

The AMSSA Info Sheet series has been created to inform and support our members and community partners. The Info Sheets cover a wide range of topics and highlight important facts and trends from across Canada and BC. Our goal is to assist organizations in navigating the rapidly changing landscape of the BC settlement sector.\*

## Sanctuary Cities— History & Overview

On February 12, 2014, Hamilton's city council voted to become Canada's second Sanctuary City. This Info Sheet provides a brief summary of the history of the Sanctuary City movement, and explores what it means for a city to adopt Sanctuary City policies. This Info Sheet also addresses a number of common misconceptions around the concept of Sanctuary Cities.

### Introduction to Sanctuary Cities

Sanctuary Cities aim to create welcoming cities that are inclusive of all residents through the promotion of safe access to municipal and police services.

One of the most important demographic trends of the 21st century is the accelerating urbanization of the world's population.<sup>1</sup> By 2008, over half of the world's population lived in cities. It is predicted that by 2050, nearly 86% of people in developed countries will live in a city.<sup>2</sup> British Columbia is no exception to this trend. Between 2006 and 2011, over 80% of recent immigrants to the province settled in Metro Vancouver.<sup>3</sup>

Many researchers note that municipal governments of these migration cities have become the de facto level of government responsible for developing safe, vibrant communities that integrate their new residents.<sup>4</sup> Migration cities have also experienced an increase in international migrants living without an official immigration status. The acceleration of the growth of cities has led many municipalities to develop innovative, practical solutions to address the complex challenges that are brought about by diverse populations. One response to this challenge has been the establishment of Sanctuary City policies. The term 'Sanctuary City' refers to a city that allows residents of the community to access municipal and police services regardless of their immigration status.<sup>5</sup>

Frequently, 'undocumented' migrants may avoid using police or municipal services out of fear that their lack of legal status will be revealed, and they may be detained or deported by federal officials. This well-founded fear may prevent such individuals from reporting crimes, or accessing services that promote the health and safety of their communities.<sup>6</sup> Sanctuary City policies vary across cities, but the intended outcomes are similar: to ensure undocumented migrants have access to city and policing services without fear of detention or deportation.

### History of Sanctuary Cities in North America

The 'Sanctuary City' movement grew out of community policing initiatives in the United States in the 1970's. American cities with growing migrant populations, particularly of refugees fleeing violence in Central American countries, began to adopt policy frameworks to adjust to the changing demographics of their communities.

The City of Los Angeles became the first municipal government to adopt Sanctuary City policies. In 1979, the Los Angeles Police Department issued Special Order 40. This Order prevented officers from inquiring about an individual's immigration status unless they were suspected of committing a criminal offense. The policy was put in place to reassure crime victims that they could report their attackers without risking deportation.<sup>7</sup>

Over the past several decades, Sanctuary City policies have grown across North America, and now include many other municipally funded services.<sup>8</sup> Although Sanctuary City policies may vary by city, such municipally funded services can include access to:

- Park & Recreation / Community Centres
- Police, Fire & Emergency Services
- Public Transportation Services
- Public Libraries
- Food Banks
- Emergency Shelters

As of April 2014, two Canadian cities have adopted Sanctuary City policies. Toronto became Canada's first Sanctuary City in February 2013, followed by Hamilton in February 2014.

### Immigration Law Enforcement Jurisdiction in Canada

The enforcement of Canada's immigration laws are the sole responsibility of the Canadian Border Services Agency (CBSA). Municipal governments and police forces do not have the jurisdiction to detain or deport non-status individuals for not having official status in Canada. Instead, they must refer such cases to the CBSA.<sup>9</sup> Sanctuary Cities have established policies either in law or by habit that guide their municipal and police services to only refer individuals to federal authorities in specific circumstances, such as if an individual is suspected of committing a criminal offense.

1. United Nations, 'World Urbanization Prospects', p. 1. March 2012. Available at: <http://bit.ly/1hOepbh>.

2. Louis Charbonneau, Reuters, 'Half of world to live in cities by end '08', Feb. 2008. Available at: <http://reut.rs/1hD8XX0>.

3. Statistics Canada, 'NHS Focus on Geography Series – British Columbia', Aug. 2013. Available at: <http://bit.ly/1IQIRng>.

4. Cities of Migration, 'Good Ideas on Integration', 2014. Available at: <http://bit.ly/OCPFse>.

5, 6, 7. Lynn Tramonte, 'Debunking the Myths of Sanctuary Cities', April 2011. Available at: <http://bit.ly/1qB7pu9>.

8. City of Toronto, 'Universal Access Poster', 2013. Available at: <http://bit.ly/1mhTp0w>.

9. Canadian Border Services Agency, 'Immigration Investigations', Jan. 2007. Available at: <http://www.cbsa-asfc.gc.ca/media/facts-faits/032-eng.html>.

\* Disclaimer: The following summaries have been compiled by AMSSA. They have not been sanctioned by the Immigration Policy and Program Branch (IPPB), Citizenship and Immigration Canada (CIC) or agency representatives, so the information should be confirmed as appropriate.

### Who are 'Undocumented' Migrants?

When an individual is an 'undocumented' migrant it means they do not have the legal status to remain in Canada.<sup>10</sup> People can be classified as undocumented for a number of reasons, such as overstaying their student, visitor, or work permits, or if they entered the country without proper authorization. Refugee claimants who remain in the country after their claim has been denied are also classified as undocumented migrants.

There are a number of other terms used to describe undocumented migrants, such as 'illegal', 'non-status', 'precarious status', 'irregular', 'unauthorized' or 'without papers'. In April 2013 the Associated Press, one of the world's largest news agencies with articles republished in over 1,700 newspapers, stopped using the term 'illegal' migrant, under the rationale that the term should only be used to describe an 'action', not a state of being.<sup>11</sup>

As Canada does not track the exit of individuals from the country, estimates of the number of undocumented migrants residing in Canada vary greatly. In a report cited by the City of Toronto, it was estimated that there were between 20,000 and 500,000 undocumented migrants living across Canada in 2007, with more expected to arrive each year.<sup>12</sup>

### Why Become a Sanctuary City?

Before Hamilton voted to become Canada's second Sanctuary City in February 2014, the Hamilton Sanctuary City Coalition submitted a report to the City.<sup>13</sup> This report examined the factors to be taken into consideration when exploring the idea of creating Sanctuary City policies, including:<sup>14</sup>

- Access to health care and police services remain the primary concern for undocumented migrants.
- Fear of detection, detention and deportation is a major obstacle preventing many from obtaining services to which they would otherwise have access.
- Precarious legal/immigration status disproportionately affects women. Women are vulnerable because they often come to Canada using temporary visas and family sponsorships.
- Women with precarious status are often vulnerable to exploitation and violence in personal relationships.
- Children are the most severely impacted by precarious status. This status restricts their access to food bank programs, recreational programs, and daycare activities that are necessary for a healthy development.

### Common Misconceptions about Sanctuary Cities

**Misconception #1:** Sanctuary Cities allow non-status individuals free access to all government services. Becoming a sanctuary city will flood services such as healthcare with undocumented migrants.

**Fact:** Only *municipally funded services*, such as shelters, food banks, police services, libraries and community centres, are included in sanctuary city policies.<sup>15</sup> In Canada, healthcare is provincially funded and therefore individuals must still prove their eligibility to receive such services. Many municipal services currently can be accessed without proof of status.<sup>16</sup>

A first step for cities considering to become a Sanctuary City could therefore be to inform undocumented migrants of the services they can already access without fear of detention or deportation.

**Misconception #2:** Sanctuary Cities are a safe haven for criminals, as it signals to undocumented migrants that 'illegal' behavior is condoned.

**Fact:** The Sanctuary City movement began through community policing initiatives, created to ensure that anyone could contact the police to report crime without fear of deportation. Sanctuary City policies therefore have historically been enacted to *reduce crime*.

Undocumented migrants accused of a crime are still referred to federal officials; Sanctuary Cities simply remove the policy of referring individuals to federal officials *unless they are suspected of committing a criminal offense*.

As access to police services is one of the primary concerns for undocumented migrants, it is important that any city that is considering to adopt Sanctuary City policies does so in close consultation with their municipal police partners.<sup>17</sup>

10. Lilian Magalhaes et al., 'Undocumented Migrants in Canada: A scope literature review on health, access to services, and working conditions', p. 2. Feb 2012. Available at: <http://1.usa.gov/1mhTEIW>.

11. Paul Culford, Associated Press: 'Illegal No More', Feb. 2013. Available at: <http://bit.ly/1IQmBIS>.

12. City of Toronto, 'Staff Report: Undocumented Workers in Toronto', Oct 2012. Available at: <http://bit.ly/1kJEycy>.

13. City of Hamilton, 'Access to Services for Undocumented Individuals', Feb 2014. Available at: <http://bit.ly/1qVwHMc>.

14. Hamilton Sanctuary City Coalition, 'Hamilton Declared a Sanctuary City', Feb 2014. Available at: <http://bit.ly/1r0HDsd>.

15. City of Toronto, 'Universal Access Poster', 2013. Available at: <http://bit.ly/1mhTp0w>.

16. Municipal services are generally available for all 'residents' of a city, which in many cases is defined in a city's Act of Incorporation.

17. Nicholas Keung, Toronto Star, 'Undocumented immigrants: Toronto may be a 'sanctuary city,' but agencies still ask about status', Aug 2013. Available at: <http://on.thestar.com/1j57VIE>.