



OFFICE OF THE CITY CLERK
COUNCIL SERVICES

Phone: (519)255-6211

CITY HALL
WINDSOR, ONTARIO
N9A 6S1

Fax: (519)255-6868

E-mail: clerks@citywindsor.ca

WEBSITE: www.citywindsor.ca

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

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 Manager, Social Policy and Planning 519-255-5200 x 5270 mbernard@citywindsor.ca	Date to Council: 9/05/2017
	Clerk's File #: GM2017

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).¹ 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?"² and "Becoming sanctuary cities being discussed in Saskatoon and Regina, but what does that mean?"³

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.⁴ 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

¹ Deslandes Ann. (March 22, 2017). *Sanctuary Cities-As Old as the Bible*. JSTOR Daily

² Gomez Alan. (April 26, 2017). *A multimillion-dollar question: What's a Sanctuary City?* 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 Steenberg, Marishka (10 May 2012). "City of Sanctuary concern for welfare of asylum seekers as housing contract goes to private security firm". 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.⁷ 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."⁸ 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."⁹ 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.

⁶ Heartfield, op cit.

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

⁸ Willing, Jon. (March 30, 2017). *Skeptical councillors hear pleas to make Ottawa a sanctuary city*. Ottawa Citizen.

⁹ 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 Perreux, Les. (Aug 7, 2017). *What you need to know about the Quebec asylum seekers*. Globe and Mail.

¹² Smith, Stephen. (Aug 3, 2017). *Surge in asylum seekers coming to Canada nothing new, community groups say*. 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) *Sanctuary city: Recommendations for London to adopt status coming in the fall, city staff say*. 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 were developed prior to 2013. The Toronto Social Development Finance and 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 not 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

MEMO

To: The Diversity Committee of the City of Windsor
Prepared by: Gemma Smyth, Associate Professor of Law, University of Windsor
Rawan Hussein, JD student, University of Windsor
Date: September 25, 2018
Re: Access Without Fear in Windsor, Ontario

Introduction

The purpose of this Report is to provide the Diversity Committee of Windsor with a comprehensive document outlining the benefits of implementing an Access Without Fear (AWF) policy for the City of Windsor as a part of an inclusion and diversity agenda. This document defines the general contours of an Access Without Fear policy, along with analysis of their benefits and drawbacks, and a number of potential avenues the City might wish to pursue to support newcomers and people without documentation. We use the term “Access Without Fear” (“AWF”) throughout this document to better represent the current state of policy in Canada; although AWF policies are associated with sanctuary cities, they are more representative of an inclusive and integrative municipal and provincial strategy. Regardless of the term used, the essence of the policies remain the same: to create safer, and more inclusive communities through better access for persons without immigration documentation as well as for those with precarious immigration status.

Background

Like other metropolitan cities, Windsor is home to many immigrants and refugees. It is worthwhile noting that modern-day Windsor and surrounding communities were previously sanctuaries for African American people escaping slavery. Many of Windsor-Essex’s prominent Black citizens are directly descended from people fleeing slavery.¹ Windsor has also welcomed people fleeing persecution from Central America, and collaborated with groups in Detroit for more coordinated efforts.² Today, Windsor is one of the most ethnically diverse cities in Canada, comprised of an approximate 27.8% immigrant population. According to Statistics Canada, 32.66% of the immigrant population in Windsor are refugees³. Recently, the federal government has approved the transition of more than 6,000 asylum seekers from Quebec into Ontario until their cases are resolved. Like other major cities in Ontario, Windsor should also expect to absorb many of the migrants that have crossed from the US into Montreal. Many asylum seekers will be successful in their application for temporary or permanent status in Canada, as success rates in 2017 increased

¹ Karolyn Smardz Frost and Veta Smith Tucker, eds., *A Fluid Frontier, Slavery, Resistance, and the Underground Railroad in the Detroit River Borderland* (Detroit: Wayne State University Press, 2016).

² Hilary Cunningham, “The emergence of the Ontario Sanctuary Coalition: from humanitarian and compassionate review to civil initiative” in Randy K. Lippert & Sean Rehaag, eds, *Sanctuary Practices in International Perspectives: Migration, Citizenship and Social Movements* (New York: Routledge, 2013) 162 [*Ontario Sanctuary Coalition*].

³ Statistics Canada, “Census Profile, 2016 Census”, (Ottawa: Statistics Canada, 2017).

⁴ Craig Pearson, “2016 Census: Windsor's Population is 27.8 per cent Immigrant” *The Windsor Star* (26 October 2017), online: <<http://windsorstar.com/news/local-news/2016-census-windsors-population-is-27-8-per-cent-immigrant>>.

to 70% from 44% in 2013⁵. These migrants have precarious status in Canada, and are therefore vulnerable without access to vital services.

Currently, there are an estimated 200,000 – 500,000 non-status migrants living in Canada⁶. This number is likely to increase rapidly as deportation threats rise in the United States. As we discuss further later, most persons living with precarious status in Canada entered as temporary residents, either as foreign workers, foreign students, spouses, or have humanitarian cases⁷. Others in Canada with a temporary permit might overstay their permit and lose their status. Some of these individuals have been in Canada for over 20 years and were brought here as children – Canada is their only home⁸. Due to their inability to access services in their community, persons without status are more susceptible to different forms of exploitation including by spouses, employers, sponsors, or sometimes their own government.

How do People Lose Their Status?

There is a common misconception that people without status have “gamed the system” in order to enter Canada; however, their circumstances are usually a result of an inability to navigate a complex system and lack of social and legal supports⁹. There are multiple ways in which a migrant can lose their status including a breakdown in their sponsorship, a denial of a refugee claim, a relationship with an employer is severed, breakdown occurs in a relationship, or a work/study permit is expired. Other migrants experience precarious immigration status if they cross into Canada irregularly at unofficial points of entry. These persons are within their legal rights to migrate to Canada and claim asylum as movement across borders and migration is a natural phenomenon. Asylum seekers crossing through Roxham Road in Quebec are met by RCMP officers and submit their Basis of Claim form on the day of their arrival¹⁰. While most of these claims are eligible, there is often a long wait period before an eligibility interview is conducted and others are unsuccessful¹¹. Often, fear and lack of knowledge prevent a person who loses status from accessing otherwise legitimate pathways to citizenship.

What are the Impacts of Losing Status?

The loss of status can result in devastating realities for some, including: women trying to leave abusive or violent situations but are fearful of reporting to police; foreign workers exploited by employers but who do not have the resources to leave the country or knowledge of the avenues for redress; children of non-status residents who cannot access local programs; reluctance of some individuals to ask for emergency assistance which may result in at-risk living conditions or even

⁵ Tara Carman, “Canada's acceptance rate of asylum seekers is the highest in 27 years — here's why” *CBC News* (7 February 2018), online: <https://www.cbc.ca/news/canada/asylum-seekers-overview-data-1.4503825>.

⁶ Luin Goldring, Carolina Berinstein, & Judith Bernhard, “Institutionalizing precarious migratory status in Canada” 13:3 *Citizenship Studies* at 239-265.

⁷ *Ibid* at 239-265.

⁸ “Non-Status Women in Canada: Fact Sheet” (2006) online: [Womanabuse.ca](http://www.womanabuse.ca/resources/show.cfm?id=7) <<http://www.womanabuse.ca/resources/show.cfm?id=7>> [Non-Status Women]. See Appendix B.

⁹ Matt Robinson, “City of Vancouver grants access without fear” *Vancouver Sun* (6 April 2016), online: <<http://vancouver.sun.com/news/local-news/vancouver-considers-access-without-fear>>.

¹⁰ Andrea Bellemare, “How asylum seekers make refugee claims, and why they take so long” *CBC News* (25 August 2017), online: <http://www.cbc.ca/news/canada/montreal/asylum-seekers-refugee-claims-delays-1.4261881>.

¹¹ *Ibid*.

street homelessness. Individuals with precarious status are reluctant to access services out of fear that disclosing their immigration status may lead to detention, psychological and physical harm, or deportation¹². People living without status are more prone to suffer from exploitative employment, unreported domestic violence, exclusion from the community and mental and physical health issues resulting from the chronic stress of living with the fear of being reported¹³. Persons without status are unable to access basic social services and are therefore more vulnerable to becoming victims of crime, have limited access to education and to healthcare services¹⁴. People without status are human beings with their own agency, but it is very difficult to exercise agency while living in fear.

What are Other Cities Doing?

As of June 2017, six municipalities in Canada have designated themselves as Sanctuary Cities, or, have adopted AWF policies. Each city has developed its own definition of “Sanctuary City” or “Access Without Fear” depending on the unique characteristics of their community. Detroit, the closest metropolitan city to Windsor, has also embedded an AWF policy into their Human Rights Code, to protect persons without status from biased-based policing.¹⁵ Detroit has also adopted a “Detroit ID” program in which community members pay a \$25 fee to access municipal services and discounts on services from non-profits and businesses¹⁶. London, Ontario has also recently adopted an AWF policy after receiving recommendations from the Centre for Organizational Effectiveness in their published report¹⁷. In this report, it is suggested that the city should:

1. Establish a list of services currently provided to residents
2. Advocate to receive financial support from the province to increase accessibility to services
3. Use the terminology of ‘Welcoming City’ instead of ‘Sanctuary City’ due to recent challenges of the term
4. Dedicate resources towards training and advocacy
5. Consider implementing a Municipal ID
6. Conduct targeted training and re-education seminars for frontline staff
7. Increase the capacity for healthcare centres to accommodate persons without status
8. Implement measures to increase accessibility to educational institutions

What Services Does a Sanctuary or AWF Policy Include?

As noted above, each City has adopted its own definition of “Sanctuary City” or “Access Without Fear Policy”¹⁸. Typically, a city council resolution can only impact services within municipal jurisdiction (like libraries, shelters, recreational programs, etc.). However, there is sometimes confusion over services that are partially funded or controlled by the city and the province or territory. The most controversial of these are police services, health care, and education.

¹² Standing Committee on Policies and Strategic Priorities. (2016, April 6). *Access to City Services Without Fear for Residents with Uncertain or No Immigration Status*. Presentation, Vancouver, British Columbia [City Services Without Fear].

¹³ *Ibid.*

¹⁴ *Non-Status Women, supra* note 8.

¹⁵ Detroit, Michigan, Detroit City Code, § 27 (1984).

¹⁶ City of Detroit, “Detroit ID”, (Detroit: 2016), online: < <http://www.detroitmi.gov/Government/Departments-and-Agencies/Detroit-Health-Department/Detroit-ID>>.

¹⁷ Centre for Organizational Effectiveness, “Sanctuary City/Access without Fear Summary Report”, City of London: December 2017 [*Sanctuary City/Access without Fear Summary Report*].

¹⁸ See Appendix A for example.

The Province of Ontario has adopted a “don’t ask, don’t tell” policy regarding immigration status for its students¹⁹. In Windsor, there are some services offered for people without status²⁰. Some cities such as Toronto have included their police services in their Sanctuary City policy. Other cities, such as Hamilton, have focused on municipal services excluding the police. The Diversity Committee and other stakeholders would have to engage further with Windsor Police Services to determine their willingness to discuss this issue. From a community perspective, an important consideration is willingness of people without status to contact the police when a crime is being committed against them or others²¹. Windsor has also been recognized as a leader in understanding the needs and operation of human trafficking. An AWF policy could have the effect of improving reporting in target human trafficking operations if victim witnesses are less fearful of deportation. At minimum, an AWF policy would encourage persons without status to be aware of services available to them and reduce fear in accessing those services.

Crime and Newcomers

There is a common misconception that an AWF policy would protect criminals or increase their activities. However, there is no municipal policy that can prevent police officers from carrying out a criminal investigation. Rather, engaging in criminal behavior would jeopardize any protection a person without status has under an AWF policy as they would be known to law enforcement and can be deported.

A Victim of Spousal Abuse and Sex Trafficking: Taylor’s Story

An AWF policy offers victims of crime an avenue to testify against their abusers and access to the Canadian justice system. “Taylor” is one of many women who left their home country in search of opportunity in Canada only to find herself a victim of human trafficking. She had endured years of exploitation by her spouse before seeking refuge in Windsor and was helped by the Legal Assistance of Windsor to secure housing and connect her with community partners. There are more vulnerable people in Windsor, like Taylor, who are at risk of losing their status and are unable to flee their exploitative employment.

The implementation of an AWF policy would both improve crime reporting mechanisms rather than encourage or endorse criminal activity. As stated in the report titled, *Response to CQ14-2017: Information Report on the Sanctuary City Movement in Canada*, there are already laws and processes in place to deal with persons without status that commit illegal acts in Canada²², an AWF policy would not undermine police investigations. AWF policies are the result of combined efforts between police departments and the community to reduce crime and increase reporting. Before the most recent election in the United States, conservatives, including Rudolph Giuliani, promoted New York’s sanctuary policy²³. When questioned about investigations into

¹⁹ Government of Ontario, “Policy/Program Memorandum No. 136”, (Toronto: 3 December 2004), online: Ontario Ministry of Education <<http://www.edu.gov.on.ca/extra/eng/ppm/136.html>>.

²⁰ WEFIGHT, “Who we are” (18 October 2017), online: WEFIGHT: <<http://wefight.ca/who-we-are/>>.

²¹ Ontario, City of Windsor, “Response to CQ14-2017: Information Report on the Sanctuary City Movement in Canada (Rep.)”, City of Windsor: 5 September 2017 [*Report on the Sanctuary City Movement*].

²² *Ibid.*

²³ Liam Brennan, “Sanctuary Cities Prioritize Public Safety over Immigration Status”, *Newsweek* (28 March, 2018), online: <<http://www.newsweek.com/sanctuary-cities-immigration-public-safety-opinion-862415>>

MS-13 members, chief of the Huston Police Department, Art Acevedo, said the following regarding the increased threat of deportation for witnesses of crime:

“The truth of the matter is when you talk to cops, they're telling me story after story of crimes being committed, of being able to identify the victim, but then having victims not want to cooperate, not want to come forward, and having to work two, three, 10 times as hard to get other community members to try to convince people to cooperate... When you see that chilling effect, when the victims and witnesses of crime are hesitant to come forward... that is an absolute loss for all of us. And, we should all be concerned.”²⁴

Police chiefs in the United States are concerned with the recent crackdown on illegal immigration as it has brewed distrust between immigrant communities and the police and threatened domestic abuse investigations²⁵. Data in the United States also shows that “Sanctuary counties that do not honor ICE detainers have 35.3 fewer crimes committed per 10,000 people ‘than counties that do honor the requests’. These counties also have higher median incomes, lower poverty and unemployment rates, and less reliance on public assistance programs.”²⁶ AFW policies help make communities safer and foster relationships between police departments and the communities they serve by encouraging witnesses to report crimes and ensuring their safety when they do so.

What are possible Benefits of an AWF Policy?

- 1) **Keep Families Together:** While some persons without status have recently immigrated to Canada, many adults learn, after spending their lives in Canada, that they never had status. These adults, like Anneliese²⁷ and Lucene²⁸, have raised families, worked and paid their taxes in Canada and could still face deportation to a foreign country. An AWF policy would allow people without status, like Anneliese, to access municipal services for herself and her family without fear of deportation until she secures her citizenship.
- 2) **Increase Wellbeing:** According to Canada’s Public Health Agency,

A ‘Lost Canadian’: Anneliese Demos’s Story

Anneliese Demos immigrated with her parents to Canada when she was two years old. Since then, she raised a family in Winnipeg, Manitoba with her Canadian husband of 19 years and is currently employed. Citizenship and Immigration Canada sent her a letter on December 22, 2017 notifying her that she did not actually have status in Canada. She is now fearful of deportation and is avoiding leaving the country in fear that she will not be able to return to her husband and four children.

²⁴ Ontario Sanctuary Coalition, *supra* note 2 at 190.

²⁵ Chuck Wexler, “Police chiefs across the country support sanctuary cities because they keep crime down”, Los Angeles Times (6 March, 2017), online: <<http://www.latimes.com/opinion/op-ed/la-oe-wexler-sanctuary-cities-immigration-crime-20170306-story.html>>.

²⁶ Ontario Sanctuary Coalition, *supra* note 2 at 191.

²⁷ Austin Grabish, “‘No longer a citizen’: Government letter tells mom of 4 she's not Canadian” *CBC News* (15 January 2018), online: <<http://www.cbc.ca/news/canada/manitoba/lost-canadian-winnipeg-mom-1.4487107>>.

²⁸ Youtube, “NE Lucene Charles” (15 January 2012), online: <<https://www.youtube.com/watch?v=1aXOI9z1YaQ>>.

immigration status is a social determinant of health²⁹, and fear of harm, detention and deportation are barriers in accessing support from service groups and government agencies of all types³⁰. Access to services without fear is among the factors that contribute to determining our health and well-being. Other determinants of health include social support networks, education and working conditions³¹.

- 3) Strengthening Windsor's Reputation as a Welcoming City: The Windsor community is concerned with the vulnerability of persons without status and is invested in providing them with access to services in safety and with dignity³². Despite our growing population, Windsor's community is distinctly friendly and has been welcoming to incoming populations. In order to further Windsor's agenda as an inclusive and welcoming community, supporting incoming asylum seekers should be a priority. Windsor community stakeholders have expressed a shared common interest in investing in a thriving community where all members are provided with basic services including access to healthcare and education³³. These common values further motivate the need for the implementation of an AWF policy.

Deportation Taking a Mother Away from 3 Sons: Lucene Charles's Story

Lucene was married to an abusive Canadian man for many years before she reached out to community services for help. After her divorce was finalized, she was in danger of being deported as she did not have her paperwork completed. Lucene was faced with the option of either being deported with her four children to live an impoverished life or leave three of her children behind in Canada without a mother.

- 4) Cement Ongoing Progress: Some local services report that they already follow Access Without Fear type policies by not asking for immigration or other documentation to access services. However, this is generally not advertised or made clear to the general public. A commitment to an AWF policy on a municipal level would cement Windsor's dedication to assisting vulnerable persons within the community and provide them with information about accessible services. These efforts are crucial to the integration of newcomers into Canada, and for Windsor's diversity and inclusivity agenda.

What are the Possible Drawbacks of an AWF Policy?

- 1) Increasing Racism Against Newcomers: According to research in the USA, American citizens associate immigrants generally, and people without status, as criminals³⁴. There is no data showing that immigrants or people without status commit more crimes than Canadian or American-born individuals. In fact, there is evidence showing that immigrants and people without status are less likely to commit crime because of their fear of

²⁹ Canada Public Health Agency, "What Makes Canadians Healthy or Unhealthy?", Ottawa: CPHA, 15 January 2013) [Canada Public Health Agency].

³⁰ *City Services Without Fear*, *supra* note 9.

³¹ *Ibid.*

³² Canada Public Health Agency, *supra* note 18.

³³ *Report on the Sanctuary City Movement*, *supra* note 22.

³⁴ Francis Bernat, "Immigration and Crime" (2017) Oxford Research Encyclopedia of Criminology and Criminal Justice, DOI: <10.1093/acrefore/9780190264079.013.93>.

deportation or arrest. People without status generally try to draw as little attention as possible to themselves³⁵. However, this racist view persists. Further, some argue that increased AWF policies will attract more refugees into Canada, thus posing the “floodgates” argument. This is also a false perception as neither Canada nor the US host a number of refugees comparable to European, Middle Eastern and African countries³⁶. We are concerned that an AWF policy would increase racism and targeting of newcomers. An AWF policy should dedicate resources to educational campaigns in order to effectively integrate newcomers to Windsor without racist backlash.

- 2) False Sense of Security: If municipalities adopt AWF policies but do not follow them or provide education about what it means to both the general public and City employees, it is possible people without status would feel safe to declare their status and risk rejection or worse.

How Does an AWF Policy Change the Lives of Persons Without Status?

An AWF policy instituted on a municipal level does not prevent the enforcement of federal immigration law. Persons without status living in a municipality with an AWF policy that is enforced are still vulnerable to the possibility of detention and/or deportation³⁷. While fostering a false sense of security could theoretically lead to easier identification, this has not been proven to exist. Rather, persons without status are more likely to feel safer under an AWF policy to reach out to the institutions that can lead them to a path of regularization. Essentially, AWF policies are effective in making the lives of persons without status easier by ensuring that they receive the services they need in order to regain status within Canada.

Further, persons without status who are victims of crime are more likely to cooperate with law enforcement agencies if they feel safer within their communities. According to a study conducted by Linda M. Williams of Arizona State University, welcoming cities foster a better dynamic between law enforcement officers and immigrants in general, thus, effectively reducing crime rates and promoting safety within their communities³⁸. By creating an easier path to regularization for persons without status and ensuring effective law enforcement within the community AWF policies are actually enforcing federal immigration and criminal law.

Possible Recommendations and Pathways Forward

Windsor has the benefit of drawing on the experiences of other jurisdictions across Canada in crafting its own approach. As noted above, the Diversity Committee might wish to consider:

1) The scope of an AWF policy

³⁵ *Ibid.*

³⁶ “Ten countries host half of world's refugees: report” *Al Jazeera* (4 October 2016), online:

<https://www.aljazeera.com/news/2016/10/ten-countries-host-world-refugees-report-161004042014076.html>

³⁷ Harald Bauder, “Sanctuary Cities: Policies and Practices in International Perspective” (2016) 55:2 *International Migration* 174 at 177.

³⁸ Linda M Williams, “Beyond Enforcement: Welcomeness, Local Law Enforcement, and Immigrants” (2015) *PAR* 433 at 440.

As implemented in Vancouver and Hamilton, the scope of this AWF policy could be limited to municipally funded services³⁹.

2) The Language of a City Council Resolution

As implemented in the City of Toronto, council can express their commitment and amend language of an AWF policy on a periodic basis to reaffirm that residents will have full access to city services regardless of status⁴⁰. Other Canadian cities who adopted AWF policies are good resources to consider for policy drafting.⁴¹

3) Funding

Most cities have not invested significant (or in some cases, any) funds after passing an AWF policy. Windsor might consider allocating funding to train front-line staff in order to effectively implement an AWF policy. This has occurred in some jurisdictions and not others.

4) Partners

Cities like Hamilton expressly included their community legal clinic in helping with training and auditing of staff. Windsor might wish to consider partnering with the legal clinics, Windsor Women Working with Immigrant Women or others in order to allocate funding more efficiently.

5) Education and Policy Drafting

Cities like Toronto have pushed for the publication of a list of municipally offered services that do not require proof of documentation in order to help connect more residents to these services. Windsor should consider similar public education methods and policy drafting efforts in partnership with community stakeholders.

Conclusion

In order to further the City of Windsor's efforts to establish a more diverse and inclusive community, an AWF policy should be considered to prepare for increased migrant settlement in the city. There are many stakeholders in the Windsor area that would support an AWF policy and assist with its implementation. We are confident the Diversity Committee would learn more by working with these other community partners. We also firmly believe that by adapting best practices from cities which have already implemented AWF policies, the City of Windsor will cement its image as an inclusive community.

³⁹ Community Services. (2016). *Access to City Services Without Fear for Residents With Uncertain or No Immigration Status* (RTS No. 11316). Vancouver.

⁴⁰ John Tory, "Toronto for all - United as an Inclusive Sanctuary City" (Toronto, City of Toronto: 31 January 2017), online: City of Toronto <<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2017.MM24.23>>.

⁴¹ See Appendix A.

Appendix A

Toronto Sanctuary City Policy



City Council

Motion without Notice

MM24.23	ACTION			Ward:All
---------	--------	--	--	----------

Toronto for all - United as an Inclusive Sanctuary City - by Mayor John Tory, seconded by Councillor Joe Cressy and Councillor Joe Mihevc

** This Motion has been deemed urgent by the Chair.*

** This Motion is not subject to a vote to waive referral. This Motion has been added to the agenda and is before Council for debate.*

Recommendations

Mayor John Tory, seconded by Councillor Joe Cressy and Councillor Joe Mihevc, recommends that:

1. City Council re-affirm Toronto as a Sanctuary City where all residents have full rights to access all city services and city-administered services without fear, regardless of their documentation status.
2. City Council direct City divisions, agencies and corporations to review their policies and procedures and those of their grant recipients to ensure consistency with Council's commitment as a Sanctuary City, and report back to the Community Development and Recreation Committee in the second quarter of 2017 with a progress update on the implementation of Council policies of access without fear for undocumented Torontonians.
3. City Council urge the Federal government to continue an immigration and refugee policy based on the values of inclusion, acceptance and non-discrimination, and that the position of Council be forwarded as a letter to the Government of Canada and Federal Opposition parties to that end.
4. City Council rejects discrimination based on religious, ethnic or national origin, affirms that refugees are welcome in our communities, and stands united with cities around the world against islamophobia, xenophobia and racism and calls on all Canadians, community leaders, and elected officials to speak out against discrimination and hate in our communities, across the country and around the world.

Summary

In Toronto we understand that diversity makes us stronger. We are a vibrant city where nearly half the population was born elsewhere, and where so many of us are immigrants to our city and nation.

The people who arrive in Toronto as immigrants and refugees help build our city and our country. They are children and parents, professionals and, often, the victims of persecution. They contribute to our economy and are leaders in our communities.

Over the past week, we have watched as the United States government has moved forward with executive orders on immigration targeting people from Muslim-majority countries. We also join all Canadians in mourning the six people whose lives were lost in the terrorist attack on the Centre Culturel Islamique in Quebec City on Sunday. This is a moment when we are called upon to stand up for those targeted by hateful and discriminatory acts and policies.

As one of the most diverse cities in the world, Toronto has a long history of speaking out against discrimination in all forms. And we have a moral obligation to speak up when a government declares lawful refugees, visitors and even its own permanent residents inadmissible and unwelcome.

In Toronto, our residents have opened their arms to Syrian refugees, and our City has supported a Newcomer Strategy and its Toronto for All campaign. Toronto has also affirmed itself a Sanctuary City, with a formal policy allowing all residents of Toronto to access City services regardless of immigration status, so that everyone can use our libraries, our parks, and be kept healthy and safe.

Now is the moment for us to reaffirm that commitment and to send a clear message that Toronto rejects all division, intolerance and hate.

No one should be made to feel afraid because of who they are, where they come from, and what they believe. People should never be persecuted and Islamophobia, xenophobia, and racism are unacceptable. A person's worth should never be determined by their race, religion, ethnicity, origin or citizenship status.

Now is the time for Toronto to show those impacted by these discriminatory policies that "you are welcome here". Now is the time for Toronto to stand together, united across our differences so that we remain strong and hold on to the fundamental rights and values that make our freedom possible.

Background Information (City Council)

Member Motion MM24.23

MOTION ON NOTICE

3. Humanitarian Support for Refugees

MOVER: Mayor Robertson
SECONDER: Councillor Meggs

WHEREAS

1. The UNHCR reports that the continuing humanitarian crisis facing Syria, Iraq, and the Middle East region has displaced millions of new refugees, leaving millions more stranded and at risk from armed conflict, extreme poverty, hunger, and/or unacceptably poor living conditions;
2. Canada's federal response to this global refugee crisis has not met our obligations to the international community, with Canada's commitment towards government assisted refugees (GARs) having declined from 19,233 in 1980 to 6,900 GARs in 2015;
3. Vancouver and its citizens have a proud history of welcoming refugees, and the City has recently been reviewing steps toward making Vancouver a sanctuary city, implementing "Access without Fear" policies, and constructing an innovative new Vancouver Immigrant Services Society of BC Welcome House for refugees;
4. Like all Canadians, the people of Vancouver share a deep commitment to welcoming these refugees and their families to our communities in their moment of desperate need, and Canada's big cities are mobilizing support to address the continuing humanitarian crisis.

THEREFORE BE IT RESOLVED THAT Vancouver City Council calls upon the Government of Canada to immediately act to assist a vastly greater number of refugees from this crisis, and supports the "20k2020 We can do more" campaign for the Government of Canada to establish a new baseline national target of 20,000 government assisted refugees annually by 2020;

BE IT FURTHER RESOLVED THAT staff report back with a review of how Vancouver can be of more immediate and significant assistance to refugees originating from the humanitarian crisis in Syria and Iraq, recognizing that cities like Vancouver must play a critical role in refugee settlement and support.

Appendix B

NON-STATUS WOMEN IN CANADA: FACT SHEET

Reasons why people don't have status in Canada

- Many people come into Canada with a temporary resident permit. If they overstay their permit they become non-status. Some people have been in Canada without status for 10, 20 or more years. Some have been here since they were small children and are completely unfamiliar with their country of origin to which they are at risk of being deported.
- Many people make a refugee claim which is rejected, but prefer to stay illegally rather than to return to an uncertain future, or even death.
- Many women come to Canada legally (sponsored by an employer, spouse or family member), but then find themselves in an abusive relationship with their sponsor. If they escape before receiving permanent resident status they might become non-status.

Statistics on the number of non-status people in Canada

- People who live without legal status are forced to live underground and work under the table in order to avoid being noticed by the authorities and consequently deported. For this reason, it is impossible to provide an accurate statistic. Estimates range anywhere from 20,000 to 200,000 individuals, but many believe that the numbers are a lot higher.

Statistics on Violence Against Women in Canada

(**Please note that these statistics are only for women with legal status in Canada. There are no specific statistics on violence against non-status women, even though non-status women are at particular risk of experiencing violence for some of the reasons listed below.)

- One half of Canadian women have experienced at least one incident of physical or sexual violence since the age of 18
- Almost one-half (45%) of all Canadian women experienced violence by men known to them
- 1 in 4 Canadian women have experienced physical or sexual violence at the hands of a marital partner
- 63% of women who had been assaulted by a current or past partner or spouse were victimized on more than one occasion
- One-third of women who were assaulted by a partner feared for their lives at some point during the abusive relationship
- Women who are separated from their spouses are at particularly high risk of intimate femicide
- Twenty-five percent of women who entered shelters in 1995 had injuries that required medical attention, and 3% required hospitalization. (Bunge and Levett 1998, 19)
- Forty-two percent of women with disabilities have been or are in abusive relationships. (DisAbled Women's Network 1989)
- Eight in ten Aboriginal women in Ontario reported having personally experienced violence. (Ontario Native Women's Association 1989, 7)

Most statistics taken from the website:
<http://www.cafv.inet2000.com/handouts/vwa/ViolenceAgainstWomeninCanada.htm>

Barriers faced by non-status women and children in Canada

- Limited access to education (i.e. ESL & public education)
- Limited/insufficient healthcare
- Limited/Inadequate housing
- Limited access to services
- Discrimination
- Prejudice
- Racism
- Sexism
- Abuse (physical, sexual, emotional)
- Language barriers
- Unemployment/Underemployment
- Exploitation by employers
- Fear of being deported
- Isolation
- Fear of accessing 911 services

Why are non-status women at high risk of experiencing violence?

Women without status, face the same forms of gender based violence as all other women, but are at a higher risk because of the vulnerable position they live in:

- They have very limited access to information, counseling, and other social services, if any.
- They cannot call the police in an emergency without putting themselves at risk of deportation, as the police have authority to arrest or detain someone on behalf of Immigration.
- If her partner is charged with assault this could lead to devastating consequences for her.
- They cannot easily access medical services.

What needs to happen?

- Regularization of all non-status people in Canada
- No asking about immigration status or reporting to Immigration Canada by Police and other service providers. A 'Don't Ask, Don't Tell' policy would make city services available to all city residents, without discrimination on the basis of immigration status.
- Changes to immigration law which protect immigrant women from abusive sponsors and employers.

Campaigns in support of non-status people

STATUS is a broad coalition of individuals and organizations advocating for the regularization of status of all non-status immigrants living in Canada. Email status@ocasi.org or call 416 322-4950 x239

The Don't Ask Don't Tell campaign is being organized by a coalition of groups based in the Greater Toronto Area. It was formally launched by No One Is Illegal Toronto in March 2004. Email info@dadttoronto.org

This fact sheet was created by the Rights of Non-Status Women Network. The Rights of Non-Status Women Network is an organized network of agencies and community members in Toronto. Our mandate is to address barriers to services and resources faced by non-status women, impacted by gender-based violence, through coordinated public education and advocacy for the purpose of systemic change.

For more information or to become involved, please contact: Andrea Gunraj, Outreach Manager at METRAC (416-392-3135; outreach@metrac.org) or Angie Rupra, Program Manager at the Woman Abuse Council of Toronto (416-944-9242, ext. 1002; Hangler@womanabuse.ca).

If you are a woman in crisis or know someone who is being abused, please contact the Assaulted Women's Helpline at 1-866-863-0511 or 1-866-863-7868 (TTY)