ADMINISTRATIVE REPORT

Title: Access Without Fear

Critical Path: Citizen Equity Committee

AUTHORIZATION

Author	Department Head	CFO	CAO
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EXECUTIVE SUMMARY

This report provides research on Access Without Fear policies in the cities of Toronto, Hamilton, Vancouver and Montreal with respect to Paramedic and Police services, as requested by the Citizen Equity Committee.

The primary reason for any Access Without Fear policy is to ensure that city services are available to all residents, regardless of their immigration status. Specifically, such a policy may help to ensure that all city residents, including people without full immigration status, can access essential services (housing, water, garbage and recycling, emergency services, and more) without fear of being detained or deported.

With overlapping federal, provincial, and municipal responsibilities related to the development and enforcement of immigration laws in Canada, it is important that all levels of government be consulted when considering an Access Without Fear Policy for the City of Winnipeg.

It is also important to ensure that both the financial and human resources are in place when considering implementing a policy thus ensuring a meaningful and successful program.

RECOMMENDATIONS

1. That this report be received as information.

REASON FOR THE REPORT

With respect to Access Without Fear, at its November 20, 2017 meeting, the Citizen Equity Committee requested that Mr. Michael Jack, Corporate Support Services Officer, research the policies of the cities of Toronto, Hamilton, Vancouver and Montreal with regard to Paramedic and Police services and report back to the January 2018 meeting of the Citizen Equity Committee.

IMPLICATIONS OF THE RECOMMENDATIONS

N/A

HISTORY/DISCUSSION

The primary reason for an Access Without Fear policy is to ensure that city services are available to all residents, regardless of their immigration status. Specifically, such a policy may help to ensure that all city residents, including people without full immigration status, can access essential services (housing, water, garbage and recycling, emergency services, and more) without fear of being detained or deported.

The Public Service conducted research into the Access Without Fear policies of Toronto, Hamilton, Vancouver, and Montreal with regard to Paramedic and Police Services.

The City of Vancouver:

The City of Vancouver has a policy titled "Access to City Services Without Fear for Residents with Uncertain or No Immigration Status" (ACSWF) which was adopted by the Standing Committee of Council on Policy and Strategic Priorities on April 6, 2016.
(City of Vancouver Policy Report: http://council.vancouver.ca/20160406/documents/pspc3.pdf.)

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 levels 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 area of access to municipal services under the jurisdiction of the City.

The Policy applies to Fire and Rescue Services, Community Services, Utilities and Public Works, and General Government. This policy does not apply to Police, Parks or Library services as they are all governed by individual boards. However, the policy asks the Vancouver Police Board to adopt a policy which supports, within their respective mandates, the spirit and objectives of this policy.

Attached is a Report from the Vancouver Police Department to the Vancouver Police Board, dated May 27, 2016, in response to the City of Vancouver's Access Without Fear Policy which articulates the Police Department's position regarding the ACSWF policy. (See Attachment 1.)

According to the Globe and Mail, in March 2017, the Vancouver Police Department released a draft policy that is up for consultation.
(https://www.theglobeandmail.com/news/national/montreal-declares-itself-a-sanctuary-city-migrant-groups-say-its-symbolic/article34095122/)

City of Toronto:

In February 2013, City Council reaffirmed its commitment to ensuring that Torontonians, regardless of immigration status, have access to City services without fear of being asked for proof of status. “Access T.O. for Undocumented Torontonians” aims to improve customer service to this vulnerable population by ensuring that City staff have the necessary and relevant information needed to provide effective service. (“Access T.O. for Undocumented Torontonians” site: https://www1.toronto.ca/wps/portal/contentonly?vgnextoid=9dfc33501bac7410VgnVCM10000071d60f89RCRD.)

As highlighted within the above link, at its meeting of February 20 and 21, 2013, City Council adopted the following:

1. City Council re-affirms its commitment to ensuring access to services without fear to immigrants without full status or without full status documents.
2. City Council requests the Executive Director, Social Development, Finance and Administration (SDFA), to conduct an internal review, with community consultation, of City divisions, agencies and corporations, and to report on the following:
    a. a review of opportunities to improve access without fear;
    b. opportunities for City-funded agencies to improve access without fear;
    c. provide training for front line staff and managers to ensure that undocumented residents can access services without fear; and
    d. a complaints protocol and a public education strategy to inform Torontonians of City's policy.

In 2014, the City of Toronto reaffirmed its commitment to improving accessibility to programs and services in City-funded agencies, naming its sanctuary city policy “Access T.O.”

With regard to Police Services, in 2006, the Toronto Police Service Board (TPSB) received a report recommending, in part, that: “The Board adopt a policy directing that the Chief of Police develop procedures to ensure that victims and witnesses of crime shall not be asked their immigration status, unless there are bona fide reasons to do so.”

At its meeting on May 18, 2006, the TPSB approved a new Board policy entitled “Victims and Witnesses Without Legal Status”.

On February 16, 2007, the Toronto Police Service Governance adopted the Service Governance: A New Standards of Conduct, Section 1.35 “Persons Without Status”, which directs; *Victims and witnesses of a crime shall not be asked their immigration status, unless there are bona fide reasons to do so*.

On February 20, 2007, Service Procedure 05-04 entitled “Domestic Violence” was revised to include the definition for Bona Fide Reasons, and the Persons Without Status directive was included in the “Calls for Service” section of the procedure. (see “Toronto Police Service: Service Governance Pertaining to the Access to Police Services for Undocumented Torontonians” site: https://www.toronto.ca/legdocs/mmis/2015/cd/bgrd/backgroundfile-79357.pdf.)

Formally, Access T.O. is driven by the SDFA and an interdivisional City staff team referred to as the “Access to City Services for Undocumented Torontonians Working Group” (the Working Group). The SDFA convenes the Working Group at least once a year to share knowledge and determine “the most appropriate strategy to address this complex issue”. (see “Access to City Services for Undocumented Torontonian site: https://www.toronto.ca/legdocs/mmis/2014/cd/bgrd/backgroundfile-69193.pdf.)

The City of Toronto’s website, Access T.O., includes frequently asked questions”, identification requirements for City services, and a complaint protocol if one feels they have wrongfully been denied service.

In 2014, a Staff Training Pilot on Service Access was implemented. The City invited the FCJ Refugee Centre, a local CSO, to train 133 front-line and management staff from a) Shelter, Support and Housing Administration, b) Toronto Public Health, c) Toronto Public Library, and d) the members of the Access to City Services Working Group.

In February 2015, a public awareness campaign was launched to inform Torontonians of the City’s Access Without Fear policy position. SDFA and Strategic Communications developed and distributed hundreds of posters for public display in community centres, employment centres, libraries, and public health facilities.

The City of Hamilton:

The City of Hamilton declared itself a sanctuary city when its City Council approved a motion on February 12, 2014, that permitted undocumented immigrants access to city services without fear of being questioned on their immigration status. (City of Hamilton Community and Emergency Services Department Neighbourhood and Community Initiatives report dated February 10, 2014: http://www2.hamilton.ca/NR/rdonlyres/FDD884F4-9872-494C-A323-673E3A1E893A/0/Feb1081CES14003.pdf.)

As noted within the link above, the motion recommended specifically:

(a) That the City of Hamilton’s anti-racism staff training program entitled “Equipped to Serve” be revised to ensure that all staff support the City of Hamilton’s commitment to provide access to services without fear for immigrants without full status or without full status documents;
(b) That the City of Hamilton continue to work with the Hamilton Community Legal Clinic and other community stakeholders to develop a public education strategy to generate awareness regarding the issues that face immigrants without full status or without full status documents when accessing services in the community;
(c) That the City of Hamilton request the Federal government review its current Immigration and Refugee policies and programs and identify ways to better assist residents with undocumented status in Canada to regain their full status;
(d) That the City of Hamilton request that the Provincial government review its policies for all provincially funded programs to include residents of Ontario without full status or without full status documents.

This motion impacts public health, fire, recreation, transit and other services offered by the city. Hamilton Police Service, which is run by a separate board, at the time, needed time to review the motion and its implications.

In February, 2017, the Hamilton Police Service told “The Spectator” through a spokesperson that officers "subscribe to the letter and spirit of the (sanctuary city) policy" and a resident's status would never be "an impediment to service delivery in any way from a policing perspective … We will continue to provide policing services to all members of our community regardless of status." (https://www.thespec.com/news-story/7158445-steeltown-sanctuary-hamilton-is-among-the-few-sanctuary-cities-in-canada/.)

City of Montreal:

On February 20, 2017, the City of Montreal declared itself a sanctuary city through a motion of City Council. A copy of the declaration, translated to English by the Public Service, is included as Attachment 2.

The Montreal declaration resolved to offer access to city programs and services, including housing, to any person regardless of their legal status and it called upon the Federal and Quebec governments to follow suit.

The City of Montreal maintains the Newcomer Integration Office (Bureau d’intégration des nouveaux arrivants à Montréal, BINAM). Originally established in response to the 2016 intake of Syrian refugees, its mandate has since been expanded to include all migrants. The office mobilizes and coordinates city-wide efforts to successfully receive and integrate migrants, and ensures that municipal employees are aware of, and comply with, the sanctuary city designation.

More specifically, the declaration called for the following actions:

4. That City Council mandate the chief executive officer, the Bureau d’intégration des nouveaux arrivants à Montréal (BINAM), the social diversity department and financial services, to develop an action plan which, following engagement with the City’s various partners, will identify the following:

    a) opportunities to improve, for persons without legal status, access to services offered by the City and its partners, without fear of being denounced or deported;
    b) educational and training needs for front-line staff, so residents without legal status can access all the services offered by the City of Montréal without fear of being denounced or deported;
    c) a complaints protocol and a communication strategy, to inform the population of Montréal of the scope of the commitment of the City of Montréal to be a sanctuary city;

5. That the executive policy committee mandate the commission on public safety to develop, in partnership with the Montréal police service, a strategy that will enable a person without legal status and in a vulnerable situation to access municipal public safety services, without fear of being denounced to the immigration authorities or deported, except if this person is subject to a specific compliance order stemming from judicial proceedings, especially pertaining to criminal or safety matters;

As of the writing of this report, neither of these action plans/strategies have been brought forward to their Council.

At its meeting on June 12, 2017, Montreal City Council provided $50,000 in funding to Doctors of the World (Médecins du Monde) for the social assistance of non-status migrants, and those with precarious status, in support of its sanctuary city declaration.

Access Without Fear for The City of Winnipeg:

The Winnipeg Police Service (WPS) has considered the implications of such a policy. The WPS acknowledges the challenges that undocumented migrants face, both in the countries they have left, and here in Winnipeg. The WPS is generally supportive of all people within the city being able to access city services when needed, without fear of reprisal due to the legality of their immigration status.

The WPS is not able to support a policy which would suspend the application of any law, or provide a direction to ignore federal immigration rules. As an accredited municipal law enforcement agency, it would not be appropriate to adopt a blanket policy whereby police officers are directed or expected to ignore any law.

However, all WPS officers possess limited discretion regarding how or when some laws may be enforced. WPS officers are not tasked primarily with enforcing federal immigration laws, although the existence of such laws must always be considered as WPS officers exercise their duties.

Therefore, while the WPS desires and supports a city where no person is required to live in fear, the WPS does not support implementing a blanket policy which would require any type of waiver or amnesty from the application of any law, including federal immigration laws.

The Winnipeg Fire and Paramedic Service (WFPS) neither asks nor considers immigration status or ability to pay when called for service. Paramedics may ask for an individual's personal health identification number (PHIN) in the normal course of care and documentation. However, many clients do not have this information close at hand, and provision of service does not require this number. WFPS emergency services never require up-front or advance payment.

As mandated by the provincial government, ambulance fees charged directly to patients are declining steadily, and will continue until they reach $250. Clients who receive transport and/or treatment services are invoiced within five (5) business days of service. Payment is often made through one of a number of agencies that may be supporting individuals (Employment and Income Assistance, First Nations, etc.). Clients who pay the fees directly and are unable to pay the full amount are encouraged to contact the WFPS Finance Branch to make installment arrangements. These arrangements are typically interest-free.

Finally, emergency 911 service is available in several languages through the use of real-time translation services.

In Conclusion

With overlapping federal, provincial, and municipal responsibilities related to the development and enforcement of immigration laws in Canada, it is important that all levels of government be consulted when considering an Access Without Fear Policy for the City of Winnipeg.

It is also important to ensure that both the financial and human resources are in place when considering implementing a policy thus ensuring a meaningful and successful program.

FINANCIAL IMPACT

Financial Impact Statement **Date:** January 3, 2018

Project Name:

Access Without Fear

COMMENTS:
There is no financial impact associated with receiving this report as information.

original signed by
Tanis Yanchishyn
Manager of Finance (Campus)
Corporate Finance Department

CONSULTATION

This Report has been prepared in consultation with:

The Winnipeg Police Services
The Winnipeg Fire Paramedic Services

OURWINNIPEG POLICY ALIGNMENT

N/A

SUBMITTED BY

Department: Office of the Chief Administrative Officer
Division:
Prepared by: Janet Thomas
Date: December 2017
File No:

Attachments:

Attachment 1 – Vancouver Police Department Report to the Vancouver Police Board
Attachment 2 – Declaration to Designate Montreal a Sanctuary City

Attachment 1: Vancouver Police Department Report to the Vancouver Police Board



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Appendix 2: Declaration to Designate Montreal a Sanctuary City

15.01
Declaration
City Council meeting, February 20, 2017
DECLARATION TO DESIGNATE MONTRÉAL A SANCTUARY CITY

Whereas Montréal states its commitment to ensuring protection and access to services to whoever does not have a legal status and lives in the city, regardless of social status and of ethnic and religious background; and

Whereas Montréal is renowned for being open, just, fair and supportive; and

Whereas, since its beginnings, and in some of humanity's darkest times, Montréal welcomed several waves of refugees who contributed to its economic, social, and cultural development; and

Whereas the international movement of cities declaring themselves sanctuaries, such as Toronto, Vancouver, Hamilton, Los Angeles, San Francisco, and New York; and

Whereas the Government of Canada has reaffirmed its openness to welcoming refugees; and

Whereas the municipal administration has adopted the Montréal Declaration Against Racial Discrimination, on March 21, 1989, the Montréal Declaration for Cultural Diversity and Inclusion, on March 22, 2004, the Montréal Charter of Rights and Responsibilities, on June 20, 2005, and the Montréal Declaration on Living Together, in June 2015; and

Whereas the 22 members of the Federation of Canadian Municipalities' Big City Mayors' Caucus reaffirmed, on January 31, 2017, their commitment to welcoming refugees and other newcomers in their communities; and

Whereas the Conseil interculturel de Montréal expressed, on February 7, 2017, their wish for the municipal administration to turn Montréal into a sanctuary city;

Mayor Denis Coderre is proposing,
with the support of Dimitrios Beis and Mary Deros,
that the following be resolved:

That Montréal proclaim itself to be a sanctuary city and ensure the protection and access to municipal services to whoever does not have a legal status and lives in the city;

That Montréal give to every person, regardless of status, access to its programs and services, particularly in terms of housing;

That Montréal, as the second most important city in Canada in terms of immigration, participate and share its expertise and know-how with all the levels of government that will endeavour to socially include those without legal status;

That City Council mandate the chief executive officer, the Bureau d'intégration des nouveaux arrivants à Montréal (BINAM), the social diversity department and financial services, to develop an action plan which, following engagement with the City's various partners, will identify the following:

d) opportunities to improve, for persons without legal status, access to services offered by the City and its partners, without fear of being denounced or deported;

e) educational and training needs for front-line staff, so residents without legal status can access all the services offered by the City of Montréal without fear of being denounced or deported;

f) a complaints protocol and a communication strategy, to inform the population of Montréal of the scope of the commitment of the City of Montréal to be a sanctuary city;

That the executive policy committee mandate the commission on public safety to develop, in partnership with the Montréal police service, a strategy that will enable a person without legal status and in a vulnerable situation to access municipal public safety services, without fear of being denounced to the immigration authorities or deported, except if this person is subject to a specific compliance order stemming from judicial proceedings, especially pertaining to criminal or safety matters;

That City Council ask the federal government to implement a program designed to provide legal status to undocumented residents, and to forward a letter to this effect to the government and opposition parties;

That City Council ask the Government of Québec to review its policies on provincially-funded services for undocumented residents in order to make it easier for them to access health care, emergency services, and community housing, and support residents without legal status;

That City Council forward this declaration to the federal government, the Québec government, the Federation of Canadian Municipalities, the Union des municipalités du Québec, and the Fédération québécoise des municipalités, and encourage the member cities of those authorities to follow their lead;

That City Council forward this declaration to the Observatoire international des maires sur le Vivre ensemble so they share it with the member cities.