



## STAFF REPORT ACTION REQUIRED

### Access to City Services for Undocumented Torontonians: Progress of the Access T.O. Initiative

<b>Date:</b>	November 10, 2015
<b>To:</b>	Community Development and Recreation Committee
<b>From:</b>	Executive Director, Social Development, Finance and Administration
<b>Wards:</b>	All
<b>Reference Number:</b>	AFS # 20866

#### SUMMARY

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In June 2014, Toronto City Council reaffirmed its commitment to serve all Torontonians, including those who are without status or status documents. Council requested City staff to find ways to improve access to City services for undocumented Torontonians and to provide an update in 2015.

Twenty-one City divisions and agencies worked together to develop and implement the Access T.O. Initiative, which included information, training and capacity-building measures. In October 2015, a community-based, third-party service audit was undertaken on behalf of the City and revealed that despite program-specific customer service information and a training pilot for City staff, City divisions and agencies need to make further efforts in order for front-line staff to consistently and accurately serve undocumented Torontonians.

Community feedback has also identified Toronto Police Service as one important municipal service area requiring focused further clarity about service access.

## **RECOMMENDATIONS**

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The Executive Director, Social Development, Finance and Administration recommends that:

1. City Council direct City divisions, agencies and corporations to review their approaches to customer service and direct staff to use the Access T.O. resource materials to ensure they provide accurate and helpful customer service consistent with Council's commitment to access to City services for undocumented Torontonians; and,
2. City Council request the Executive Director, Social Development, Finance and Administration to work with the Toronto Police Service to clarify and articulate:
  - a) Police procedures to ensure victims and witnesses of crime will not be asked about their immigration status;
  - b) The *bona fide* law enforcement reasons that would require the Toronto Police Service to ask about immigration status;
  - c) Police mechanisms to encourage victims and witnesses of crime to come forward without fear of exposing their status; and
  - d) Report back to Community Development and Recreation Committee in first quarter 2016.

### **Financial Impact**

There are no financial implications resulting from the adoption of this report. The Deputy City Manager and Chief Financial Officer has reviewed this report and agrees with the financial impact information.

### **Equity Impact**

Under the City of Toronto Act, the City has a responsibility to serve the inhabitants of Toronto. In 2013 and 2014, Council confirmed that this responsibility includes Torontonians without full status or full status documents, and committed to ensuring that they should have access to City services without fear of reprisal with respect to status.

Access T.O. was developed to provide City staff with the necessary tools to improve undocumented Torontonians' access to the municipal services for which they are eligible. By increasing service access without fear, a vulnerable population of Torontonians will access many of the programs and services they need to improve their quality of life.

### **DECISION HISTORY**

In February 2013, City Council affirmed its commitment to ensuring access to services without fear to Torontonians without full status or without full status documents. City Council also directed staff to review the City's services and identify opportunities for

residents to access City services without fear of being asked for personal identification that's not required for the service.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2013.CD18.5>

In June 2014, City Council reaffirmed its commitment to serve all Torontonians. The Executive Director, Social Development, Finance and Administration (SDFA) was requested to report back to the Community Development and Recreation Committee on the implementation strategy for undocumented Torontonians to access City services without fear.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2014.CD29.11>

In June 2015, City Council adopted the report, "Toronto Police Service: Service Governance Pertaining to the Access to Police Services for Undocumented Torontonians" (CD4.2). City Council requested the Chair, Toronto Police Services Board, to report back to Community Development and Recreation Committee in fall 2015 on statistics related to the number of undocumented residents reported by the Toronto Police Service to the Canada Border Services Agency (CBSA); any protocols or agreements that exist between Police and CBSA; and on the practical implementation of the Access without Fear Policy.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2015.CD4.2>

## ISSUE BACKGROUND

In February 2013, and in June 2014, Toronto City Council affirmed its responsibility to serve all Torontonians, including those who are without status or status documents. There are approximately 20,000 to 500,000 undocumented people living in Canada,<sup>1</sup> and it is estimated that as many as 50% of these may reside in Toronto.<sup>2</sup>

As a municipality, it is not within the jurisdiction of the City of Toronto to monitor undocumented persons. In fact, under privacy legislation, the City must not request information regarding immigration status unless required to do so by another order of government. This means that most municipal services are accessible to all Torontonians, irregardless of immigration status. Accordingly, Council has taken a proactive policy position committing to ensuring that undocumented Torontonians have access to City services without fear. Council further directed staff to take a proactive approach to review current service provision and identify opportunities to increase accessibility to City services for undocumented Torontonians.

In response, the Access to City Services Working Group, comprised of 21 key City divisions, agencies and corporations, implemented the Access T.O. Initiative to support the City's commitment. Over the past year, the Access T.O. Initiative has developed and

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<sup>1</sup> Goldring, L., Berinstein, C., Bernhardt, J. (2009). "Institutionalizing Precarious Immigration Status in Canada." *Citizenship Studies*, 13(3), 239-265.

<sup>2</sup> Magalhaes, L., Carrasco, C., Gastaldo, D. (2010). "Undocumented Migrants in Canada: A scope Literature Review on Health, Access to Services and Working Conditions." *Journal of Immigrant & Minority Health*, 12(1), 132-151.

implemented program-specific customer service information and a training pilot for City staff. Externally, a public awareness campaign was conducted.

To assess the effectiveness of these efforts the City contracted with a community-based, third-party to undertake a Service Access Audit, completed in October 2015. The Service Access Audit confirmed community feedback about City efforts to date – that while progress has been made, the City still has work to do to ensure a consistent and informed approach by front-line staff in providing services to undocumented Torontonians.

Further community feedback has also indicated that an important municipal service area requiring greater rule clarity, relationship building with community stakeholders, and a larger public policy dialogue to be consistent with the City's access without fear policy position, is the Toronto Police Service.

## **COMMENTS**

### **Program-Specific Customer Service Information**

Social Development, Finance and Administration (SDF) and Strategic Communications worked with other City programs to develop program-specific customer service information that:

- Informed staff of Council's direction to provide services to all Toronto residents, regardless of status (where possible),
- Provided clarity for City staff about the circumstances under which they may ask for and collect personal information from residents; and
- Specified the appropriate personal identification that should be collected if identification is required to access those services.

The City Manager communicated to all program areas Council's commitment to service access in June 2014. Division heads were asked to orient their staff to the program-specific information posted on the internal City website so that front-line staff have the knowledge and resources they needed to provide efficient and effective service.

### **Staff Training Pilot on Service Access**

In 2014, FCJ Refugee Centre, a community agency that has extensive experience working with non-status and precarious migrant populations, received City grant funding under the Access, Equity and Human Rights investment program to develop and deliver an information and training session for Toronto agencies and front-line workers from a lived experience perspective. The training pilot, *Breaking Barriers, Gaining Access*, used community voices to help staff better understand the issues of undocumented Torontonians and identify ways to improve access and service delivery for non-status individuals and precarious migrants.

FCJ trained 133 front-line and management staff from Shelter, Support and Housing Administration, Toronto Public Health and Toronto Public Library, and the members of the Access to City Services Working Group. The training helped staff to better

understand the concerns of undocumented Torontonians and the implications of certain customer service approaches. The training also helped community participants learn about City services that are accessible to all residents of Toronto, but not common knowledge to the public. FCJ Refugee Centre identified that a majority of the participants were not aware of the Access T.O. Initiative.

### **Public Awareness Campaign**

Starting in February 2015, a public awareness campaign to inform Torontonians of the City's access without fear policy position was implemented. SDFa and Strategic Communications developed and distributed hundreds of posters for public display in community centres, employment centres, libraries, and public health facilities. Posters were distributed to community organizations, shared with residents directly, and were included in the City's seasonal recreational program guide accessed by many Torontonians across the city. In August 2015, two hundred large-scale posters were on display for four weeks on the City's Astral transit shelters.

Access TO information was added to the City's website ([www.toronto.ca/accessTO](http://www.toronto.ca/accessTO)), including a complaints protocol about customer service treatment or service refusal. A resident can now make a complaint: (1) to the service division directly or 311 by phone or online; (2) to the City's Human Rights Office about a discrimination-based complaint; or (3) to the Ombudsman's Office.

### **Service Access Audit**

In October 2015, SDFa engaged FCJ Refugee Centre to conduct an audit to evaluate the progress of City divisions in understanding and complying with the Access T.O. initiative when providing customer service to undocumented Torontonians. FCJ identified and trained six young adults to act as auditors. The auditors conducted 80 audits by phone. The Service Access Audit process is attached in Appendix A.

The audit focused on the following the following services: childcare, emergency shelter, employment, grant funding, housing, licenses and permits, library and recreation programs, police services and public health. These service areas represented the most common types of municipal services that undocumented Torontonians need to access.

The numbers of audits for each service area varied based on FCJ's understanding of the frequency with which undocumented Torontonians seek to access different City services. The Audit is not statistically valid and was not intended to be a comprehensive assessment of City performance, but rather a quick touch point on the level of impact of the Access TO Initiative. The Audit was designed to assess both accuracy and customer service behavior.

Table 1 provides a summary of audit results by level of accuracy and level of customer service.

**Table 1: Summary of Audit Results**

	Findings
<b>Total # of Audits</b>	<ul style="list-style-type: none"><li>▪ 80 Municipal service audits completed</li><li>▪ 7 audits of non-municipal services (education and food banks)</li></ul>
<b>Level of Accuracy of Information Provided</b>	<ul style="list-style-type: none"><li>▪ High Level of Accuracy: 6 City responses (8%)</li><li>▪ Moderate Level of Accuracy: 40 City responses (50%)</li><li>▪ Low Level Accuracy: 34 City responses (42%)</li></ul>
<b>Level of Customer Service Provided</b>	<ul style="list-style-type: none"><li>▪ High Level of Customer Service: 41 City responses (51%)</li><li>▪ Moderate Level of Customer Service: 0</li><li>▪ Low Level of Customer Service: 39 City responses (49%)</li></ul>

### **Audit Findings**

Based on the Audit, the City has work to do in improving both accuracy and customer service when responding to undocumented Torontonians. The Audit has just been completed and not yet reviewed by the staff working group or City divisions. City divisions will consider the audit findings and comments to improve service delivery for undocumented Torontonians.

Overall, enquiries regarding children's services, grant funding, licenses and permits, library services, housing access/services, and recreation programs were reported as moderate to high, while emergency shelter, employment services, public health and police services were either reported as low or not measured.

Across City divisions, and even within some divisions, front-line staff were reported to have inconsistent knowledge about the City's access without fear policy commitment. It appears, based on the audit, that many are inadequately informed and therefore may provide inaccurate information that can result in undocumented Torontonians being denied services for which they are eligible.

It was reported that front-line staff provided a different level of service when auditors identified themselves as a local resident than when they identified themselves as a community agency inquiring about the same service. Auditors reported City staff were patient and helpful when they identified themselves as working with FCJ, but not so when they called as an individual resident. Some auditors reported receiving disrespectful service that left them feeling frustrated and powerless.

Some front-line staff were helpful in suggesting other services that may support the caller. Many staff appear to lack the knowledge to provide referrals to other service areas, such as contacting 211 or 311. Auditors appreciated the curator service efforts of City staff who tried to offer help, even if callers were ineligible for their own service.

The auditors did not contact Central Intake for emergency shelters, or the Toronto Police Service non-emergency line to complete the audit.

### **Access without Fear to Toronto Police Service**

Some community members continue to fear accessing police services despite the May 2006 Toronto Police Services Board policy amended November 2010, affirming the Board's commitment to "ensuring that undocumented residents have equal access to policing services without the fear that contact with police will lead to inquiries about their immigration status."<sup>3</sup> The policy affirms that the Chief of Police will develop procedures to ensure victims and witnesses of crimes will not be asked about immigration status, as well as mechanisms to encourage victims and witnesses to come forward without fear of exposing status.<sup>4</sup>

Community feedback has indicated that there needs to be further clarity on what undocumented Torontonians can expect when accessing Toronto Police Service as a victim or witness. The Toronto Police Service (TPS) and the City of Toronto have a mutual interest in protecting victims from greater victimization. However, community concerns remain considering that the "don't ask" commitment under the TPS Board policy is qualified by "bona fide law enforcement reasons" to ask about immigration status. Currently, if police learn that a warrant exists for a person based on status, they have a positive duty to execute the warrant. Once a warrant based on status is executed, what happens is no longer a Toronto police issue but a federal public policy issue.

To meaningfully meet their commitment to serve victims and witnesses without fear, the City and the Service need clear procedures to ensure undocumented Torontonians can call police when they need help. The federal government may also wish to review policies related to undocumented Canadians, and the impact these policies have "on the ground". An individual experiencing violence in Toronto may make a rational decision not to seek help because of a fear of being deported back to a situation that is, at the very least, perceived to be even more dangerous.

### **Next Steps to Improve Service Access**

Social Development, Finance and Administration (SDFFA) has begun conversations with the Toronto Police Service to better understand the circumstances that would constitute *bona fide law* enforcement reasons for police to ask about immigration status and the procedures and mechanisms in place to protect undocumented victims and witnesses. The results of these discussions will be reported to Community Development and Recreation Committee and to the Toronto Police Services Board in first quarter 2016. Depending on the outcome of this review the access without fear policy position may need to be adjusted accordingly.

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<sup>3</sup> Toronto Police Services Board, Victims and Witnesses Without Legal Status, Minute No: P140/06 and Minute No: P292/10.

<sup>4</sup> Toronto Police Services Board, Victims and Witnesses Without Legal Status, Minute No: P140/06 and Minute No: P292/10.

SDFA will continue to work with Strategic Communications, Human Resources and City divisions and agencies to ensure that front-line service providers are fully aware of the Access T.O. Initiative. City staff should refer to these resources so they can provide accurate and helpful customer services about identification and eligibility requirements to those seeking municipal services.

The Access to Services Working Group will also examine the detailed audit report for other ways to proactively provide increased customer service. This will include providing the public with a complete list of all City services that are offered to undocumented persons and more clearly articulating to residents the service experience they can expect to have when interacting with various City services.

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## **SIGNATURE**

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## **ATTACHMENTS**

Appendix A: Service Access Audit Process



## **Appendix A Service Access Audit Process**

### **Methodology**

FCJ Refugee Centre conducted a two-hour orientation and training session with six young adults who would audit a range of City services. The training focused on the Access T.O. Initiative, the purpose of the audit, overview of the audit questionnaires, and capturing results. The auditors were supported through role plays based on the random test calls/site visits they would be completing. Questionnaires were designed to reflect the three pillars of the Access T.O. Initiative: identification, documentation, and information sharing.

The audits would be conducted primarily through phone calls, with a few in-person visits.

### **Key Performance Indicators:**

- Information accuracy
- Staff knowledge of service identification requirements regarding immigration status
- Staff awareness of the data protection
- Overall customer service experience

### **Guidelines for the Auditors**

- Each auditor is able to select the type of City service they want to audit based on their own experience, with the proviso that:
  - Each auditor make at least 15 inquiries for at least four different types of City services;
  - Each auditor make at least one phone call to 311
  - Each auditor make at least one phone call to Central Intake for emergency shelter;
- Each enquiry must be made politely, aiming to have an amicable conversation;
- Each enquiry must be made in a non-biased manner, ensuring that the approach was not influenced by previous experiences, phone calls, or visits to a specific City service area; and,
- Each auditor must complete the questionnaires fully.

### **Reporting**

Social Development, Finance and Administration required an audit report to be submitted containing the audit findings, observations from the auditors, and opportunities for City service improvement.