

Solidarity City Network: Policy Brief
February 15, 2013

CRDC Motion 18.5: ACCESS WITHOUT FEAR

Background

- On January 31st the Community Development and Recreation Committee unanimously passed Motion 18.5, detailing a comprehensive action plan to address the growing number of undocumented people in Toronto.
 - The motion includes a review of city services and existing Access Without Fear policies, frontline training for city staff regarding implementation, requirements for all city funded agencies to enforce these policies, and advocacy with the provincial and federal governments regarding services and immigration status.
 - Although this motion comes from a precedent motion in 2007 that has faced implementation problems, Toronto would be a groundbreaker among Canadian cities if this motion passes, at minimal cost to the city.
- This motion was encouraged by community mobilization from a broad spectrum of service providers, immigrant and refugee community organizations, and concerned citizens.

Issue

- Canada's immigration system is now admitting more people on temporary visas than as permanent residents, and this is a major change in the immigration system since the last 30 years. Many people are in a position of *losing their immigration status over time*, and are made undocumented after they have come to Canada legally. This was not a pervasive problem in the past.
- Undocumented people pay taxes but cannot access most services while working and living in the city under increasingly dangerous conditions, including:
 - Children born in Canada whose parents are having status problems finding themselves unable to attend schools and daycares.
 - Many people finding out at the emergency room that they cannot access necessary health services because of an unexpected change of visa status.
 - Women in seriously abusive relationships are hesitant to use anti-violence against women shelters because of minor immigration status issues.
- This fear spreads deep into communities where status is a problem, making people fearful of accessing all services because of immigration enforcement. This situation has been produced by federal immigration changes, but makes communities in the city much more precarious and unhealthy.
 - This affects the city as a whole not only because of the devastating social impacts of fears around immigration status, but hurts employment and economic prospects that hold Toronto back as a global city.

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- This is not new to Toronto – in 2007, similar policies were passed but not fully implemented. The lessons learnt from those earlier attempts at Access Without Fear policy are the reason these new motions are on the table. 31 cities in the United States, including San Francisco and Chicago, have passed “sanctuary” – or access without fear – policies to address very similar situations.

QUESTIONS AND ANSWERS

Why can't undocumented people follow immigration laws?

- Most undocumented people in Toronto have lost immigration status they had at one point, because of complicated changing immigration regulations that make status much more difficult to maintain. 30 years ago, most immigrants received permanent residency quickly. Today, this is much more difficult to achieve.
- People have personal and professional relationships, including children, family members, friends, and colleagues that are not easily abandoned. Many fear returning to their countries of origin for many complex reasons – their lives are here now, and they are part of our communities.

Why should the City of Toronto support undocumented people?

- To increase public safety. For example, potential witnesses and victims of crime may be reluctant to come forward to report crimes because of fear of immigration enforcement.
- The trust between many immigrants and local authorities are tenuous and fears around accessing basic services exacerbate the negative relationships.
- The stability of communities is part of why Toronto succeeds as a diverse global city. Where fear of deportation is common, many people do not access services that support the health of their communities, and the city suffers economically and socially as a result.

Are there not problems with criminality? (Aren't undocumented people criminals?)

- Criminal law and immigration law are completely separate in Canada's legal system, and for good reason.
- Immigration law involves bureaucratic planning for target labour market growth, family reunification, and humanitarian commitments. Criminal law covers acts described under the Criminal Code. Immigration law and criminal law do not overlap and there is no supporting evidence to claim that undocumented people are more prone to be “criminals” as defined by the Criminal Code.
- Since most undocumented people live in fear of detention, deportation or getting fired from their precarious employment, they are less likely to break the law due to these fears.

Aren't undocumented people stealing jobs from Torontonians?

- While Ontario's economy does not depend entirely on undocumented workers, many low-wage occupations do rely on migrant (documented and undocumented) labour for stability and growth.
- Undocumented workers get employed by fellow Torontonians in jobs like cleaning and janitorial services, domestic work, construction, hospitality and food services – many in low-paying and precarious types of positions. They are also concentrated in strenuous or hazardous jobs – they do the jobs that Torontonians do not want to do and employers have difficulty in attracting workers.

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- In this sense, they stabilize businesses since they are willing to do work that other Torontonians do not want to do, and are committed to the job more than other workers who may leave such unwanted work as soon as possible.

Do undocumented people pay taxes?

- Most workers who are not yet permanent residents receive paychecks with payroll taxes and Employment Insurance contribution already deducted, but these workers are unable to access many programs they pay into.
- Undocumented people pay property taxes through the rent they pay.
- They pay HST when they purchase goods and services in the city among other taxes, like any other Torontonian.

Other Recommended Sources

- 1) City of Toronto Staff Report (October 22 2012). "Undocumented Workers in Toronto". Available at: <http://www.toronto.ca/legdocs/mmis/2013/cd/bgrd/backgroundfile-55291.pdf>
- 2) Berinstein, C., McDonald, J., Nyers, P., Wright, C., & Zerehi, S. (2006). "Access Not Fear": Non-Status Immigrants and City Services. Retrieved September 24, 2012, from: https://we.riseup.net/noii_toronto/access-not-fear-non-status-immigrants+39800
- 3) McDonald, J. *et al.* 2004. "The Regularization of Non-Status Immigrants in Canada". Retrieved February 1, 2013 from: <http://action.web.ca/home/narcc/attach/The%20Regularization%20of%20Non-Status%20Immigrants%20in%20Canada%201960-2004.pdf>
- 4) Metcalf Foundation. (2012). "Made in Canada: How the Law Constructs Migrant Workers' Insecurity." Retrieved October 19, 2012 from: <http://metcalffoundation.com/publicationsresources/view/made-in-canada/>
- 6) Community Social Planning Council of Toronto. 2008. "The Right to Learn: Access to Public Education for Non-Status Immigrants". Retrieved February 1, 2013 from: <http://www.socialplanningtoronto.org/reports/the-right-to-learn-access-to-public-education-for-non-status-immigrants/>
- 7) Goldring, L., Berinstein, C., Bernhardt, J. (2009). "Institutionalizing Precarious Immigration Status in Canada." *Citizenship Studies*, 13(3), 239-265.