social media and communication with agencies that may interact with non-status individuals or individuals whose status is uncertain. Work with City staff to provide timely and accurate information by telephone.
Purpose	To ensure non-status individuals' awareness of services in the City that they can access without fear.
Cost	Staff Time, Up to \$3,000 for creation and distribution of promotional materials
Leads	Manager, Strategic Programs & Partnerships, HSSDH; Corporate Communications
Desired Outcome	Increase awareness and use of commonly-accessed services by non-status individuals and individuals with uncertain status.

Option #2: Strengthen Municipal Capacity to Provide Services

This option would build on and include the proposed activities identified in Option #1, and would go further to include the following:

2a) City Working Group	
Activity	Create City working group (Model: Access T.O Working Group is comprised of 21 City divisions, agencies and corporations which have been collaborating since 2012.)
Purpose	Review and define next steps and monitor progress. Membership to include, but may not be limited to, the following departments: Housing, Social Services, & Dearness Home; City Manager's office; Neighbourhood, Children and Fire Services; Development & Compliance Services; Parks and Recreation; City Solicitor; and Human Resources.
Cost	Staff Time
Timeframe	Meet on semi-annual basis
Lead	Manager, Strategic Programs and Partnerships, HSSDH
Desired Outcome	City divisions are aligned and working together
2b) Adopt a City Policy	
Activity	Approve Free of Fear Services for All policy (Models: Vancouver's "Access to City Services without Fear for Residents with Uncertain or No immigration Status and Kingston's "Access without Fear" Policy
Purpose	Provides directives for all City staff in its communications with residents on immigration status.
Cost	Staff Time
Timeframe	Attached in Schedule 1
Lead	Manager, Strategic Programs and Partnerships, HSSDH with City Solicitor's Office
Desired Outcome	Clear directives of City staff interaction with residents who are non-status/uncertain status; access services free of fear.
2c) Develop Data Collection Mechanisms	
Activity	Enumeration and tracking: INTERNAL: Review current City data collection methods to develop new ways to record clients accessing services without formal documentation.

	EXTERNAL: Reach out to local stakeholders who may receive non-status clients or clients whose status is uncertain. Civic Administration is in discussion with London Health Sciences Centre, which is supportive and willing to assist by providing high level information. Possible need for consultant to conduct research.
Purpose	To understand the needs, barriers, and volume of non-status individuals living in London.
Cost	Staff Time: Possible need for up to \$50,000 research and consultation costs.
Timeframe	June 2019
Lead	Manager, Strategic Programs and Partnerships, HSSDH with City Working Group.
Desired Outcome	Better information on numbers and needs of non-status individuals and individuals of uncertain status.
2d) Staff Training and Guidelines	
Activity	Staff Training: Front-line staff; Management. Creation of Guidelines for all City staff which will include a quick reference resource pocket guide.
Purpose	Staff understand that they are only to ask for documentation which could lead to disclosure of immigration status when required to access a specific service.
Cost	\$20,000
Timeframe	March 2019
Lead	City's Human Resources Department
Desired Outcome	Non-status individuals feel comfortable requesting municipal services.
2e) Public Awareness and Communication Plan	
Activity	Develop a robust public awareness and communications plan
Purpose	Ensure that the general public is aware of the rights of non-status individuals/ individuals with uncertain status to City of London services and that non-status individuals and those with uncertain status are aware of their rights to City of London services.
Cost	Staff time and costs of public awareness and communication plan \$15,000 to \$20,000(dependent on the number of language versions required)
Timeframe	Work would begin in July 2018, ongoing through to the end of 2018 with key time frames for focused reminder campaigns in subsequent years.
Lead	Communications
Desired Outcome	The public understands the needs and rights of non-status individuals. Non-status individuals avail themselves of commonly-accessed services.

Civic Administration recommends that Council adopt Option #2, recognizing that it will come with a considerable investment of staff time from several divisions as well as financial expenditure of approximately \$85,000 to \$95,000.

In instances where City staff are legislatively obligated to ask for the immigration status of an individual, they will continue to do so, as required in compliance with the provisions of the *Municipal Freedom of Information and Protection of Privacy Act* with respect to the collection, use, and disclosure of personal information.

Potential future work:

If London were to adopt the *Free of Fear Services for All* policy, a small number of non-status individuals might present themselves and/or flow from other cities within Canada, however this number is not expected to be significant.

It is recommended that the results of the above work be reviewed and evaluated after one year. This may reveal trends, needs, and numbers of non-status individuals. At that time, City Council may choose to proceed with ongoing annual funding to support this work; it could request that London's agencies, boards and Commissions consider adopting policies that within their respective mandates, reflect the spirit and objectives of the *Free of Fear Services for All* Policy.

Other options could include: providing arms-length funding for information and legal services not currently available to non-status individuals and individuals with uncertain status. Other options

could include providing staff within emergency shelters to make appropriate referrals within the community. The City of London could also consider extending training to boards and commissions.

FINANCIAL IMPACT

The approximate cost for the implementation of Option #2 is estimated to be \$85,000 to \$95,000, which will be accommodated within the approved operating budget.

The results of the research undertaken as part of Option #2 will be reported back to Council and will include anticipated long-term program costs (if any) that may result from implementing this policy. Should any long-term program costs be identified, they will need to be considered and prioritized alongside other funding requests through the multi-year budget process.

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. The *Free of Fear Services for All* policy would provide greater access to municipal services for all, regardless of immigration status.

PREPARED BY:	RECOMMENDED BY:
JILL TANSLEY MANAGER, STRATEGIC PROGRAMS AND PARTNERSHIPS	SANDRA DATARS BERE MANAGING DIRECTOR, HOUSING, SOCIAL SERVICES AND DEARNESS HOME

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- Gail Devito, Financial Business Administrator
 - Paul Gardner, Manager, Information Technology Services
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 - Patti McKague, Director, Strategic Communications & Community Engagement
 - Scott Oldham, Manager, Business Solutions & Customer Service, Parks and Recreation
 - John Nolan, Manager, Service London
 - Evelina Skalski, Manager, Records and Information Services, City Clerk's Office
 - Cheryl Smith, Manager, Neighbourhood Strategic Initiatives & Funding
 - Adam Thompson, Manager, Government and External Relations
 - Rosanna Wilcox, Director, Community & Economic Innovation

Appendix A

Bill No.
2018

By-law No. CPOL.-

A by-law to adopt a new Council Policy entitled "Free of Fear Services for All".

WHEREAS subsection 5(3) of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, provides that a municipal power shall be exercised by by-law;

AND WHEREAS the Municipal Council wishes to enact a new Council Policy to support access to City services free of fear for all London residents, regardless of immigration status;

NOW THEREFORE the Municipal Council of The Corporation of the City of London enacts as follows:

1. The policy attached hereto as Schedule "1", entitled "Free of Fear Services for All" is hereby adopted.
2. This by-law comes into force and effect on the day it is passed.

PASSED in Open Council on June 26, 2018.

Matt Brown
Mayor

Catharine Saunders
City Clerk

First Reading –
Second Reading –
Third Reading –

Appendix B

Definitions, implications, municipal scan, and international Best Practices

1. Definitions

Sanctuary City:

There is no legal definition to a sanctuary city/access to service without fear city, and through the consultation and review process, Civic Administration proposes that Council adopt the term and policy *Free of Fear Services for All*.

Non-Disclosure Practice:

Under the policy *Free of Fear Services for All*, City of London staff will adopt a “Non-Disclosure practice”, meaning that they will enquire about a person’s immigration status directly or indirectly **only** when legally required to do so. This means that City staff will not report a resident’s immigration status to the Canadian Border Services Agency or to the Police (London Police Service, Ontario Provincial Police, or RCMP).

Non-Status Individual:

A non-status individual is someone who resides in Canada and whose documents are no longer accepted or recognized by the state; therefore the individual has no lawful status of residence.

Uncertain Status Individuals:

An individual with uncertain status is someone who may have a pending immigration status and/or an unknown immigration status. This could include an individual who has received a negative decision on their refugee application, and is actively appealing that decision. Refugee claimants can wait years before their claims are accepted and during this time their status is uncertain. These individuals also have very limited access to services, resources and supports.

2. Impact and demographics

According to a 2018 report by the Wellesley Institute, *Sanctuary City: Opportunities for Health Equity*, individuals who arrive on temporary visas through temporary worker programs or as refugee claimants are most at risk of losing status. Individuals who have arrived through the Temporary Foreign Worker Program and the Caregiver Program have been granted temporary status that is directly tied to employment. They have limited options for leaving unsafe or exploitative workplaces without jeopardizing their status and ability to legally work in Canada. A non-status individual typically has very limited access to services, resources and support, and sometimes does not have the ability, nor may it be safe for them to return to their country of origin.

In addition to the example of a temporary foreign worker who may be vulnerable to exploitation by an employer, other significant issues facing non-status individuals or individuals with uncertain status include; inability to work legally, inability to access social services, inability to access health insurance, reluctance to ask for emergency assistance for fear of losing their residence, or individuals not accessing services due to the fear that disclosure of their immigration status may lead to detention or deportation.

From 2011 to 2016, the City of London saw a 9% increase of immigrants (PRs), a 2.4% increase of non-immigrants (Canadian citizen by birth), and 75% increase of non-permanent residents (Temporary residents).

Given that 20% of London’s population is made up of visible minorities, people of colour are more

Appendix B

likely to be found among non-status individuals. The top five visible minority group for London is Arab, South Asian, Black, Chinese, and Latin American. Removing barriers for this population will help to reduce systemic racism in London, a strategic objective of both the Community, Diversity and Inclusion Strategy, and the London & Middlesex Local Immigration Partnership.

Benefits of adopting a policy such as Free of Fear Services for All:

As the report by the Centre for Organizational Effectiveness suggests, a policy such as *Free of Fear Services for All* will encourage non-status individuals to feel safer and to participate more fully in the community, by using municipal services that are available to them. This feeling of security could extend to the use of health services, thus reducing the spread of communicable diseases and diverting visits from the Emergency Department. Non-status of uncertain status individuals may also be more willing to report crimes that they witness or to seek assistance from police when needed, such as victims of domestic violence as an example. All of this in turn could reduce the isolation that non-status individuals may feel, and increase a sense of community belonging.

Canadian Immigration falls under the purview of the federal government. It should be noted that it is not a criminal offence to overstay one's visit, although upon receipt of a Removal Order one cannot legally remain in Canada and must leave the country. There are many ways through which someone can extend, apply or appeal their current immigration status.

3. Municipal Scan:

Policies adopted by other Canadian Municipalities:

The City of Vancouver:

A policy of *Access to City Services without Fear for Residents with Uncertain or No Immigration Status* was adopted in 2016. Since that time, the Vancouver Public Library and Vancouver's Parks and Recreation Boards have adopted similar policies. The City of Vancouver has also requested that the Vancouver Police consider adopting an Access without Fear policy before proceeding to implementation of staff and community awareness.

The City of Kingston:

An *Access without Fear* policy was passed in November 2017, which prohibits staff from asking for documents that might reveal immigration status.

The City of Toronto:

Originally declared itself a Sanctuary City in 2012, and in 2014, Toronto reaffirmed its commitment to ensuring that residents without full status or full status documents have access to City services without fear, also known as ACCESS T.O. A working group consisting of City divisions, agencies, and corporations has been leading this initiative since its creation in 2012. Civic Administration has implemented staff training, community awareness, and conducted a compliance assessment. In 2017, a working paper "(No) Access T.O." by Ryerson University's Centre on Immigration for Settlement revealed concerns around the inconsistent application of the Toronto policy. In response to this, the City of Toronto agreed to undertake additional staff training, to review existing policies, procedures and bylaws, and to advocate to the provincial and federal government around policies that are incongruent with Access T.O.

Appendix B

The City of Montreal:

In February 2017, the City declared itself to be a sanctuary city, and agreed to offer access to city programs and services, especially with respect to housing to all persons, notwithstanding their status. It also agreed to develop an action plan to provide improve access to municipal services, training for front-line staff, a complaint protocol and a communication strategy.

4. International Best Practices on providing services to Non-status or Uncertain Status Individuals

Netherlands: The City of Utrecht, provides funding for legal advisors in local emergency shelters who counsel non-status individuals, support the regularization of their status or the voluntary return to their homeland.

Belgium: The City of Ghent has established an information centre for the provision of information and legal counselling on immigration matters that is open to all residents, regardless of status. It has also created a secondary centre run through a non-governmental organization, for those who are reluctant to interact with local authorities but would still like to obtain information.

Spain: The City of Barcelona funds social organizations to provide free legal support to migrants on how to regularize their status.

Schedule 1

Free of Fear Services For All Policy

Policy Statement:

The purpose of this policy is to enable London residents with uncertain or no immigration status to access City services without fear that the City will ask for and provide information on the immigration status of individuals to other public institutions or orders of government. This policy applies only to the services provided by the City of London.

This policy enables:

- All residents to have meaningful access to City services free of fear and to be treated with dignity and respect.
- The adoption of a Non-Disclosure practice by City staff to enquire about a person's immigration status unless legally required to do so to access specific services provided by the City.
- No reporting of any resident's immigration status to the Canadian Border Services Agency or Police unless legally required to do so.

Limitations:

This policy relates only to the area of access to municipal services under the jurisdiction of the City, and is limited to those services directly provided by the City.

The policy does not apply to the London Police Services Board, nor does it include the City's Agencies, Boards, and Commissions.

The Federal government of Canada has jurisdiction over immigration policies and regulations related to law enforcement activities and immigration control.

The Provincial government determines eligibility requirements for access to child care subsidy, social assistance, and to affordable housing. The City of London administers these programs on behalf of the Province, which require proof of documented immigration status.

Proposed Policy Framework:

The Scope of this policy is to guide the actions of the City, including all City staff.

Responsibilities:

The City's Senior Leadership Team is collectively and individually responsible for directing compliance with this policy:

Managers are responsible for ensuring that staff are aware of and compliant with this policy and that no other policies or procedures are developed that contravene this policy;

Employees are responsible for providing services to all residents in a respectful and meaningful manner and not enquiring about immigration status directly or indirectly unless legally required to do so as an eligibility requirement for access to specific services.

Definitions/terminology for the purpose of this policy:

Immigration Status – Many London residents have diverse immigration status, which includes Canadian Citizenship, Permanent Residency, Temporary Residency, and those who may have uncertain or no specific immigration status.

Uncertain Status – This refers to individuals who may have a pending status and/or unknown immigration status. This could include an individual who has received a negative decision on their application to stay in Canada, and is actively appealing that decision. These individuals often have very limited access to resources and supports.

Non Status – This refers to individuals who reside in Canada who no longer have an immigration status, and are usually referred to as “undocumented”. This could be an individual that arrived through the proper channels on a permit, and at a certain point their circumstances changed resulting in their documents no longer being accepted or recognized by the state; therefore the individual has no lawful status of residence. These individuals have very limited access to resources and support, and sometimes do not have the ability nor may it be safe for them to return to their country of citizenship.

Refugee or Protected person – According to Canada’s Immigration and Refugee Protection Act, this refers to a person who has been determined to be either (a) a Convention Refugee¹ or (b) a person in need of protection (including, for example, a person who is in danger of being tortured if deported from Canada).

Policy Directives:

The policy directives are as follows:

1. Access to City services is not dependent on immigration status

¹ The 1951 Convention Relating to the Status of Refugees includes “individuals who are fleeing situations of well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, sexual orientation, gender identity, are outside the country of their nationalities, and are unable to, or owing to such fear, are unwilling to avail themselves of the protection of that country”. (UNHCR – www.unhcr.ca)

This policy applies to the following City services:

London Emergency Services:

- Fire Services

Employment and the following Social Services:

- Employment Resource Centres
- Service Requests (Service London)
- Information Requests (City website)

Municipal Licensing & Standards:

- Business and Rental Licences and Permits
- By-Law Enforcement Complaints
- Property Inspection, Standards, Compliance and Complaints

Parks, Forestry and Recreation:

- Recreation Facilities, Classes and General Programs (Spectrum)
- Community Centres – General Programs

2. City Staff will not ask for or otherwise seek out an individual's immigration status, also known as the Non-Disclosure practice unless the provision of such services has a legal requirement to do so. Other options to demonstrate residency as a Londoner will be employed and communicated to residents.
3. No records of a resident's immigration status will be shared with, or reported to, the London Police Service, Campus Community Police Service, the Ontario Provincial Police, the Royal Canadian Mounted Police, or the Canadian Border Services Agency, unless required to do so by law.

Reporting and Evaluation:

The City Manager will report back annually to City Council on the application of this policy, and any complaints received and their disposition, as well as recommendation for amendments.