



**POLICY REPORT
SOCIAL DEVELOPMENT**

Report Date: March 23, 2016
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Meeting Date: April 6, 2016

TO: Standing Committee on Policy and Strategic Priorities

FROM: General Manager, Community Services

SUBJECT: Access to City Services Without Fear for Residents With Uncertain or No Immigration Status

RECOMMENDATION

- A. THAT Council approve the “Access to City Services Without Fear (ACSWF) for Residents with Uncertain or No Immigration Status” Policy (Appendix A) and direct staff to implement initiatives as outlined in the policy.
- B. THAT Council encourage the boards of Parks and Recreation, the Vancouver Police, and the Vancouver Public Library to adopt a policy which supports the spirit and objectives of the ACSWF policy.

REPORT SUMMARY

This report provides a context and rationale for the development of the “Access to City Services Without Fear for Residents With Uncertain or No Immigration Status” policy and recommends that Council adopt the policy to guide the provision of City services.

The purpose of the ACSWF policy is to enable Vancouver residents with uncertain or no immigration status to access City services without fear that the City will ask for and provide information on the immigration status of individuals to other public institutions or orders of government, unless required by law.

The Government of Canada has jurisdiction over immigration policies and regulations including law enforcement activities related to border management and immigration control. As these activities are under the jurisdiction of the federal government, this policy relates only to the areas of access to municipal services under the jurisdiction of the City.

The policy therefore applies only to services provided by the City of Vancouver, that include Fire and Rescue services, Community Services including Street and Homeless Outreach, Utilities and Public Works, and Information services such as 3-1-1 (for more details, please refer to attached Appendix A, page 1 Note on City Services) 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.

COUNCIL AUTHORITY/PREVIOUS DECISIONS

The Healthy City Strategy, adopted by City Council in 2014, is guided by a vision where the City and community partners are ‘creating and continually improving the conditions that enable all of us to enjoy the highest level of health and well-being.’ The four year Healthy City Strategy Action Plan includes an action that the City “examine regulations, policies and processes that affect our relationships with and between residents - past, present and future.”

The Mayor’s Working Group on Immigration(MWGI) developed policy statements, adopted by City Council in 2007, that commit the City to ‘fostering an open, welcoming and safe environment to people of all cultural backgrounds,’ and which ensures that ‘newcomers have equitable access to all the services provided by the City’, including those with temporary status.

CITY MANAGER’S/GENERAL MANAGER’S COMMENTS

The General Manager of Community Services RECOMMENDS approval of the foregoing.

REPORT

Background/Context

The City of Vancouver is committed to respond to the diverse needs of people arriving and living in Vancouver, inviting their participation and engagement in the life of the city and providing welcoming and safe access to services funded by the City.

In 2014, the Mayor’s Working Group on Immigration (MWGI) began a process of exploring the concept of ‘Sanctuary City’ which has been adopted by cities in the UK and U.S. with large migrant populations. The MWGI is comprised of representatives from diverse sectors including immigrant settlement, refugee, employment, legal, academic, and from the Vancouver Coastal Health and the Vancouver School Board. The MWGI convened a community workshop with over thirty organizations attending. Workshop participants contributed important insights about the issues and challenges facing residents with uncertain or no immigration status and identified potential actions that the City could undertake.

In 2015, the MWGI invited key stakeholder groups including the Vancouver Police Department, the Vancouver Board of Parks and Recreation, and the Vancouver Public Library to share current experiences regarding service access by residents of uncertain or no immigration status. External groups including the Vancouver School Board and Vancouver Coastal Health were also invited to share experiences and practices.

A number of Vancouver non-profit and voluntary organizations have shown support for the City to consider adopting sanctuary city policies. These include the City's Children, Youth and Family Advisory Committee, and Sanctuary Health. Both groups have provided useful position papers and/or briefs to the City on the subject of sanctuary for people with temporary or no status.

Strategic Analysis

The ACSFW Policy Statement is as follows:

The purpose of this policy is to support access to City services by Vancouver residents with uncertain or no immigration status and who fear detention, psychological and physical harm, or deportation, when accessing services. The policy enables these residents to use municipal services, and to do so without fear that the City of Vancouver will ask for and provide information about their immigration status to other institutions or orders of government unless required by law. This policy applies only to services provided by the City of Vancouver and is consistent with the City's core values of inclusion and safety for all residents.

The Government of Canada has jurisdiction over immigration policies and regulations including law enforcement activities related to border management and immigration control. As these activities are under the jurisdiction of the federal government, this policy relates only to the areas of access to municipal services under the jurisdiction of the City.

Policy Rationale

Like other metropolitan cities, Vancouver is home to many immigrants and refugees. While the vast majority of people enter and remain in the country through authorized channels, there are those who are here without or have uncertain immigration status. These individuals include temporary foreign workers whose work permits have expired or who have severed relationship with their employers, or those needing to separate from a spouse in the case of a sponsorship breakdown. Refugees whose claims have been denied and students who overstay their study or work permits are other examples.

Key issues facing these individuals may include: 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; 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 street homelessness. Many individuals may not access services out of fear that disclosing their immigration status may lead to detention, psychological and physical harm, or deportation.

The Access to City Services Without Fear policy aims to improve the health and wellbeing of residents with uncertain or no immigration status. Immigration status is a social determinant of health, and fear of harm, detention and deportation prevents people from seeking the support they need from service groups and government agencies of all types. Health and well-being are linked not only to individual characteristics such as biology and genetics, but also to a broader, interconnected set of factors related to the conditions in which we live, work, play, and learn. Using the determinants of health approach recognizes the role that

multiple factors including access to health and social services can play in determining our health and well-being.

Currently, the City is not aware of any City services that require the collection of immigration status information. Proof of status is not required for individuals requesting access to City non-market housing, or for individuals facing homelessness and requesting access to shelters. This includes both the Winter shelters, that the City works to open in partnership with the Province each year, and the Emergency Weather Response shelters. By adopting this Access policy, the City demonstrates leadership in advocating for the needs of residents with precarious immigration status and the commitment to working with key civic agencies and other stakeholders to align access without fear policies and practices, where appropriate.

The Vancouver Board of Parks and Recreation, the Vancouver Police and the Vancouver Public Library are all governed by individual boards. These agencies will be asked to adopt a policy which supports, within their respective mandates, the spirit and objectives of this policy.

Jurisdictional Review - U.S. and Canada

Two Canadian and many American cities have adopted similar policies.

San Francisco passed the “City and County of Refuge” Ordinance in 1989 which prohibits City employees from helping Immigration and Customs Enforcement (ICE) with immigration investigations or arrests unless such help is required by federal or state law or a warrant. Guidelines and training for staff, and protocol for complaints and compliance were developed by the City.

Los Angeles Police Department Special Order 40 passed resolutions which prevent victimization of undocumented workers, and stipulates that the Los Angeles Police Department does not check immigration status of individuals.

The City of Toronto passed resolutions (2013) on Access to City Services for Undocumented Torontonians. Some key initiatives included staff training, requests to City-funded agencies to consider adopting similar policy, advocating for improved federal and provincial resources to support the provision of services, undertaking community consultation, public information and communication, and reporting and evaluation.

The City of Hamilton has adopted a number of initiatives (2014) including the inclusion of issues related to providing access to services for undocumented individuals as part of the City’s anti-racism training program, and a public education strategy raising awareness on those issues.

Use of the term ‘Sanctuary City’

‘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.

Consultation

On May 9, 2014, MWGI convened a workshop that brought together a range of organizations and stakeholders to begin exploring the extent to which the City of Vancouver could become a ‘Sanctuary City’. The workshop report was included in a memo to council.

This workshop provided individual perspectives from workshop participants, identified categories of individuals who are vulnerable on the basis of their immigration status, identified service needed by these individuals that are difficult to access, shared reasons for people not accessing services, and outlined current support provided by community. Recommendations for next steps were proposed.

On February 11, 2016, Social Policy convened a community forum attended by sixty people, including representatives from 10 City Advisory Committees and twenty three organizations, including Vancouver Coastal Health and the Vancouver School Board to review and provide feedback on the draft policy. Feedback and a number of suggestions from the forum have been considered in the proposed policy.

ACSWF Policy Framework

The ACSWF policy framework is divided into six key sections. The table below provides the key highlights of each section of the policy. The full policy is included in Appendix A.

A. Policy Statement	<ul style="list-style-type: none"> • Support access to City services • City staff will not ask for immigration status in the provision of City services • City will not pass information about immigration status to other orders of government unless required by law.
B. Context	<ul style="list-style-type: none"> • Aligns with Healthy City Strategy • Aligns with Mayor’s Working Group on Immigration (MWGI) Vision and Value Statement Concerning Immigrants and Refugees
C. Principles	<ul style="list-style-type: none"> • 10 guiding principles • Builds on City’s Code of Conduct • Partnership with key stakeholders including VPD, VPB and VPL
D. Limitations	<ul style="list-style-type: none"> • Policy only applies to services provided by the City • City continue to work with other jurisdictions
E. Policy Framework	<ul style="list-style-type: none"> • Scope: guide elected officials and city staff • Definitions: Immigration status - no and uncertain status • Policy Directives: <ol style="list-style-type: none"> a. Access to City services not dependent on immigration status b. Privacy of Information c. Relationship with Canadian Border Services Agency (CBSA)
F. Implementation	<ul style="list-style-type: none"> • Create policy guidelines • Align with existing review and complaints mechanism • Inform relevant staff of policy and guidelines • Implement communication strategy

	<ul style="list-style-type: none">• Support the provision of services to Vancouver residents regardless of immigration status• Annual report
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Implications/Related Issues/Risk (if applicable)

Of the six initiatives proposed under the Implementation section, three will require further development and resources: creating policy guidelines, informing relevant staff on policy and guidelines, and developing a communication strategy to inform stakeholders and the community. Social Policy will work with appropriate civic departments and community to further develop these initiatives.

Financial *

This report recommends adoption of the ACSWF policy framework including principles, directives and implementation of guidelines, training, and communication plan.

Once the implementation components have been developed, any financial implications will be assessed and brought forward through the 2017 budget process.

Human Resources/Labour Relations

Once policy guidelines have been completed, relevant City staff will be informed of the policy and guidelines through existing staff training.

Communication

A communication strategy will be developed with Corporate Communications as part of Implementation.

CONCLUSION

Staff recommend that Council approve the “Access to City Services Without Fear for Residents with Uncertain or No Immigration Status” policy (Appendix A); that Council direct staff to implement initiatives as outlined in the policy, and that Council encourage the boards of Parks and Recreation, the Vancouver Police, and the Vancouver Public Library, to adopt a policy which supports the spirit and objectives of the ACSWF policy.

The Access to City Services Without Fear policy addresses some key concerns facing individuals with uncertain or no immigration status living in the city. This policy is an important step for Vancouver to be an inclusive and welcoming city for all people living here.

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ACCESS TO CITY SERVICES WITHOUT FEAR (ACSWF) POLICY FOR RESIDENTS WITH UNCERTAIN OR NO IMMIGRATION STATUS

A. POLICY STATEMENT:

The purpose of this policy is to support access to City services by Vancouver residents with uncertain or no immigration status and who fear detention, psychological and physical harm, or deportation, when accessing services. The policy enables these residents to use municipal services, and do so without fear that the City of Vancouver will ask for and provide information about their immigration status to other institutions or orders of government unless required by law.

This policy applies only to services provided by the City of Vancouver and is consistent with the City's core values of inclusion and safety for all residents.*

The Government of Canada has jurisdiction over immigration policies and regulations including law enforcement activities related to border management and immigration control. As these activities are under the jurisdiction of the federal government, this policy relates only to the area of access to municipal services under the jurisdiction of the City.

B. CONTEXT:

The vast majority of people enter the country through authorized channels; however, their immigration status sometimes changes for a variety of reasons, including sponsorship breakdown, a denied refugee claim or expiry of study or work permits.

People with uncertain or no immigration status have precarious access to health care, housing², education, social services, legal rights and employment, and experience constant stress and fear of deportation, social exclusion and isolation, and separation from family. Women of uncertain or no immigration status are more vulnerable to poverty, unemployment, domestic violence and abuse, and are less likely to access information or seek support services. As victims or witnesses of crime, people of uncertain or no immigration status are less likely to report to police for fear of exposure and possible deportation.

Immigration status is a social determinant of health, and such fears prevent people from seeking the support they need from government and community agencies of all types.

*Note: This policy may apply to the following City services:

Fire and Rescue Services

- Fire prevention and responding to medical calls
- Providing emergency preparedness information and support

Community Services

- Tenant Assistance Program
- Street and Homeless Outreach
- Emergency Response Shelters
- Non-Market Housing
- Licensing and inspections

Utilities and Public Works

- Providing basic services - sewer, water, drainage
- Providing garbage collection, composting, and recycling services
- Maintaining and enhancing street infrastructure

General Government

- Permits and enforcement
- Providing information, engagement channels and customer service (website, in person and 3-1-1)

This policy does not apply to Police, Parks or Library services. However, these agencies will be asked to adopt a policy which supports, within their respective mandates, the spirit and objectives of this policy.

Further to Council Report Recommendations, as and when any policy in support of the spirit of this policy is adopted by the Police, Park and/or Library Boards, this policy will be amended to include a link here to that Board's policy/guideline, thereby more clearly articulating the scope and limits of this policy.

The City of Vancouver is committed to responding to the diverse needs of people arriving and living in Vancouver, inviting their participation and engagement in the life of the city and providing welcoming and safe access to services provided by the City. This policy supports the City's mission to "create a great city of communities that cares about our people, our environment, and our opportunities to live, work, and prosper". Further, the policy is also aligned with the following:

- In 2007, City Council committed to "fostering an open, welcoming and safe environment to people of all cultural backgrounds", which ensures that "newcomers have equitable access to all the services provided by the City", including those with temporary status*.
- The Healthy City Strategy (HCS)* was adopted by City Council in 2014 and is guided by a vision where the City and community partners are "creating and continually improving the conditions that enable all of us to enjoy the highest level of health and well-being". Key goals of the HCS are to ensure "Vancouverites have equitable access to high-quality social, community and health services" and "Vancouverites are connected and engaged in the places and spaces that matter to us." The HCS Action Plan, adopted by City Council in 2015, includes an action that the City "examines regulations, policies, and processes that affect our relationships with and between residents - past, present and future."

*Note: this is from part of the "Vision and Value Statement Concerning Immigrants and Refugees", proposed by the Mayor's Working Group on Immigration, and adopted by City Council in 2007.

*The HCS can be found at Vancouver.ca/HealthyCity4All

C. PRINCIPLES

The following principles, including the City's Code of Conduct, will guide the conduct of City staff in relation to this policy.

1. **Integrity:** Employees are the keepers of the public trust and must uphold the highest standards of ethical behavior.
2. **Accountability:** Employees are obligated to answer to the responsibilities that have been entrusted to them and the decisions they make.
3. **Responsibility:** Employees must act responsibly, within the law and within the authorities of the Vancouver Charter.

4. **Leadership:** Employees must demonstrate and promote the key principles of the Code of Conduct through their decisions, actions and behaviour.
5. **Respect:** Employees must conduct public business efficiently, with decorum and with proper attention to the city's diversity.
6. **Openness:** Employees have a duty to be as open as possible about their decisions and actions by communicating decision-making processes, encouraging appropriate public participation and appropriate means for providing feedback.
7. **Equity:** The policy addresses the principle of service equity so all residents, particularly those facing the greatest barriers, can access City services without impediment.
8. **Intersectionality:** A “for all” lens will help ensure that initiatives pursued are both universal for all and focused on specific populations most vulnerable to health inequities. Individuals will not be viewed in a monolithic way, by recognizing the complexity of the lived realities of individuals who experience marginalization on multiple and intersecting grounds.
9. **Transparency:** The City must work with citizens and the wider community to ensure that residents understand which services are covered by this policy and which, delivered by other jurisdictions, orders of government or non-profit agencies, are outside its scope.
10. **Partnership*:** Effective implementation of the spirit and objectives of this policy will require continuous engagement with the City's three civic agencies - the Vancouver Police Board, the Vancouver Park Board, and the Vancouver Library Board.

*Note: the development of this policy has sought input from community organizations, City's advisory bodies, other authorities including VPD, VPB, VPL, Vancouver School Board and Vancouver Coastal Health.

D. LIMITATIONS:

This policy applies to those services directly provided by the City. The City will continue to work with other governmental authorities, including Vancouver Police Board, Vancouver Library Board, and the Vancouver Park Board, to align access without fear policies and practices, where appropriate.

E. PROPOSED POLICY FRAMEWORK:

1. Scope:

As with all citywide policies, the Access to City Services Without Fear policy will guide the actions of the City, including elected officials and all City staff.

2. Definitions:

Immigration Status

Vancouver residents have diverse immigration status, including those with Canadian citizenship, permanent residency, temporary residency, and uncertain or no status. For the purpose of this policy, we refer to two specific categories of status: individuals with no immigration status and those with uncertain status.

a. No Status

The term is used to describe individuals who reside or work without authorization, who have no immigration status, or who are generally referred to as 'undocumented', i.e. their documentation is not accepted or recognized by the state and therefore the individuals have no lawful status of residence. For example, newcomers arriving in Canada through regular channels may come to a point where their visa has expired, or find that their circumstances have changed such that their work permit is no longer valid. Typically, these individuals have very limited or no access to resources and support.

b. Uncertain Status

For the purpose of this policy, uncertain status refers to individuals with pending and/or unknown immigration status. For example, an individual who has received a negative decision in their refugee application, and is actively appealing that decision, would be deemed to have uncertain immigration status. Typically, these individuals have very limited or no access to resources and support.

Refugee

The following is adapted from the United Nations High Commissioner for Refugees (UNHCR) 1951 Refugee Convention*:

Individuals, who owing to a well-founded fear of being persecuted for reasons of race, religion, nationality,

<http://www.unhcr.org>

The UNHCR has, since adopting the 1951 Refugee Convention, included Sexual Orientation and Gender Identity in their Guidelines for International Protection.

membership of a particular social group or political opinion, are outside the country of their nationalities, and are unable to, or owing to such fear, are unwilling to avail themselves of the protection of that country.

3. Policy Directives:

The three policy directives are as follows:

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

City services will be provided regardless of immigration status. Further, City staff will not ask for or otherwise seek out an individual's immigration status as a condition of providing city services, unless the provision of such services has a legal requirement to obtain such information.

b. Privacy of Information

The City will carefully uphold and enforce privacy legislation to ensure that any and all personal information concerning immigration status is not requested or gathered in the course of providing City services unless required by law.

The City is not aware of any City services requiring the collection of immigration status information. However, in the event that personal information concerning immigration status is required to be collected, the City will only collect same after ensuring that the person required to give it is aware of the requirement and then only in accordance with applicable privacy and disclosure laws.

c. Relationship with Canada Border Services Agency, CBSA

The role of CBSA is to administer and enforce the *Immigration & Refugee Protection Act** and regulations. Accordingly, the voluntary disclosure of immigration status and enforcement of immigration law is outside the scope of the City's jurisdiction, and City staff are not responsible for the enforcement of immigration law and are not permitted to disclose personal information as a general rule except in accordance with the law. These exceptions could

*Note: the Act can be accessed online: <http://laws-lois.justice.gc.ca/eng/acts/i-2.5/>

include a court order, subpoena, or other legally binding requirements.

F. IMPLEMENTATION:

1. Creation of Access To City Services Without Fear Guidelines:

The effective implementation of this policy will require the creation of guidelines for City staff. The City will engage with community partners and individuals with lived experience to assist in the development of the Guidelines.

2. Align with existing City's review and complaint mechanism:

The City's existing review and complaint mechanism will be used to ensure no one is denied access to services based on their immigration status.

3. Provide opportunities for City staff and community organizations to learn about the policy and guidelines:

- a. An essential component in adopting this policy and associated guidelines is to inform relevant City staff on the policy and guidelines. This will be incorporated into current staff training;
- b. Further, Social Policy will inform organizations receiving City funding for the provision of community services about the policy and guidelines by sponsoring related workshop(s).

Feedback will be sought from individuals with lived experience.

4. Implement a communication strategy to inform stakeholders and the community on the policy:

Staff will implement a communication strategy to inform stakeholders and the community about the new policy.

5. Support the provision of services to Vancouver residents, regardless of immigration status:

The City will continue to advocate for the needs and challenges of residents with uncertain or no

immigration status to other orders of government and jurisdictions.

6. Reporting and Evaluation

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