

Bill No. 19  
2022

By-law No. CPOL.-275( )-\_\_\_\_

A by-law to amend By-law No. CPOL.-275(a)-159, being “Free of Fear Services for All Policy” by deleting and replacing Schedule “A”.

WHEREAS section 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 section 9 of the *Municipal Act, 2001*, S.O. 2001, C.25, as amended, provides a municipality with the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority;

AND WHEREAS the Municipal Council of The Corporation of the City of London wishes to amend By-law No. CPOL.-275(a)-159, being “Free of Fear Services for All Policy”, by deleting and replacing Schedule “A”;

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

1. By-law No. CPOL.-275(a)-159, being “Free of Fear Services for All Policy”, is hereby amended by deleting Schedule “A” to the By-law in its entirety and by replacing it with the attached new Schedule “A”.
2. This by-law shall come into force and effect on the date it is passed.

PASSED in Open Council on December 7, 2021.

Ed Holder  
Mayor

Catharine Saunders  
City Clerk

First Reading – December 7, 2021  
Second Reading – December 7, 2021  
Third Reading – December 7, 2021



**London**  
CANADA

## **Free of Fear Services for All Policy**

**Policy Name:** Free of Fear Services for All Policy

**Legislative History:** Enacted June 25, 2018 (By-law No. CPOL.-275-266); Amended June 11, 2019 (By-law No. CPOL.-275(a)-159); Amended December 7, 2021 (By-law No. CPOL.-\_\_\_\_\_)

**Last Review Date:** December 7, 2021

**Service Area Lead:** Manager, Strategic Programs and Partnerships, Anti-Racism and Anti-Oppression Division

### **1. 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, Immigration, Refugees and Citizenship Canada or Police unless legally required to do so.

### **2. 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 Refugee<sup>1</sup> or (b) a person in need of protection (including, for example, a person who is in danger of being tortured if deported from Canada).

### **3. Applicability**

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.

### **4. The Policy**

#### **4.1 Proposed Policy Framework**

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

#### **4.2 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.

#### **4.3 Policy Directives**

The policy directives are as follows:

- a) Access to City services is not dependent on immigration status
- b) 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.
- c) 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, Immigration, Refugees and the Citizenship Canada or the Canadian Border Services Agency, unless required to do so by law.
- d) This policy applies to all City services.

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[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](#))