

# (No) Access T.O.: A Pilot Study on Sanctuary City Policy in Toronto, Canada

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## Introduction

The “sanctuary city” movement is a grassroots, human rights-based response to increased numbers of non-status migrants living and working in global cities (Faraday 2012; Sawchuk & Kempf 2008; Bhuyan 2012; OCASI 2012). Non-status migrants live in situations of extreme precariousness — they are subject to detention and deportation if identified by federal authorities; often work in poor conditions; are socially isolated; face poverty, abuse, and exploitation; and are unable to safely access essential social services, including those related to healthcare, education, labour, shelters, food banks, and police services (Gibney 2000; De Giorgi 2010; Noll 2010). In February 2013, Toronto became the first “sanctuary city” in Canada, which is currently styled “Access T.O.” Hamilton and Vancouver followed suit in 2014 and 2016, respectively. The primary objective of Access T.O. is to ensure that all residents are able to access municipal and police services, regardless of immigration status. The policy directs city officials not to: 1) inquire into immigration status when providing select services, 2) deny non-status residents access to services to which they are entitled, and 3) share personal or identifying information with federal authorities, unless required to do so by federal or provincial law (City of Toronto 2013).

There are many questions surrounding Access T.O., not the least of which: is it working? The answer to this question depends very much on what one takes the goals of the policy to be, as well as what measures of success one employs. Is the policy concerned with providing access to municipal services i.e. local bureaucratic membership (de Graauw 2014)? Does it have a larger, multi-jurisdictional significance, helping advocates challenge exclusionary federal (and provincial) laws? Does it have a more local or even transnational, non-state significance, shifting ideas around community, belonging, and political relationships? (McDonald 2012:143)?

The purpose of this paper is to share the results of a pilot study that explored whether Access T.O. is working. For approximately one year, we conducted legal, policy, and qualitative research into what barriers are the most significant and how they may be removed. Our qualitative research included interviews with 24 stakeholders, including City staff and officials, Community Service Organizations (CSOs), NGOs, professionals (e.g. physicians, lawyers), and non-status migrants. Although the study was concerned with Access T.O. in all of three of the above-mentioned senses, this working paper places the policy primarily in the context of access to City services, and not so much in the broader contexts of federal/provincial law or shifting political identities, interests, and relationships.

Access T.O. began as a symbolically ambitious but practically cautious policy – and it remains so. Despite major newspaper headlines circulated at the time,

City Council never fully committed itself to a sanctuary city policy. By “reaffirming” the City’s commitment to non-status residents, Council seems to have thought that the policy was more or less informally in place already. It then called on various City officials to report back on the financial and resource costs of additional measures, including training and community outreach, but has yet to provide any additional funding of note. Finally, it called on the provincial and federal governments to shoulder their share of responsibility for more systematic legislative and policy change, but has not yet entered into a dialogue with either government on the subject. After this series of pronouncements, Council has been relatively inactive in this area.

In these respects, it may be more accurate to view Access T.O. as a pilot project than as a full policy. We argue that it is time for Council to commit itself to the policy, including by providing the funding and mandate for: more comprehensive training tailored to specific Divisions, dedicated Access T.O. portfolios within many (if not all) City divisions, “service integration” geared towards better community engagement and capacity-building, and revisiting the City’s position on the collection and protection of demographic data.

The paper will begin by placing Access T.O. in jurisdictional context, including its demographic and historical background. We will then provide an overview of the nature and origins of Access T.O. We then shift to the research project, outlining out methodology and analyzing select themes that arose during our interviews. Embedded within these interpretations will be recommendations aimed at improving the effectiveness of Access T.O.

### **Jurisdictional Context**

As of 2016, Canada has a population of more than 36 million people. More than 7 million (or one in five people) are foreign-born. The number of new immigrants who arrive annually has grown in recent years, with more than 300,000 immigrants arriving in 2016. With a population of 2.79 million people, the City of Toronto is Canada’s largest city and the fourth largest urban area in North America. The population of the Greater Toronto Area is approximately 6.5 million people. One of the most multicultural cities in the world, Toronto is home to 30 per cent of all recent immigrants and 20 per cent of all immigrants in Canada. About 76% are foreign born or are second-generation Canadian. Over 140 languages and dialects are spoken in the city. The City of Toronto represents 8.2% of Canada’s workforce and is a major national economic driver.

Canada is a federal state, with the federal government possessing exclusive constitutional jurisdiction over “naturalization and aliens” (Constitution Act 1982, s. 91(25)). This includes the power to establish selection criteria and to enforce the border. However, immigration is a matter that touches upon classes of subjects within the exclusive constitutional jurisdiction of the provinces, including education, most labour and economic relationships, policing, housing, social assistance, and a range of other social services. Health insurance is a complex subject matter, with no clear constitutional division, but eligibility guidelines are established by the provinces (Constitution Act 1982, s. 92). Provinces

accordingly play prominent roles in settlement, integration, and regulating other aspects of the lives of migrants, such as the administration of employment, health care, education, and other programs designed specifically for migrants. Provinces also pass laws of general application that can have distinct impacts on migrants. Importantly, the federal government has recognized the conditional authority of the province of Quebec to establish its own selection criteria and to administer immigration programs that differ from the federal system. This arrangement is aimed at the protection and flourishing of Quebecois language and culture.

Provinces delegate the power to govern to cities, which lack autonomous constitutional authority. Different cities accordingly have different institutional frameworks resulting in distinct responsibilities within and between provinces (Fourot 2013). The province of Ontario has delegated political authority to the City of Toronto through the *City of Toronto Act*. This statute states that the City may “provide any service or thing that the City considers necessary or desirable for the public” (City of Toronto Act 2006). It therefore holds broad powers to pass by-laws ranging from health and safety to the City’s economic, social, and environmental well-being (City of Toronto 2015). Very rarely do City by-laws and policies make immigration status a criterion of eligibility. In most cases, services are provided simply to “residents” of the city.

As a part of the province, the City’s authority is circumscribed by provincial law and, of course, the constitutional division of powers. This means that the City may not regulate acts, events, or relationships that are in pith and substance matters within the jurisdiction of the federal government. But the City may adopt policies that impact federal law — even if negatively. Unless expressly directed to do so by statute and/or judicial decree, the City is not obligated to implement, or refrain from acting contrary to, federal law. Sanctuary city policies seem to fall into this category, although we lack clear jurisprudence on the extents to which this policy relates to principles of federalism. By contrast, there is considerable jurisprudence in the United States and, to a lesser extent, in Europe regarding the right (or lack thereof) of non-status migrants to state services and whether sanctuary city policies (or close equivalents) intrude on the exclusive authority of the federal government over immigration (McBride 2009; *Lozano v. City of Hazelton* 2010; *Langfeld et al. v. City and County of San Francisco et al.* 2008; *Hoffman Plastic Compounds, Inc. v. National Labor Relations Board* 2002; FRA 2011). Given international and comparative experiences (Inter-American Court of Human Rights, Advisory Opinion OC-18/03 2003; Advisory Opinion OC-21/14 2014; European Committee of Social Rights, *Conference of European Churches v. the Netherlands* 2015), we can expect to see similar case law in Canada.

### **Non-Status Migrants: Facts and Figures**

A non-status migrant is a person who has entered and/or remains in Canada without the permission of the federal government. This would include persons who overstay visas, persons who have had their status revoked, as well as persons who have not complied with a removal order, e.g., failed refugee

claimants. One may also use the term “irregular, undocumented, or illegalized migrants,” with different connotations attached to each (Bauder 2013; Lyon 2003-2004).

It is unclear how many non-status migrants there are in Canada. Although there are no official statistics, politicians and the media tend to claim there are between 200,000-500,000 non-status migrants in Canada, most of whom reside in Toronto, Montreal, and Vancouver. As far as we are aware, there are no empirical bases for these estimates, although there are studies that provide clues as to the numbers of non-status persons who access particular services, including health, education, and those provided by labour organizations (Hynie 2016; Magalhaes et al. 2011; Goldring et al. 2009; Bou-Zeid 2007; Khandor 2004). In 2006, a report by Soave Strategy Group found that in the Greater Toronto Area there were up to 40,000 non-status workers, of which half (20,000) are employed in the construction industry. In 2003, Ontario’s Construction Secretariat estimated there were 76,000 non-status migrants in Ontario’s construction industry alone. A more recent study on emergency room consultations suggests that there are at least 58,000 non-status migrants in Ontario (Hynie et al. 2016).<sup>1</sup>

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,

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<sup>1</sup> This figure was extrapolated by comparing the numbers of uninsured and insured persons using emergency services and identifying what percentage of uninsured were likely to be non-status migrants (rather than, say, homeless persons). The researchers calculated what percentage of the insured population use these services. Assuming that the percentage would be comparable, they estimated the total number of non-status migrants in Ontario. Interestingly, the use of emergency rooms services by non-status migrants is highest in areas where migrants live (e.g. Toronto, Ottawa) and where temporary migrants work (Waterloo-Wellington, Niagara).

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 2001, 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 (City of Toronto, Medically Uninsured Residents in 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.

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; Steering Committee 2013; Maldonado 2013; Marrow 2012).

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 Canadian Border Services Agency (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 (Lippert & Walby 2013; Valverde 2014, 2008). 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).

There are also a host of intersecting human rights issues that attach 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 force, that lead non-status women to choose “between living in Canada illegally and losing their children”(West Coast LEAF 2012). Against this background, Toronto’s sanctuary city policy has been a much needed and laudable initiative in terms of preventing further marginalization of non-status persons.

### **Access T.O.: Nature and Origins**

In February 2013, Toronto’s City Council reaffirmed its commitment to ensuring that all residents, regardless of immigration status, be able to access City services without fear of being asked for proof of status. Council gave the Division of Social Development, Finance and Administration (SDFA) primary responsibility for the implementation of ‘Access Without Fear’ policy. The SDFA’s first order of business was to report on:

- a. Opportunities to improve Access Without Fear;
- b. Opportunities for City-funded agencies to improve Access Without Fear;
- c. Training for front-line staff and managers to ensure that undocumented residents can access services without fear; and
- d. Developing a complaints protocol and a public education strategy to inform Torontonians of the City’s policy

In 2014, the City of Toronto reaffirmed its commitment to improving accessibility to programs and services in City-funded agencies, naming its sanctuary city policy “Access T.O.” Hamilton and Vancouver implemented similar policies in 2014 and 2016, respectively. Lacking an official policy, civil society organizations have been highly active in promoting the rights of non-status migrants in Montreal (Solidarity Across Borders 2013; Berinstein et al. 2006).

An important feature of Access T.O. is the use of the verb “reaffirm.” This term highlights the formal and informal existence of Access Without Fear policies within many service areas prior to 2013. Beginning in at least the mid-2000s, community service organizations, activists, professionals (doctors, teachers, lawyers), and migrants mobilized for analogues to a sanctuary city policy in discrete service areas, such as education, health and policing. Advocacy and activism in solidarity with non-status migrants unfolded in a context of harsh immigration measures, the criminalization of migration, enhanced policing and surveillance at the local level, and shared experiences of exclusion among diverse communities. A striking feature of these early days was the growing self-awareness of shared socio-political identities and interests across a range of groups (Bauder 2015). As one example, local anti-poverty advocates identified immigration status barriers as a rising concern for addressing poverty in Toronto (Solidaritycity.net 2013; Berinstein et al. 2006). Although initial activism was targeted towards separate service areas, we can also see how they were beginning to advocate for city-wide changes.



In some instances, mobilization led to the adoption of official policies internal to specific City organizations. Two areas of note are policing and education. In 2006, activists convinced the Toronto Police Service Board (TPSB) to adopt an 'Access Without Fear' or a "don't ask" policy. Accordingly, "Any person, whether resident or visitor to Toronto, may request and will receive police response and police services without being asked about their immigration status. Police officers are trained not to ask victims and witnesses of crime for their immigration status, unless there are bona fide reasons to do so" (Access To Police Services For Undocumented Torontonians 2015). In 2007, a new TPSB policy, entitled "Victims and Witnesses without Legal Status," clarified the concept of "bona fide reasons," allowing investigations where the circumstances make it clear that it is essential to public or officer safety and security to ascertain the immigration status of a victim or witness (Standards of Conduct, Section 1.35). This policy states that police training also takes into account the many dynamics that impact a domestic situation, such as the immigration/legal status of the parties involved, the vulnerabilities of complainants, and the mechanisms of control and influence. As we will note, the Toronto Police Service has not fully complied with this policy.

At around the same time, 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 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. We will explain this in more detail below, but privacy legislation, policy, and practice seem to prevent the sharing of personal information with federal authorities except in rare cases.

In other service areas — such as public health, libraries, and parks, forestry and recreation — some city staff and others have abided by an informal Access Without Fear policy. These customary practices emerged in part because enabling statutes and policies required the provision of most services to all “residents,” with no mention made of immigration status. Professional responsibilities and a commitment to fundamental values also contributed to a perceived mandate to provide access to all residents, e.g., in the context of public health. As we will detail below, participants highlighted the influence of what we call “core institutional values”. Later, we will explore how these informal customs, values, and norms have seemed to affect the implementation of Access T.O.

Formally, Access T.O. is driven by the SDFA and an interdivisional City staff team styled the “Access to City Services for Undocumented Torontonians Working Group” (the “Access T.O. Working Group”). The SDFA convenes the Working Group at least once a year to share knowledge and determine “the most appropriate strategy to address this complex issue” (Staff report for action on Access to City Services, 2014, p. 5). The Working Group is composed of policy personnel from 21 City divisions, agencies and corporations. As a first step, the group has identified a number of specific measures required to address the service delivery needs of non-status migrants in Toronto. Measures include:

(1) clarification of the City services that can be accessed by undocumented Torontonians without fear, those that require proof of identity, and options for the City to limit the collection of immigrant/citizenship information;

(2) a training plan for City staff;

(3) clarification of the complaints process related to accessing City services;

(4) a public education campaign to raise awareness about the City’s commitment to Access Without Fear;

(5) supports to City-funded agencies to increase the role they play in increasing service Access Without Fear; and

(6) an outline of the work that the City must do with other orders of government. (City of Toronto, Access to City Services for Undocumented Torontonians 2014, p. 1).

The Working Group consulted with several community-based organizations, held an Open Dialogue on Social Development on 6 December 2013, and engaged in a Community Conversation on 27 March 2014. Six main priority areas emerged from these consultations:

(1) accessing health and housing services;

(2) accessing employment opportunities;

(3) obtaining family support, such as child care;

(4) training and communication skills required for City Staff;

(5) implementation of a public education campaign; and

(6) development of a municipal identification card (City of Toronto, Access to City Services for Undocumented Torontonians 2014, p. 5).

All divisions of the City of Toronto were asked to clarify whether identification is required to access their programs and services, and what types of documents are required. This information has been made public on the City's website. In addition, directors and managers of the City's services areas were asked to inform their staff about the policy. The City has also reached out to local CSOs to assist in implementation. In 2014, for instance, a Staff Training Pilot on Service Access was implemented. The City invited the FCJ Refugee Centre, a local CSO, to train 133 front-line and management staff from a) Shelter, Support and Housing Administration, b) Toronto Public Health, c) Toronto Public Library, and d) the members of the Access to City Services Working Group. In February 2015, a public awareness campaign was launched to inform Torontonians of the City's Access Without Fear policy position. SDFA and Strategic Communications developed and distributed hundreds of posters for public display in community centres, employment centres, libraries, and public health facilities.

Despite these efforts, recent audits indicate that Access T.O. has not been effectively implemented. Solidarity City Network (SCN) conducted a telephone audit of 185 city-funded service providers to gauge staff knowledge of the policy and measure accessibility (Solidarity City Network 2013). This audit focused on four key service sectors, including childcare, health care clinics, emergency shelters and food banks. It was reported that 25% of the staff surveyed at the sites wrongly stated that non-status migrants could not receive services, or were unsure about criteria of eligibility. According the audit results, only 39% of the 139 services that do not require proof of status were available, while 58% of the time staff improperly asked for some form of personal ID or documentation (Solidaritycity.net 2013). These findings were confirmed by a survey conducted by Social Planning Toronto, which found that service providers experience difficulties such as unfamiliarity with the needs of undocumented migrants and lack of formal organizational policy (Social Planning Toronto 2013).

In October 2015, SDFA invited the FCJ Refugee Centre to conduct an audit. The FCJ Refugee Centre conducted 80 phone audits. Although not comprehensive, the audit was designed to assess both knowledge of policy and customer service behaviour. Overall, enquiries regarding children's services, grant funding, licenses and permits, library services, housing access/services, and recreation programs were reported as moderate to high level of quality, while emergency shelter, employment services, public health and police services were either reported as low or not measured. Across City divisions, and even within some divisions, front-line staff were reported to have inconsistent knowledge about the City's Access Without Fear policy commitment. It appears, based on the audit, that many are inadequately informed and therefore may provide inaccurate information that can result in non-status Torontonians being denied

services for which they are eligible (Access to City Services for Undocumented Torontonians 2015).

### **The Research Project: Methodology**

Between the end of November 2015 and the beginning of April 2016, we interviewed 24 stakeholders. Because of the explorative nature of this project, we tried to maximize the heterogeneity of our sample in terms of professional perspectives and profiles. Participants were drawn from:

- The legal and medical professions (5);
- Community service organizations (7);
- City staff and officials from *Toronto Public Health; Toronto Public Libraries; Employment and Social Services; Parks, Forestry and Recreation; Emergency Shelter & Housing Supports; Toronto District School Board; and the Toronto Police Services Board* (9);
- City council (1); and
- The non-status migrant community (2).

We used two strategies to identify interviewees. First, we went through academic and grey literature, as well as municipal documents, materials, and reports, in order to identify key people and organizations actively involved in the area. We also secured references from key organizations. Second, we asked our participants to help us locate potential interviewees within their networks (“snowball sample”) or to identify people they knew were involved in the field (“nomination sample”).

The interviews lasted, on average, one hour. They took place either within the Department of Criminology, Ryerson University, or in the offices of the interviewees. We audio-recorded each interview, and we treated the data collected according to Ryerson Research Ethics Board guidelines. The audio recordings were transcribed verbatim and then analyzed using, first, a *descriptive content analysis* approach; second, an *interpretative content analysis*; and third, a *framework analysis* inspired by our previous research studies on these topics. We combined these qualitative methods with an ongoing legal research phase, in order to appreciate how Access T.O. related, in practical terms, to provincial and federal laws and regulations. We also wanted to better appreciate the relationships among the three levels of government levels, as well as the relationships between governments and CSOs/NGOs. Finally, we did some exploratory research on the experiences of non-status migrants with Access T.O., as well as with broader local, provincial, and federal law and law-enforcement.

During these analyses, we identified the emerging topics (*Grounded Theory* approach) and we registered every comment related to each one of them. This helped us select topics that were important to our interviewees and to identify new and established topics in need of further research.

## **The Research Project: Key Themes and Trends**

In this section, we provide a glimpse into some of the themes and the trends we observed. Because we are sharing the preliminary results of a pilot study, we will only discuss some of the more prominent themes that arose in a sub-set of service areas and interviews. Our primary aim is to identify trends, themes, and issues that merit further investigations; we do not propose that the results of our interviews are generalizable. However, in combination with our documentary analyses, we may infer from these interviews the existence of particular barriers to the implementation of Access T.O. and, concomitantly, possible solutions. Finally, we should note that we have selected to present themes that relate primarily to the bureaucratic, administrative, and organizational elements of the City. However, we point out that, in many cases, the effective functioning of City machinery depends on strong working relationships with non-state actors (e.g., CSOs, advocates, service area professionals, migrant communities) and other governmental actors, i.e., the provincial and federal governments. Access T.O. will not succeed without this multi-level engagement.

### *Access T.O. and Core Institutional Values*

Core institutional values arose as a common theme. Core values for our purposes describe the fundamental beliefs, perspectives, and customs that define the character of a City division, and that notionally guide decisions and actions towards a common goal. In many cases, participants interpreted their relationship to Access T.O. through the lens of these core values. The first relationship is historical; as noted above, some divisions had formally or informally adopted the provision of services to non-status migrants as policy, well before City Council proclaimed Access Without Fear and, later, established Access T.O. The relationship between core institutional values and Access T.O. should be viewed in this context:

Like, what happened was council caught up with what we had always been doing. Cause we always, you know, when somebody is seeking shelter, um, like I said, even if they're temporarily homeless, for one night, because their house burnt down and they can't access any ID or credit cards or their insurance, we'll take them in. So, there, it's always been a service that has very low barrier to access. What is good about the policy is that council approves it. You know? So essentially, they're, they're now legitimizing what we've always done. And, and it sends out a clear message to everyone that this is the approach (P-4 2016).

The core values of participants in some cases signaled an openness to, and a curiosity about, Access T.O., and how the policy may have changed their professional landscape. In other cases, these values seem to have influenced behavior, i.e., the practical steps taken to give effect to Access T.O. In yet other cases, these values serve a more subtle function, helping participants to frame the interests of non-status migrants in more familiar terms. One example is in the area of health where, as noted above, Toronto Public Health has teamed up with

Access Alliance to study the health needs of newcomers, including non-status migrants. The “OHIP for All” campaign uses the umbrella term “uninsured” — a term that combines the needs of non-status migrants with those with precarious status (OHIP For All 2016). The term also captures citizens who are uninsured but insurable, e.g., homeless people.

However, core institutional values can also inhibit the implementation of Access T.O., either because they are antithetical to the values of Access T.O. or due to complacency. In the latter case, some presume that alignments between core values and the values of Access T.O. mean no further work needed to be done — in other words, the policy “merely” reaffirms past practice.

Toronto Public Libraries (TPL) provided rich insight into the ways that core institutional values operate. Approximately 70% of Torontonians visited TPL, totaling 18 million visits in 2015. For many, the library is the sole or primary source of access to the internet. For many others, libraries provide access to software and hardware (e.g., 3D printers) that may be highly valuable in personal or public life projects such as work, art, and community initiatives. While TPL’s mission is to provide “free and equitable access to services which meet the changing needs of Torontonians,” it also aims to preserve and promote “universal access to a broad range of human knowledge, experience, information and ideas in a welcoming and supportive environment” (Toronto Public Library 2016). With respect to governance and funding of the TPL:

...the library comes from a tradition of intellectual freedom and access to information is a core value... the majority of our funding comes directly from the city, with a little bit from the province... the reason for having a library board is to support intellectual freedom... and that separation from the political environment of the city...” (P-14 2016).

Notably, the values of intellectual freedom and access to information are encoded in provincial statutory frameworks. These core values help explain some notable attempts to implement Access T.O. policies in practical terms. In 2014, the TPL’s website was updated to include a list of identification documents, two of which are required to access the libraries. For adults, one of the pieces of identification can be a postcard that the library mails to them, while the second piece of identification could be a current bill or invoice, a student card, or an employee ID or benefit card (Toronto Public Library 2016). Children can obtain a library card more easily by being on a school class list, and the library also works with schools to ensure that every child has a library card (P-14 2016).

But core institutional values are only a piece of the puzzle. First, all front-line staff are not aware of or do not share core values. This may result in decisions and representations that are inconsistent with Access T.O. The TPL has had a number of problems in this respect. A City staff stated that front-line staff:

in ignorance, were saying 'Oh, just bring in your citizenship and we can get you a library card.' Which, you know, isn't [required]... it's a list of

one of fifteen possible requirements, and they thought they were being helpful (P-14, 2016).

This raises the issue of inadequate training on the specific and distinctive needs of non-status migrants, as well as whether these occurrences truly are inadvertent.

Second, the values of Access T.O. are conceptually and practically separate from the values of intellectual freedom and access to information or, indeed, the constitutive values of any City division. Possessing values that overlap with Access T.O. is indeed a good starting point, but it is not nearly enough in practice. The problems and barriers faced by non-status migrants are unique, and can only be fully challenged with new kinds of knowledge, understanding, and a host of skillsets including interactional, communication, cultural, and linguistic skills. Overestimating the practical significance of core organizational values as indicia that a division is in compliance with Access T.O. can lull even the best-intentioned to ignore or misrecognize the very nature of the problem. We will explore this notion further when we discuss the theme of front-line training.

A third, related problem is that there can be gaps or tensions between sets of core values, as well as professional dilemmas that arise when staff or officials perceive conflicts between Access T.O. and other legal, professional, or ethical imperatives. A good example of these complexities is Toronto Public Health (TPH). Several representatives — including City staff and officials, physicians, and NGOs — explained to us that TPH is on the balance highly receptive to improving accessibility to non-status migrants. We saw ample evidence of this commitment in the work of those we interviewed, but cannot comment on how widely this commitment is shared within TPH. One representative who is involved in human rights advocacy within a local NGO said:

Toronto Public Health, as an institution, was probably the easiest place to implement sanctuary city policies, because so much of the public health mandate is to serve people regardless of their status, right? Because, it's like, communicable disease and immunizations and so on, there's never (as far as I know) in Ontario been any need to check on anybody's status when you're providing those types of services. So Toronto Public Health was a natural champion for this type of work... (P-11 2016).

Granting that this statement is true within the middle and high levels of TPH, it is not at all clear that it is true at the front line. Nor are these core values shared within broader health networks, including hospitals, nurses, and physicians. A family doctor told us:

...people have their own personal opinions on the issue of, um, someone being undocumented, and then there's that whole piece around legality and criminality and, say, judgment that goes along with that, and so, uh, yeah... I'm sure there are a lot of people, in general, in the medical community, who would maybe be uneasy with the idea that

we should, I don't know... it's one of these things where I think people don't want to think about it very much. You know that people are here and regardless of how they got here, they're here, and they need healthcare, and we should do something about that (P-9 2016).

There are powerful counter-narratives that delimit the independent influence of core institutional values. The most relevant of these is language of criminality, security, and illegality, which has had powerful impacts on the thinking, decisions, and behaviour of authoritative figures (Hudson 2015; Moens 2011; Tsoukala 2011; Karyotis 2011; Atak & Crépeau 2014). Complex, ever-changing federal laws governing status and eligibility can give even the best-intentioned pause about whether providing services is lawful. Due to space constraints, we cannot explore this issue here, but criminalizing language and policies have certainly opened up a system-wide disjuncture between core organizational/professional values and the values of Access T.O.

Finally, some core values are antithetical to Access T.O. A clear example is Toronto Police Services (TPS), who, over the past few years, have flagrantly ignored Access T.O. and internal policies. Viewing non-status migrants through the lens of security and criminality, arrests and detentions are far too common (Atak & Crépeau 2013; Ellis 2015). Importantly, appeal to other core values of policing may help highlight alignments between “security” and sanctuary. A (former) representative of the TPSB commented on how they contributed to the TPS’ 2006 “Don’t Ask” policy:

From the policing side, the argument that helped us was that first, prevention of victimization, that can support the victims, is a core police service by law. Our priorities included prevention of domestic violence, violence against women. So one argument was if there is any fear that coming forward might jeopardize the family's status here, then people who are subject to violence will not come forward. Second, it was also a time when there's a very high concern in the community with violent crime. And just, this was very much around the same time when the Jane Creba shooting happened in downtown Toronto. In order to solve crimes, you need witnesses. You need people to be willing to come forward. But if there are people who are here without 'legal documentation,' quote unquote — and they are witness to crime, because some of the violence was happening in the areas, neighbourhood, where they lived — they're not going to come forward and cooperate with the police, for fear that the police will put them in jeopardy. So in terms of being able to pursue it, or convince the policing authorities that this was actually in their interest, they were prepared to accept it (P-17 2016).

This highlights the paradoxical quality of core institutional values. They are historically, conceptually, and rhetorically critical in advancing the aims of Access T.O. However, it is easy to overestimate the extents to which these values are



translated into practice. More research on the subtleties of this theme is warranted.

### *The Need for More (Effective) Front-Line Training*

We received mixed responses about the adequacy of training. As noted, in 2014, City Council directed the Executive Director of Human Resources, the Executive Director of SDFA, and other City divisions, agencies and corporations to implement training programs. This imperative is, and was, always designed to be an ongoing, iterative process composed of two elements: 1) program-specific customer service information and 2) a training pilot for City staff (“Staff Report 2015” 2015, p. 4). In reviewing staff reports and other official documents, the SDFA and Working Group are aware that the dissemination of information is insufficient; that more fine-tuned training is necessary. The training pilot was designed to identify what content/curriculum should be included, how training should be delivered, and what are the financial implications. But the SDFA is not and cannot be held responsible for providing all the training; each division, agency, and corporation is responsible for providing both information and training within their respective institutions.

Some participants in particular service areas felt that their approach to training has been effective. The TPL told us that they have made significant adjustments to their customer service training programs and communicated to employees that they are not to ask about immigration status:

So we run, um, system-wide training that... is offered through a training calendar, and you book a spot and... the customer service training is offered regularly, for example, through there. Of course, supervisors are constantly training new staff, and there's awareness of a particular issue, as we had with the undocumented Torontonians. I talk to my colleagues; they talk to their managers (P-14 2016).

Other division representatives told us the same thing, including in the TDSB, TPH, and Parks, Forestry, and Recreation (PFR). However, we observed considerable nuance here that is worthy of more research and action. A TPH representative said:

I think the training or the awareness that's happened at the staff level has been quite broad and generic. I think one of the mechanisms for making the policy more effective is very tailored training (P-8 2016).

Training thus far appears to consist largely in the top-down delivery of information about the policy and some related information about non-status residents. The training pilot provided by the City, while an important first step, was too limited in scope to make a difference. In general, there does not seem to be an adequate delivery of the broad range of knowledge and skillsets necessary to structure positive interactions with diverse groups of non-status migrants. There are just too many ways that even seemingly commonplace exchanges can be alienating or threatening to non-status migrants. To give one example:

It's fine for us to say 'Oh, anybody can access our programs and services.' So that somebody who's undocumented hears that and then calls the line, and then [the front-line worker] says 'Oh, what's your name and what's your address?' and starts that conversation. And it's not meant to be a barrier, because if we're sending a public health nurse to provide you breastfeeding support, we need to know your name and your address and so forth. But that can be a huge deterrent in finishing that communication. So there could be a lot of hang ups, and I think that's another, ah, challenge for us in providing a nuanced message to our intake staff... (P-8 2016).

While information about Access T.O. reaches the front-line, there is not nearly enough guidance to those who need it most about what they can do with this information. There are many reasons for this, including a massive complement of employees with diverse portfolios, the addition of volunteer staff, and employee and volunteer turnover (especially in more seasonal jobs, i.e., Parks, Forestry and Recreation). But the primary problem is the complete lack of funding for the design and delivery of training, including introducing and reinforcing specific learning objectives and outcomes, using appropriate pedagogical methods, and collaborating with CSOs and local communities.

As noted above, the SDFA worked around this problem by engaging the FCJ Refugee Centre to assist in a pilot training project. However, a representative of the FCJ stated:

If you don't have resources to implement the policy, the policy goes to the shelf... you need to have a whole sensitization and training together with the community. The FCJ, we have a funding, for a year, to do 'Breaking Barriers,' to do that, to break that situation, to work with the front-line workers of the city. We have been having huge challenges, to go and do the training, that we've changed it from training to an information session. And even with that, we didn't have the [Parks, Forestry and Recreation] that the majority of people go to. They didn't invite us to go for the information, because they believe that they don't have problems (P-6 2016).

We observed this tendency in a number of divisions, agencies and corporations. This reinforces the theme that philosophical alignments between core institutional values and Access T.O. tend to be mistaken for consistency between policies and practices. Another FCJ representative stated:

a program called 'Settlement Workers in Libraries'... I went to do training with them, um, two months ago. My first question was: what do you know about Sanctuary City, the resolution? Answer, please raise your hand. One person that works in settlement, providing settlement advice to people in the libraries, knew about Sanctuary City, the resolution. So we're not starting from zero, we are starting from minus twenty (P-5, 206).

The absence of adequate front-line training is a critical barrier that needs to be addressed if Access T.O. is going to work. More funding is needed to clarify specific kinds of knowledge and skillsets, learning outcomes and objectives, and means of delivery and assessment.

Finally, we think it would be wise to consider providing more guidance to select staff concerning how much of their portfolio should be dedicated exclusively to Access T.O. In particular, it would be beneficial to have dedicated portfolios in each or many divisions. This would maximize the value of training and strengthen the generation of issue-specific ideas, awareness, and collaborations at the mid- and front-line levels:

What could improve the effectiveness.... would be having dedicated staff. So, if I had the security of knowing, 'Well, at least half of my time,' for example, 'is dedicated to this portfolio,' it would be helpful for me. Our ability to really focus and tailor our response is hindered by that, right? (P-8, 2016).

### *Service Integration and Community Engagement*

A critical impediment to the implementation of Access T.O. is the sheer scale of the city and the implications that this has for the flow of information a) between the City and local communities, b) from front-line staff up to managers and directors within particular service areas, and c) across service areas. To understand this theme, some additional context is required.

The City of Toronto employs 60,000 municipal employees. The divisions of the city are divided into three classes. One class reports directly to City Council, and includes legal services. This division has conducted some research on the legal dimensions of Access T.O. and related initiatives, including whether the City can/should issue Municipal ID Cards and what the City could do to discourage corporations from violating the labour rights of non-status workers. A second class of divisions reports directly to the City Manager, and includes the division of Equity, Diversity & Human Rights, human resources, and strategic communications. These divisions participated in the initial implementation of Access T.O., including designing/implementing a training program as well as a "communication plan" directed at CSOs and Torontonians. The third class of divisions are subdivided among three "Clusters" of services (Clusters "A," "B," and "C") that report to three different Deputy City Managers. Services that impact non-status migrants the most are found under Cluster "A" which, interestingly, is referred to as "Citizen Focused Services". Cluster "A" includes:

- Public Health
- Shelters, Support and Housing Administration
- Employment and Social Services
- Children's Services
- Parks, Forestry and Recreation
- Libraries
- Social Development and Financial Administration

Outside of these divisions are the TDSB and TPL, which are governed by separate boards. While Council appoints the members of these boards, they are somewhat autonomous from the City. The TPS is similarly separate from the City, being governed by the Chief of Police and the TPSB; the *Police Services Act* outlines the division of governance between these two bodies. Of these bodies, only TPL participates in the activities of the Working Group.

The flow of communication within this system is a steep challenge. We have identified two areas where information flows have been sound. First, there is sound horizontal exchange at the policy and managerial/director level. The SDFA and the Working Group have recognized that promoting and protecting the rights of non-status migrants is a singular issue that requires a tailored response. To this end, they meet annually to provide updates on best practices, barriers, and innovations. They have successfully integrated the capacities, perspectives, and values of many divisions at the policy level. We would add that the SDFA in particular has been excellent at working with the community to improve services. We can report unequivocally that the SDFA is both driven by a genuine commitment to the policy and is extremely creative.

The second positive area of communication is in the top-down, vertical distribution of information within particular divisions. Policy documents and information is communicated, even to front-line staff. The problem here, as noted above, is that transfer of information is not an adequate substitute for training. Front-line staff may treat information on Access T.O. as a low priority or, alternatively, may not appreciate how they could contribute.

A related problem is that information is not adequately absorbed from surrounding communities and then circulated throughout the City. The City has roots in communities, but the knowledge, wisdom, and perspectives of local communities is not effectively absorbed. This of course delimits the potential of horizontal and vertical communication originating and often remaining at the top and middle levels, but it also inhibits horizontal communication among front-line staff in different service areas who work in the same neighbourhoods and with the same communities.

The lack of front-line service integration and community engagement was one of the most prominent themes we uncovered. This problem was highlighted by a representative of TPH:

So creating a tailored response to people who are at either end of the continuum is really difficult. And our programs and services are so different. The way that I would message this out and try to implement it at Public Health is fundamentally different than for libraries or for [Toronto Transit Commission] or for [Parks, Forestry and Recreation] or any of the other divisions that are on the organizational chart, right? So, I think it's the variety of programs and the diversity of programs, across this city. And then, even within that, it's that the roles we have are so different. With Public Health, we have direct service providers; we have policy people; we have administrative staff. And so the messaging that I

need to convey [is different for] the person answering the phone, versus the person that's providing the service, versus the person that's providing the data, versus the person that's collecting the data, versus the senior management team, versus our division head, right? (P-8 2016).

Several participants stressed the need for greater service integration and collaboration at the front-line level as a possible antidote to this problem. One stated:

Community has to start within; you can't expect your community to respond if your own services are not collaborating. As a city, we're actually moving, you know... it's happening in pieces, to a more integrated human services models. And so, you know, about the one client who comes in to our office now for social assistance employment, downstream, will probably come in for childcare — all these certain services in one place. It's going to happen. And so the knowledge and the rules that apply to those different services have to be understood then. Right? (P-13 2016).

A representative of PFR stated:

I think it's really about organizing the front-line. Because there's a lot of front-line, but a lot of them operate within silos. So, the four of us literally could be working in the same neighbourhood, and we would never know. So, it's changing the model of practice on 'How do we take all four divisions here, represented, who work in the exact same dot on that map, and how do I get to know you, and you get to know me, and how do I share information about your services to the people that I meet in this capacity?' (P-15 2016).

There are already some bases for greater integration. Some divisions have existing community connections that should be enhanced. We have already noted the work TPH has done with Access Alliance and community health clinics. TPL has recently expanded its "bookmobile" visits to shelters and other community organizations. A representative of TPL stated that this approach has had the most significant impact in the past, and hoped it will also be effective in building relationships with non-status migrants in the future. The representative specifically indicated a desire to collaborate with Toronto Employment and Social Services (TESS), TPH, and PFR.

But the origin of Access T.O. rested with communities, and it is here that the City needs to turn. The human rights of non-status migrants are a central concern for organizations in every sector. There is currently mobilization in the areas of health and the rights of non-status women, which the City could support and work with. For instance, the Rights of Non-Status Women Network, a grassroots organization, dedicated its 2016 Fall Symposium (held on 30 November 2016 at Ryerson University) to the issue of supporting non-status women in situations of gender-based violence. This event was part of the Network's tri-annual series, bringing together lawyers, practitioners, and

academics. Stakeholders discussed such issues as safety planning for women, changes to disability and social services, and the new sexual assault legal advice program. There was emphasis on the role of the City and provincial government in providing access to (free) counselling, legal services, interpretation, information, and referral services for non-status women.

In response to the barriers that non-status migrants encounter when trying to access healthcare, the Women's College Hospital in Toronto created the 'Health Network on Uninsured Clients' (HNUC). Now led by the Wellesley Institute, HNUC is comprised of health-care professionals, policy workers, administrators, researchers, community groups and activist groups. Special grants to support their work with non-status migrants have also been helpful in improving service delivery and access. Because most of the important healthcare services are delivered by the province, which is neutral on the issue, HNUC is lobbying for OHIP cards for all. The City could participate in taking this issue to the provincial government.

A critical area for further research is to explore means of breaking barriers between city and community, as well as within the different divisions and hierarchies of the City. One area to explore is how governments (municipal, provincial and federal) can facilitate and participate in the collaborative practices of CSOs and other groups to ensure the generation of knowledge about a) the needs of diverse non-status migrant groups, b) the particular barriers they face, and c) how these barriers may be removed. This could occur in discrete issue areas, or across service areas that apply in similar demographic or geographical contexts. Another area to explore is how the City can enhance the flow of information within and across particular divisions, while ensuring that this information is gathered and interpreted with a view to addressing the specific needs of non-status migrants. We see these two initiatives as related, since the value of information flow is optimal when the information draws from, and engenders trust within, local communities.

#### *The Collection, Retention, and Protection of Data*

These themes lead naturally to the question of whether and how demographic data and other information can be collected, retained, and protected. This is a double-edged sword, as information is vital to the success of Access T.O. if used well, and dangerous if passed on to federal authorities.

The participants in our research agreed that the non-status migrant population in Toronto is diverse and that demographics seem to be shifting. Several service provider representatives pointed out that in the last couple of decades, they have seen an increase in the number of migrants and asylum seekers from Africa, South Asia and Latin America. Some mentioned seeing a high percentage of single women within the population they serve, as well as families with small children. Trafficked persons and domestic violence victims are believed to be part of the non-status migrant category, since their protection was one of the sanctuary policy's objectives.

Seniors are another group of non-status Torontonians whose situation remains largely ignored. Participants underlined that a number of non-status seniors live in precarious housing or communal shelters. Despite their need of long-term care, non-status seniors experience difficulties in accessing services because of their lack legal status:

People aren't going anywhere... they are going to stay in Canada. My growing concern is that, as folks age, um, it becomes even more of a problem [because] it means that they can't access pensions... even if they have worked and paid into the system. [There are] senior folks who spent most of their lives here in Canada without... immigration status who are living in rooms and barely getting by, other than through the food-banks (P-7 2016).

In a similar vein, participants from CSOs drew attention to the increasing number of youth without status in Toronto. They underlined that many of the non-status youth are fluent in English and integrated into society. However, when they finish high school, they do not have any possibility of accessing higher education. The only option being work, this population presents a higher risk of being involved in low-paid and precarious work. With reference to a youth program run by their organization, a participant noted that young non-status migrants:

tell you stories in terms of payment, in terms of no payment, in terms of illegally reduced payments and firings... it's unbelievable. We are referring cases and we realize that the unions in our country are not prepared for this situation (P-5 2016).

Some of the participants highlighted the precariousness of families whose members lack legal status. They noted that, in some cases, families live in a room in shelters for a long period of time. Although shelters offer a good short-term solution, they are not appropriate for long-term stays. An unhealthy living environment has durable negative impacts on non-status migrants, especially on children who may experience various behavioural issues.

We also heard that there is a growing number of work-related injuries, as well as profound physical and psychological illness:

We have our small free medicare clinic for people that have been injured at the workplace. And the employers kick them out, and they don't have a way [to make money anymore]... People in wheelchairs, or young men with a femur totally destroyed because they were lifting these machines. And where do they go? That's something that we start seeing that we didn't see before. FCJ, this is a little place, that if you start seeing the numbers, you start saying, 'Well, something is happening' (P-6 2016).

In sum, Toronto's non-status migrant population is socially and demographically diverse, as are the services they require and the barriers they encounter. The composition of this community shifts over time, yet policies and

practices do not adapt to these shifts in a systematic manner; at best, adaptations are reflexive and operational, never quite making it to the policy level. Several factors such as gender, sexual orientation, age, ethnicity, country of origin, language, mental and physical health, and education intersect and determine this population's need for, and exclusion from, municipal services. We need to be better at exploring how shifts in demographics require more flexible policy and operations.

Against this background, most participants believe that there is need to collect demographic data. Some of the participants noted that the lack of socio-demographic information hinders the growth of non-status migrant-centred policies. In the context of TPH, we heard:

You need to know who you're serving and who you're not serving. Otherwise, it's very difficult to measure the success of the policy. So that means knowing whether you're serving people who are undocumented or not. And really, the only way to know that is by asking them systematically (P-10 2016).

Another participant representing an NGO relayed to us their interactions with local CSOs, stated:

For some services, socio-demographic data is also considered important from a case management perspective, follow up, and being able to show — both internally and externally — about who they are working with and what kind of outcomes they are planning for. They mentioned that City services do not have any information about the characteristics, needs, or their distance from the labour market, in the absence of such data. 'We have to ask, we can't say don't ask-don't tell... I mean, if you don't ask, you don't have evidence to make a case... for anything, for regularization, for services like housing and childcare' (P-7 2016).

But collection of information is not a straightforward process in terms of privacy. One issue is: how can this information be collected in ways that do not exacerbate fear and distrust? The collection of demographic data certainly should not be administered by front-line staff and it should not be linked to personal information; data should be anonymized as far as possible. Some have suggested that information could be collected by persons working in solidarity with non-status migrants, such as CSOs or NGOs.

The City is highly averse to collecting data, due to concerns that it may be forced to share personal information with federal authorities. The protection of information in the possession of the City is governed by the *Municipal Freedom of Information and Protection of Privacy Act* (MFIPPA). Under s. 32 of the MFIPPA, the City cannot disclose personal information except under limited circumstances. Two of these are directly relevant to the enforcement of the Immigration and Refugee Protection Act (IRPA):



- 1) If disclosure is to an institution or a law enforcement agency in Canada, to aid an investigation undertaken with a view to a law enforcement proceeding or from which a law enforcement proceeding is likely to result;
- 2) For the purpose of complying with an Act of the Legislature or an Act of Parliament, an agreement or arrangement under such an Act or a treaty.

With respect to law-enforcement cooperation, City staff must not disclose information without a formal written request from the law enforcement body that has been vetted by Corporate Information Management Services. With respect to the statutory requirement, the City must disclose personal information to a government agency where the law requires disclosure, upon a written request from that agency. Examples include: Canada Revenue Agency for tax audit purposes, and the Ministry of Labour for health and safety purposes (City of Toronto 2014).

Concerns about these provisions have contributed to the City's decision not to pursue the issuance of Municipal ID Cards — the cost involved and lack of perceived need are two other reasons. More research into this area is required. Our preliminary review of statutes, as well as the policies and practices of the TDSB regarding the collection and protection of student information, is that information collected by the City may not be shared with federal immigration authorities unless there is an active investigation against a specified individual (e.g., federal arrest warrant). As such, the CBSA could not conduct a “fishing expedition” to locate non-status Torontonians; it would have to already have an individual's name and some evidentiary basis for supposing s/he is a resident in Toronto. This rule applies to all local authorities, including TPS, as was noted by the Immigration Legal Committee (ILC) in its 2008 report, entitled “Police Services: Safe Access for All” (ILC 2008). The ILC, as well as No One is Illegal (NOII), have also made powerful *Charter* arguments for why information identifying status ought to be protected except under exceptional circumstances (NOII 2015).

Similarly, the MFIPPA does not state that compliance with the IRPA qualifies as a statutory ground for disclosure. More research is needed to explore whether Parliament could in future force a city to disclose information simply by statutory decree, or whether this question is within the authority of the provincial government – an issue that is front and centre in the United States, following President Trump's executive orders on “sanctuary jurisdictions”. We hasten to add that Toronto City Council did not help matters when it stated in its 2014 Access T.O. resolution that the City may collect immigration/citizenship information “where specifically required by either Provincial or Federal legislation, policies or agreements.” This goes beyond what is legally required, and may change the current obligations of a City agency that has access to this information. We strongly recommend that the City clarify that its position, and that

compliance with federal policies and agreements be excised from Access T.O. policy.

## **Conclusion**

Access T.O. began as a symbolically ambitious but practically cautious policy. Despite major newspaper headlines circulated at the time, City Council never fully committed itself to a sanctuary city policy. By “reaffirming” the City’s commitment to non-status residents, Council seems to have thought that the policy was more or less informally in place already. It then called on SDFA to report back on the financial and resource costs of additional measures, including training and community outreach. Finally, it called on the provincial and federal governments to shoulder their share of responsibility for more systematic legislative and policy change, but has not yet entered into a dialogue with either government on the subject. After this series of pronouncements, Council has been relatively inactive in this area.

And so, three years after its inception, Access T.O. remains somewhat of a pilot project, with a rather small contingent of city staff championing the ideals of the policy in the face of steep challenges and powerful counter-influences. Interview participants highlighted first and foremost that non-status migrants have not been able to consistently access municipal services, and continue to hold well-founded fear of local authorities, including police. There are many reasons for this, but an overarching theme is that there remain multiple barriers between City divisions, the City and local communities, and the City and the federal and provincial governments. Access T.O. was meant to break these barriers down by uniformly implementing an ethos of access without fear, but attention to some of the practical, institutional realities has been lacking. As a result, this objective has not been met.

At present, Access T.O. is a rather informal policy championed by a selection of City staff who have drawn more from parochial (and variable) institutional values, professional networks, and civil society than from the City. To be sure, these values and relationships are a tremendous source of value; City staff, CSOs, professionals, and others have collaboratively used the spirit of Access T.O. to launch important campaigns in such areas as health for the uninsured, the rights of non-status women, and rights to education. But the scale of the human rights challenges faced by non-status migrants, as well as the sheer size of the City as a bureaucratic entity, requires a systematic approach with adequate funding and political leadership. In particular, City Council cannot expect Access T.O. to operate simply on the personal convictions, resources, and energy of a small cadre of City staff.

If Access T.O. is to move forward, the City must focus on what it has the power to do, and that includes tending to administrative, bureaucratic, and institutional barriers to the uniform institutionalization of practical measures.

Interview participants highlighted areas where improvements could be made, including more comprehensive training, dedicated Access T.O. portfolios across multiple divisions, better community engagement and service integration, working with and not against core institutional values, and collecting and protecting data. Without this institutional architecture and culture, one may question the extents to which Access T.O. stands as a policy *per se*.

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