

Refugees, Refugee Claimants and Undocumented Torontonians - Recent Trends and Issues

Date: March 30, 2017

To: Community Development and Recreation Committee

From: Executive Director, Social Development, Finance and Administration

Wards: All

SUMMARY

Over the past decade, there have been significant fluctuations in the number of newcomers to Toronto. From a considerable decline some five years ago, there has been a marked increase in arrivals in 2015 and 2016. While immigration policy is under federal and provincial jurisdiction, municipalities play a key role in how immigrants settle and integrate. Making appropriate municipal service adjustments will contribute to a faster and more efficient settlement experience.

This report provides an update on recent trends related to the refugee, refugee claimant and undocumented populations in Toronto, and the related impacts on City services, in particular the emergency shelter system. It also seeks to clarify the different categories of this population, and their eligibility to receive City services.

RECOMMENDATIONS

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

1. City Council authorize the Executive Director, Social Development, Finance and Administration to extend the funding agreement with WoodGreen Community Services until March 31, 2019, to continue with the operation of the H.O.M.E. portal and expand its client base to include refugees and refugee claimants in the City's shelter system;
2. City Council direct the Executive Director, Human Resources, and the Executive Director, Social Development, Finance and Administration to create a mandatory training program to inform, educate and train all appropriate City staff and volunteers regarding access to City services for undocumented Torontonians; and,

3. City Council direct the Executive Director, Social Development, Finance and Administration to work with City divisions and community partners to conduct regular community audits to assess the City progress in providing customer service that is consistent with Council's commitment as a Sanctuary City.

FINANCIAL IMPACT

There are no financial implications resulting from the adoption of this report, as funding is included in the 2017 Approved Operating Budgets for City Programs and Agencies and Corporations to provide community support through the co-ordinated activities of Access T.O. Working Group.

The funding agreement with WoodGreen Community Services will provide \$0.165 million gross, \$0 net, with \$0.020 million gross \$0 net included in the 2017 Approved Operating Budget for Social Development, Finance and Administration, available from the Tax Stabilization Reserve Fund and Administration; and \$0.145 million gross \$0 net included in the 2017 Approved Operating Budget for Shelter, Support and Housing Administration, fully funded by the Homelessness Partnering Strategy (HPS) federal grant.

Funding for the 2018 - 2019 period of \$0.255 million gross and \$0 net is included in the Outlooks for Shelter, Support and Housing Administration, and is fully funded by (HPS), and will be subject to Council approval through the future year budget review process, with the funding limited to the amount identified in the agreement.

The Deputy City Manager and Chief Financial Officer has reviewed this report and agrees with the financial impact information.

EQUITY IMPACT

Refugees, refugee claimants and undocumented Torontonians face barriers that may challenge their ability to access municipal and other services. In 2013, Toronto City Council approved the Toronto Newcomer Strategy, as well as Access to City Services for Undocumented Torontonians in recognition of the important role the City of Toronto plays in providing supports to all Torontonians. Targeted efforts will ensure that these vulnerable groups are able to access programs and services and improve their quality of life in Toronto.

DECISION HISTORY

Since February 2013, Council has made a number of decisions to proactively support the settlement and integration of Toronto's newcomer and undocumented populations.

Newcomers:

In February 2013, City Council approved the mission, vision and guiding principles contained in the Toronto Newcomer Strategy:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2013.CD18.7>

In October 2015, City Council approved the City of Toronto Refugee Resettlement Program, and a one-time allocation of \$0.600 million from the Tax Rate Stabilization Reserve (XQ0703) to fund the settlement program:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2015.EX8.39>

In February 2016, City Council approved a one-time allocation of \$0.220 million from the Property Tax Stabilization Reserve for the purposes of the Syrian Resettlement Program, for Syrian youth integration work and public education campaign:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2016.EX12.2>

In November 2016, City Council approved the continued implementation of the Refugee Resettlement Program approved by City Council at its meeting on September 30, October 1 and 2, 2015, with the addition of the Syrian Youth component described in the report (October 5, 2016) from the Executive Director, Social Development, Finance and Administration:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2016.CD15.5>

Undocumented Torontonians:

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>

In December 2015, City Council adopted the report, "Access to City Services for Undocumented Torontonians: Progress of the Access T.O. Initiative" (CD8.4). The report provided an up-date to Access T.O and outlined the results of an audit that was conducted.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2015.CD8.4>

In January 2017, City Council re-affirmed Toronto as a Sanctuary City where all residents have full rights to access City services without fear, regardless of their immigration status (MM24.23).

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2017.MM24.23>

COMMENTS

Refugee Torontonians

While immigration policy is under federal and provincial jurisdiction, ensuring successful settlement and integration of newcomers is of significant interest to municipalities. With a newcomer population of more than 600,000, immigration is one of the key factors of influence on Toronto's economic, social and cultural prosperity.

In 2015 and 2016, there has been a significant increase in the number of newcomers arriving to Toronto. This increase followed a period of a decline in new arrivals, and has brought us closer to previous levels. The following are some highlights:

- **Permanent Residents:** Between 2012 and 2015, the number of permanent resident admissions to Toronto increased from 42,710 to 59,770 (approximately 35%). This is still considerably less than the average of 80,000 a year from late 1990s and early 2000s.
- **Resettled Refugees:** In 2016, Toronto received more than 6,000 resettled refugees. This is more than double the average annual rate from the last ten years. The greater majority of the resettled refugees are originally from Syria.
- **Refugee Claimants:** The number of refugee claimants has also been on the increase. National and provincial statistics suggest an increase of 40% from 2015 to 2016. While official data for Toronto is not readily available, this change is evident in the City's shelter system as well as offices of Toronto Employment and Social Services (TESS). As with other categories, this increase reverses a trend of a significant decline. The current levels are still far from those from 1990 and early 2000s.

Numerous factors play a role in these fluctuations, including global developments, regional political situations, and local economic opportunities and support systems. In late 2016 and early 2017, the trend of increase continued. Although a fraction of the overall newcomer population, the increase in the number of refugee claimants has attracted a particular attention.

A Glossary of Terms is provided in Appendix A.

Starting in early 2016, there has been a sharp increase in the number of refugee intakes in the City's shelter system. From an average of approximately 400 intakes per month,

the number grew to more than 800 at the beginning of 2017 (more than 100% increase). Despite adding close to 400 beds into the system in the last three months, the overall occupancy of the City's shelter system continues to exceed the Council recommended 90% rate.

While the shelter intake process does not necessarily distinguish between refugees and refugee claimants, considering the source countries and that these are new arrivals to Canada, it is very likely that the majority of the refugee intakes are in fact refugee claimants.

Over the same period, there has been a gradual increase in the number of refugee claimants in Toronto receiving Ontario Works (OW). As immigration status is an important determinant of eligibility to receive OW, these statistics are more precise. From approximately 8,000 cases at the beginning of 2016, there are now close to 10,000 OW recipients who are refugee claimants (approximately a 25% increase).

For greater clarity, a Glossary of Terms has been provided as an attachment (Appendix A). For the City's purposes and to avoid misunderstanding, the term "refugee" is most appropriately used when a person has been recognized as "a refugee" by the Canadian government. Refugees have the same rights to access government services as permanent residents or citizens (other than the right to vote). A refugee claimant, on the other hand, is a person that has applied for refugee protection status while in Canada and is waiting for a decision on their claim from the Immigration and Refugee Board of Canada. Refugee claimants do not have the same rights to access government services.

Whether these new clients are refugees or refugee claimants does not play a role in their eligibility to receive shelter accommodation, and both groups are eligible to receive OW. But their immigration status is relevant for future case planning and management, and will determine if they are eligible to receive other supports that are provincially or federally funded. Generally, unlike refugees, refugee claimants are only eligible to receive provincially- and municipally-funded services, not federally-funded services. Other than the health coverage through the Interim Federal Health Program, refugee claimants are not eligible to receive federally-funded services.

In addition to adding a considerable number of new shelter beds, City staff have taken other actions to try and meet the increasing need:

- Negotiated agreement with WoodGreen Community Services to continue with the operation of the H.O.M.E. portal for another two years, and to expand its client base, currently restricted to Syrian refugees, to include refugees and refugee claimants in the City's shelter system, pending Council approval. Originally funded through the City's Refugee Resettlement Program, the portal has successfully engaged 99 landlords, offering 423 housing units. 86 of the units have been rented to Syrian newcomers. If Council approves the extension to 2019, WoodGreen will continue promoting the Portal to the landlords in Toronto, maintaining the H.O.M.E. Housing Registry, and will assist refugees and refugee claimants in the City's shelter system with a proactive search of housing. The total amount of funding for this work over the extended two years is \$420,000.

- Continued chairing the two committees established as part of the City's Refugee Resettlement Program to mobilize and keep the external and internal partners informed, the Inter-Agency Task Force and the Inter-Divisional Workgroup. The Toronto Newcomer Office increased the frequency of meetings since late 2016 and expanded on the mandate to include all refugee claimants.
- Involved the Newcomer Leadership Table in discussing and analysing trends, including a review of immigrant and refugee children in schools.
- Established a partnership between TESS and COSTI Immigrant Services, to facilitate a seamless transition of Syrian Government-Assisted Refugees to OW, from the financial support they have received from the federal government for their first year in Canada. Approximately 160 families, or 650 people have transitioned to OW. As they are permanent residents, their numbers are not included in the statistics provided above.

Municipal Role and Federal/Provincial Policy Influence

According to the UN Refugee Agency, UNHCR, there are more than 21.3 million refugees currently in the world, with 86% of them being hosted by developing countries. Canada has admitted 46,321 refugees in 2016, a record number for the past several years. In addition, there were 23,833 new asylum applications recorded in Canada during 2016, a 21% increase comparing to 2015.

Recent media reports about irregular border crossing from the U.S. have renewed concerns related to the Safe Third Country Agreement between Canada and the United States, with many calling for its suspension. However, the situation has been rapidly changing, often shifting from day to day.

In such a rapidly changing situation and with insufficient information, it is too early to draw conclusions and seek significant policy change. At this time, the City's focus should remain on what is within its scope of influence and expertise - ensuring access to municipal services and supports for all residents of Toronto, regardless of immigration status.

Undocumented Torontonians

There is also growing concern and interest in another population of Toronto residents, undocumented Torontonians, people who are not authorized to enter and/or remain in Canada under the Immigration and Refugee Protection Act (IRPA). An undocumented person may have a legal and valid document from the national government of another country, but lack federal documentation in Canada.

In 2014, City Council adopted Access to City Services for Undocumented Torontonians (Access T.O.), directing staff to identify opportunities for residents to access City services without fear of being asked for personal identification unless specifically required by either provincial or federal legislation, policies or agreements. The Access T.O. policy is also referred to as "Sanctuary City."

Earlier this year, City Council once again re-affirmed Toronto as a Sanctuary City where all residents have full rights to access City services regardless of their immigration status. In light of geopolitical events in North America, there has been growing concern about the undocumented population in the United States and whether Toronto is currently seeing an increase. Given the vulnerability of this population, current statistics are not readily available. However, through its partnership with community based agencies like FCJ Refugee Centre, the City's Access T.O. Working Group does collaborate to better understand changing needs, ongoing concerns, and potential solutions. FCJ Refugee Centre states that their services to refugees, refugee claimants and undocumented persons have increased by at least 30% over the past six months. The services their clients are trying to access are related to shelter, health, education for minors, and information related to Canada's immigration process.

The Access T.O. Working Group, comprised of 21 City divisions, agencies and corporations, have been collaborating since 2012 to determine changes to City policies to meet the service needs of undocumented Torontonians. The focus of the work in the past two years has centred on: staff training; community awareness; and compliance assessment.

Staff Training

Approximately 175 City and community staff were trained by FCJ Refugee Centre, including:

- 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 Working Group; and,
- 42 community agency staff.

Community Awareness

Awareness materials were developed and distributed across the city to publicize the Access T.O./Sanctuary City policy direction and to clarify which City services are fully accessible to undocumented Torontonians, including:

- Approximately 800 public-facing posters distributed to City divisions and their public locations;
- 500 public facing post cards printed and distributed to community partners to share with their clients, and distributed at City events;
- 500 City staff posters printed and distributed to hang inside City workplaces; and,
- 250 posters posted in TTC transit shelters across Toronto.

Compliance Assessment

In fall 2015, Social Development, Finance and Administration, the City division leading Access T.O, engaged FCJ Refugee Centre to conduct a community audit to evaluate the City's progress in implementing the Access T.O. policy for undocumented Torontonians, including:

- 80 municipal service audits focused on: 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; and,

- 7 audits of non-municipal services (education and food banks).
- The results of the audit indicated that an ongoing lack of information and understanding led to the inconsistent application of the Access T.O. policy among City staff.

Since the audit, each member of the Access T.O. Working Group agreed to: verify that the correct poster was on display at their work premises; re-engage their senior management for leadership on the policy and its' implementation; communicate to their colleagues the importance of adhering to the policy; and to inform new staff of the policy and related procedures. A second community audit is being planned this year to assess progress.

One continued area of concern is access to police services without fear. In December 2015, Council requested the Toronto Police Services Board to request the Toronto Police Chief to provide data, clarify procedures and mechanisms and report back on implications related to their interactions with undocumented Torontonians and their relationship with the Canadian Border Services Agency. This request were made amidst community concerns about what undocumented Torontonians can expect when accessing Toronto Police Service as a victim or witness.

In 2016 - 2017, staff from Social Development, Finance & Administration met several times with Toronto Police Service staff to discuss their procedures around undocumented victims and witnesses and to understand the bona fide law enforcement reasons to ask about immigration status. On March 23, 2017, the follow up report from the Chief, Toronto Police Service, was considered at the Toronto Police Services Board. In light of outstanding questions and concerns about police judgment in checking immigration databases in routine stops and around procedures in executing warrants under the Immigration and Refugee Protection Act (IRPA), the Board requested the Chief, Toronto Police Service, to report back. The report is expected back to the Board before summer.

While the Toronto Police Service and the City of Toronto have a mutual interest in protecting victims from greater victimization, the confusion around police procedure raises concerns. In the interim, community advocates have request that the City to be more transparent in Access T.O. materials by stating that currently, an undocumented Torontonians seeking emergency services from Toronto Police may be at risk of being reported to the Canadian Border Service Agency should their status be determined during service provision. Currently, the City website and materials states that under the Access T.O. policy, the public may contact "Emergency Services (911)," in the event they need immediate medical, fire and/or police services.

Advancing Access T.O./Sanctuary City

In February 2017, the "(No) Access T.O." working paper from Ryerson University's Centre on Immigration for Settlement reveals continued concerns around the inconsistent application of this policy and its impact on undocumented Torontonians.

The study was conducted over a year and it focused on barriers to the implementation of Access T.O. Twenty-five stakeholders were interviewed, including representatives of community service organizations who identified ways to improve both public awareness and understanding of Access T.O.¹

The City has more work to do. Despite having the policy foundation and building blocks in place, fully realizing the goals of a Sanctuary City in a complex corporation like the City of Toronto requires a change management focus.

In March 2017, the Access T.O. Working Group and community partners came together to identify specific actions to improve the City's performance as a Sanctuary City. These discussions revealed three key areas of focus for the 2017 - 2018 work: staff education and training; policy and administrative alignment; and ongoing provincial and federal government dialogue.

Staff Education and Training

- There is a need to continue to deepen staff education and training around the Access T.O. policy, especially for staff working in areas where there is a high degree of interaction with undocumented residents. Staff training needs to be ongoing and mandatory to account for staff turnover and developing changes in policy and practice in a consistent and sustained manner.
- A second community audit will be conducted to gather information to determine to what extent front-line staff are following the Access T.O./Sanctuary City policy and procedures.

Municipal Policy and Administrative Alignment

- The City must expand current policy discussions concerning Sanctuary City. Clarity is required for areas where there are conflicts in City policy or gaps in practice.
- City divisions, agencies and corporations will continue to review their existing policies, procedures and bylaws, and make modifications to ensure undocumented Torontonians are able to access the City services they are eligible to receive.

Provincial and Federal Government Dialogue

- As an order of government, the City must continue to advocate to the provincial and federal government around policies that are incongruent with Access T.O./Sanctuary City. The City must come to a clear understanding of which policy changes to advocate for and how these incongruent policies will be handled at the municipal level in the interim. There is a growing number of larger cities in Canada becoming Sanctuary Cities - currently, Toronto, Montreal, Vancouver

¹ (No) Access T.O.: A Pilot Study on Sanctuary City Policy in Toronto, Canada. Ryerson Centre on Immigration for Settlement.

and Hamilton are Sanctuary Cities. Others, including Guelph, London, Ottawa, Regina and Fredericton are considering such policies. There may be a multi-municipality agenda requiring a coordinated provincial and federal dialogue on enabling provincial and federal policies.

Service Improvements

While the City has much work to do to consistently meet the promise of a Sanctuary City, recent service improvement models are starting to emerge to better serve undocumented Torontonians.

In February 2017, Toronto Public Health (TPH) and Community Health Centres launched a pilot called "On Board." It is a central referral and intake system that connects non-insured people to Community Health Centres where they can access primary care with a medical doctor or a nurse practitioner. On Board is for residents living in the city of Toronto who do not have healthcare coverage. On Board partner agencies make referrals on behalf of identified non-insured clients who are in need of primary care. Shelter, Support and Housing Administration (SSHA), given the client need for access primary health care in emergency shelters, is now collaborating with TPH on this pilot initiative.

Toronto Public Library (TPL) demonstrates flexibility in providing services to undocumented Torontonians through their mail back process to confirm proof of address when registering for a library card. Instead of requiring government issued photo identification to confirm address, clients may arrange to have TPL mail a registration postcard directly to their home. Once the postcard is received, the client presents it at a local TPL branch as proof of address and a library card will be issued. Clients are still required to present proof of name along with the postcard, but the list of acceptable documents is lengthy and does not require government issued photo identification.

Further service improvement initiatives may arise as the Access T.O. Working Group implements the 2017 - 2018 work plan.

Conclusion

The work to create an equitable city for all Torontonians - be they undocumented, refugees, refugee claimants, permanent residents or citizens - is ongoing. Toronto City Council and City of Toronto have a clear commitment to making the municipality successful for all its residents.

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ATTACHMENTS

Appendix A - Glossary of Terms

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(Unless noted otherwise, the source of definitions is Immigration, Refugees and Citizenship Canada's glossary.)

Access T.O.: A City of Toronto policy that allows a Toronto resident without status (undocumented) to access select City services. For more information refer to:

toronto.ca/accessTO

Source: City of Toronto

Blended Visa Office-Referred (BVOR) Program

The Blended Visa Office-Referred (BVOR) Program matches refugees identified for resettlement by the United Nations Refugee Agency (UNHCR) with private sponsors in Canada. The Government of Canada gives up to six months of income support, and private sponsors give another six months of financial support. They also give up to a year of social and emotional support.

Government-Assisted Refugee (GAR)

A person who is outside Canada and has been determined to be a Convention refugee and who receives financial and other support from the Government of Canada or Province of Quebec for up to one year after their arrival in Canada. GARs are selected from applicants referred by the United Nations High Commissioner for Refugees (UNHCR) and other referral organizations.

Immigration Status

A non-citizen's position in a country—for example, permanent resident or visitor.

Newcomer

Refers to immigrants who arrived in Canada within the last five years. This term is also referred to "recent immigrant" which Statistics Canada uses to refer to those who landed within the last five years. Some definitions use a timeframe of ten years.

Source: TNO & Statistics Canada – 2011 National Household Survey (NHS)

Permanent Resident

A person who has legally immigrated to Canada but is not yet a Canadian citizen.

Precarious Status

A person who was granted temporary status or is a refused refugee through the Immigration and Refugee Protection Act.

Source: FCJ Refugee Centre

Privately Sponsored Refugee (PSR)

A person outside Canada who has been determined to be a Convention refugee or member of the Country of Asylum class and who receives financial and other support from a private sponsor for one year after their arrival in Canada. Private sponsors are Sponsorship Agreement Holders (SAHs), Groups of Five or Community Sponsors.

Refugee

A person forced to flee their home country to escape persecution, war or violence.

Source: UNHCR – The UN Refugee Agency

(Note: For the purposes of the provision of City services, the most important consideration is whether a person has been recognized as a refugee by the Canadian government.)

Refugee and Humanitarian Resettlement Program

The Government of Canada's program under which refugees from abroad, who meet Canada's refugee resettlement criteria, are selected and admitted to Canada.

Refugee Claimant

A person who has applied for refugee protection status while in Canada and is waiting for a decision on his/her claim from the Immigration and Refugee Board of Canada.

Refugee Protection Status

When a person, inland or overseas is determined to be a Convention refugee or protected person, they are said to have refugee protection status in Canada. Refugee protection is given to a person in accordance with the *Immigration and Refugee Protection Act*.

Sanctuary City

A municipal government that has implemented policies to demonstrate they are committed to ensure that its residents are not afraid to access city services for which they are eligible, regardless of their immigration status.

Source: City of Toronto

Undocumented Person

Someone is undocumented when said person was not authorized to enter and remain in Canada under the Immigration and Refugee Protection Act. An undocumented person may have a legal and valid document from the national government of another country. Other terms that are used are: Non-status, without status or without full status.

Source: Based on the Immigration and Refugee Protection Act