

COUNCIL MEMBERS' MOTION

5. Safety for Residents with Precarious Status: Delivering Access without Fear

Co-Submitted by: Councillor Boyle and Councillor Swanson

WHEREAS

1. Vancouver has the second highest concentration of immigrants in Canada, and migration to Vancouver is likely to increase due to global displacement caused by climate change;
2. Many new residents arrive with temporary work permits that are tied to a single employer; and are at risk of losing their status as a result of paperwork or employer misconduct;
3. Vancouver residents deserve to feel confident in their safety using City services;
4. As San Francisco's Sanctuary City Ordinance states, cities are safer for everyone when:
 - all residents, regardless of immigration status, feel comfortable calling the Police and Fire Departments . . . [and] accessing City public health services and benefit programs;
5. In recognition of these conditions, Council adopted the Access to City Services Without Fear (ACSWF) for Residents with Uncertain or No Immigration Status policy in 2016, to enable "residents to use municipal services . . . 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";
6. Today, more than three years after the ACSWF policy was adopted, the policy has not been fully implemented;
7. The ACSWF policy recognizes that:
 - a. "Immigration status is a social determinant of health";
 - b. "Fear of harm, detention and deportation prevents people from seeking the support they need from service groups and government agencies of all types";
 - c. "Women and children are especially affected when they cannot safely access these supports, as partners, employers, and individuals are more able to hold and abuse power over them"; and
 - d. "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”;

8. Lack of safe and secure access to resources has and continues to result in an atmosphere of fear, distrust, confusion, and even death for racialized, undocumented, migrant, and refugee residents and communities in Vancouver:
 - a. Lucia Vega Jimenez, a 42-year Mexican hotel worker, died while in Canadian Border Service Agency (CBSA)’s custody in December 2013 after being turned over to immigration authorities by Transit Police. In 2014, the community demanded an end to immigration detention, and a Coroner’s Inquest identified various needed improvements within CBSA correctional facilities. As part of their response, Transit Police ceased their agreement with the CBSA; and
 - b. On August 19, 2019, CBSA raided the Hastings Racecourse because of information provided by the BC Gaming Policy and Enforcement Branch. Witnesses reported that CBSA staff harassed racialized employees during the raid. CBSA arrested up to 26 employees, and at least seven residents have since been ordered to leave Canada. It has been alleged that a Gaming Policy and Enforcement employee falsified documents and misled these residents; this employee was suspended with pay;
9. While there have been no reports made through the City’s processes, communities have shared experiences of not being able to access City services without fear in reports like Sanctuary Health’s 2018 “Still Waiting, Still Afraid: Auditing Access Without Fear Policies in the City of Vancouver”;
10. Residents also report not being able to access City and civic services without fear because different organizations funded by the City have inconsistent access without fear policies;
11. These inconsistent policies and practices leave residents vulnerable to harm, increase distrust, and prevent access to critical living, safety, emergency housing, and community services. Staff awareness, training, and support is essential to closing this gap and to ensuring that the ACSWF policy protects residents when they access any front-line service;
12. Racialized residents are disproportionately criminalized and represented in the justice system;
13. Dylan Mazur, lawyer with the BC Civil Liberties Association, was quoted in the *StarMetro Vancouver* explaining that VPD’s guidelines were too unspecific to offer guaranteed protection to undocumented people who wanted to come forward as witnesses or victims of a crime:

“As a lawyer I cannot look at these guidelines and provide sound legal advice whether someone should come forward as a victim . . . I am not aware as a lawyer in what circumstances the Crown would require someone’s immigration status for court process, or what specific offence would require the disclosure of someone’s immigration status”;

14. In its 2019 “Update Regarding [VPD] Guidelines on Police Requests Related to Immigration Status,” VPD reported having initiated an average of at least 23 queries per month to federal immigration authorities over an eight-month period ending May 23, 2019;
15. As detailed in the 2016 ACSWF policy report, police departments in other cities working to provide access without fear, including San Francisco and Los Angeles, do not request or disclose information about the citizenship or migration status of individuals unless required by law;
16. Residents deserve to be able to access emergency services for themselves and their families without fear that they will be subjected to contact with correctional or immigration enforcement systems;
17. Residents deserve regular, public updates about how the ACSWF policy is proceeding so that they can make informed choices about accessing City services; and
18. Council has an opportunity to demonstrate its leadership in supporting migrants’ safety by fully resourcing and implementing the policy it adopted, responding to community calls for improvement, and urging other jurisdictions to follow suit—especially around the core policy directive of “Relationship with CBSA”;

THEREFORE BE IT RESOLVED

- A. THAT Council recognize that a city where immigration status checks are only performed when required by law would help create a city where residents, no matter their immigration status, can truly access city and civic services, including public safety services, without fear of deportation.
- B. THAT Council direct staff to explore and report back in a public memo by the end of Q2 2020, on work underway to finish implementing the 2016 policy (as identified in the “Update: Access Without Fear Implementation” email and table sent from the City Manager to Mayor and Council on January 29, 2020).
- C. THAT Council direct staff to incorporate the following into the work to finish implementing the 2016 policy:
 - i. For implementation of initiative #3, staff and community training: Maintaining annual policy training for department leaders and training for relevant front-line staff, including VPD statistics on immigration status checks and collaboration with the CBSA;

- ii. For implementation of initiative #4, communication strategy: Supporting community groups that serve undocumented residents to develop resources and/or workshops for migrants on the policy and how it affects their access to services; and
 - iii. For implementation of initiative #6, “Reporting and Evaluation”: Providing an annual, public progress update at a Council meeting.
- D. THAT Council direct staff to explore and report back by the end of 2020 with a budget and timeline for options to strengthen the Access to City Services Without Fear (ACSWF) policy and guidelines in 2021, including Identifying and recommending any necessary or additional resources, such as staffing or additional funding for new initiatives, in order to fully implement or strengthen the ACSWF policy and to adopt best practices from sanctuary cities (e.g. providing City ID cards, legal advice, etc.).
 - i. Amending City of Vancouver grant eligibility requirements to read: “Be accommodating, welcoming and open to people of all . . . **migration status**, and socio-economic conditions, in their policies, practices and programs”;
 - ii. Mandating migrant rights training for staff as part of the business licence approval process; and
 - iii. Inviting input from relevant advisory committees.
- E. THAT Council direct the Mayor to write to BC Housing to urge them to require that access to shelters and housing is not dependent on immigration status and that they maintain privacy of information related to access without fear policies.
- F. THAT Council direct the Mayor to write to the Vancouver Police Board, VPD’s Chief Constable, and VPD’s senior management to share this motion.
- G. THAT Council direct the Mayor to write to BC’s Premier, Attorney General, and Ministers of Education, Health, and Labour to share this motion, to outline the impacts of the August CBSA raid for Vancouver’s communities, and to ask that the province join the City of Vancouver and other municipalities by developing access without fear policies with an emphasis on healthcare, education, and employment standards.
- H. THAT Council direct the Mayor to write to the federal Minister of Public Safety by April 15th to share this motion, to outline the impacts of the August CBSA raid for Vancouver’s communities, and to ask that the CBSA revisit its investigation practices, particularly when there is no public safety risk and when working with racialized, marginalized, or vulnerable communities.

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