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City Council Decision Tuesday, September 05, 2017

Decision Number: CR527/2017

That the report of the Manager of Social Policy and Planning dated August 16, 2017 entitled "Response to CQ14-2017: Information Report on the Sanctuary City Movement in Canada "BE REFERRED to the Diversity Committee for their review and consultation; and,

That the results **BE REPORTED** back to Council.
Councillor Francis discloses an interest and abstains from voting on this matter.
Carried.

Report Number: S 156/2017 7.4

Clerk's File: GM2017

Steve Vlachodimos

Deputy City Clerk/Senior Manager of Council Services September 19, 2017

Department Distribution

Name	Title
Mary Ellen Bernard	Manager, Social Policy and Planning
Jelena Payne	Community Development and Health
	Commissioner, Corporate Leader – Social
	Development and Health
Onorio Colucci	Chief Administrative Officer
Sandra Gebauer	Council Assistant
Karen Kadour	Committee Coordinator
Gayle Jones	Diversity Officer



Administration

MISSION STATEMENT

"Our City is built on relationships – between citizens and their government, businesses and public institutions, city and region – all interconnected, mutually supportive, and focused on the brightest future we can create together"

REPORT #: S 156/2017	Report Date: 8/16/2017
Author's Contact: Mary Ellen Bernard	Date to Council: 9/05/2017
Manager, Social Policy and Planning	Clerk's File #: GM2017
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To: Mayor and Members of City Council

Subject:

Response to CQ14-2017: Information Report on the Sanctuary City

Movement in Canada

RECOMMENDATION:

THAT the report of the Manager of Social Policy and Planning responding to CQ14-2017 **BE RECEIVED** for information.

EXECUTIVE SUMMARY:

N/A

BACKGROUND:

At the March 27, 2017 Council meeting Councillor Marra asked a question regarding the Sanctuary City movement. Through CR 165/2017 Council directed:

That the following Council Question by Councillor Marra **BE APPROVED**, and that Administration **BE DIRECTED** to proceed with the necessary actions to respond to the Council Question in the form of a written report, consistent with Council's instructions, and in accordance with Section 17.1 of the Procedure Bylaw 98-2011:

CQ14/2017: Assigned to Community Development and Health Commissioner: Asks Administration "to prepare an information report regarding the Sanctuary City movement across Canada. This report should examine the experiences in other cities, such as Toronto, Vancouver, Hamilton, London and Montreal. I am requesting that Administration consult with stakeholder agencies and service providers in Windsor-Essex such as the Multicultural Council, the New Canadian Centre of Excellence Inc and the Windsor Essex Local Immigration Partnership (and others as deemed appropriate)." It was also noted that the Ryerson University Study on the Toronto Sanctuary City Experience was published February 2017.

This information report was created through online research coupled with consultations held with the Multicultural Council, the New Canadian Centre of Excellence Inc, members of the Windsor Essex Local Immigration Partnership, Associate Professors of Law from the University of Windsor, and members of Windsor Police Services.

Research indicates that there are almost as many descriptive terms for Sanctuary City (including Sanctuary Space, City of Refuge, Welcoming City and Access without Fear) as there are historical and current meanings for those terms (from preserving the lives of criminals, to creating temporary safety for fugitives, to maintaining basic well-being for people fleeing oppression to guaranteeing human rights). This is important to note from the outset, as the historical and changing definition of the phrase Sanctuary City and who it applies to, challenges our capacity to find a consensus regarding what it means and how it is implemented. The complexity is further illustrated by headlines such as "A Multimillion-dollar question: What's a Sanctuary City?" and "Becoming sanctuary cities being discussed in Saskatoon and Regina, but what does that mean?

In Canada, the designation of a 'Sanctuary' City is largely symbolic and each city which makes a declaration then attempts to define it for their jurisdiction. A designation of being a Sanctuary City does not change or impact on the fact that the Canadian Government has the responsibility to accept, process, detain or deport refugees as per its' legislation. Sanctuary status has no bearing on whether a refugee can be detained or deported. The Canada Border Agency Service (CBSA) enforces immigration law in sanctuary and non-sanctuary cities. Sanctuary status doesn't change the laws governing a police force, as they adhere to the laws of the Province of Ontario rather than municipal councils. Nor does the designation alter legislation under the Ministry of Education or Ministry of Health.

Outside of Canada, the term Sanctuary City takes on different meanings. In the United States, approximately 300 U.S. jurisdictions have adopted sanctuary policies which

Deslandes Ann. (March 22, 2017). Sanctuary Cities-As Old as the Bible. JSTOR Daily

² Gomez Alan. (April 26, 2017). <u>A multimillion-dollar question: What's a Sanctuary City</u>; USA Today.

³ CBC News Saskatoon. (February 6, 2017).

⁴ Heartfield Kate. (March 29, 2017). What is a Sanctuary City Anyway? TVOntario.

often permit residence by illegal immigrants to help them avoid deportation. In the United Kingdom and Ireland, the term Sanctuary Cities can refer to cities that are committed to welcoming refugees, asylum seekers and others who are seeking safety. The emphasis is often on "building bridges of connection and understanding, which is done through awareness raising, befriending schemes and forming cultural connections in the arts, sport, health education, faith groups and other sectors of society." ⁵

The immigration classification system can also be confusing. There are different classifications of immigrants in Canada and access to programs funded by the Federal, Provincial or Municipal levels of government can be dependent on that classification. For purposes of this report, the focus is on non-status immigrants or undocumented refugees.

The majority of newcomer services such as orientation, settlement, language and employment training classes are funded by the Federal Government (Immigration, Refugees and Citizenship Canada (IRCC) and are available for newcomers who are permanent residents (including Government Assisted and Privately Sponsored Refugees) or a protected person, who has lived in Canada up to 5 years. IRCC does not generally fund programs for persons who are refugee claimants (i.e., persons/families who request asylum at a recognized border such as the Detroit Tunnel or Ambassador Bridge and who must make an inland claim) or undocumented refugees (i.e., persons who enter Canada at an unprotected border as in Quebec or Manitoba and must make an inland claim).

In the City of Windsor, there are a few organizations which assist refugee claimants, including two small residences. In addition to offering temporary shelter, staff and volunteers also assist them with their inland claim and to familiarize them with local services. These organizations operate through charitable donations and do not receive funding from the Federal or Provincial governments.

The Province of Ontario funds a limited number of Newcomer Settlement Programs (NSP) which provides limited programming for refugee claimants. In Ontario, refugee claimants can access most services (i.e., Ontario Works) while their claim is in process. If their claim is denied, they are determined to be illegally in Canada. However, they are eligible to appeal that decision which enters them into another process which can take up to five years for a decision. If they choose to appeal the decision, they remain eligible for OW. If they chose not to appeal, they are deemed to have no status and not eligible for OW.

⁵ Van Steenbergen, Marishka (10 May 2012). <u>"City of Sanctuary concern for welfare of asylum seekers as housing contract goes to private security firm"</u>. The Guardian.

DISCUSSION:

In Canadian municipalities, the Sanctuary City designation is usually intended to assist persons considered to be non-status immigrants or undocumented refugees. That is persons who have entered and/or remain in Canada without the permission of the Federal Government. Some communities also call them migrants but this should not be confused with temporary seasonal migrant workers. University Ottawa Criminologist, Dr. David Moffette suggested that "the more typical case (of undocumented migrants) is someone who came into (Canada) legally, on a student or temporary work permit, but whose status has lapsed.⁶"

Since 2013, numerous city and regional municipalities in Canada have explored the prospect of taking on a 'Sanctuary City' designation. In the City of Guelph, the councillor's motion to have Guelph declared a 'city of sanctuary' was withdrawn." In Ottawa, while a councillor wrote an information report and councillors participated in a lengthy session with community stakeholders to hear the issues, "no political recommendation to make Ottawa a sanctuary was made." However, the Ottawa Sanctuary City Network did emerge, "a coalition of social service providers, lawyers, advocates, (etc). who are committed to making Ottawa a more inclusive and safe city for all residents." The Municipal council in Regina determined that it will not be a sanctuary city "but everyone is welcome", with similar outcomes in Saskatoon and Winnipeg.

In Canada, six municipalities (Toronto, Vancouver, Hamilton, London, Montreal and Ajax) have elected to give their cities a Sanctuary City type of designation. Even so, there are differences between the cities regarding definition, approach and implementation.

Ajax Ontario- In June 2017, Ajax Council declared the Town of Ajax (in Durham Region) as a sanctuary city. This designation gives "undocumented and precarious status residents full access to local services, supporting their legal path to citizenship. We won't ask about their status to register for a program, we won't share personal information with the federal government unless we're required by federal or provincial law."¹⁰

Montreal- In February 2017, Council passed a motion to allow full access to services without fear of being deported for non-status immigrants. Available services include access to municipal buildings, including libraries and recreation centres.

⁷ Saxon, Tony. (March 28, 2017). *City of Sanctuary motion shelved*. Guelph Today.

⁶ Heartfield, op cit.

Willing, Jon. (March 30, 2017). <u>Skeptical councillors hear pleas to make Ottawa a sanctuary city</u>. Ottawa Citizen. Ottawa Sanctuary City Network website. https://ottawasanctuarycity.ca

¹⁰ Gilligan. (June 29, 2017). Ajax declares itself a sanctuary city. DurhamRegion.com.

Mayor Denis Coderre indicated he planned to discuss major issues such as health, housing and education with provincial and federal authorities.

In July 2017, it was estimated that 1,174 people crossed into Quebec, compared to 180 people in July 2016. In August 2017, "in Quebec alone, at least 150 people a day are crossing the border at irregular crossings. The daily arrivals are 70% Haitian nationals. The rest come from around the globe but are most notably from the Middle East and Africa. The bulk of the asylum seekers appear to be families, often with small children, who have, in many cases, been living in the United States for years. A few are simply transitioning through the US. About half of the new arrivals have told Quebec officials they intend to settle in Ontario." ¹¹ Anecdotal evidence suggests they're leaving the United States in fear they'll be deported in January 2018." ¹²

"Figures compiled by Canadian Border Services Agency (CBSA) indicate that Quebec has become Canada's main entry point from the United States. The CBSA figures show that of the 4,345 people who either sought asylum at border stations or were intercepted by police in the first six months of 2017, 3,350 were recorded in Quebec." ¹³

London- In January 2017, a motion was passed at the Strategic Priorities and Policy Committee which asked Administration to work with a city hall diversity committee and come back to council with the appropriate arrangements for making London a sanctuary city. In May, City staff brought a report to council which indicated that they hope to have recommendations for the arrangement for the City of London to become a sanctuary city by the fall. "It's easy enough to adopt sanctuary city status for services such as library cards and swimming pools because city workers don't ask now for residency status. But housing, health care and especially the role of police in a sanctuary city are more challenging to figure out." 14

Vancouver- In April 2016, Council adopted an "Access to City Services without Fear" policy rather than a Sanctuary City designation for residents who are undocumented or have an uncertain immigration status. "Sanctuary City' is a term often used by communities and organizations to designate a geographic locale and area (including cities) which have adopted Access Without Fear policy or access initiatives for individuals with uncertain or no immigration status. However, it is not within municipal government's jurisdictional authority to offer 'sanctuary' to people without status, or for municipal government to grant permanent status to individuals. For these reasons, the term 'Sanctuary City' is not used within the context of this policy."

¹¹ Perreaux, Les. (Aug 7, 2017). What you need to know about the Quebec asylum seekers. Globe and Mail.

¹² Smith, Stephen. (Aug 3, 2017). <u>Surge in asylum seekers coming to Canada nothing new, community groups say.</u> CBC News.

¹³ Remiorz, Ryan. (August 11, 2017). Big 'O' becomes a shelter as refugees flow from US. Montreal Gazette.

¹⁴ Free Press Staff. (May 25, 2017) <u>Sanctuary city: Recommendations for London to adopt status coming in the fall, city staff say</u>. London Free Press.

"The policy therefore applies only to services provided by the City of Vancouver, that includes Fire and Rescue services, Community Services including Street and Homeless Outreach, Utilities and Public Works, and Information services such as 3-1-1, and does not apply to Police. Parks and Library services. Upon adoption of the ACSWF policy, Council will encourage the three civic agencies and their boards to adopt a policy which supports the spirit and objectives of this policy."15

Hamilton- In February 2014, City Council voted that Hamilton would "provide to refugees services such as emergency shelters, recreation, public transit, libraries, food banks and police and fire services without asking questions about their status." The designation was to provide 'Access to Services for Undocumented Individuals' rather than as a sanctuary city. Three years later, there are concerns that the policy "has no teeth because immigration is an issue for senior levels of government" 16. There is an implication that little has been accomplished because "few resources have been allocated toward implementing it, such as training staff on how to deal with refugees or lobbying senior levels of government to get involved in areas such as health care and education, where the city has no jurisdiction."17

Toronto- In 2013, Council adopted a policy to allow undocumented migrants to access city services. In February 2017, researchers from Ryerson University examined the impact of the 2013 Sanctuary City designation in Toronto¹⁸. In brief, the "primary objective of Access T.O. (approved in 2013) was to ensure that all residents are able to access municipal and police services, regardless of immigration status. The policy directed 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 identify information with federal authorities, unless required to do so by federal or provincial law." 19

The researchers suggested that "despite major newspaper headlines, City Council never fully committed itself to a Sanctuary City policy. By 're-affirming the City's commitment to non-status residents, Council seems to have thought that the policy was more or less informally in place already through its 'Access Without Fear' policies which The Toronto Social Development Finance and were developed prior to 2013. Administration (SDFA) department was to report back on the financial and resources costs of additional measures, including training and outreach. Council also called on the Federal and Provincial governments to shoulder their share of responsibility for more

¹⁵ General Manager, Community Services. (March 23, 2016). Policy Report: Access to City Services Without Fear for Residents with Uncertain or No Immigration Status. City of Vancouver.

¹⁶ Wells, Jon. (February 24, 2017). Steel town sanctuary: Hamilton is among the few 'sanctuary cities' in Canada. The Hamilton Spectator

¹⁷. Ibid.

¹⁸ Hudson, Graham et al. (February 2017). (No) Access T.O. A Pilot Study on Sanctuary City Policy in Toronto, Canada. Ryerson Centre for Immigration and Settlement. Ryerson University. ¹⁹ Ibid. Pg 25

systematic legislative and policy change, but has not yet entered into a dialogue with either government on this subject." In summary, the researchers found evidence that the level or absence of training and implementation of the *Access Without Fear* policy among Toronto's 60,000 municipal staff had a negative impact on its success. The findings further suggest that "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." ²⁰

As a follow up note, the General Manager of Shelter, Support and Housing Administration tabled a report dated April 26, 2017, noting that "the number of clients citing refugee status as the reason for needing service has grown to over 20% of all shelter service users. This is the main reason for continued increase in system pressure." Furthermore, the department has "contracted two hotels specifically to provide food and shelter to homeless refugees. The demand for these services remains high and is likely to continue throughout the year. The target values for the contracts and/or purchase orders that were established for these services will be exceeded at some point this year. Given the dollar value, Toronto City Council's approval is required to amend these purchasing vehicles.²¹" This report does not specifically name the Sanctuary City designation as a factor in the increase.

Local Understanding of the Sanctuary City Movement

As a component of its information gathering, Administration consulted with community members involved with the settlement sector, refugee serving organizations, Windsor Essex Local Immigration Partnership and Windsor Police Services. The following section reflects the comments made during these local consultations.

Several participants noted that the Boards of Directors of their respective organizations had not officially discussed this issue and therefore the discussions were based on personal knowledge and observations. As persons informed about newcomer experiences and the service system, the local opinions have a diversified view as to the meaning of the term Sanctuary City or the exact population for which the designation may apply. There was a level of agreement that a Welcoming City does not equate to a Sanctuary City. A Sanctuary City is open to persons "with precarious status" meaning that it opens its service doors to all, regardless of status, while a Welcoming Community has a generic connotation which could lend itself to virtually any new resident to a community with the implication that the new resident has legal status.

²⁰ Ibid. Pg 25

Community thoughts regarding a Sanctuary City designation include:

- It allows vulnerable people to access services in safety and with dignity;

- In a thriving community, everyone is provided basic services, such as health care and education;

- It allows for the 'building of the narrative' for refugees, which in turn helps people to understand the reasons why people leave their home and need sanctuary. That process will enhance understanding and tolerance and work to address racism, fear and distrust that may exist;

Local agencies already don't turn people away. A Sanctuary city designation would

promote those good news stories;

- Successful implementation of a Sanctuary city policy would require planning, both at the municipal and community levels, allocation of resources and a community campaign to inform and promote buy-in. Could adapt best practices from other Sanctuary City communities.

Other observations suggested that the concept of Sanctuary City may be considered as good, but it really "has no teeth". There are numerous legal issues which would need to be resolved by all three levels of government, including:

- Ontario municipalities do not determine the eligibility or access to primary services such as health care, education and financial assistance

 Ontario communities have a range of services for newcomers. The issue is not about gaps in services but in changing eligibility criteria so all persons can access the necessary services;

A review of undocumented immigrants in Ontario should be explored, in that the majority of these immigrants may come as visitors and just don't leave; and

Processes and laws already exist in Ontario for persons who are illegally in Canada

and/or commit illegal acts in Canada.

Another discussion was that the Sanctuary City concept is not defined and may have negative connotations due to proximity to the US. There was a preference to shift the conversation to the fact that agencies in this community act in a humanitarian way. All efforts are explored in order to provide services to all. Examples include:

- The VON Immigrant Health Clinic. The clinic receives LHIN funding to allow all newcomers regardless of status, to access free health care assessments in multiple languages, prior to being referred to a primary care provider within a health care team or private practitioners. Post-clinic care is funded through OHIP for eligible residents and there are also referrals made to community centres who provide care for those waiting for OHIP coverage;
- Programs and activities funded through the Province's Newcomer Settlement Program (NSP);

- Recognition that the Boards of Education set criteria to access schools; and

- There is concern that without a proper implementation plan, a Sanctuary City designation may have a negative impact.

All consultations included comments on the role of law enforcement in the Sanctuary City discussion. A discussion with Windsor Police Services clarified that police in Ontario are independent of Municipal Councils. They are expected to enforce laws as directed by the Province to ensure consistency in application in all Ontario jurisdictions. The issue of immigration status may emerge as part of an investigation but is seldom the focal point of the investigation. WPS have a long standing communication tool shared with other law enforcement organizations such as OPP, RCMP and CBSA to facilitate joint investigations. Specific to the discussion of the impact of a Sanctuary City designation, there were concerns that it may provide an avenue for increased criminal activity such as human trafficking, which is an area of law with heightened focus through revisions to the Criminal Code of Canada.

Potential Impact of Sanctuary City Designation on a Municipality

As noted in examples throughout this report, municipal governments which have chosen to become sanctuary cities also have the obligation to define the designation in that there is no single way to define the concept, its target population, or how the resolution would be implemented.

The City of Windsor, Community Development and Health Services (CDHS) is the service delivery manager in Windsor and Essex County for Ontario Works, Children's Services including Ontario Early Years Centres, and Housing and Homelessness. The administration of Provincial funds by municipal service delivery managers must be conducted as per legislative requirements. While the service delivery manager may have discretion with respect to how services are delivered, the manager has minimal to no latitude regarding eligibility.

There are three service delivery areas where immigration status can be a determinant of eligibility:

- 1) To determine eligibility for Ontario Works.
- 2) To determine eligibility for Employment Ontario Services/Programming
- 3) To Access Social or Affordable Housing

Information regarding immigration status is <u>not</u> asked for the following programming:

- Eligibility for child care subsidy
- Eligibility for housing support or homelessness programming
- Access to the Employment Training Resource (ETR) Centre
- Access to fee paying or free recreational programs
- Access to programs offered using municipal poverty reduction funding
- Access to a Transit Windsor pass
- Access to Windsor libraries or to a library card

To access some specific City offerings, such as Adventure Bay or Windsor Library services, users will be asked to prove they are a resident of the City of Windsor. The user fees approved annually by Council distinguish residents from non-residents when assessing the fees to use the service. The request to provide residency information does not equate to a request to provide immigration information.

As noted in the report, a municipality does not have the capacity to alter eligibility criteria for services not funded by that municipality. These types of services could include health care and education but can also include services which are easily accessed by all residents such as food banks. However, several of the sanctuary cities have noted that advocacy with other levels of government is contained within their implementation plans.

RISK ANALYSIS:

This is an information report with no proposed course of action to conduct a risk analysis. Even so, it is noted that best intentions aside, in the absence of adequate resources and planning, an example has emerged of the unintended consequences of a Sanctuary City designation. The City of San Francisco (a designated sanctuary city) was successfully sued by an undocumented immigrant who claimed he was reported to federal immigration authorities in violation of the city's sanctuary city ordinance after he filed a police report regarding his stolen car. When he left the station, he was immediately taken into custody by U.S. Immigration and Customs Enforcement. ²²

FINANCIAL MATTERS:

This is an information report. There are no municipal financial implications at this time.

CONSULTATIONS:

Community Consultations were held with the Multicultural Council, the New Canadian Centre of Excellence Inc, members of the Windsor Essex Local Immigration Partnership, Professors of the School of Law from the University of Windsor and the Erie St. Clair Local Health Integration Network (LHIN). Corporate consultations were held with the City Solicitor, Windsor Police Services, and staff in Housing, Children's Services, Employment and Social Services.

CONCLUSION:

To Council for Information.

PLANNING ACT MATTERS:

N/A

²² Sawyer, Nuala. (June 28, 2017). Immigrant Set to Receive \$190K in Sanctuary City Lawsuit. SF Weekly

APPROVALS:

Name	Title
Mary Ellen Bernard	Manager, Social Policy and Planning
Jelena Payne	Community Development and Health Commissioner, Corporate Leader – Social Development and Health
Onorio Colucci	Chief Administrative Officer

Windsor activist spends Thanksgiving weekend painting over anti-Islamic graffiti



TREVOR WILHELM

Published on: October 9, 2017 | Last Updated: October 9, 2017 6:39 PM EDT



Racist and anti-Islamic graffiti appeared at several locations across Windsor on the weekend. An angry Jon Liedtke, who learned of the graffiti on social media, grabbed paint and brush and covered the signs, including this one on a hydro box on Huron Church Road. COURTESY OF JON LIEDTKE

An "angry" Windsor activist spent his Thanksgiving weekend trudging across the city painting over racist and anti-Islamic graffiti.

Jon Liedtke said he pulled out his own paint and brushes after learning about the graffiti on his social media feeds.

"I just woke up angry seeing this stuff in my news feed, so I went out to find it and just covered it up," he said. "It's despicable.

"This is the work of a coward who clearly believes in a vile and vitriolic ideology. He's espousing hate. This divides the community, it separates people and it's intentionally targeting a minority, which is reprehensible. It needs to be stopped. It needs to be combatted."

The graffiti included messages such as "Islam means surrender" and "Islam=Isis." It was painted or scrawled on sidewalks and overpasses, garbage cans, hydro boxes, several areas at Mic Mac Park, a bus depot on College Avenue and a large signboard at the former tourism centre on Huron Church Road.

Liedtke said there were also some swastikas scattered around.

"I'm Jewish, so we've always dealt with swastikas throughout the community," he said. "Every couple years one springs up. But I've never seen anything like this. I've never seen a campaign of hatred that's ongoing and throughout the city. This is a dedicated (expletive)."

Liedtke said he has reported it to Windsor police. A couple other people who joined him at different points over the weekend also called police, he said.

In total, he covered up between 10 and 15 pieces of graffiti.

"This needs to be a conversation, I think city leadership needs to be involved, police need to be involved and this needs to be stopped," said Liedtke. "They need to stamp out this hatred. We can't allow our brothers and sisters in minority groups to be marginalized and pushed

off to the fringes of our society. We are Windsor, we're the fourth most ethnically diverse city in the country and this is unacceptable."

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http://windsorstar.com/news/local-news/windsor-activist-spend... 10/10/2017