Decoding the Black Box of ‘Sanctuary City’ Policies: An Empirical Study of Access Without Fear Policies in Vancouver and Toronto

by

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in the Department of Political Science Faculty of Arts and Social Sciences

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The author, whose name appears on the title page of this work, has obtained, for the research described in this work, either:

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Abstract

In 2013, Toronto became the first Canadian city to adopt the Access to City Services for Undocumented Torontonians policy that ensures all residents have access to local services without fear of being asked for proof of immigration status. Three years later, Vancouver city council adopted the Access to City Services Without Fear for Residents with Uncertain or No Immigration Status policy, shortly after the cities of Hamilton and Montréal. Canadian sanctuary city, or Access Without Fear, policies aim to support access to city services without fear for residents with precarious or no immigration status. While some scholars argue that adopting sanctuary city policies challenges national immigration policies, others question its effectiveness and counteract the capacity of cities to honour the promises of providing access to basic services to residents that the city is meant to serve. My thesis explores how the issue of Access Without Fear in Vancouver and Toronto captured the attention of policymakers and gained entry to city council agendas. Drawing from Érik Neveu’s constructivist framework, I use data from policy and civil society reports, as well as twenty-six qualitative, semi-structured interviews to compare sanctuary city policies in Toronto and Vancouver. My analysis reveals that identifying the most suitable political champion capable of leveraging influence within and outside city council led to the effective mobilisation and successful advocacy to push and propel the issue to the institutional, albeit political, agenda.

Keywords: sanctuary cities; social problem construction; public policy; Toronto; Vancouver
Dedication

To my parents,

For packing your bags to leave a place you continue to call home fifteen years ago,

For demonstrating the unwavering value of perseverance, humility, love, and

Most importantly, for teaching your children about the importance of what it means

To live by grace through faith.
Acknowledgements

Respondent: We were excited when we saw you. I was like: ‘okay, that’s refreshing.’
Interviewer: How come?
Respondent: Just because it’s easier. It’s easy to trust people who are also immigrants themselves.

To that, I express my sincere thanks for the boldness, transparency, and resilience of my interview respondents who have generously offered their time and expertise to answer my questions and share stories of precariousness. They have unraveled their personal experiences, challenges and milestones in an unapologetic and critical manner to participate in my study and speak truth to power.

It would be an understatement to say that this empirical study achieved its fruition without acknowledging the mentors who have instilled in me the discipline and perseverance to undertake a rigorous task, particularly during the days when I became entrenched in my own black box of thoughtful paralysis. My supervisor, Dr. Aude-Claire Fourot, played an instrumental role in shaping my analytical skillset. I am thankful for her guidance and time to read and discuss every version of my chapters, transcriptions, coding schemes, brainstorming memos and manuscript drafts. Rien ne peut expliquer jusqu’à quel point vous m’avez profondément formée et j’en suis très reconnaissante.

I am indebted to the members of my supervisory committee, Dr. Genevieve Fuji Johnson and Dr. Nicolas Kenny, for pushing the envelope further and for broadening the scope of my methodological and theoretical capacity. I thank Dr. Genevieve Fuji Johnson for her exemplary approach to policy analysis, which has equipped me to think critically and reflect beyond the scientific constraints of my research. Her relentless drive to uphold the most vulnerable has effectively heightened my understanding of what it means to live precariously. I thank Dr. Nicolas Kenny for believing in the analytical value and potential contribution of my research, specifically when conducting comparative case study analyses of cities. His candid support and encouragement to emphasise the importance of
sharing personal anecdotes and narratives of my respondents became my positive reinforcements during my thesis defence. I am thankful to have engaged in discussion with my supervisory committee and I could not have asked for a more fruitful experience.

I sincerely thank Dr. Bettina Cenerelli for being my steadfast anchor since my preliminary years in the French Cohort Program. From reading multiple versions of my first-year dictée to providing feedback on my Master’s manuscript, she has selflessly stretched her availability to respond ever so promptly with unfaltering patience and encouragement. Je vous remercie de tout mon cœur d’avoir toujours laissé votre porte ouverte et d’avoir transformé mes soucis aux sentiments de joie.

At times when the light at the end of the tunnel seemed unsearchable, I sincerely thank my friends and colleagues who have very generously offered their time to read drafts of my manuscript, bounce ideas of theoretical and normative underpinnings, and attend my early morning thesis defence. At SFU’s School for International Studies, I thank Martha Snodgrass and Ellen Yap for allowing me to temporarily occupy an office space in Harbour Centre, which eventually turned into my own sanctuary of writing. At the Government of Canada, I thank my colleagues for graciously entrusting me to craft a schedule that ultimately supported the completion of my education while performing operational duties during the daytime at work.

Lastly, I express my heartfelt gratitude to my family for being my salt and light as I navigated through the many seasons of research and writing, especially during the days when completion seemed far from attainable. Nāywèza mambo yote katika ye ye anitiaye nguva. Wafilipi 4:13.
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<th>Acronym</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Access T.O.</td>
<td>Access to City Services for Undocumented Torontonians</td>
</tr>
<tr>
<td>CBSA</td>
<td>Canada Border Services Agency</td>
</tr>
<tr>
<td>COTA</td>
<td>City of Toronto Act</td>
</tr>
<tr>
<td>DADT</td>
<td>Don’t Ask Don’t Tell</td>
</tr>
<tr>
<td>FCM</td>
<td>Federation of Canadian Municipalities</td>
</tr>
<tr>
<td>H&amp;C</td>
<td>Humanitarian and Compassionate Application</td>
</tr>
<tr>
<td>ICE</td>
<td>Immigration and Custom Enforcement</td>
</tr>
<tr>
<td>MSP</td>
<td>Medical Services Plan</td>
</tr>
<tr>
<td>MWGI</td>
<td>Mayor’s Working Group on Immigration (Vancouver)</td>
</tr>
<tr>
<td>NOII</td>
<td>No One Is Illegal</td>
</tr>
<tr>
<td>OHIP</td>
<td>Ontario Health Insurance Plan</td>
</tr>
<tr>
<td>PoC</td>
<td>Persons of Concern</td>
</tr>
<tr>
<td>RCMP</td>
<td>Royal Canadian Mounted Police</td>
</tr>
<tr>
<td>TPH</td>
<td>Toronto Public Health</td>
</tr>
<tr>
<td>TPS</td>
<td>Toronto Police Service</td>
</tr>
<tr>
<td>UNHCR</td>
<td>United Nations High Commissioner of Refugees</td>
</tr>
<tr>
<td>VCH</td>
<td>Vancouver Coastal Health</td>
</tr>
<tr>
<td>VPD</td>
<td>Vancouver Police Department</td>
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</tbody>
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Chapter 1.

Introduction

Precarious status is when people, because of their journey of migration, have access or no access to certain services and how it influences their mental health, their emotional health, their ability to reunite with their families, their working conditions whether or not they have access to basic care, whether or not they are able to stay or come back or the freedom of moving around because of their situation of poverty or political persecution. Their stories are not recognised as legitimate within Canadian immigration system and so they stay undocumented. – Alejandra López Bravo, Sanctuary Health Vancouver

In the event of an emergency, we do not expect anyone to think twice about dialing 9-1-1 to report an incident. Canadians make 12 million of these emergency phone calls each year (Robertson 2018). Little is known of those who witness an incident, yet decide to reject the option of calling for help. For some, law enforcement officers and emergency responders are viewed as those who save lives. For others, they are viewed as a source of fear and anxiety specifically to individuals who are afraid to be at risk of being detained or getting deported when authorities discover that they do not have valid immigration status to stay in Canada. Various outcomes result from living in situations of extreme precariousness. A portion of a large body of research has documented the range of serious negative outcomes experienced particularly by migrant residents with precarious status, including the heightened occurrence of poverty, exploitation, under-the-table jobs in poor conditions, social isolation and abuse, and the lack of access to essential services such as housing, food banks, public health, education, and police services (Hudson et al. 2017). How these individuals access resources to adapt to a new environment and navigate the intricate web of (un)available city services with little or no contact with law enforcement agencies has long been of interest to governments, advocacy collectives and researchers. Recently, there has been increasing focus on how Canadian cities play a role in assuring that city residents are able to access local services
without fear, despite their immigration status. The geographic and spatial importance of cities are instrumental factors to consider in order to understand the motivations of cities and their jurisdictional authority to shield the vulnerable, and sometimes, challenge the higher tiers of government.

In February 2013, Toronto became the first Canadian city to adopt a sanctuary city policy under the naming convention *Access to City Services for Undocumented Torontonians* (Access T.O.). The objective of this policy is two-fold: it ensures that Toronto city residents have access to city services without fear of being asked for proof of status; and, it aims to ensure that city staff are well-equipped to provide necessary and relevant information required to deliver effective service to the vulnerable population (City of Toronto 2017). In March 2016, the City of Vancouver followed suit, shortly after the cities of Hamilton and Montréal, to adopt a policy called *Access to City Services Without Fear for Residents with Uncertain or No Immigration Status*. Similar to Access T.O., the purpose of Vancouver’s policy is to support residents with uncertain or not immigration status when accessing city services. This year, the interest of Canadian municipalities has significantly increased as more cities\(^1\) engage in formal discussions to adopt an *Access Without Fear*\(^2\) policy.

While there are no official numbers or statistics of residents without valid immigration status in Canada, academics have proposed that there may be at least 500,000 non-status residents, of which most reside in the Greater Toronto Area, Montréal and the Lower Mainland. Some examples of non-status residents include:

- asylum seekers whose claims have been denied, but are currently awaiting appeal decisions;
- denied refugee claimants who have exhausted all appeal options;
- individuals who came as visitors, workers or international students and have overstayed their visas or permits;

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\(^1\) These cities include Victoria, Ottawa, Edmonton, Calgary, London, Saskatoon, Regina, Winnipeg and Ajax, to date.

\(^2\) In my thesis, I will use *Access Without Fear* policy and *sanctuary city* policy interchangeably.
- those who have been granted spousal sponsorship but are in abusive relationships, have left their partners, and are in a situation of dependency;
- asylum seekers who have crossed the US-Canada border and were found ineligible to make a refugee claim due to Safe Third Country agreement;
- asylum seekers who entered Canada without appearing at a port of entry.

Sanctuary city policies in Canada apply to city services that include: shelters and social housing, foodbanks, public school education, public library, public transit, recreational and cultural services, police and law enforcement services, and some settlement support. The policy landscape surrounding the provision of local services to residents with precarious immigration status has garnered cross-sectoral attention from policymakers, civil society members and service providers both in a domestic and international scale. Sanctuary city policies affect non-status residents in Canada.

The Canadian Constitution provides the federal and provincial governments with shared constitutional jurisdiction over immigration policies and regulations. It does not, however, recognise municipalities as a separate order of government with delegated jurisdiction over immigration affairs. In this regard, understanding the role of municipalities with respect to developing sanctuary city policies – oftentimes as a means to challenge exclusionary national immigration policies – is an intriguing subject that carries a significant weight on policy design. Yet, despite the other issues that are constantly brought up to the attention of municipal policymakers, it appears that developing a community-driven response to address the needs of (an unknown number of) residents with precarious status gained enough traction to access the municipal government’s agenda. I focus my thesis on exploring the development of this traction to understand how a public problem, like access to city services for residents with precarious status, has gained the attention of policymakers in Vancouver and Toronto.

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3 Non-status migrants are also referred to as ‘irregular’, ‘undocumented’, ‘unauthorized’ or ‘illegalized’ (Bauder 2014; Goldring and Landolt, 2013; Goldring et al. 2009). I do not, however, use the term ‘illegal’ migrant in my thesis. As Bauder explains, this terminology represents non-status migrants as “unwanted and non-belonging, and racialized outlaws” (2014, 3). In Canada, references in public discourses to illegal immigrants have diminished and are increasingly being replaced with terms like ‘non-status’ migrants (Nyers 2010).
1.1. Research Questions

My thesis is driven by two questions. First, *what triggered the development of sanctuary city policies in Vancouver and Toronto?* Specifically, I ask: how did the issue of access to city services for residents with precarious immigration status gain entry to the government’s agenda, considering the limited jurisdictional authority of Canadian cities to operationalise national immigration policies? The second question follows from the first: *how did the issue successfully gain access to city council agendas in Vancouver and Toronto?* Given the many alternate priorities that are presented to government, I seek to understand how sanctuary city policies in Canada are framed in a way that successfully captured the attention of municipal policymakers and how this issue rose to the agenda over other issues that are perceived to be just as, if not more, urgent. I will focus on the importance of identifying the key actors, or policy entrepreneurs\(^4\), engaged in the discourse involving *Access Without Fear* policies.

Identifying key events and actors involved in the development of *Access Without Fear* policies reflects the constructivist framework of Érik Neveu, a French sociologist and political scientist. Neveu’s sociological approach focuses on analysing the preliminary factors leading up to the construction of a ‘social problem’. The framework constitutes the transformation of an issue to a public debate and/or state intervention. Applying a constructivist approach will address methodological gaps by focusing on problems that take cues from social dynamics of key entrepreneurs involved in the policy cycle. This framework illustrates that problems need a little *push* to gain attention of decision-makers; this push is what I aim to identify to understand the cause of the trigger behind developing *Access Without Fear* policies in Vancouver and Toronto. I apply Neveu’s five operational phases, forming the foundational tenet of my research:

---

\(^4\) In *Agendas, Alternatives and Public Policies* (1995), John Kingdon defines policy entrepreneurs or policy brokers as “advocates who are willing to invest their resources – time, energy, reputation, money – to promote a position in return for anticipated future gain in the form of material, purposive or solidary benefits. See Chapter 2.1.1 for further context on the role of entrepreneurs on policy decisions.
• **Identifier** (identify) refers to the phase in which entrepreneurs are prompted by varying social, political, economic, cultural or environmental queues that lead to the identification of a public problem.

• **Cadre** (frame) focuses on the manner in which a problem is defined, measured or perceived through the categorisation of parameters. This phase reinforces a certain perception, through the use of indicators, while obscuring other viewpoints. The selection of a preferred interpretation is directly associated to the motivations that drive an entrepreneur.

• **Justifier** (justify) is the third operational phase that refers to the need of affirming the problem by reinforcing its gravity through scientific facts and numbers, highlighting the use of emotions and controversies, or through popular will. As Neveu explains, a problem has a better chance of being a priority in the government’s agenda when the pertinence and gravity of its impact are effectively justified.

• **Populariser** (popularise), the issue is amplified and diffused at a greater extent to the public scene. The amplification of a problem is most often heightened through media coverages and community mobilisation strategies to gain the attention of the public.

• The final operational phase of Neveu’s problem construction process is **Mettre en politique publique** (adopt), which focuses on the execution and the transitional phase in which a policy is adopted in order to address the problem. Given Neveu’s constructivist framework, I apply this approach as the foundational tenet for analysing my data. I explain Neveu’s constructivist framework in more detail in the Chapter 2.

In order to answer my research question, understanding how these preliminary events occurred and identifying the networks of actors are key to unraveling how the development of *Access Without Fear* policies were triggered in Vancouver and Toronto.
From the constitutional challenge of Canada’s prostitution laws in 2007, to the 931 Opioid overdose cases in British Columbia in 2017, it is critical to understand that only a small proportion of the issues on the public agenda are taken up. Gaining access to the government’s agenda occurs when bigger issues and priorities are not occupying the attention of policymakers, allowing other issues to rise and gain entry in agenda prominence (Kingdon 1995). The goal of this thesis is to first, conduct a case study analysis of how Access Without Fear policies were developed in Vancouver and Toronto, and second, to explain how the issue of accessing essential services for residents with precarious status has captured the attention of policymakers, well enough to enter the government’s agenda. Recognising a pressing problem is critical for an issue to gain a prominent place on the policy agenda; however, government officials pay serious attention to only a fraction of them largely because “they simply get crowded aside in the press of business” (Kingdon 1995, 114). Today, high-profile issues gain attention from governments, media, community stakeholders and researchers alike.

1.2. Central Arguments

My research questions examine how the issue behind accessing city services for residents with precarious immigration status gained entry to the agendas of city councils. My first question addresses the factors that triggered the development of Access Without Fear policies in Vancouver and Toronto. Here, I found that a culmination of local events resulting from negative federal immigration decisions ignited the motivations behind community mobilisation to advocate for access to city services on behalf of migrant residents. Declaring immigration status is a barrier that prevents all city residents from accessing essential city services. Community mobilisation through activism across different areas of service providers gradually become foundational building blocks for broader municipal policy changes.

My second research question focuses on the manner in which the issues of Access Without Fear successfully gained attention from policymakers. Here, I found that access to Vancouver and Toronto’s council agenda resulted from building a strategic relationship between a political champion within city council and an effective advocate
who are both capable of representing the interests of the non-status population. In other words, it is critical to effectively navigate among many entrepreneurs to identify the suitable political champion (councillor) and the appropriate community advocate (grassroots collective) capable of leveraging sufficient influence to pitch an issue in a manner that appeals to the public and the majority of the council.

In the case of sanctuary city policies, cities and entrepreneurs both play an influential role in justifying the place of this issue on the government’s agenda. First, entrepreneurs both on the inside and outside of government questioned the pertinence of adopting an Access Without Fear policy, arguing that it only produces a symbolic impact that works in favour of the government’s progressive agenda rather than a significantly practical or life-altering implication on city residents. My interview respondents offered a number of alternative hypotheses, such as that: (a) municipalities are ill-equipped to offer services outside the scope of their jurisdictional authority; (b) an Access Without Fear policy serves as a political strategy, rather than a ‘sanctuary’, that helps make a city look progressive; and (c) government priorities are delegated by means of determining the level of urgency of a problem and the number of affected population. This perception was partly a result of the city’s jurisdictional incapacity to offer tangible services and to effectively demonstrate the ease of access for all city residents. My data suggests that regardless of whether a policy meets city council’s progressive goals, it is difficult to make a case in support of its entry to the agenda if the municipality’s jurisdictional authority prevents the city itself from providing access to basic services to residents that the city is meant to serve.

Entrepreneurs believed that certain city service agencies (e.g., settlement organisations) and government officials and civil servants (e.g., members of internal working groups) paid insufficient attention to the impact of living in extreme precariousness while attempting to access basic services. In particular, grassroots collectives emphasise that some settlement organisations and non-profit groups do not have a strong advocacy voice to represent the needs of non-status population as the scope of their service is limited to the eligibility requirements imposed by federal and/or provincial funders.
I provide two explanations for the key findings above. First, I argue that the dynamics between entrepreneurs (both on the inside and outside of government) involved in the development of sanctuary city policies is more complex than assumed due to the following key links: (a) city councillors, while all elected members of the population, hold different principles, attachments and values, which influence their selection of issues to bring forward to city council; (b) city councillors have informal and formal networks of key representatives from various agencies, boards and communities who provide advice on local issues and policy matters, as well as inspire confidence and power through influence; and (c) advocacy groups, while strategically and politically equipped to mobilise community awareness, must understand the administrative bureaucracy in which city council operates and learn about the internal dynamics between key players in order to target the most suitable representative who can champion an issue and bring it forward to city council. These links are especially salient in a context where there is constant turnovers within the elected municipal body, allowing relationships of trust and continuity to be more challenging to foster. My data suggests that gaining access to power (agenda) reflects the relevance of knowing the specific networking channels in order to reach someone on the inside. In other words, identifying a strong advocacy group is as important as targeting a political champion within city council.

Second, I argue that while the cities of Vancouver and Toronto have a limited scope of jurisdictional authority over services that they can offer to their residents, they can play a significant governing role to influence their municipal agencies and boards. Service agencies are governed by a board with delegated decision-making authority from city council to provide a broad range of city services. My research suggests that services agencies and municipal boards in Vancouver and Toronto can either facilitate or hinder access to city services for residents with precarious status to a certain extent.\textsuperscript{5} Gaining access to the agenda suggests that there is value in the policy sciences prising open a ‘window’, as Kingdon defines, to illustrate an opportunity for key actors push attention and advocate for their concerns. In the case of sanctuary city policies in Vancouver and

\textsuperscript{5} An example is the governance structure of local police boards. These boards are legally mandated by federal law enforcement institutions are more likely to impose stricter guidelines when it comes to communicating with residents with precarious immigration status.
Toronto, identifying how these windows have opened and the role that key actors have played are crucial elements to understand the trajectory of related events that contributed to the development *Access Without Fear* policies.

1.3. Plan of Work

My next chapter presents a review of literature on the impact of my research on the public policymaking cycle. I situate my argument in the available literature and systematically address the jurisdictional responsibility and governance structure of municipalities to operationalise immigration policies, as well as the different sanctuary practices by providing a brief overview of cases from the United Kingdom, the United States and Canada. This chapter also presents my theoretical framework in greater detail by describing the five operational phases of Érik Neveu’s problem construction process. I describe how Neveu’s constructivist framework relates to the development of sanctuary city policies in Vancouver and Toronto. Chapter Three presents my research methodology and the rational of my case selection. I examine the response of policy entrepreneurs based on 26 semi-structured interviews, 13 of those were participants who were involved in the development or advocacy work in Toronto and 13 in Vancouver. In Chapter Four and Five, I discuss key findings of my case studies, and in Chapter Six, I provide a comparative analysis of findings presented in my case studies. Chapter Seven then provides a final discussion and concluding remarks, which highlights the lessons learned and the broader implications for future research.
Chapter 2.

Literature Review and Framework

The following literature review explores a portion of the large body of work involving sanctuary city practices in an international perspective with specific examples form the United Kingdom, United States and Canada, as well as research related to the responsibilities of municipalities when adopting Access Without Fear policies. The public policy process typically commences with agenda-setting where problems gain attention of policy actors and are eventually turned into actionable government priorities (Zahariadis 2016; Howlett 2011; Kingdon 1995). Cobb and Ross (1997) characterize agenda setting as “the politics of selecting issues for active consideration”. My research seeks to understand precisely how the issue of accessing city services for residents with precarious status become prominent and rise to the formal institutional agenda in such a way that moves government to take action (or inaction). The next subsection outlines a portion of a large body of literature on the policymaking cycle and explains my rationale behind selecting Érik Neveu’s constructivist framework as the foundational tenet of my thesis.

2.1. Surveying the Field of the Policymaking Cycle

Public policymaking starts with problem definition. Issues, like rising tuition costs, bad weather, untreatable medical illnesses, food scarcity, are defined as problems when it is perceived that something needs to get done to change the situation (Kingdon 1995, 3). The process of policymaking received different interpretations from different scholars. For example, Lasswell was instrumental in establishing models used to analyse the public policy process where each stage contains slightly different functions, but incorporated the same logic to address public problems. Lasswell asserts that policymaking is focused on problem-solving, in which various governing resources are matched with a set of techniques that increases the possibility of achieving the policy

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6 I use public policymaking cycle or process interchangeably.
goals. Today, public policy models are illustrated in a similar sequential order typically composed of the following stages: (1) agenda-setting, (2) policy formulation, (3) decision-making, (4) policy implementation, and (5) policy evaluation. With respect to the impact of my research in today’s public policy models, identifying key entrepreneurs at the initial stages of the problem construction process is influential as the issue transcends and gets further propelled to the later stages of the policy cycle. The scope of my research, however, only focuses on the transitory development of an issue from its inception to its entrance to the government agenda.

In his book *Designing Public Policies: Principles and Instruments*, a Professor of Political Science at Simon Fraser University, Michael Howlett notes that a ritualistic or a symbolic form of activity is not the defining characteristics of policymaking (Howlett 2011, 150). Policymaking, as Howlett suggests, is typically viewed as a much more pragmatic activity; that is, one intended to alter practices on-the-ground in a more or less conscious way through the use of governing tools to match policy implementation to policy goals (Howlett 2011, 18). In another case, a policy cycle can be used to describe a more overtly social or political model in which actors compete with each other to attain their goals or collectively work to find a solution. The next subsection focuses on the role of these actors whose primary role is to influence policy decisions as a means to make a case for the relevance of the local issue.

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7 Howlett and Ramesh (2003) describe agenda-setting as the preliminary stage of the policy cycle, where public issues have evolved into problems and have gained the attention of policymakers, thus becoming an element of priority in an actor’s or an institution’s agenda. This phase is critical in the policy cycle because the dynamic and relationships between key actors inside and outside government play an influential role on the subsequent stages of the policy process. Policy formulation involves assessing possible solutions and options to the problem. Next, the decision-making stage where governments adopt a particular course of action (or non-action) by selecting the appropriate option(s) to address the problem. Policy implementation focuses on putting policies into effect. Lastly, policy evaluation refers to the process by which the result of policies are assessed and monitored by both government and social groups as a means to determine whether the policy outcome met the initial objectives.

8 The idea of implementation instruments rely upon the use of government institutions and personnel to affect policy output delivery and policy process change. Howlett references two implementation tools, namely: substantive organizational tools, which involve the use of government personnel to achieve government goals, usually operating in structures created and controlled by governments; and procedural organizational tools, which involve the organization and reorganization of government agencies and processes to establish parameters in public policymaking (2011, 63).
2.1.1. *Policy Entrepreneurs as Influencers of Policy Decisions*

Actors with significant influence in the development of a policy carry an impactful weight in the dynamics of decision-making and the formulation of a policy. Kingdon defines these actors as *entrepreneurs* or *brokers* who are “advocates willing to invest their resources – time, energy, reputation, money – to promote a position in return for anticipated future gain in the form of material, purposive or solidary benefits” (Kingdon 1995). The concept of a policy entrepreneur is one of Kingdon’s most important contributions to the agenda setting literature because it provides relevant actors and key stakeholders with a sufficient amount of accountability to perform a specific action with the goal to move an agenda forward. Entrepreneurs endorse their interests and act as brokers when negotiating with other actors and while anticipating an open opportunity – policy window – to bring forth options to address the issue. Policy entrepreneurs at various levels work within institutions, or policy subsystems, that are forms of social networks encompassing the interrelationships that exist within specific epistemological communities with similar knowledge bases and political spaces (Howlett, Mukherjee and Koopenhan 2017). For example, we can find subsystems for ‘health’, ‘energy’ and ‘international migration’. Bennett and Howlett (1992) describe these interactions as strategic or technical and often involve actors learning from experiences. During these interactions, policy entrepreneurs engage in various discussions and activities such as bargaining with each other over policy objectives; brainstorming options during policy formulation, contesting policy ideas and concepts or contributing to implementation tools to realign outcomes to aims.

Incentives prompt the advocacy and motivation of policy entrepreneurs to invest in resources and propel the issue toward policymakers. Some incentives include the promotion of personal interests and values to affect the shape of public policy. As Kingdon illustrates, ideologies about a specific issue or problem prompt entrepreneurs to advocate for material or purposive incentives where personal gain is at stake. In addition to the promotion of values and interests, Kingdon asserts that some entrepreneurs are driven to participate and join a movement simply because they like the game and thus are classified as policy ‘groupies’. This group enjoys being part of the action and participate
in making calls, writing memos, drafting proposals and other activities that will keep them engaged.

The policy landscape surrounding *Access Without Fear* has garnered attention across policy entrepreneurs both at a domestic and international scale. As national migration and refugee resettlement priorities continue to rise in global politics, Canada’s position today is becoming more and more observed and recognised as an intergovernmental subject of interest. Researchers and local stakeholders in Canada increasingly emphasise that municipal governments are a part of a national solution for the integration of newcomers despite their immigration status. As immigration policy permeates the tripartite jurisdiction in Canada, the policy regulated under federal and provincial law is operationalised and calibrated at the municipal level. The role of municipalities is prominent in the front-line calibration of federal and provincial immigration policies. Municipal governments play a critical role in the administration and formulation of policies that facilitate access to daily social programs and services that newcomers need. As a result, understanding agenda entrance at the municipal level is at the core of my research analysis.

### 2.2. Applying Érik Neveu’s Constructivist Framework of Public Problems

The literature on problem construction, while not specifically of agenda-setting or of the policy cycle as a whole, is concerned with how an issue is defined as a public problem. Much of the literature mentioned in the preceding section focused primarily on the policymaking cycle starting from the moment issues enter the institutional agenda until the phase when the policy is re-assessed or evaluated following its implementation. At the local level, *Access Without Fear* policies commences from local entrepreneurs, like societal actors or civil society collectives and organisations, then upwards to city councils. It is helpful to understand how policy entrepreneurs play an influential role in propelling problems toward the institutional agenda. My thesis seeks to unravel this subject by describing Neveu’s constructivist process as my framework selection. In his book *Sociologie politique des problèmes publics*, Érik Neveu asserts that a social
problem involves the transformation of any social fact or issue to a public debate and/or state intervention. In other words, any issue can potentially become a social problem if it constitutes voluntary action from various key actors (social movements or grassroots collectives, media, government officials, lobbyists, researchers, etc.) as a problematic situation in the centre of a debate or public action.

Neveu’s framework presents a constructivist approach that highlights the “unlimited factors and eligible facts” that form the construction of a social problem. While the framework does not identify a mechanical link between the importance of a social fact and its breakthrough or transformation into a problem, it reveals the value of the role of key policy proponents to push a specific issue towards the government’s agenda. Like Neveu, Frank Fischer (2003) further theorised this point by explaining that a constructivist analysis of problems closely parallels the concerns and considerations that come into play in the policy agenda-setting process, which initially involves identifying and defining the issue and then, pushing the issue forward onto the political and institutional agendas. While the idea of a “public problem” has been less integrated in the French social science vocabulary in comparison to the Anglo-American lexicon, its concept has gradually taken a central importance that generated a vast wave of research combining public policy analysis with sociology, political science and media studies – some of which are too often dissociated in continental European literature. Neveu explains, however, that the constructivist approach in policy development refers globally to the transformation of any social issue to a public problem.

In this view, Neveu insists on the importance of incorporating the “potentially unlimited, eligible factors” that make up the problem as well as the necessity of taking into consideration aspects of policymaking that can be heavily symbolic. These factors or indicators, as Kingdon references, are not simply a straightforward recognition of the facts. Because indicators have powerful implications, the manner in which facts are collected and the interpretations that are placed on these facts become prominent points.

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of discussion. Such factors are pivotal in the shaping of a constructivist approach in analysing policies as they result from a sequence of events that develop on the basis of social interpretations and definitions. Unlike Lasswell’s technical problem-solving orientation, applying a constructivist framework will address methodological gaps by focusing on problems that take queues from indicators combined with the political influence and social dynamics of key actors involved in the policy cycle. Problems need a little push to gain attention of decision-makers; this push is what identifies the root of the defining the problem. In Kingdon’s work, these indicators take the form of trigger events like a crisis, a disaster, a powerful symbol, a personal experience or an anecdote.

Érik Neveu’s five operational phases of the public problem construction process forms the foundational tenet of my research. This framework identifies a public problem as it gains access to the agenda. This process highlights a sequential approach in analysing public problems involving a series of operations as a repertoire that allows for the intervention of actors and social groups in the construction and the trajectory of the problem. This framework constitutes the use of time and space, cultural configuration and networks of power and resources that have the capacity to push for a cause. To think in terms of construction is to consider gaining the attention of key actors involved in the policymaking process. Neveu’s five operations are detailed as: Identifier; Cadrer; Justifier; Populariser; Mettre en politique publique.

2.2.1. Identifier (Identify)

The first operational factor, identifier, refers to the phase in which entrepreneurs are prompted by social, political, economic, cultural or environmental cues that are perceived as problematic. This phase involves the identification of causes, explanations and factors, affecting the general interests, values and emotions. Like Neveu, Kingdon (1995, 95) reflects on a similar point by explaining that this push is sometimes provided by a focusing event like a “crisis or a disaster that comes along to call attention to the problem, a powerful symbol that catches on, or the personal experience of a policy maker.” Identifying trigger events is not always a straightforward step as potential agenda items sometimes languish in the background for lack of a crisis that would push them
Similarly, Baumgartner and Jones (2001) theorised the rise and fall of public issues on institutionalised agenda through periods of stability and punctuation. In this first operational phase, some variations of trigger events include personal experiences of decision-makers and the emergence or impact of powerful symbols. Personal experiences, as Kingdon notes, however, are not among the major influences on agenda status. They act more as reinforcements for other existing factors that may heighten a problem at the least. As Neveu explains, a public problem is the fruit of mobilisation (2015, 9). For example, events of this sort are often discussed with some level of frequency in the media.\textsuperscript{11} Social movements and interest groups are key actors that play a significant role in this stage of the problem construction process due to the extent and level of visibility during the expression of mobilisation. These groups are in a position to explain their vision and the pertinence of the problem to the public, state actors and the media.

\subsection*{2.2.2. \textit{Cadre} (Frame)}

The second operational factor is \textit{cadre}, which involves the selection or categorisation of parameters used to define or measure the scope of the problem. Other definitions of framing, which reflect a similar interpretation of Neveu’s perspective, refer to a public definition of a problem, which emphasises key indicators or symbols, while obscuring other factors (Saguy 2013; Snow et al. 1986). In Murray Jacob Edelmann’s \textit{Symbolic Uses of Politics}, symbols play a significant role in policymaking process because the “links between political symbols and political behaviours is a facet of the challenge that can contribute both to an understanding of functions of symbols and to a correlative understanding of change in political cognition and actions” (1988, 2). Research on the construction of social problems demonstrates that the framing of an issue has significant implications in the development of policy (Gusfield 1981; Stone 1989). Different actors formulate competing social problem frames. Snow et al. (1986, 477) reinforce that “frames not only inspire and justify collective action, but also give meaning

\footnote{Kingdon highlights that 35\% of interviews included a prominent mention of crises, disaster, or such events. It is important to note, however, that the selection of reporting reflects the media’s positionality on political coverages.}
to legitimate tactics that evolve”. The concept of framing refers to the use of cognitive tools and resources to “select certain aspects of a perceived reality and to make them more salient in communicating an idea or issue, in such a way as to promote a particular definition of a problem […]” (Entman, 1993). An example is the photo of young Alan Kurdi’s body washed up in the Mediterranean Sea after drowning in September 2, 2015. The photograph made global headlines. Its interpretation frames the migrant issue in such a way that heightens the pertinence of international migration even if the issue is not a particularly new phenomenon. Depending on the actors involved in framing an issue, their level of influence can more or less shape policy decisions (Bergeron, Castel and Saguy 2014). The photograph of Alan Kurdi highlighted foreign events – international concern over the refugee crisis, for example – as problems, identified the source (e.g., human trafficking, for example), offered moral judgements (e.g., negligence), and commended particular solutions (e.g., countries pressured to take in more refugees). Through this defining characteristic, establishing the parameters of a problem can be done through narratives, images, links of causality, or symbols as a means to articulate certain values or principles.

2.2.3. Justifier (Justify)

The third operational factor in the public problem construction process is the justification of the problem. Neveu explains that an issue has a better chance of being a central point of priority in the government’s agenda when the pertinence and gravity of its impact are justified (2015, 127). Justification refers to the need to affirm the relevance of a problem through means like presenting scientific facts and numbers, emotions and controversies, or through popular will (vox populi). For example, providing scientific proof through numbers or measured estimates show credibility and objectivity. For example, the rise of the Opioid epidemic accounts for the 931 cases of overdose deaths in British Columbia, 219 of which are from Vancouver. This problem proves to be salient given the high number of overdose cases. Similarly, the use of emotional semantics affirm the impact in a way that captures the sensations of fear, discomfort, jealousy, and the like. With respect to justifying the relevance of non-status migrants, an example is the colloquial reference and connotation to ‘illegal queue-jumpers’ – as opposed to ‘non-
status border-crossers’ for instance – to describe asylum seekers whose refugee claims have been denied. Such misleading or inaccurate terminologies can easily provoke emotional or controversial reactions about a problem, thus bolstering the need to reaffirm its importance and impact. According to Neveu, exploring modes of justification via popular will refers to the large number of legitimate support from the community. An example is mobilising public support concerning Vancouver’s housing market crisis where community action groups, like Housing Action for Local Taxpayers, advocate in ways like launching a petition, designing surveys and organising community events demanding all levels of government to take action on foreign capital and by corporations involved in real estate development.

2.2.4. **Populariser (Popularise)**

The fourth operational factor is popularisation, which occurs when entrepreneurs present, diffuse and amplify an issue in the public scene. In order to make an issue visible, it is critical that it stands out, so that it can be “well seen and heard” by the public (2015, 156). As Neveu describes, *populariser* signals the birth of a problem through public perception, preoccupations or plans of action of strategic policy entrepreneurs. In this phase of the problem construction process, Neveu explains the importance of the media’s breadth and level of influence and readership in the diffusion and amplification of a problem. For example, if the *Globe and Mail*, *Le Monde* or *New York Times* decide to run a story on a specific issue – a possible cure for HIV, the SNC-Lavalin controversy, or a family’s deportation – there is a strong probability that other media engines would cover similar stories. Stuart Soroka, Professor of Communication Studies and Political Science at the University of Michigan, explains that the idea of a Canadian newspaper agenda is on stronger ground when the issue salience is high. In other words, the “potential for media influence may increase when issue salience is high not only because of increased salience, but also because there is more consistent coverage across a number of newspapers (Soroka 2003). To a certain extent, the influence of media-hype to propagate issues has a significant weight on the formulation of public policies.
2.2.5. *Mettre en politique publique* (Policy Adoption)

The fifth operational factor refers to the transitory phase where a public policy has been adopted to address a public problem. Neveu makes reference to the classic works of Kingdon (1984), Baumgartner and Jones (2001) to explain the concept of agenda-setting and the role of policy entrepreneurs. The conceptualisation of Kingdon’s framework on agenda setting was founded on temporal settings of the policy *primeval soup* where issues are moved to the top of the agenda, after a long period of ‘softening up’, due largely to the relational dynamics that exist within the system and the types of interactions that incentivise actors to push the item forward.

When pushing public issues forward, Kingdon notes that the context is critical in understanding the process as some issues carry more weight than others at certain points in time. This argument enabled Kingdon to determine the pertinence of timing in policymaking. For example, the 971 deaths in 2017 as a result of the Opioid epidemic in British Columbia brought the issue of fentanyl and other drug-related use to public and government attention. These consecutive deaths contributed to the need to pay closer attention to the problem of fentanyl use. The greater the potency of the event – in this case, the number of deaths per year (per month, per week, etc.) – the more likely the issue is to gain access to the institutional agenda.

Similar to Neveu, Baumgartner and Jones problematise policy adoption as a process that politically allocates attention. The authors hypothesise that issues tend to be sticky when people process information by selectively attending to those elements that conform to previous beliefs and preferences. In other words, entrepreneurs act on what is considered to be familiar. They construct and prioritise familiar interpretations of policy representations or images; that is, perception of policies and their implications. This point poses a challenge for new public issues to gain entry to the agenda because most attention tends to be focused on the realm of the decision-maker’s expertise or familiarity. In addition the difficulty of gaining access to the agenda, certain institutions impose costs to produce more institutional and administrative challenges in the form of collaborations, resources to build coalitions and materials needed to generate attention. These elements
may very well work against the purpose of open policy windows by creating institutional barriers preventing public issues from accessing the agenda. For example, when policymakers attend to problems of fentanyl use, it is procedural to leave transportation problems off the list of priorities. As previously stated, defining a problem is, for the most part, accompanied with the justification of proving the relevance of undertaking it.

2.2.6. **Application of Framework**

My research applies Neveu’s constructivist framework to the development of *Access Without Fear* policies in Toronto and Vancouver. My research draws aims to understand how sanctuary city policies rose to the government’s agenda by conducting a comparative analysis in these two Canadian municipalities. I employ a qualitative case study approach that examines an issue concerning local residents with precarious immigration status was defined as a public problem by incorporating a constructivist approach to analyse primary and secondary sources.

Cross-sectoral interactions between policy entrepreneurs play an important role in my analysis. Given the importance of dynamics between key actors, my contribution is to analyse these cross-sectoral dynamics to capture the similarities and differences between the two cities. Researchers in public policy design explain that much of the literature on the phase of agenda-setting has rooted from the American political system. My thesis sets out to address precisely that gap. While this project conducts a cross-regional, comparative study of public policy, such as *Access Without Fear* policies, my study represents the Canadian perspective in comparison to most international policies involving residents with precarious immigration status.
2.3. An Overview of International and Domestic Sanctuary City Policies

Earlier records reveal that the origin of sanctuary city practices traces its roots to historical customs that are closely linked with traditional, religious and cultural norms (Lippert 2005; Lippert and Rehaag 2012; Bagelman 2016; Cox 1911; Rehaag 2009; Bauder 2017). In ancient Roman law dating back to 392 CE, Kings granted sanctuary privileges to religious institutions, particularly churches, not only to grant protection to delinquents, but also to defend existing sanctuary laws within enclosed cities as a way to demonstrate their strength (Shoemaker 2003, 6; Lippert 2005). In contrast with today’s contemporary concept of sanctuary, earlier sanctuary practices were a lawfully celebrated act applied as a means “to reinforce, rather than challenge, state sovereignty.” This practice refers to two facets of interpretation: first, sanctuary can be perceived as a practice that constitutes physical protection for individuals with precarious status by seeking refuge (Lippert 2005; Rehaag 2009); second, it can also be understood as a mobile practice of offering state protection within a given territory (or city) that is not necessarily spatially-fixed (Darling 2010). While earlier sanctuary practices were not necessarily associated with irregular migration, they resonate with today’s concept of urban sanctuary as it provides refuge to the vulnerable and challenges what is perceived as exclusionary immigration policies.

Today, most scholars associate urban sanctuary practices with faith-based movements since the early 1970s, specifically in the United States and, more so, following 9/11. Rehaag and Lippert (2003) observed that these movements triggered an extensive multidisciplinary body of scholarship that theorized sanctuary “not only to migration and citizenship process, but also gender, race, church-state relations, social movements, civil disobedience, freedom of religion and political identity” (Lippert and Rehaag 2003, 2) Given these multiple theoretical underpinnings and relationships, irregular migrants with precarious immigration status have been at the centre of sanctuary activities and practices in Western countries. Harald Bauder, Professor of Geography and Environmental Studies at Ryerson University, explains that while the concept of sanctuary is now becoming more prominent in policy debate and community planning
practice, its meaning varies between different settings, cities and countries (2016). In the twentieth century, some advocacy groups in Western countries viewed that their national immigration policies were increasingly becoming exclusionary toward vulnerable populations, primarily migrants and refugees. As a result, religious institutions specifically in Denmark, France, Germany, Norway, Sweden and the United States followed suit and offered sanctuary to denied refugee claimants and asylum seekers. The focal point of sanctuary practices emphasizes a bottom-up approach where the movement is typically initiated by advocacy groups to provide protection to individuals in precarious situations from state authorities. The following sub-sections will provide an overview of a few sanctuary practices in the United States, the United Kingdom and Canada to understand how the concept of *Access Without Fear* is developed in various settings.

2.3.1. **United States: Non-Cooperation between Cities and the Police**

The sanctuary movement in the United States is considered to be one of the most studied and most well-known example of sanctuary practices at the international scale. In the early 1980s, Central American migrants sought refuge in the United States to flee from political persecution and violent conflict at a time when the federal government often rejected asylum applications from Central America. In response to what was deemed as an exclusionary procedure, religious organisations offered ‘sanctuary’ as a means for migrants to take refuge in places of worship to be safe from deportation. Seeking sanctuary in religious institutions also included other forms of support like food, clothing, housing and social or legal services (Bau 1994; Ridgley 2008; Villazor 2008). In 1971, the city of Berkley in California offered protection to soldiers on board the aircraft carrier USS Coral Sea who resisted the Vietnam War. Since that year, the city has become commonly cited as the birthplace of contemporary sanctuary in the United States. Cities of refuge, like Berkley and San Francisco, experienced periods of seasonal migration. In the late 1990s, migration declined due to increased border enforcement and changes to the *Immigration and Nationality Act*, increasing the expansion of the government’s capacity to enter agreements with local and state enforcement agencies (Martinez, Martinez-Schuldt and Cantor 2018, 2). For example, enforcement initiatives like the Criminal Alien Program authorised designated officers to perform immigration
enforcement activities, like removal proceedings. Furthermore, the 9/11 terrorist attacks in 2001 further ignited the pressure involving state and local law enforcement officials in the policing of immigration laws (Meissner et al. 2013). Due to these notable concerns, multiple municipalities have adopted ordinances with the purpose of limiting the cooperation with the federal government in enforcing immigration laws. These ordinances have taken the colloquial terminology of ‘sanctuary policies’, underscoring the tension between the federal government’s responsibility to enforce immigration laws and the local government’s obligation to protect the residents (Well 2004). For example, San Francisco received widespread attention after passing the City of Refuge Ordinance, which prohibits city employees from helping Immigration and Customs Enforcement (ICE) officials with immigration investigations unless required by law. This ordinance marked a significant shift of separation of powers, which prohibited the use of city funds and resources to assist in federal immigration enforcement. The ordinance prohibited the city from cooperating with investigations and from sharing and disseminating information about an individual’s immigration status (City and County of San Francisco 1989).

Dozens of American cities today have passed sanctuary policies to protect migrants with uncertain or no immigration status who are de facto residents of these cities (Bauder 2017). The jurisdictional composition of some American cities, like San Francisco, Chicago and New York, allow mayors to pass policies prohibiting municipal police forces and city service agencies from sharing information, and rescind cooperation with ICE officials unless required by law. San Francisco’s City of Refuge Ordinance establishes the idea that cities can apply their discretionary powers to develop tools to reflect and reinforce the city’s non-cooperation with the enforcement of national immigration law.

Other examples include the adoption of Don’t Ask Don’t Tell (DADT) policies, which prohibits city and municipal law enforcement officials to report individuals with precarious status to government authorities. The use of municipal ID cards is another example that facilitates local bureaucratic membership in cities that strive to advance civic integration of residents. As Els de Graauw (2014) describes, the objective of
municipal ID cards is to facilitate the integration of city residents who “have difficulty obtaining government-issued identification documents and to provide a means of identification for purposes like library cards, discount cards for local businesses, prepaid and fully-fledged debit cards (De Graauw 2014, 313). Vulnerable residents may include undocumented immigrants, transgender individuals, the homeless, the elderly, youth and the prison re-entry population. De Graauw emphasises that a municipal ID card serves as a tool that addresses basic access to city services and facilitates the integration of the vulnerable population in some US cities, but it does not confer legal status nor change a cardholder’s eligibility for any local, state of federal benefits or services. Given the application of these initiatives to facilitate the integration of residents regardless of their immigration status, cities do not have the jurisdictonal capacity to prevent immigration law enforcement measures against irregular migrants.

While San Francisco has pioneered through the early years of establishing an official sanctuary ordinance, the city has endured prominent criticisms and generated public attention after the death of Kathryn Steinle. In July 2015, 32 year-old Steinle was shot and killed in San Francisco. The alleged shooter was a 45 year-old resident with precarious immigration status from Mexico who had seven prior felony convictions and five deportation orders from the United States (Littlefield 2015). As a result, legislative proposals, like Enforce the Law on Sanctuary Cities Act\textsuperscript{12}, were introduced at the federal level, including the adoption of President Trump’s executive order in 2017 stripping federal funding from ‘sanctuary’ jurisdictions.\textsuperscript{13} In 2018, the Trump administration has proposed transporting detainees to sanctuary cities at least twice in 2018, once in November when a migrant caravan approached the U.S. southern border, and again in February, following a standoff with Democrats over funding for the US-Mexico border wall (Bade and Miroff 2019). Today, sanctuary cities have gained both political and

\textsuperscript{12} On July 2015, the House passed the Enforce the Law for Sanctuary Cities. The purpose of the bill is to cut federal funding for local governments that do not comply with federal immigration laws by reporting people in the country illegally or that prohibit law enforcement officials from asking about immigration status (Littlefield 2015).

\textsuperscript{13} On March 6, 2017, President Donald J. Trump issued Executive Order 13780, Protecting the Nation from Foreign Terrorist Entry into the United States, which declared that “it is the policy of the United States to protect its citizens from terrorist attacks, including those committed by foreign nationals,” and directed a series of actions to enhance the security of the American people (United States Department of Justice, 2017)
public attention following the perceived retaliation of White House officials to pressure U.S. immigration officials to release migrant detainees onto American sanctuary cities.

This idea of *Trumpism* is arguably a distinct political feature in the American immigration policy landscape. As far as Canada is concerned, it is possible that this idea can be classified as too farfetched to occur in the Canadian immigration arena due to the differences in geographical and demographic characteristics between Canadian and American cities (Adam and Norris 2018). A greater proportion of Canada’s population is clustered in smaller number of cities where 31 per cent of residents live in Canada’s 10 largest cities and only 8 per cent of Americans live in the country’s population. Statistics Canada and US Census estimate that about a quarter of Americans (27 per cent) and more than half of Canadians (55 per cent) live in the top 10 Canadian and U.S. cities. In recognition of this comparable geographical proportion, Adams and Norris describe that a politically dominant Trump-style backlash on a national scale on Canadian soil is less likely to occur as Canadians in urban settings live so close together in a small number of diverse cities. I find, however, that while this idea of *Trumpism* is more politically constrained in the United States given the above-mentioned factors, it appears to have a significant weight and impact on Canadian immigration policy discourse as a growing number of asylum seekers coming to Canada are from the United States.  

2.3.2. United Kingdom: Transformation of Public Discourse

Given the considerable attention to American and Canadian sanctuary contexts, there has been much less interest in the development of sanctuary cities in the United Kingdom (Darling and Squire 2003, 191). In contrast to sanctuary incidents in the United States and Canada, most of the earlier sanctuary practices in the UK use a more subtle form of control as entrepreneurs do not actively engage in the material provision of sanctuary or protection. Instead, these practices reinforce positive images of hospitality to transform public perception towards the vulnerable population. One of the first incidents

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14 *The Globe and Mail* (2018) reports that migrants whose country of origin was identified as the United States made up the third largest cohort asylum seekers in 2017. With respect to *irregular* migrants arriving in Canada between border crossings, the United States was ranked second in the top five countries of citizenship between January and June of 2018, after Nigeria.
of sanctuary in the UK was in 1986 when Viraj Mendis, a Sri Lankan Tamil, was under threat of deportation. He feared for his life if returned to Sri Lanka, so he claimed sanctuary at a church in Manchester. Mendis was granted sanctuary and remained in the church for two years until police and immigration officers entered the religious institution to apprehend him (Goodall 2011). In 2005, the City of Sheffield, northeast of London, became the first city in the United Kingdom that coordinated the City of Sanctuary movement to define spaces as key sites for the practices of sanctuary, as well as to “facilitate, consolidate and unify” initiatives that intervene in the field of UK’s asylum politics (Darling and Squire 2003, 192). The main objective to qualify as City of Sanctuary in the UK is to garner support both from advocacy groups and support from city council. The City of Sanctuary initiative contributes to this goal by offering a positive vision of hospitality within local communities and by valuing a “tradition of hospitality not as a commodity to be traded by governments but as a virtue to be celebrated” (Darling, Barnett and Eldridge 2010). Highlighting and celebrating positive examples of welcome is the aim of the City of Sanctuary movement. This movement offers the chance for residents and groups to challenge the way the asylum debate is framed in the UK, but is also concerned with fostering a welcoming culture that embraces the contribution of asylum seekers and refugees to their cities (Darling, Barnett and Eldridge 2010). Sheffield became a City of Sanctuary with the support of City Council and local community organisations in 2007. In the following years, over 80 towns, cities, and villages across the UK developed sanctuary initiatives. As Darling and Squire explain, City of Sanctuary suggests that the movement represents a “little more than a collective of organisations and individuals who promote values of hospitality, but who do not effectively practice sanctuary” (Darling and Squire 2013, 196). As Darling (2010) describes, this gentler approach in developing urban sanctuary initiatives seeks to alter the vision of the city and transform it as an inclusive and welcoming space. In the UK, contemporary sanctuary practices do not focus so much on challenging the jurisdictional authority of municipal policing, as do practices in the United States, but on intervening on public discourse to raise awareness about the experiences of asylum seekers. While many residents are of the view that urban sanctuary practices in the UK aim to transform the way people think about refugees and asylum seekers, some still remain at the political
margins and often in precarious situations. The transformation in public discourse frames the interpretation of how asylum seekers and migrant residents are viewed in the UK. From this perspective, there is more of a symbolic significance associated with framing an issue and intervening in public discourse by transforming the way people think. In Canada, the likelihood of this transformation may be more significant in urban and suburban centres where there is a higher number of migrant residents and where the development of sanctuary city policies are much more prominent in comparison to more rural townships.

2.3.3. Supranational and Urban Governance of Immigration Policies

International migration is one of many global issues that have a local scope and impact on urban life. In Canada, the Constitution Act of 1867 sets the responsibilities of the federal and provincial governments. It does not recognise municipalities as a separate order of government. Provinces, as a result, have delegated authorities to control over municipalities, including setting out rules, policies and procedures that govern them.\(^\text{15}\) In particular, the Canadian Constitution provides the federal and provincial governments with shared constitutional jurisdiction over immigration policies and regulations (Constitution Act (1867, s. 91 [25]). While migration and immigration policies are determined at the international and national level by national governments or states, cities are at the forefront of managing the impact, outcome and implementation of migration. The importance of cities incited the United Nations High Commissioner for Refugees to launch the Cities of Solidarity initiative as a response to the recommendations identified under the 2004 Mexico Plan of Action and the 2014 Brazil Plan of Action.\(^\text{16}\) Through “Cities of Solidarity” UNHCR recognises city-wide efforts, which promote and implement dignified models of municipal public policies to “foster protection and integration of refugees, asylum seekers and beneficiaries of other forms of humanitarian protection” (Tamjeedi, 2018). The aim is to showcase participating cities to inspire other

\(^{15}\) Other examples of legislations that define the rules governing cities include: Municipal Elections Act, Municipal Conflict of Interest Act, Municipal Freedom of Information and Protection of Personal Privacy Act, Planning Act and Heritage Act.

\(^{16}\) These plans of actions aimed at valorising and recognising efforts of local governments in providing effective protection space and enhancing the integration prospects of UNHCR’s Persons of Concern (PoC).
cities to build inclusive policies for PoC as well as to facilitate the effective integration of those in need of humanitarian protection in a progressive and inclusive manner. As more and more settlement programs are receiving federal/provincial funding, the eligibility requirements are influenced in a way that primarily serves individuals with legal immigration status.\textsuperscript{17} In recognition of what may appear to be a restrictive mechanism of delivering basic services at the local level, the UNHCR developed its \textit{Cities of Solidarity} initiative to strategically counteract the motivations behind serving a selected type of population. In 2019, City of Vancouver Mayor Kennedy Stewart signed the \textit{UNHCR Statement of Solidarity with Refugees}, along with 130 cities who have committed to make a global declaration of support for refugees. City leaders have become the foundational touchstone for incremental change in support of the health and well-being of the vulnerable. While the motivations for opting into \textit{Cities of Solidarity} initiative can strengthen frontline efforts of local government authority to foster protection of the vulnerable, it is almost an understatement to imply that the same motivations can also benefit the progressive agenda of political leaders in power.

\subsection*{2.3.4. Understanding Vancouver and Toronto’s Governance Structures}

Census 2016 ranks Vancouver and Toronto as two of Canada’s most populous metropolitan centers home to a growing number of newcomers. The organisational structure of these cities inform the manner in which different city-level services are delivered. For example, the \textit{City of Toronto Act} (2006) gives the city powers to provide services to its residents, manage its finances and pass bylaws regarding a wide range of matters. Similarly, Vancouver, the \textit{Vancouver Charter} (1953) exclusively governs the service areas of the city by itemizing corporate powers. It contains rules that govern how the city operates, what bylaws city council can create and how budgets are set. Acts and charters\textsuperscript{18} establish parameters and rules which itemizes the city’s service powers as well

\textsuperscript{17} For example, several language-instruction programs and other settlement services in Vancouver and Toronto are primarily available to residents who have received Convention Refugees status or Permanent Resident status.

\textsuperscript{18} A charter city differentiates a city from other municipalities in the same provincial jurisdiction. In Harry Kitchen’s paper “Is Charter-City Status’ a Myth or Solution for Financing” (2016), the aim is to provide cities with flexibility in terms of reform, spending responsibilities and access to revenue. There are currently five charter-cities in Canada: Saint John, Montréal, Winnipeg, Vancouver and Lloydminster.
as reinforce the city’s jurisdictional authority and relationship with provincial legislations. Understanding the organisational structure of cities provides the institutional premise to map out the differences and similarities of operational structure when it comes to service delivery in Toronto and Vancouver. While Canadian municipalities do not have constitutional jurisdiction over immigration, some cities play a strong advocacy role in framing an issue to influence the implications for policy development.

Today, *Access Without Fear* policies in Canada aim to explicitly establish the parameters of access to services to reinforce the powers under municipal’s jurisdiction. These services may include: shelters and social housing, foodbanks, public school education, public library, public transit, recreational and cultural services, police and law enforcement, and some settlement services. Due to the growing need of service accessibility on a city-level, some foundational programs, such as second-language learning or childcare, are subsidised or, in some cases, provided by neighbourhood houses or community centres.

**Vancouver’s Organisational Structure**

The Vancouver City Council is composed of the Mayor and 10 Councillors who are elected at-large for a four-year term. The Mayor is the Chair of City Council. Under the *Vancouver Charter*, the city has the power to: pass bylaws regulating businesses, building development, noise and land use; buy and sell property; collect property taxes and other taxes; approve major spending for all parts of the city government; take on debt; allocate funds for special activities; set up departments and offices for city services; hire staff for city departments and offices. In addition to the financial autonomy that municipalities acquire, the budgetary allocation in the core areas of municipal activity is an indicator of the city’s level of priority in operational expenditures. For example, in 2015, the budget for the several agencies of Metro Vancouver was set at $657 million with Metro agencies focusing on water, solid and liquid waste, parks, air quality, some settlement services.

Some cities have special legislation that is similar to a charter: Toronto, St. John’s, Corner Brook, Mount Pearl and Charlottetown.
housing\textsuperscript{19}, and regional planning. Understanding the budget breakdown of expenditure responsibilities shows the service areas that cities are mandated to deliver.\textsuperscript{20}

\textit{Toronto’s Organisational Structure}

The City of Toronto is composed of the Mayor and 25 Councillors\textsuperscript{21} who are elected at-large for a four-year term. The Mayor is elected by voters from across the city. Unlike Vancouver, each councillor in Toronto is elected by voters in one of 25 wards. In Ontario, the \textit{Municipal Act} primarily governs all municipalities of every size. It wasn’t until January 2007 when the \textit{City of Toronto Act} (COTA) and \textit{Municipal Act} came into effect. The COTA grants the city broad powers to pass by-laws regarding matters that rage from public safety to Toronto’s economic, social and environmental well-being, subject to certain limitations. City council directly oversees city services and indirectly oversees services delivered through its agencies and corporations.\textsuperscript{22} With respect to accessing city services for non-status residents, Hudson et al. (2017) note that it is very rare that city bylaws and policies make immigration status a criterion for eligibility as, in most cases, city services are provided simply to all ‘residents’ of the city (Hudson et al. 2017). The city’s key services include: General Government and Financial Management; Bylaw Development, Building and Road Developments, and Licenses; Enforcement and Protection; Social and Emergency Housing. Below is an overview of the comparison of some service areas under the federal, provincial and municipal jurisdictions of Vancouver and Toronto.

\textsuperscript{19} A smaller portion of the budget (5.8\%) is allocated to the Metro Vancouver Housing Corporation, tasked with improving affordability.
\textsuperscript{20} In Vancouver’s 2016 \textit{Budget and Five-Year Financial Plan}, the city proposed $1,264 million operating budget with the objective to balance the need to maintain and improve city services.
\textsuperscript{21} In September 2018, Ontario’s top court stayed a ruling that upended recent-elect Premier Doug Ford’s plan to reduce the size of Toronto’s City Council from the 47-ward model to 25 wards.
\textsuperscript{22} City of Toronto has 134 agencies and corporations. Service agencies deliver key services in community centres and arenas, libraries, police, theatre, public health and transit. Council approves the budget of most city agencies, appoints its board members and in some instances, appoints its chair. City corporations, on the other hand, own assets, or operate and manage assets for the city.
City Council exercises jurisdictional powers to govern the city. Council has direct responsibility for oversight of city services as well as indirect oversight for service that are delivered through its agencies and corporations. Cities deliver key services through service agencies, including some community centres and arenas. Council approves the budget of most City agencies, appoints its board members and, in some instances, appoints its Chair. In Vancouver, some services agencies with independent boards include the public library, police, and parks and recreation. Toronto comprises of 16 service agencies, which include the public library, police, public health and parks. Appendix 2.2 and Appendix 2.3 lay out the breakdown of the key federal, provincial and municipal services in Vancouver and Toronto.

Table 2.1. Examples of Services Agencies in Vancouver and Toronto

<table>
<thead>
<tr>
<th>Examples of Service Agencies</th>
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<tbody>
<tr>
<td><strong>City of Toronto</strong></td>
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<tr>
<td>Public Library</td>
</tr>
<tr>
<td>Police Services</td>
</tr>
<tr>
<td>Public Health</td>
</tr>
<tr>
<td>Transit Commission</td>
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<tr>
<td></td>
</tr>
</tbody>
</table>

My research maps out the key city services is critical to understand the services that are under the municipal jurisdiction. The city’s authority is circumscribed by provincial law and the constitutional division of powers. Different cities offer different types of service areas. While municipalities have limited constitutional authority over immigration policies (Fourrot 2013), they facilitate interrelated efforts to support pressing issues at the local level. Member cities of the Federation of Canadian Municipalities, particularly cities that comprise the Big City Mayor’s Caucus, exercise coordination roles initiated either by themselves or by other stakeholders. In some cases, mechanisms of coordination operate on a relatively informal ad-hoc basis and in other cases, they operate on a relatively formal institutionalised basis as it relates to address a particular initiative.
or issue (Garcea 2016, 165). While cities are not obligated to implement or refrain from acting contrary to federal law, some have demonstrated that cities can impact federal law by adopting community-driven movement like the sanctuary city policy.
Chapter 3.

Methodology

Experts in immigration policy analysis assert that a further untapped potential for studying cases of sanctuary highlights the need for comparative work in such a way that compares “different arms of sanctuary activities or comparing independent incidents within23 countries or regions” (Lippert and Rehaag 2009). My thesis sets out to address precisely this gap. In recognition of Canada’s tripartite government system, I conduct my research at the smallest scale possible by comparing cities as a unit of measurement to understand how Access Without Fear policies were developed. The use of empirical evidence to apply and assess Neveu’s framework promotes Stephen Van Evera’s theory-testing classification as an ideal-type of categorisation.24 This constructivist analysis of problems closely aligns with the agenda-process as it involves how an issue comes to be identified, defined, and eventually how it enters government agendas (Cobb and Elder 1972). As the field of policy studies has been one of the fastest growing specialisations in the social sciences, Frank Fischer outlines that a constructivist approach “analyses the first step of the policy agenda-setting process, especially problem definition” (Fischer 2003, 55). Given the limited pool of potential cases for this study, and the precarious and vulnerable circumstance of the concerned population, my research constitutes a small-\(n\) study, employing a qualitative and constructivist approach.

3.1. Justification of Case Selection

As Canada is a relatively new country to adopt its first batch of Access Without Fear policies at the time of my research – with its first policy in 2013 – I had a few municipalities to choose from for my case studies. My research constitutes exploratory case studies between two Canadian municipalities, Vancouver and Toronto, as units of

\[\text{Author's italicization.}\]
\[\text{In his work, theory-testing is one of seven types of dissertation in the field of political science. This category uses empirical evidence to “evaluate existing theories’, which can take the form of large-}n\text{ analysis, case studies, or both (Van Evera 1997, 90).}\]
measure. Given the recent adoption of Toronto’s *Access T.O. for Undocumented Torontonians*, being the pioneer city in 2013, and Vancouver’s *Access to City Services Without Fear for Residents Without Uncertain or No Immigration Status* in 2016, I chose these two cities for my case selection in order to conduct a comparative analysis that specifically involves a policy exemplar – Toronto. A study requires a sense “not only of what is typical, but also of what is exemplary” to define a methodological subject (Gerring 2017, 11). I chose Toronto because it has a demonstrable influence in the field in such a way that the city has a more developed policy framework that captures the policymaking process, from agenda-setting to policy evaluation. Since its policy adoption in 2013, Toronto became a touchstone in methodological discussions for research and practice that informs the impact of municipal policies on the jurisdictional authorities to administer national and provincial immigration policies.

The second reason for my case selection is the variation that my cases represent. Despite the apparent similarity as metropolitan centres being the first and third largest cities in Canada, Toronto and Vancouver have different representations of newcomer profiles with varying degrees of immigration status. With an estimated population of 5.9 million, the Greater Toronto Area is the most populous city in Canada and the country’s largest urban and metropolitan area (Statistics Canada 2017). Over the past two decades, Toronto has witnessed significant fluctuations in the number of refugee claimants, which lead to unpredictable surges that create significant pressures on social services and shelter systems (City of Toronto 2017). The amalgamation of Toronto in 1998, which merged its surrounding municipalities to form its current conglomerate, is another interesting factor to consider with regard to facilitating settlement and integration of newcomers, specifically migrants with precarious immigration status. Similar to Toronto’s increasing number of residents, the Greater Vancouver Area has an estimated population of 2.5 million, making it the third largest metropolitan area in Canada, and like Toronto, is home to many immigrants and refugees (Statistics Canada 2017). While the vast majority of people enter and remain in the country through authorised channels, the city of Vancouver recognises that there are individuals who remain without or have uncertain immigration status.
Third, these cases are valuable because variance can also be found on spatial and geographical dimensions that exist between two different provinces. In other municipalities that have adopted similar Access Without Fear policies, Hamilton and Montréal, for example, present cases that are of shorter proximity and geographical distance to the exemplar (Toronto), whereas the city of Vancouver presents a unique case being situated along the western coast of Canada. As such, both spatial and geographical components present an important case to understand whether ports of entry – landlocked (Toronto) or coastal (Vancouver) – constitute as a confounding variable. In response to the public perception of sanctuary, I select Vancouver and Toronto because I am interested in the context of how different actors in different provinces define the concept of ‘sanctuary’.

3.2. Data Collection

Given the limited pool of potential cases for this study and the novelty of ‘sanctuary city’ policies in Canada, comprehensive documentation of each case was desirable to capture the development of events and narratives, which shaped the formulation of policies. In-depth, semi-structured interviews formed the core of my research design. The aim of my interviews was to conduct a careful analysis of how (1) the issue of accessing services for migrants with precarious status was identified as a public problem, and how (2) this problem captured the attention of policymakers, well enough to be included in the agenda. In order to collect this information, I conducted over 26 semi-structured interviews. The objective of my interviews was to collect primary data in a way that allowed me to appropriately modify and adapt my interview guides, language, and communication tools when interviewing different respondents. Depending on the preference of the respondents, I conducted interviews in English in Vancouver, and both French and English in Toronto. As a required ethical protocol, I began each interview by asking respondents whether I could record the interview. I audio-recorded the full duration of all of my interviews, except for one incident in which the respondent, who had previously consented to be recorded, requested that I turn off my recorder after I had asked all of my questions. The respondent disclosed offline that the reason for their reticence and unresponsiveness to the majority of my questions was due to their own
precarious immigration status. Because of the potential risk to the safety and security of the respondent, I decided to use the information that was solely provided during the first part of the interview, which excludes information shared after the request to turn off my recorder.

I established professional networks by attending workshops, local symposiums and national conferences, and volunteering with non-profit organisations and municipal governments as a tool to understand the sociopolitical environment and relationships between the different actors, which eventually helped me identify my interview respondents. My aim was to interview many different kinds of key policy actors involved in the development of sanctuary city policies, with the exception of residents with precarious immigration status themselves. The decision to exclude this population from the pool of respondents was, in part, due to the scope of my research objectives with the aim to learn from key actors involved in the development and formulation of sanctuary city policies. A second reason for the exclusion of this population involves the protection of confidentiality when sharing sensitive information; specifically, among residents without valid immigration status. I selected my respondents based on the relevance of the role that they play in the field, and their willingness to share information with me, and build referral chains of individuals that my interviewees recommended as a suitable fit to discuss the scope of ‘sanctuary city’ policies. In addition to semi-structured interviews, I accessed data through: a review of grey literature to understand the policy evolution of sanctuary from municipal government policy reports, secondary resources, reports from non-governmental organisations, and position papers on ‘sanctuary city’ policy; and participant observations acquired from front-line experience in local settlement organisations and federal government work experience.

I targeted four groups of participants in my interviews. First, I selected some participants because they acquired pertinent knowledge and sufficient information about the nature of sanctuary city policies, such as fellow researchers and professors. Second, I chose members of grassroots collectives, and representatives of advocacy groups because of their extensive experience with supporting vulnerable groups in the community and their power to influence wider perceptions and public discourse with regard to access to
services for the vulnerable. Third, I chose participants who provide service to residents, such as representatives from local school boards, police boards, healthcare authorities, and the legal profession. My fourth category of participants were those in a position to influence the formulation of, or implement, municipal policy, such as government civil servants and city councillors.

Broadly speaking, my participants included community leaders and advocates, city councillors, municipal bureaucrats, university professors, a former chair of a local police board, a director of a health authority, a district principal of a local school board, and a legal counsel who specialise in citizenship and immigration law. With regard to the meta-data – silences, ambiguities – I paid close attention to questions that my respondents (specifically community organisers and advocates) asked and remarks about my positionality and my purpose in their community. A final point regarding my data collection is that the development of Access Without Fear policies is one that is a challenging field to study; studying them while leadership and staff in positions of power continue to shift and while there is no precise estimate or number of the affected population in question is even more difficult. The main thematic benefit of this thesis to the scholarly community is the understanding of how a problem (access to services for migrants with precarious status) is identified, and how this problem gains access to the government’s agenda.
Table 3.1. Interview Participants Categories.

<table>
<thead>
<tr>
<th>Category</th>
<th>Vancouver</th>
<th>Toronto</th>
</tr>
</thead>
<tbody>
<tr>
<td>ELECTED OFFICIALS AND PUBLIC SERVANTS</td>
<td>4</td>
<td>3</td>
</tr>
<tr>
<td>City councilors, municipal civil servants and members of municipal working groups</td>
<td></td>
<td></td>
</tr>
<tr>
<td>GRASSROOTS COLLECTIVES</td>
<td>2</td>
<td>3</td>
</tr>
<tr>
<td>No One Is Illegal Toronto; Sanctuary Health Vancouver</td>
<td></td>
<td></td>
</tr>
<tr>
<td>RESEARCHERS</td>
<td>1</td>
<td>3</td>
</tr>
<tr>
<td>Ryerson University; University of British Columbia; University of Ottawa;</td>
<td></td>
<td></td>
</tr>
<tr>
<td>STREET-LEVEL BUEAUCRATS</td>
<td>6</td>
<td>4</td>
</tr>
<tr>
<td>Local school districts, police service board, public library, legal sector, settlement organisations</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total per city</td>
<td>13</td>
<td>13</td>
</tr>
<tr>
<td>Total</td>
<td>26</td>
<td></td>
</tr>
</tbody>
</table>

Note: Detailed information on interview respondents is recorded in Appendix 3.1.

3.3. Data Analysis and Coding Scheme

The development of my coding technique refers to the basic tenets of two coding cycles: First cycle and Second Cycle of coding methods. As Johnny Saldaña describes in the Coding Manual for Qualitative Researchers (2016), the First Cycle method are processes that occur during the initial coding of data to understand the detailed inventory of the substance and content. The Second Cycle method employs the categorisation of principal themes in preparation for data analysis and conceptualisation.
3.3.1. **Data Categorisation as a First Cycle of Coding**

The First Cycle method has a “basic, but focused filter for reviewing the corpus and they build a foundation for future coding cycles” (2003, 66). As a first step in data analysis, I use Descriptive Coding to assign basic labels to data as a means to provide a topical description. The objective is to summarise the central lesson or substance of a passage of qualitative data in a short phrase or word, most often in the form of a noun. I identified interview responses as my unit of analysis. I carefully modified my interview guide to tailor to the profile of my interview respondent, while keeping a set of the probing questions that directly address my research question. These questions include “How was this policy introduced to the agenda?” “If there is no concrete estimate of the affected population, why is this an important issue to address?” “How much influence do you think grassroots groups have?” I used *NVivo 12 Plus* as my methodological tool to code my interviews. I developed 28 codes, or *NVivo* nodes, that provide the topical description of the data. These codes laid the foundation for more detailed sub-codes, allowing for a finer description of the data. In other words, as Wolcott describes, it is “essential groundwork for Second Cycle coding for further analysis and interpretation” (1994, 55). The objective of Descriptive Coding is to lead the researcher to a categorised inventory or summary of the data contents.

*Councillor Geoff Meggs suggested this item to the table. At that time, around the table, we mostly have people from the settlement services organisations.*

*We have two academics, me and Dr. Hiebert. Some people from law society. I think that's about it.*

*It was not very well received, either. I just want to make sure that you get this. This is the dynamic because everybody had the same puzzle. Why do we need to worry if there is only a handful of people – we don't even know the number?*

*I think that's the dynamic in the beginning. That's why it took so long, partly because of that. Even for academics like me and Dr. Hiebert, we all pose questions why is this important? Should we just do something else?*

*Not that we don’t think that this is something good, but we just wonder, given all of the priorities and the resources, should we do something else?*

---

**Figure 3.1. Interview Transcript #11. Mayor's Working Group on Immigration. Vancouver. June 2018.**
As I became increasingly familiar with the content of my transcripts, I began to refine my principal categories as a means to define descriptive codes. I developed 28 codes, or NVivo nodes, from my interview transcripts after the First Cycle method. The codes presented below include the number of times each code has been referenced in my primary data. This initial cycle is a straightforward method to provide an organisational and conceptual grasp of the study. This step was in preparation for the second cycle in my coding scheme where my First Cycle codes are reorganised, recoded and reconfigured to develop broader, high-level themes, categories and/or concepts.

<table>
<thead>
<tr>
<th>NVivo Nodes and References for First Cycle Coding</th>
</tr>
</thead>
<tbody>
<tr>
<td>Accessibility</td>
</tr>
<tr>
<td>Accountability</td>
</tr>
<tr>
<td>Awareness</td>
</tr>
<tr>
<td>Cross-Municipal Grassroots Movements</td>
</tr>
<tr>
<td>Cross-sectoral Dynamic</td>
</tr>
<tr>
<td>Defining Sanctuary</td>
</tr>
<tr>
<td>Entrance to Agenda</td>
</tr>
<tr>
<td>Intramunicipal/Intragovernmental Dynamics</td>
</tr>
<tr>
<td>International Comparison</td>
</tr>
<tr>
<td>Implementation</td>
</tr>
<tr>
<td>Fear</td>
</tr>
<tr>
<td>Jurisdictional Limitations</td>
</tr>
<tr>
<td>Key Actors</td>
</tr>
<tr>
<td>Learning</td>
</tr>
</tbody>
</table>

3.3.2. Metadata Analysis as a Second Cycle of Coding

As Johnny Saldaña illustrates, the primary goal during the second cycle is to “develop a sense of categorical, thematic, conceptual and/or theoretical organisation from the array of First Cycle codes (2009, 149).” The objective is not to develop a perfectly hierarchical outline of codes and labels during the first cycle of analysis. Instead, a certain level of creativity is essential and encouraged to achieve new and striking perspectives about the primary data. Neveu’s five operational phases of the public problem construction framework – identify, frame, justify, popularise, entrance to agenda
– formed the foundational categories of my recoded nodes from the First Cycle of coding. I reorganised and reconfigured my codes and inserted them in each respective category. As policy entrepreneurs play a significant role in understanding how *Access Without Fear* policies gained entry to the agenda, I structured my codes in a way that showcases the entrepreneur involved (i.e., ‘stakeholder’) and the theme that describes the highlighted code (i.e., ‘metadata’). The tables below illustrate my second cycle of coding per city.
<table>
<thead>
<tr>
<th>Stakeholder</th>
<th>Identify</th>
<th>Frame</th>
<th>Justify</th>
<th>Promote</th>
<th>Adopt</th>
</tr>
</thead>
<tbody>
<tr>
<td>Harper Government’s decision to discontinue Interim Federal Health program</td>
<td>Government policy decision</td>
<td>Systemic racism embedded in immigration policies</td>
<td>Demanded the province to step up to the plate and provide health services to refugees</td>
<td>Provincial advocacy</td>
<td>We had a connection with Councillor Geoff Meggs. He now works for the provincial government. He wanted to capitalise on the momentum. We took advantage of him as much as he took advantage of us to push for the city policy. Then, he invited Sanctuary Health to join the working group.</td>
</tr>
<tr>
<td>Saw the momentum after the City of Toronto passed a sanctuary city policy</td>
<td>Cross-municipal influence</td>
<td>Community involvement</td>
<td>Organised consultations to learn from cities with sanctuary city policy</td>
<td>Cross-municipal collaboration</td>
<td>Access to power (political champion)</td>
</tr>
<tr>
<td>Canada's limited jurisdiction of service sectors</td>
<td>Jurisdictional limitation</td>
<td>Solidarity movement</td>
<td>Organised consultations to learn from cities with sanctuary city policy</td>
<td>Intraorganisational collaboration</td>
<td></td>
</tr>
<tr>
<td>Collaboration between Vancouver Police Department and Canada Border Services Agency</td>
<td>VPD-CBSA collaboration</td>
<td>Solidarity movement</td>
<td>Organised consultations to learn from cities with sanctuary city policy</td>
<td>Intraorganisational collaboration</td>
<td></td>
</tr>
<tr>
<td>Lack of training for service providers to apply procedures to serve migrants with precarious status</td>
<td>Lack of training</td>
<td>Solidarity movement</td>
<td>Organised consultations to learn from cities with sanctuary city policy</td>
<td>Intraorganisational collaboration</td>
<td></td>
</tr>
<tr>
<td>Lack of access in essential health insurance and no health insurance for ineligible migrants with precarious status</td>
<td>Lack of access</td>
<td>Solidarity movement</td>
<td>Organised consultations to learn from cities with sanctuary city policy</td>
<td>Intraorganisational collaboration</td>
<td></td>
</tr>
<tr>
<td>Undocumented migrant from South America committed suicide at the CBSA holding cell</td>
<td>Suicide of Lucia Jimenez</td>
<td>Life-changing would be to access health care, not getting a book out of the library</td>
<td>The policy is not going to affect a huge number of people</td>
<td>Community influence and engagement</td>
<td>What really helped was the long-established Mayor’s Working Group on Immigration, which leveraged issues at a political level a lot quicker than if it was an issue from the community.</td>
</tr>
<tr>
<td>Police could be a fear factor and could lead to deportation</td>
<td>Fear of police</td>
<td>Access to healthcare</td>
<td>No tangible effect</td>
<td>Community influence and engagement</td>
<td></td>
</tr>
<tr>
<td>Fear is centrally conchored on the fact that the police has not yet developed a policy</td>
<td>Fear of police</td>
<td>Dealing with actual death (Opioid), more so than possible or potential</td>
<td>Our next step is to use this policy to encourage our community partners, anyone who provides community services, to adopt the same</td>
<td>Community influence and engagement</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Case Study 1: Vancouver</th>
<th></th>
<th></th>
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<tbody>
<tr>
<td></td>
<td>Identify</td>
<td>Frame</td>
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<td>Promote</td>
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<tr>
<td>Service providers did not have funds to support the affected population</td>
<td>Lack of willingness to advocate</td>
<td>deaths (undocumented migrants)</td>
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<td>Police held someone in custody from skytrain and referred them to CBSA</td>
<td>Fear of police</td>
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<td>Changes in government immigration policy created the phenomenon for people to overstay due to fear of deportation and drastic discriminatory action</td>
<td>Government decision</td>
<td>CBSA visited families in the evening to ask if they knew the people identified in photos</td>
<td>Fear of police</td>
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<td>High-profile case of a Latin-American woman who committed suicide at the airport</td>
<td>Suicide of Lucia Jimenez</td>
<td>Fear of police</td>
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<td>Lack of training for service providers to apply procedures to serve migrants with precarious status</td>
<td>Lack of training</td>
<td>I don’t know how many people applying for a building permit in the city of Vancouver with precarious immigration status</td>
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<td>Minimizing fear</td>
<td>Fear of police</td>
<td>Jurisdictional limitation</td>
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<tr>
<td>Asking undocumented migrants of their status</td>
<td>Fear of police</td>
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<td>Lack of police or guidelines to direct officer discretion</td>
<td>Fear of police</td>
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**Case Study 1: Vancouver**

- **Mayor’s Working Group (includes Councillor)**
  - Service providers did not have funds to support the affected population
  - Lack of willingness to advocate
  - deaths (undocumented migrants)
  - Moral duty
  - We need to move this policy beyond the city of Vancouver. People cannot afford to stay in this city. To make this policy effective, you have to involve other municipalities where poor migrants can go and stay. An enduring policy needs a political champion. It needs some kind of advocacy group that ideally understands the politics of its own movement
  - Intranuclear collaboration
  - We have to have other cities endorse a similar policy. We have to work together to make it a Metro policy then it will have some impact, otherwise it's just within Vancouver. I would say, sure, we have another piece of progressive declaration. Other than that, I don't see any tangible effect.

- **Service Provider**
  - Lack of training for service providers to apply procedures to serve migrants with precarious status
  - I don’t know how many people applying for a building permit in the city of Vancouver with precarious immigration status
  - There are a number of people without valid immigration status but who are in a clear pathway to regain it
  - Regaining status
  - The City does not control other independent governing bodies, but it can influence them through goodwill and relationships
  - Continuous advocacy
  - Sanctuary Health has been advocated for a long time to city council to pass an “Access Without Fear” policy. They started and it gained traction at city council
Table 3.4  Second Cycle Coding of Toronto’s Sanctuary City Policy

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<td>Grassroots Collective</td>
<td>Police detained and deported Dominican woman who reported sexual assault because she was undocumented</td>
<td>Fear of police</td>
<td>Toronto doesn't provide immigration status. We are dealing the effects of non-status. You have to develop this alternative and push the federal government for a solution. Pushing for a motion could be a good way to bring back the question of accessing spaces within the city and to engage with front-line service providers. We did this campaign and we won. Movement and organising can make some changes. We stood together and we achieved certain things. We need to put pressure. Let’s keep doing this together again and push some more. The transformative power of the campaign that did not necessarily achieve the material goal. The policy was not the objective, it was Federal advocacy</td>
<td>Access TO is part of the resolution, which is undocumented Torontonians regardless of their immigration status, they have access to all city services. That’s the policy. In the policy, there is a political declaration and is a false advertising because it’s not true. People who don’t have status don’t have access to all these services.</td>
<td>Unclear messaging</td>
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<td>CBSA came to a school to detain students in order to get to their parents who were undocumented</td>
<td>Fear of police</td>
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<td>Police went in a school to arrest two children in 2006</td>
<td>Fear of police</td>
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<td></td>
<td>Lack of implementation and lack of policy around Access Without Fear</td>
<td>Lack of implementation</td>
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The main one was Joe Mihevc who worked with us to draft a policy that was then passed by the community in the development of services committee. Then, it was brought to city hall. We showed up with 150 odd people in shirts saying “Sanctuary City Access Without Fear”. We handed buggies to city councilors, many of them put them on and we won by a vast majority, including both the Fords.
**Stakeholder**

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<td>Collaboration between Toronto Police Services and Canada Border Services Agency</td>
<td>TPS-CBSA Collaboration</td>
<td>only one part of the struggle.</td>
<td>CBSA, understanding that they do their work at the federal level.</td>
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<td>Lack of resource investment to serve non-status people</td>
<td>Lack of implementation</td>
<td>People were ready to get mobilised. It was a good moment to make some of those spaces safer across the city. There was political momentum that was possible to gain. There was some appetite.</td>
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<td><strong>Municipal Government</strong></td>
<td>Reporting relationship between TPS and CBSA contradicts with the Access TO policy</td>
<td>TPS-CBSA Collaboration</td>
<td>We don’t track numbers; we don’t ask people their status, by the definition of the policy, so we aren’t able to know. This is what we are trying to figure out now: the balance between maintaining anonymity and having concrete data.</td>
<td>The driving force came from the community, in terms of advocating for the rights of undocumented Torontonians. I’m sure that they will catch what is happening in the States in terms of their sanctuary city policies because some of them were adopted before ours</td>
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**Case Study 2: Toronto**

- CBSA, understanding that they do their work at the federal level.
- Toronto had a poster that said that everybody could access services regardless of immigration status. WE took that poster to City Hall and said that they need more than that poster. They need an actual policy. We were assisted by a progressive councillor.
- The importance of having community involvement in the development of the policy and having political support. You need both things in order to move forward. It’s great to have the policy in place but more follow-up or long-term work needs to be done around the implementation of the policy.
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<tr>
<td>Councillor</td>
<td>Many folks who are undocumented in the city was a real driver</td>
<td>Number of affected population</td>
<td>Symbolic importance of sanctuary</td>
<td>Inclusion of city residents</td>
<td>Strategic timing</td>
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<td>Harsh securitising measures of the Harper Government created an increase in the non-status population</td>
<td>Government policy decision</td>
<td>Symbolism is incredibly important. All of language is symbols, all of art is symbols. Symbols are where meaning is. That’s how we relate to each other, that’s how we interact. This quote-unique symbolic function of sanctuary city shouldn’t be underestimated. It captures something very powerful about how morality and</td>
<td>Access to education</td>
<td>Non-state actors were vigorously pursuing the agenda of the sanctuary solidarity movement. There was advocacy in term of challenging stale federal laws that closed pathways to regularisation and protecting non-status migrants from being apprehended and deported</td>
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<tr>
<td>Academic Researchers</td>
<td>Lack of training for service providers to navigate their procedures when faced with migrants with precarious status</td>
<td>Fear</td>
<td>Symbolic importance of sanctuary</td>
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<td>Political lobbying</td>
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- **Coded** refers to coding categories.
- **Meta** refers to meta-categories.
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<td>No access to K-12 level in Canada, as a follower of the UN Convention and the UN rights of the child</td>
<td>Lack of access to Education</td>
<td>ethics motivate behaviour and how it can connect people. Shared consciousness.</td>
<td>compliance at the local level.</td>
<td>Without people showing up at the school boards and doing rallies and shaming trustees, nothing would have moved. There were a number of interesting strategies utilised by grassroots activist as a means of developing a counter narrative to subvert power structures</td>
<td>those people and their connection to the community, huge change. Huge change with the culture of the city. So, numerous roots in the community.</td>
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<td>Afraid to call 911 in a legitimate emergency</td>
<td>Fear of police</td>
<td>My suspicion Is while the police may be following the Don’t Ask policy, they are also acting as agents of the federal government in the areas of national security and antiterrorism. That is the loophole they use to make inquiry, report the illegal status of people, etc.</td>
<td>Role of police</td>
<td>We thought that the policy will take care of the vast majority of the people who live in the city for the undocumented. It is only now, with research from McGill and Ryerson and some of the data gathering by committee groups that we find that the police may not be respecting the policy the way that it was accepted.</td>
<td>Joe Mihevc worked with us to draft a policy that was then passed by the community in the development of services committee. It was then brought to the city hall. We showed up with 150 odd people in shirts saying “Sanctuary City Access Without Fear” We handed buggies to city councillors, many of them put them on and we won by a vast majority, including both the Fords.</td>
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<td>Deterioration in how the police are enforcing or observing the policy. Police may not be totally respecting the city's and the police board's policy</td>
<td>Lack of training</td>
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<td>Service Provider</td>
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3.4. Conducting a Pilot Project

From September 2017 to December 2017, I conducted a pilot project as a means to assess the methodological and logistical feasibility of my research objectives. This preliminary stage of my data collection was facilitated through a course taken in the Fall of 2017.\(^\text{25}\) This pilot project allowed me to conduct 11 in-depth, semi-structured interviews to understand the development of ‘sanctuary city’ policies in Vancouver and Toronto. These interviews were conducted with key actors from: municipal governments (4), non-governmental organisations and grassroots collectives (2), academic experts in the field (2), and service providers (3). The interviews focused on understanding the following themes in Vancouver and Toronto: identifying entrepreneurs; development of the city’s sanctuary policy; exploring the cross-sectoral relationships and communication between entrepreneurs; and posing concluding questions to leave time for topics that have not been discussed. I conducted the interviews in English with key informants in Vancouver, and English and French in Toronto. In both cities, I gave my interviewees the choice of being anonymous and choosing the amount of information that they were willing to disclose, should they wish to be identified. I asked for verbal consent to audio-record my interviews and offered a choice to stop the interview at any time.

The major themes from the interviews in this pilot project are: establishing the (re)definition of sanctuary, reconciling the jurisdictional scope of ‘sanctuary city’ policy, understanding the cross-sectoral relations between different entrepreneurs, and sharing of best practices. Other themes that emerged included the role of federal funding on sanctuary policy goals, the non-compliance of certain service providers and the importance of trust as a channel of communication. Primary data was coded and analysed using NVivo. For example, the City of Toronto, highlighted the importance of being a Local Immigration Partner\(^\text{26}\) to boost cross-sectoral collaborations. From the perspective

\(^{25}\) This course was POL 856 on Issues in Social and Economic Policy in the Department of Political Science at Simon Fraser University with Dr. Michael Howlett.

\(^{26}\) Local Immigration Partnerships are community-based partnerships that aim to: foster local engagement of service providers and other institutions in newcomers' integration process; support community-based knowledge-sharing and local strategic planning; and improve the coordination of services that facilitate
of some actors, Toronto is considered to be a point of reference that guided counterparts in Vancouver during the formulation stage of AWF policy. Key informants describe that Toronto served as a blueprint that revealed the strengths and possible areas of improvement.

“As a Local Immigration Partner, we have a lot of cross-communication with different municipalities both within Ontario, and nationally. We try to attend, when we can, conferences, recently Pathways to Prosperity, which you also know about, where all the LIPs were able to come together and we participated in the LIP pre-conference so we’re able to conversation with other people.”

Similarly, collective members of Sanctuary Health Vancouver, explains Toronto’s role, as the first Canadian city to officially adopt a ‘sanctuary city’ policy through collaboration with external stakeholders:

“[Toronto served as a model] in a way that it gave us the passion to start working with the city. We saw the momentum from Toronto for passing the policy. Strategically, [we thought] if we push the city to do this, then we can use the policy as a tool for opening more doors. Each place has its own model; there is no unique model that we follow. In our case, it’s strongly rooted in the community. We are a group of organisers, but the community has always been involved in what we do. They guide our advocacy.”

Interviews collected during this this pilot project have been used in the subsequent phases of my data collection to supplement the analysis of my findings. Conducting a pilot project and recruiting interview respondents at the earlier stages of my research allowed me to capture central points and initial findings that play an integral role in understanding the development of sanctuary city policies and in identifying the involvement of key entrepreneurs.

3.5. Limitations of Methodology

A key component of methodology is identifying and reflecting on gaps and limitations to improve the planning of future research. Firstly, the small-\(n\) sample size of the limited pool of participants is not the full representation of the targeted population.
The research would have benefited from a more balanced number of participants and their respective organisations and affiliations between Toronto and Vancouver. Additionally, the research would have also benefited from another case given the opportunity of time and resources. For instance, including a third city, the cities of Montréal or Hamilton, would contribute to the empirical and methodological capacity of conducting a more enriched analysis of policy diffusion between cities. Secondly, acquiring a balanced representation of interview respondents from Toronto and Vancouver limits the scope of obtaining available primary data. My research acknowledges some hurdles in relation to face-to-face interaction with some of my key respondents, particularly those who are based in Toronto. This financial barrier in relation to accessing these resources permitted me to be creative with my available tools by being strategic with my participation in graduate extra-curricular events and activities. For example, I combined participating at a national immigration conference in Toronto in 2017, and conducting in-person interviews within the same time frame. Further research would benefit from engaging more stakeholders involved in the development of AWF policies. Lastly, due to the lack of concrete data on the number of the affected population, there was an initial difficulty in accessing the field as not all stakeholders were open to disclose information for confidentiality reasons of safeguarding secured information and of discussing their involvement with migrants with precarious or no immigration status.

Empirical evidence of the perspectives of key entrepreneurs and the responses to the development of sanctuary city policies in Vancouver and Toronto benefits policymakers since it informs decisions and discussions on the process of operationalising immigration policies in Canada. Through the application of Neveu’s problem construction framework, informed by Fischer’s discursive policy analysis, my contribution aims to find an opening in understanding how the issue of providing city service access to residents with precarious status rose to the stadium of power.
Chapter 4.

Case Study: Vancouver’s *Access Without Fear Policy*

This chapter presents empirical data on a comparative case study of Vancouver’s sanctuary policy, entitled *Access to City Services Without Fear for Residents with Uncertain or No Immigration Status*, to understand the process in which this policy was entered Vancouver city council’s agenda. The research data is analysed and presented based on Érik Neveu’s five operational elements of public problem construction: *identifier, cadrer, justifier, populariser,* and *mettre en politique publique*. As personal accounts and community narratives play an important role in the framing and formulation of a sanctuary city policy, my analysis will focus primarily on data collected from in-depth, semi-structured interviews.

4.1. **Identifier: Trigger Events as Catalysts to Vancouver’s Sanctuary Movement**

My research findings show that Vancouver’s sanctuary city policy was the result of a few high-profile cases that sought to challenge government action. This section details some of these key historical events, which have created a significant impact that molded the formulation of the city’s *Access Without Fear* policy. I reflect on Neveu’s first operational element of problem construction: *identifier*. As Neveu describes, this stage refers to the identification of causes, explanations and factors that key policy entrepreneurs consider as problematic (Neveu 2015, 44). One of the first focusing events that brought prominence to the issue of *Access Without Fear* was the deportation of Laibar Singh, a paralyzed refugee claimant from Indian, in 2007. Singh entered Canada in 2003 on a false passport and worked as a labourer until he suffered an aneurysm, and eventually became a paraplegic. Singh took sanctuary at a Sikh temple in Surrey, British Columbia. Between 2007 and 2008, a public campaign, organised by a grassroots collective, No One Is Illegal (NOII) Vancouver, focused on challenging Singh’s deportation. Singh was scheduled to be deported on December 11, 2007, but Canada Border Services Agency delayed its action after more than 1,000 supporters protested at
the Vancouver International Airport terminal to block the deportation process. NOII-Vancouver organisers exercised community mobilising strategies to attempt to rule out the removal order. These community strategies included speaking daily on Punjabi radio shows, writing commentaries in multilingual newspapers, building alliances at campus and union meetings, leafleting at gurudwaras to connect with other immigrants, coordinating national days of action, facilitating community meeting debates and lobbying. This blockade is the only documented time in recent North American history that a deportation process has been prevented through the power of a mass mobilisation and direct action (Walia 2013, 98). This federal decision to overturn a removal order marks one of the first of over a dozen sanctuary events in which NOII-Vancouver, among NOII groups in other Canadian cities, became involved. In 2008, Laibar Singh was deported back to India.

Escalating incidents within immigrant and refugee communities resulted to community mobilisation, particularly after the 9/11 terrorist attacks, which led to the creation of grassroots collectives like No One Is Illegal groups in Canada. The first NOII group formed in Montréal in 2001, followed by Calgary, Halifax, Kingston, London, Toronto, Ottawa, Winnipeg, Vancouver, Victoria and Québec City. NOII supports an ideological framework that “counts border imperialism and is rooted in anticolonial, anti-capitalist, ecological justice, Indigenous self-determination, anti-occupation and anti-oppressive communities” (Walia 2013, 98). NOII’s organising practices extends beyond its organisational boundaries. Laibar Singh’s removal case contributed to the building blocks of advocacy that leveraged grassroots groups, like NOII, to promote safe access to city services. In my research, it became apparent that Singh’s case was only an ingredient, which later ignited and fueled the sanctuary movement in the city of Vancouver.

In June 28, 2012, the federal government passed Bill C-31 “Protecting Canada’s Immigration System Act”, which amends the Immigration and Refugee Protection Act, the Balanced Refugee Reform Act, the Marine Transportation Security Act and the Department of Citizenship and Immigration Act. The Conservative government of Prime Minister Stephen Harper introduced the rollback of refugee health care in an effort to
save an estimated $20 million annually. This cost-saving mechanism resulted to cuts to the Interim Federal Health Program. Former Minister of Immigration, Citizenship and Multiculturalism Jason Kenney concludes that the federal reform was necessary as refugees were receiving better health benefits than ordinary Canadians were receiving (Galloway 2012). These consecutive events led to the formation of Sanctuary Health Vancouver, a grassroots alliance of health care providers, service professionals, refugees and migrants, representatives from organisations supporting refugees and migrants, and concerned members of the public. Cuts to primary, preventative and supplemental healthcare became a catalyst that sparked the formation of Sanctuary Health in Vancouver. As Alejandra Lopes Bravo, Sanctuary Health collective member, describes:

I got involved with Sanctuary Health because Byron invited me. This was back in 2012 when the Interim Federal Health was cut by the Harper Government. Community workers and health workers mobilised across the country to fight this cut. Here, in Vancouver, Byron was one of the lead organisers to fight back the cuts, but also to go out on the streets and demand the provincial government to step to the plate and provide services for refugees. So, originally I just got involved as one specific thing, which was demanding the government to reinstate the basic health services for refugees, but we continued organising, and that’s how we formed Sanctuary Health (Interview transcription, Sanctuary Health Vancouver, November 21, 2017).

Pre-2012, Sanctuary Health Vancouver had been pushing for a sanctuary movement as a result of the community struggles when accessing basic health services. For example, organisers started creating alternative options by initiating informal networks with volunteer physicians, nurses and community workers, specifically those who speak Spanish, to access basic essential healthcare for the Latin American community. These cross-sectoral networks of communication focused on a shared objective of creating safe access to city services. In addition to local pressures to address access to services, the Harper government’s decision to initiate the Interim Federal Health cuts in 2012 also engendered national responses, from grassroots collectives to a Nobel Peace Prize winner and Holocaust survivor Elie Wiesel (Galloway 2012). The

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27 The Interim Federal Health Program (IFHP) covers certain pre-departure medical services for refugees coming to Canada for resettlement. Coverage includes: immigration medical exams and follow-up treatment of health conditions that would make someone inadmissible to Canada; vaccinations; outbreak management and control; and medical support needed for safe travel. IFHP provides this coverage to groups who aren’t eligible for provincial or territorial health insurance. Government of Canada (2019)
backlash against the refugee healthcare reform created the atmosphere in which migrants with precarious immigration status became more relevant in both the national and local spheres of immigration policymaking. The increasing sentiment following these healthcare cuts fueled grassroots collectives to respond. Byron Cruz, collective member of Sanctuary Health, explains:

> The Conservatives were making all of these changes. Probably I was peeing in my pants afraid of these changes, but we said it was enough. We had to respond to those changes made by the Conservatives. How do we respond to changes made by the Conservatives that were causing a lot of problems, a lot of injustice? How come a mom, who was pregnant, couldn’t access prenatal care for the baby from the hospital? It costs $15,000 to $26,000. That’s the average cost for a woman with precarious immigration status to have that baby in the hospital (Interview transcription, Grassroots collective, November 21, 2017).

Similar to Singh’s removal order, Cruz’s narrative is an example of a focusing event as a result of a federal government policy decision. In Singh’s case, the decision to issue a removal order allowed space for NOII-Vancouver to initiate community mobilisation and direct action in halting the deportation process. In Lopes and Cruz’s scenarios, the federal healthcare cuts resulted to the formation of Sanctuary Health Vancouver as well as the informal cross-sectoral partnerships between migrant communities and healthcare providers.

A third event, which further ignited the existing elements of the sanctuary movement in Vancouver, was the death of 42 year-old hotel worker, Lucía Vega Jimenez. On December 1st 2013, Jimenez was apprehended at the Main Street skytrain station following a fare-evasion check in Vancouver, British Columbia. Upon extensive questioning, the Vancouver Transit Police (VTP), formerly South Coast British Columbia Transportation Authority Police Service, discovered that Jimenez was residing and working in Vancouver without legal immigration status. Jimenez, a denied asylum seeker28 at the time, was detained at a Canada Border Services Agency (CBSA) holding cell several storeys below the Vancouver International Airport. After enduring a period of

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28 A denied asylum seeker is a refugee claimant who has received a negative decision from the Immigration and Refugee Board, Canada’s largest independent administrative tribunal, responsible for making well-reasoned decisions pertaining to immigration and refugee matters.
domestic violence in her hometown, Jimenez feared being deported back to Mexico. After three weeks in detention, Jimenez took her life in the CBSA holding cell. It was later revealed that Jimenez’s case was one of 328 migrants that VTP reported to the CBSA that year (Lupick 2015). To this date, an estimate of the affected vulnerable population with precarious immigration status remains unknown.

Following Jimenez’s suicide while in custody, the social and political sentiment surrounding safe access to services became more visible as grassroots collectives and representatives from migrant community organisations called on the local and regional transportation authorities to terminate existing Memorandum of Understanding agreements between Vancouver Transit Police and CBSA. Part of the rationale was to mitigate the increasing levels of fear in migrant communities. From a community organiser’s point of view, Jimenez’s tragic death carried on the momentum of advocating for safe access to services. My empirical findings show that while migrant community organisations and grassroots collectives played a significant role in identifying Jimenez’s death as a primary catalyst in the sanctuary movement in Vancouver, these groups also shared a common perspective as some local government representatives:

The main focus was how the city interacts with undocumented migrants, so they don’t get in situations where they necessarily have to disclose their immigration status and how they get deported. One of the issues that was happening in Vancouver – Sanctuary Health did a lot of advocacy on that – there was an undocumented migrant from South America who was picked up by the Transit Police. Of course, she didn’t pay for a ticket and when the transit police checked her information, they figured out that she was an undocumented migrant. She got transferred to Canadian Border Services Agency and she committed suicide while she was in the holding cell. That was a bit of a catalyst. It was maybe 2–3 years ago, where people became aware that if your status was an undocumented migrant, basically, it led to suicide (Interview transcription, Municipal government, November 23, 2017).

My findings describe that the foundation of the sanctuary movement is significantly tied to the lack of access to essential services and the sentiment of fear in migrant communities with precarious immigration status. In Laibar Singh’s removal case, grassroots collectives and community representatives protested at the airport terminal with the objective to halt Singh’s deportation. While Singh had a pending Humanitarian
and Compassionate application\textsuperscript{29} to appeal the removal order, he was in a vulnerable position and struggled with depression in the midst of the deportation process. In Lopes and Cruz’s case, the rollback of the Interim Federal Health coverage in 2012 produced a heightened level of fear within migrant communities as healthcare is considered one of the most important sectors of service.

Moreover, Jimenez’s death further ignited the public movement, thus, further criticizing enforcement authorities for having contributed to her death. My research findings illustrate that the lack of access of essential services and fear were the driving forces that gave grassroots collectives the agency: (1) to identify problems and advocate on behalf of migrant communities, (2) challenge government decisions and (3) provide leverage for the sanctuary movement to move forward. In the eyes of migrant representatives, grassroots collectives, and organisers, the sentiment of fear and the lack of access to essential services significantly contributed to the preliminary tenets of a public problem in Vancouver.

4.2. \textit{Cadre: Framing Access Without Fear to Inform Public Discourse}

The second operational element in Neveu’s public problem construction process is the concept of framing, or cadre, in which entrepreneurs define the nature of the problem through the selection of factors such as personal accounts, images, links of causality and symbols, while obscuring others. The goal of key actors and entrepreneurs is to formulate competing social problem frames that can depict the most favourable outcome and interpretation to decision-makers. Entrepreneurs aim to add value when articulating the problem when the issue is framed in a certain manner that works toward their benefit. The process of framing the issue of accessing city services to non-status residents in Vancouver is vital to the construction of a public problem because it has the capacity to alter the articulation of an issue since it can “stand for something other than

\textsuperscript{29} Section A25(1) of the \textit{Immigration and Refugee Protection Act} allows foreign nationals who are inadmissible or who are ineligible to apply in an immigration class, to apply for permanent residence, or for an exemption from a requirement of the \textit{Act}, based on humanitarian and compassionate (H&C) considerations.
itself” (Edelman 1985, 6). My findings show that the manner in which symbols are expressed by various stakeholders, or key actors involved in the policymaking process of Vancouver’s sanctuary city policy, somehow dictates their views and perspectives on the policy itself. In the case of Vancouver’s sanctuary city policy, understanding the differing views of these actors is important as these views not only reveal the rationale behind the actors’ advocacy of the policy, but they also describe the impact of key stakeholders throughout the policymaking process. One example of framing comes from a state-centric perspective that reinforces, in this case, the progressive agenda of the municipality while devaluing the practical implications of what the policy can actually provide. For example, Dr. Miu Chung Yan, member of the Mayor’s Working Group on Immigration, and Professor and Director of the School of Social Work at the University of British Columbia explains that while Vancouver’s sanctuary city policy does not have a clear, tangible function, it produces a ‘spirit’ that is beneficial for the municipal, albeit political, agenda:

The policy doesn’t really have any major effect on people’s lives. The city doesn’t really provide many tangible programs. So, it’s more like a spirit. Now, okay everybody accepts the spirit. We try not to intimidate the people by checking the ID or by asking for the ID. Most services don’t ask for ID anyway. So, I don’t think there’s any major changes [...] I think the spirit is important. It makes us sound more welcoming to undocumented migrants. It also makes the city sound like the leader of immigration policy in the municipal level [...] It’s not something that we will fully, whole-heartedly, right away endorse. It’s more like, at the end of the say, sure, one more piece of policy. It’s fine. From my perspective, not many people think that this would work or that it would have any impact. Given number one, there is not a large number of people. Number two, there’s nothing significant that the city can do with a policy like that. Like I said, it’s the good spirit. Also, it helps to make the city look progressive. (Interview transcription, Mayor’s Working Group on Immigration, June 14, 2018).

This perspective on Access Without Fear represents only one of several views on residents with precarious immigration status in Vancouver, yet his narrative describes the internal stakeholder dynamics during the preliminary discussions of the policy. The point

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30 The Mayor’s Working Group on Immigration assists the City of Vancouver with the development of city policies, the endorsement of leadership strategies and the formulation of recommendations for adoption by City Council. The working group is comprised of 18 representatives from the business, academic, community service, education, health, police and legal sectors.
of views of entrepreneurs are crucial as recommendations that are put forward from the Mayor’s Working Group on Immigration can guide and influence the Mayor and Council as policy issues get formally tabled in the process. The importance of understanding the cross-sectoral attitude and internal landscape during these closed discussions is paramount to understand how each stakeholder can create an impact and influence the development of the problem, and the formulation of the policy.

In contrast to Dr. Yan’s narrative, another example of framing comes from the perspective of a grassroots collective’s advocate, whose primary motivation for advocacy to endorse the concept of inclusion of all residents to access services while protecting their information from federal government officials:

For us, the sanctuary movement, has been defined and constantly been re-defined by what the needs of the communities are, but basically for us it is access for all and access without fear of deportation, which are the principles that most cities have expressed. For us, it is access for all in a sense that you know, services where limited or tied to your immigration status and that also, all organisations and spaces would not share information with CBSA, would not share information with enforcement agencies and that they would keep information confidential and that they would create CBSA-free zones. They would take another step to be vocal about CBSA wasn’t going to be welcome in those spaces (Interview transcription, Sanctuary Health, November 21, 2017).

From their perspective, Sanctuary Health frames the importance of providing access to services for all by emphasising the impact of fear as the emotion behind deportation and contact with federal government officials, like CBSA officers. The application of fear, as an emotive factor, creates an impactful weight that underscores the severity of what may occur when residents without valid status are not permitted to access city services.

Much of the discourse captures the dynamic between the key actors involved in the formulation of this policy. There is an existing tension embedded within the most internal networks in policymaking, which challenges the adoption of a sanctuary city policy in Vancouver. From a political standpoint, symbolic representation in policymaking and politics is a game changer. As Edelman describes, “political symbols bring out in concentrated form those particular meanings and emotions which the
members of a group create and reinforce in each other. There is nothing about any symbol that requires that it stand for only one thing” (Edelman 1985, 11). Baldwin Wong, Social Planner from the City of Vancouver describes the stark deviation from using ‘sanctuary’ during the formulation of the policy title:

Sanctuary, in the religious term, means that you can actually go and seek shelter and support and all kinds of things. By calling ourselves a sanctuary city, it could be misinterpreted. This is an advice from our Mayor’s Working Group on Immigration, which is a group of community stakeholders. We are actually quite inclined to go all the way to call ourselves a ’sanctuary city’; I am actually more than happy to use that term to describe the policy, but rather, we err on the side of caution. The name of the policy in Vancouver is long and it describes the policy in such detail: *Access to City Services Without Fear For Residents With Uncertain or No Immigration Status*. We really actually want to spell it all out within the policy name to avoid any room to misinterpret it too much. Anyway, I thought it was a point to clarify. You should ask the same to Toronto. Have they ever actually declared it that way? They have not. Why haven’t they? The purpose is to not mislead people who seek refuge. There are refugee claimants here who just decide to come here to seek protection. If they come to the municipal government, like the City of Vancouver, and say: “well, you have a sanctuary city policy and we need your protection”. We cannot offer that. We don’t want to over-reach by calling ourselves a sanctuary city. That may not be an issue for other cities. They feel that they are generally misunderstood because sanctuary city is actually a movement across Canada (Interview transcription, Municipal government, November 9, 2017).

Wong’s narrative is one of several iterations that key stakeholders have expressed concerning the symbolic use of ‘sanctuary’ in the policy title. My findings show that this technical intricacy is a commonality between Vancouver and other Canadian municipalities – Toronto, Hamilton, and London (ON), to name a few – that have adopted a similar policy in the hopes of preventing any possibilities of public misconception by migrant residents. Given the municipality’s cautious practice in policy naming conventions, it is critical to understand the influential impact – or inconvenience, in the eyes of some stakeholders – that symbols have prior to, as well as during, the policymaking process.

Framing Vancouver’s sanctuary city policy is pivotal in my analysis of the public problem construction process, particularly in the development of *Access Without Fear* policies. Understanding the role of framing is crucial in policy analysis because these
interpretations evoke certain attitudes and patterns that create a distinct impact to decision-makers. The next section will move beyond the framing of sanctuary and analyse how policy entrepreneurs justify the gravity of the problem, and in turn, the relevance of the policy.

4.3. Justifier: Moral Duty versus Relevance of Policy

The justification of a public problem aims to make a public impression that a particular issue is a serious concern. As Neveu describes, it is not only important to be heard or seen, but to be seen well in order to produce a strong sentiment of urgency and gravity (2015, 126). To reiterate Neveu, proving that a problem merits attention from the public and government agenda involves the combination of “la science et le chiffre, les émotions et la vox populi.” The following section presents how different policy entrepreneurs weighed in on the discussion on access to services during the pre-adoption stage of Vancouver’s sanctuary city policy. My findings reveal that the attitude and perception of each individual stakeholder played a significant role in their manner of justifying the seriousness of the problem.

Science and Numbers. Respondents from the municipal government are of the view that one of the key tools to measure the efficiency and the reach of a policy is through an evidence-based approach of identifying its target population. More specifically, it appears that a majority of municipal government stakeholders focus on the number of the affected population to highlight the relevance of the issue. With the current Opioid epidemic in the city of Vancouver, particularly in the Downtown Eastside core, a public problem with a smaller, or unknown, amount of affected population will likely pale in comparison to the higher level of priority that is invested in mitigating more pressing local concerns, like the rise of Opioid deaths or the increase in homelessness. As a result, my findings show that Vancouver’s sanctuary movement primarily focuses on ascertaining the relevance of the problem, despite the fact that there is no concrete estimate of the affected total number of population. The lack of a clear number is an

31 “The science and numbers, emotions, and [in Latin] the voice of the people.”
intriguing challenge that is almost impossible to reconcile in the eyes of key stakeholders. While tracking and collecting information on immigration status of migrant residents may be beneficial to heighten the relevance of a public problem, my findings reveal that this operational process counteracts the purpose of an Access Without Fear policy due to the de-facto exposure of migrant resident information to third parties. Juan Solorzano, Executive Director of Vancouver Coastal Health, describes the impact of sharing immigration status to third party agencies:

The issue is that people who were coming for health services, occasionally, would be referred to the Canada Border Services Agency. For people who had active deportation warrants, this process could lead to deportation. If someone comes to the hospital for services, they could potentially be deported. That could create a lot of fear for people who are trying to avoid access to services. In the past, the financial group in the hospital would be asking clients for their proof of status. If they didn’t have it, they [financial group] would check with CBSA or with the immigration office for proof of status. Unfortunately, for this population, that type of practice was dangerous in a sense that it would highlight their undocumented status, which could result to another deportation. (Interview transcription, Service Provider, June 21, 2018).

Solorzano’s account of Vancouver Coastal Health’s intake policy and payment procedures describes the impact of disclosing immigration status information to third parties, such as law enforcement officials or other agencies. While access to health services is within the provincial jurisdiction, its impact automatically connotes a sentiment of fear when accessing basic services, as a whole. Prior to the change in VCH’s internal policy and practice, Solorzano explains that the referral rates to CBSA has dropped dramatically to over 90%. In 2014, the rate was around 80 referrals, but in 2015, the rate dropped to 40 referrals. Solorzano says that the higher rate in 2014 was an unintentional outcome of VCH’s finance policy. The decrease in referral rates within one year is the result of a change in internal policy and operational procedures of in-patient admissions, inhibiting additional cases of deportation.

Part of the internal dynamic between key stakeholders involved in the development of the policy includes the diverse viewpoints about the relevance of the policy and the number of the affected population. Stakeholder dynamic is a critical factor in the problem construction process. These actor-centric perspectives yield valuable
insight on the potential for civil servants to influence the policymaking process (Hopkins 2016). For example, the municipality’s standpoint relies strongly on prioritising a specific issue over another that may be equally, if not more, important, if there is pertinent evidence to do so. Baldwin Wong from the City of Vancouver explains that the priority is given to issues with immediate or urgent needs:

From a city policy perspective, we have people dying on the streets every day, the Opioid crisis. Literally, hundreds – these are actual deaths of people not possible or potential. So, we have to deal with a lot of crisis, more so that non-crisis. In the way that we resource things, we have to put priorities on those that have immediate and urgent needs. Not that, they’re not [undocumented residents], but comparatively speaking – what is the urgency? From the advocacy side, they see this every day (Interview transcription, Municipal government, June 5, 2018).

The above example highlights the importance of prioritising local issues that demand immediate action. For example, the significant rise of the Opioid epidemic accounts for the 931 cases of overdose deaths in British Columbia, 219 of which are from Vancouver. This record number is listed as the highest total in any urban centre in the province that year, as well as the highest total among all provinces and territories. More recently, in 2017, there were 1,103 cases of overdose deaths, which far surpasses the total of the previous year. As well, the example demonstrates the use of framing by describing the urgency of tackling the Opioid crisis due to the number of affected population. In comparison to Access Without Fear policies, the Opioid crisis involves a known number of affected individuals, whereas AWF policies concern a number of individuals that are not precisely identifiable. This epidemic is only one of many municipal concerns in Vancouver. Similar to Wong’s account of the policy’s relevance, Dr. Yan, from the Mayor’s Working Group on Immigration, shares a common perspective on the value of identifying whether or not a local issue deserves government priority:

Among all the issues that the Mayor's Working Group needed to discuss, to me, I don’t see the priority of that [sanctuary city policy]. Largely because we don’t really have a size of undocumented migrant workers that will cause any social concern, at all. But why did this issue become important that we spent so much time? We even held a few committee

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32 In Alberta, close to 500 people died from overdoses in 2016.
hearings and committee forums to discuss that. So, to me, again, it is about who has access to the power, and who made a social issue become an issue, then trumped other issues and became a policy (Interview transcription, Mayor’s Working Group on Immigration, June 14, 2018).

In recognition of the diverse standpoints of policy entrepreneurs prior to the adoption of Vancouver’s Access Without Fear policy, my findings show that these varying stakeholder perspectives are influential in the policymaking process. In contrast to Wong and Dr. Yan’s observations, former City of Vancouver Councillor Andrea Reimer explains the role of quantifying the relevance of a policy when addressing local issues:

I would argue that even if there is one [resident with precarious immigration status] – I mean we know there’s a lot more than one – but let’s say there’s only one, is your moral duty less because the number is less? I would argue that is the point here is that if you have a moral duty to ensure all people have human rights regardless of their undocumented status, then the number shouldn’t matter. I don’t know if that actually came up at that time, but there was a lot of moralising over [...] (Interview transcription, City Councillor, July 5, 2018).

As Councillor Reimer illustrates, it is not uncommon to find diverging views in discussions on the pertinence of a policy. This perspective also captures another example of framing where the idea of moral duty encompasses the rationale of why Councillor Reimer perceives that propelling the issue forward is a significant task that Council ought to accomplish. From a City Councillor’s point of view, the number of the affected population is not the final indicator when passing a policy. Eyob Naizghi, Executive Director of MOSAIC, reiterates that the number of the affected population does not determine whether or not residents can access municipal services:

The number is not the issue. For the elected officials, of course, they have to consider that to put in human resources. For us, as advocates, as people who are serving that population, the number is not the issue. The vulnerability level is the issue. These people [are] very vulnerable in a sense that they feel unsafe. They cannot access. It’s the vulnerability level that makes this policy more important (Interview transcription, Service Provider, June 12, 2018).

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33 My interview with Councillor Reimer was scheduled on July 5, 2018, three months before the 2018 Vancouver municipal election. Councillor Reimer did not run for re-election.

34 MOSAIC a registered charity serving immigrant, newcomer and refugee communities in Vancouver.
From a service provider’s perspective, assessing the level of vulnerability of the affected population is more significant than attempting to quantify the exact number of the population itself. Naizghi is well aware that Vancouver’s sanctuary policy is a very small item for the municipality, and acknowledges that the number of the affected population is important as it influences the policy implementation process once adopted. In recognition of these stakeholder accounts, justifying the impact and the gravity of Vancouver’s *Access Without Fear* policy, by means of identifying the number of the affected population, is perceived differently across sectors of policy entrepreneurs. My findings show that while some respondents (i.e., civil servants, working group members) prioritise issues that affect a greater number of population, others (i.e., city councillors, service provider organisations) value the moral duty of providing fundamental necessities to vulnerable groups in the city.

**Emotions.** A second category to justify the urgency and seriousness of a public problem refers to mobilising public emotions, with particular emphasis on capturing the sentiment of fear, within key stakeholders (Neveu 2015, 139). Fear, as described by my interview respondents, is a central element in the analysis of Vancouver’s *Access Without Fear* policy. Policy entrepreneurs have specifically used this terminology for the policy’s naming convention as a means to promote clear messaging and to bolster public awareness. The source of fear, however, is a defining factor in this conversation as the human rights implications of living without valid immigration status are profound (Hudson et al 2017, 5). In Vancouver, the fear of detention and deportation has the capacity to transcend across all residents, both with or without valid immigration status. For example, Cecila Tagle, Member of the Mayor’s Working Group on Immigration and Settlement Workers in Schools (SWIS), describes one of a few cases in which law enforcement authorities have contributed to the growing sentiment of fear within migrant resident communities in Vancouver:

I remember personally that I had two families who were from a Latin-American country. One of the moms came to see me, and she was very stressed out. She was in tears. She said that several times, they were visiting in the evening by the CBSA. It was a group of them and they were armed. They came in the evening, showing them pictures of people, asking if they knew them. These are people from one country. They were terrified, the kids were terrified. At the Multi-Agency
Partnership meeting, I went to speak to the CBSA and I said “you know, this is what is happening. They are very scared. I must tell you. People are afraid. They probably know a person, but they won’t tell you. This is a small country. Those people know each other here. They might not be friends. They may be afraid of their family back home” (Interview transcription, Mayor’s Working Group on Immigration, May 31, 2018).

In Tagle’s narrative, fear is projected to capture the emotion behind interacting with law enforcement officials and the eventual consequence of getting detained or deported. Some respondents, like Tagle, acknowledge that they have had to take an advocacy role to express their concerns to law enforcement authorities in support of migrant families residing in Vancouver. Other respondents acknowledge that fear is an influential factor that can prevent residents from accessing essential services, like contacting emergency support when an urgent situation occurs. For example, interview respondents report that some residents opt not to phone the emergency dispatch number, so as not to heighten the risk of encountering law enforcement officials. A former municipal government employee stresses the role that fear plays in inhibiting residents with precarious immigration status from accessing essential services:

The police could be a fear factor. Their [residents without valid immigration status] life being undocumented could lead to deportation, but it could mean that they might not call the police if they get into a traffic accident or if they encounter domestic violence at home. It stops them from using essential services that they might need in order to protect themselves from harmful circumstances. That’s what I’ve learned through the research. It’s more of the fear if you have interface with that particular body, it could lead to deportations (Interview transcription, Municipal government, November 23, 2017).

In Vancouver’s Access Without Fear policy, the sentiment of fear is almost always associated with detention or removal orders from Canada, resulting from interaction with law enforcement authorities or service providers who share immigration status information with third party agencies. Prior to the adoption of the city policy, respondents were quick to ascertain that the city must ensure that residents have a clear understanding of what a sanctuary city policy would deliver in order to properly channel public expectations on what the city can and cannot provide.

Vox populi. The third category refers to the considerable weight of legitimising an issue that takes into account the popular will or, in other words, the voice of the
people. As Neveu describes, this category affirms the democratic foundation that provides residents the agency to react accordingly and to express their opinions (2015, 147). In Vancouver, *la vox populi* occurs in several observable forms prior to the adoption of the city’s *Access Without Fear* policy. In particular, cross-sectoral collaborations between service industries and community groups seek to apply pressure to authorities as a tool to influence change in government policies. For example, Sanctuary Health Vancouver helped to organise a local protest as part of the national day of action on June 17, 2013 in front of the regional office of Immigration, Refugees and Citizenship office in downtown Vancouver alongside health-care providers with the Canadian Doctors for Refugee Care (Cole 2013). This local protest resulted from the policy change to the Interim Federal Health in 2012, which restricted healthcare services to certain groups of refugee claimants. Three years later, Sanctuary Health organised a demonstration on March 21, 2016, the UN International Day for the Elimination of Racial Discrimination, to rally against hospital authorities for making referrals on patients with precarious immigration status to law enforcement authorities. Between January 2014 and October 2015, it was reported that Fraser Health Authority made 558 referrals to Canada Border Services Agency (Lupick 2015). In 2014, law enforcement authorities gained widespread attention when Vancouver Transit Police forwarded 328 referrals to CBSA, which resulted to 62 investigations and the suicide death of Lucia Vega Jimenez later that year.

From the perspective of community organisers, the justification of this local issue transcends beyond adopting or modifying a policy. For Sanctuary Health, one of their primary objectives is to create a solidarity movement in conjunction with the political momentum from other Canadian municipalities that share similar priorities concerning access to services. Community consultations occurred to foster discussions as a means to identify the barriers that exist in cities like Toronto in 2013, Hamilton in 2014, and later Montréal in 2016:

*We did community consultations with people working with affected communities and we altogether identified the barriers. What is the need of the community? What are the sectors where you see barriers to access? Then, we also invited people from Toronto and people from Montréal to Skype in our consultations so we can learn from them, and*
so that we could, in Vancouver, decide what would work better for us. We know what the Toronto model was. We know what the Montréal model was, which was more about the community networks. We decided that we didn’t have a city policy, but that we would advocate for that as a tool, as a political statement, but that we would use things from both – the solidarity movement in Montréal, which was communities coming together and creating networks of support, which we were grounded on, and the policy in Toronto that we wanted to use to show to community organisations (Interview transcription, Grassroots collective, November 21, 2017).

In the example above, there is a certain level of influence that comes from organised mobilisations in other cities. From a grassroots perspective, the sanctuary movement has constantly been defined and redefined by the needs of the community as well as by what other cities have experienced and learned. Since 2012, Sanctuary Health has been working toward addressing access to services. Following the adoption of Toronto’s Access T.O. for Undocumented Torontonians in 2013 and Hamilton’s Access to Services for Undocumented Individuals in 2014, local groups in Vancouver have benefitted from the political momentum to engage in discussion as a tool to pressure the municipality to adopt a policy, and understand how existing practices can create an impact on future policies in other cities.

4.4. Populariser: Issue Diffusion towards the Media and Public Arena

The fourth operational element in Neveu’s problem construction process is the concept of popularisation, which combines the notions of presenting, diffusing, and amplifying an issue to public space. This section highlights three distinct characteristics that illustrate the notion of populariser in the media and public arena.

The Media Arena. A number of news headlines featuring access to services for residents with precarious immigration status sparked a chain reaction of coverage in the news media, particularly with The Georgia Straight, CBC, The Tyee, The Toronto Sun, StarMetro Vancouver, The Vancouver Sun, and The Globe and Mail, among others. From a local news media perspective, the catalyst that sparked the issue of residents with precarious immigration status in Vancouver was when StarMetro Vancouver (formerly 24 Hours newspaper) revealed on January 27, 2014 that the BC Coroners Service was
investigating the death of Lucia Vega Jimenez, while in the custody of Canada Border Services Agency (CBSA). The coverage of Vancouver’s *Access Without Fear* policy was prominent among local and regional media headlines immediately following the arrest, and consequently the death, of Jimenez. In 2014, *The Tyee* and *The Georgia Straight* reported that Vancouver Transit Police referred 328 individuals to CBSA, in which the majority resulted from fare checks. News media suggest that deportations resulting from transit police tips to CBSA has deepened mistrust towards basic city services among many migrant resident communities (Ball 2014). Jimenez’s arrest was not the only case that sparked headlines concerning migrants with precarious immigration status residing in Vancouver. In particular, *The Tyee*, an independent news magazine that primarily covers issues in the province of British Columbia, published a six-part series and a video that focused on Vancouver residents with precarious immigration status and their access to services. On July 2014, the magazine published a series on the events leading to Vancouver’s sanctuary city policy, which featured the removal of Jazmine Rosales, a forty year-old Peruvian woman from a Vancouver skytrain station. After a fare check, Transit Police detained Rosales at a CBSA holding cell at the Vancouver International Airport. Rosales faced subsequent immigration investigation and was eventually deported back to Peru after Transit Police discovered that she had been using an expired visa. The impact of this coverage holds significant ground in understanding when certain issues become a topic of interest in the eyes of the media. In Vancouver, it became clear that the presence of these headlines illustrating the personal stories of migrant community residents provided a certain degree of visibility that supplemented the advocacy for access to services as well as the need for the adoption of a policy. In addition to the heightened awareness from media coverage, some grassroots collectives have recognised the work of journalists in advancing the agenda of the sanctuary movement from the community level and onto the attention of the municipality. For example, Sanctuary Health highlights the work of David P. Ball, an award-winning journalist who spearheaded the six-part series on the sanctuary movement in Vancouver:

He [David P. Ball] covered all of our campaigns. He’s the one who wrote about the sanctuary city movement. When he was writing for *The Tyee*, he was writing about sanctuary cities. He writes for Metro and he has covered sanctuary schools. He covered deportation. He covered many
different issues. From the media perspective, he would be a good person (Interview transcription, Grassroots collective, November 21, 2017).

The example above indicates how cross-sectoral ties, which form between community groups and the media, can strengthen the advocacy for access to services by uncovering the experiences of migrant community residents with precarious immigration status in Vancouver. In addition to the development of cross-sectoral linkages, the consistency of coverage plays an influential role on the issue salience in that the potential for media influence may increase when issue salience is high, not solely because of increased salience, but also because of more consistent coverage across a number of newspapers (Soroka 2003, 44). As a result, there is a significant impact when journalists cover the same issue across different media outlets. This diffusion increases the level of visibility and pertinence of the issue, allowing various entrepreneurs to weigh in on the discussion.

The Public Arena. As Sorokin describes, the measurement of issue salience for the public is most often based on the “most important problem” question. There has been little work on measured public opinions and attitudes toward sanctuary city policies in Canada, and none comparing Access Without Fear at the provincial, not to mention municipal, level. From a more general perspective on Canadian immigration, the most recent poll, by Angus Reid Institute, shows that Canadians are split on the issue of immigration. Shachi Kurl, Angus Reid Executive Director, notes that Canadians have been polled on immigration since 1975 and it has always been a divisive issue (Britten 2018). A new survey has found half of Canadians want to see the number of immigrants coming to Canada lowered. The Angus Reid Institute found 49% of surveyed Canadians want to see the federal government’s 2018 target of 310,000 immigrants reduced. In 2014, 36% said it should be reduced. When it comes to the issue of refugees and irregular migrants, Kurl expresses that there is a recent shift to preferring fewer immigrants, which results from an increase in irregular migration and Canada taking in refugees (Britten 2018).

In March 2018, Environics Institute partnered with Canadian Race Relations Foundation conducted the survey of 2,000 Canadians to update its ongoing tracking of
Canadian public opinion on immigration and inclusion. The research consisted of a national survey conducted by telephone (including cell phones) with a representative sample of 2,000 Canadians aged 18 plus conducted February 5–17, 2018 (The margin of sampling error is +/-2.2% in 19 out of 20 samples). The poll showed 49% of British Columbians and 46% of Ontarians disagreed with the statement “Many people claiming to be refugees are not real refugees.” Nationally, 38% agreed, while 48% disagreed (Environics Institute for Survey Research 2018). The irregular crossings received enormous attention in Québec, including commentary expressing doubts about the legitimacy of the asylum claims. The province also saw the rise in profile of small, far-right fringe groups hostile to immigration, but the phenomenon seems to have limited reach (Perreux 2018). As before, perceptions about refugees not being legitimate increases with age, and decreases with socio-economic status. It is also more common among men and immigrants, although the gap between immigrants and native born Canadians has shrunk since 2017. Environics Institute describe that opinions vary somewhat across the country. Positive views about immigration and refugees continue to be more widespread in B.C., among younger generations (ages 18 to 29), Canadians with a university education, and immigrants (who now make up more than 20% of the population) (Environics Institute for Survey Research 2018).

4.5. *Mettre en politique publique: Access to Power, Access to Agenda*

The last step in the public construction process, as explained by Cobb and Elder (1972), corresponds to the hierarchy of issues that retains the attention of decision-makers, which, from Neveu’s definition, equates with a “waiting period to be taken in consideration for public policy” (2015, 160). This step marks the transitional phase between the birth of an issue from the public grounds to its recognition and place in the institutional agenda. During this process, policy entrepreneurs, both in and out of the institutional frame, play a significant role in moving a public issue forward. Neveu makes reference to the role of entrepreneurs as they play central figures in the adoption of a policy. Their impact on propelling an issue forward reflects their qualities of being persistent actors, capable of fostering political connections and demonstrating negotiating
skills (Kingdon 1995, 181). Neveu reflects on Kingdon to explain that while many influential people might have expertise and political skill, some exceed the bar by demonstrating sheer tenacity. The concept of policy entrepreneurship refers to persistence to invest in large, and sometimes remarkable, quantities of one’s resources (Kingdon 1995, 181). Entrepreneurs engage in the discussion, not only by pushing for their proposed concerns or for their conception of problems, but they know when to wait for an open window prior to advocating.

Former City Councillor Andrea Reimer explains that the key to an enduring policy is a political champion and an advocacy group that understands the politics of its own movement. In Vancouver’s case, former Councillor Geoff Meggs, who served in City Council from 2008 to 2017 prior to becoming Chief of Staff to the Premier of British Columbia, played an instrumental role in the formulation and implementation of the city’s sanctuary policy. As a political advocate for the movement, Meggs worked in collaboration with the Mayor’s Working Group on Immigration (MWGI), which provided resources, community knowledge and tools needed for the formulation of an Access Without Fear framework. The MWGI meets on a regular basis and is composed of sectoral representatives from non-profit organisations, academia, advocacy groups, legal profession, alongside the Mayor and the Councillor. In recognition of the wide array of sectoral representatives in the working group, opposing views between members are prominent during policy discussions and debates. Amidst the various opinions towards the adoption of a sanctuary city policy within the MWGI, former Councillor Reimer comments on how Councillor Meggs managed to get a motion out of the working group:

Geoff Meggs did some press conferences with Sanctuary Health and some public facing stuff so people could hear about what the problem was. Geoff was really good, better than me at this, at lining up academics to speak about it. In this kind of policy because you’re not going to get undocumented people on camera, someone needs to speak for them. So he got some good academic connections (Interview transcription, City Councillor, July 5, 2018).

The above example not only demonstrates the effectiveness of the strategies and tools that Councillor Meggs used as a means to develop a motion from the working group, it also highlights the importance of identifying the appropriate of Councillor,
among others in city council, with the capacity and the will to push an agenda item forward. Councillor Reimer acknowledges how the formulation of a sanctuary city policy is a suitable fit for Councillor Meggs’ sphere of influence:

He [Geoff] was trying to push it through the Mayor’s Working Groups on Immigration and wasn’t getting much interest from them [...] Geoff had never heard of this whole sanctuary stuff, so he was super excited about it. He has done work in Latin America and the Philippines, so he understood the challenge of undocumented workers because he had done work there. He spends time with those communities in Vancouver. He saw this [policy] as a solution. He wasn’t as hung up with the legal structures; he saw a possibility. When this informal advisory group was meeting and I just happened to have invited Geoff to that. Had I invited Heather Deal, I don’t think it would have gone anywhere because she had nothing to do with those policies (Interview transcription, City Councillor, July 5, 2018).

In recognition of Councillor Meggs as the appropriate political champion in the city’s sanctuary policy, he also had to understand how to move an issue forward amidst the existing political landscape and internal dynamics between the entrepreneurs in the MWGI. Councillor Reimer reveals that opposing views concerning non-status residents contributes to the internal dynamics between policy entrepreneurs within the MWGI:

Most of the people on that committee are there because they work for settlement services. They are not big on undocumented people, like they’re not pro-undocumented. They see people work really hard to get here, through legal routes, and they’re not supportive of people coming through. I would say some of them are ‘not pro’, but anti, actively hostile to those ideas. I would say all of them view it as not their job. Their job is to deal with settling people who got here the right way, like airports. I think some of them have some compassion for it, for themselves having the experience of coming as undocumented. In retrospect, it probably wasn’t the right place (Interview transcription, City Councillor, July 5, 2018).

Advancing an issue within the internal arena of the institutional agenda is a bureaucratic hurdle to fully bring an issue across the table due, in part, to the mixture of opinions and experiences of each policy entrepreneur. An effective political champion understands the nature of these internal intricacies and political dynamics that organically exist within a working group, and is able to make a case in order to drive the proposed policy issue forward. Similarly, respondents describe that among local groups involved in supporting migrants with precarious status, Sanctuary Health played a critical role in
amplifying the issue to the institutional agenda of the municipality. Through its community and political connections, the grassroots collective leveraged traction and political momentum to push their agenda forward. The majority of respondents identified Sanctuary Health as the central driving force behind the movement in Vancouver:

Sanctuary Health is an important main group that pushed on non-profits that provided support for immigrant services [as they] weren’t [a] strong advocacy voice because they weren’t serving that population. They don’t have funds to support that population. I don’t think they would have taken the risk serving that population. I think the barriers towards accessing that service wouldn’t have allowed an undocumented migrant to pass. I think anybody doing work on policy development needs to be thoughtful around reaching out to the lived experience and the advocacy groups (Interview transcription, Municipal Government, November 23, 2018).

The above narrative illustrates the critical role of Sanctuary Health in voicing out the concerns and challenges regarding accessibility to services directly from the communities that they represent. An interesting factor weighing in on the discussion is the tension between grassroots collectives, like Sanctuary Health, and service provider organisations, whose program eligibility reflects the immigration status requirements of its funders. As highlighted in the previous transcription, service provider organisations are guided by eligibility requirements of its funders, which, in this case, refers to showing that service recipients have valid immigration status. In response to this service requirement, grassroots collectives are vocal when expressing their frustration towards settlement organisations that receive instructions on funding and information-sharing procedures from government funders. Alejandra Bravo Lopez from Sanctuary Health describes the tension between grassroots collective and the settlement sector:

We couldn’t count on the settlement sector. The settlement sector limited their support and their research to only GARs [Government-Assisted Refugees] and PRs [Permanent Residents]. There was a huge number of community members who weren’t able to access the settlement organisations, which received a lot of money from the federal government and that because their funding is tied with these federal money, they continue to be unwilling to provide services unless you’re a PR or GAR. We were filling the gap because the organisations, who were supposed to be allies, didn’t have the political will. We met a lot of front-line workers who were willing to count on us, but as a senior level (management), the settlement organisations have not been part of the sanctuary movement (Interview transcription, Grassroots collective, November 21, 2017).
The absence of sufficient funding drove grassroots collectives to form informal networks with representatives from sectoral areas with whom they shared similar principles. As a result, Sanctuary Health communicated with volunteer physicians, nurses and community workers who spoke Spanish, as a means to offer basic medical services to residents with precarious immigration status, particular to the Latin American community. In particular, Sanctuary Health worked with BC Health Coalition in 2016 on a campaign to implement a process for securing Medical Services Plan (MSP) for Canadian infants of individuals with precarious immigration status (Eagland 2016). This campaign, which resulted from reforming the Interim Federal Health Program in 2012, was also the outcome of actively working on multiple cases where Canadian-born infants were unable to receive MSP coverage as parents who remain undocumented are fearful of exposure to law enforcement authorities. Sanctuary Health reached out to health authorities, like Fraser Health and Vancouver Coastal Health, to explain that referring patients to federal officials is an infringement to the institution’s policies on privacy and confidentiality.

4.6. Concluding Remarks

Since 2007, Vancouver’s sanctuary movement highlighted high-profile cases and events, which uncovered the influential role of key actors involved in the formulation and development of the city’s sanctuary policy as well as the personal accounts and narratives of undocumented residents about their experiences when accessing services. Most respondents expressed the regional importance of expanding the scope of the city’s sanctuary policy to consider an amalgamated approach of including the Lower Mainland cities, or perhaps seeking provincial support to declare British Columbia a ‘sanctuary’ province.
Chapter 5.

Case Study: Toronto’s Access Without Fear Policy

This chapter presents the empirical data on a comparative case study of Toronto’s Access T.O. for Undocumented Torontonians policy to map out the process in which sanctuary city policy is defined as a public problem in Toronto. Similar to Vancouver’s empirical presentation in the previous chapter, the data is analysed and presented based on Érik Neveu’s five operations of the public problem construction.

5.1. Identifier: Sectoral Pressures as Catalysts to Toronto’s Sanctuary Policy

In February 2013, the city of Toronto reaffirmed its commitment to improve accessibility to municipal services, programs and agencies for residents with precarious immigration status by adopting Access T.O. for Undocumented Torontonians (Access T.O.). The catalyst that ignited public mobilisation for a sanctuary policy started in the mid-2000s when community service organisations, professionals and migrants pushed for an official policy in discrete service areas, particularly education, health and policing (Hudson et al. 2017). Dr. David Moffette, co-author of No One Is Illegal’s report, entitled Often Asking, Always Telling: The Toronto Police Service and the Sanctuary City Policy (2015), emphasises that Toronto’s sanctuary city policy was not solely triggered by one high-profile event. Moffette complements Hudson and Atak’s perspective by explaining that Access T.O. was the result of a decade of successful community organising:

In Toronto, at that time, we heard people in those movements, their families are being detained and deported. At the federal level, [the families were] transferred by the police or eventually detained and deported, and it was the time of the Conservative government at the federal level. It was pretty rough, things were pretty dire and there have been a lot of successes in terms of the movement in Toronto around the sectorial Access Without Fear [...] Before that, there were a number of different sectorial push[es]. One with the police, one with the shelters. When I arrived in Toronto, the TDSB had already passed the motion on Access Without Fear, but there was work needed to get it implemented. Got the posters out and made sure that the secretariat had what they needed. I was involved with [the] Education Not Deportation campaign
that No One Is Illegal is a part of to implement the Don’t Ask Don’t Tell, or the Access Without Fear policy at the level of the school board. (Interview transcription, Grassroots collective, July 05, 2018).

A significant feature during the early stages of Toronto’s Access T.O. policy was the level of public awareness and the shared values that are embedded in social movement principles across different advocacy groups (Bauder 2015). For example, local advocacy groups identified immigration status barriers as a concern for addressing poverty in Toronto (Solidarity City 2013; Berinstein et al. 2006). Hudson notes that it was apparent that as local immigration issues recurred, the initial tenets of sectorial activism across different areas of services gradually became foundational building blocks to advocate for broader, municipal policy changes. Through community mobilisation and direct action from advocates, the push for a city-wide sanctuary city policy and the visibility of public problems increased. As Walia describes, community organising means creating spaces and neighbourhoods where undocumented migrants can access critical services without the fear and/or threat of detention and deportation (Walia 2013, 113). These community initiatives are centered on the principle that undocumented migrants, despite the lack of full valid immigration status, are able to receive basic needs and are supported in creating semiautonomous spaces of safety (Walia 2013, 113). In Canada, effective campaigns ensuring access to essential city services have been led primarily by No One Is Illegal, a grassroots collective which upholds regularisation of access to services for undocumented residents. Interview respondents explained that the adoption of Toronto’s Access Without Fear policy resulted from public mobilisation of two particular sectoral areas within the city: policing and education. In this subsection, I outline below the accounts of public mobilisation in policing and education, which led to the adoption of the city’s sanctuary policy.

**Policing.** Prior to 2006, the Toronto Police Service had traditionally been free to inquire about, report on, and under certain circumstances, and enforce compliance to verify immigration status of individuals across the city (No One Is Illegal 2015, 13; Hudson et al. 2017, 18; Deshman 2009, 210). As the rate of migrants without valid immigration status had continued to grow in the city, the increase in complex legislations, border control policies, and institutional procedures have been found to be more
conducive to irregular migration and, as a result, more police investigations (Atal et al. 2018, 21; Deshman 2009, 210; Hudson et al. 2017, 8). The fear of non-status individuals posed a significantly negative barrier to community integration and community-policy relations (Deshman 2009, 210).

In 2006, coalitions of labour unions, grassroots collectives and community organisations that represented individuals without valid immigration status advocated for reforms on service accessibility to the Toronto Police Services Board (TPSB). Dr. Alok Mukherjee, former Chair of the TPSB from 2005 to 2015, described that the initial stages of Toronto’s sanctuary movement happened concurrently with other similar movements American cities concerning the “Don’t Ask Don’t Tell” policy. With respect to US policy landscape, the terrorist attacks of September 11, 2001 strongly influenced the sanctuary movement across the country as well as the enforcement of American immigration laws (Seghetti, Vina and Ester 2004). In Toronto, Dr. Mukherjee explains that the safety of undocumented individuals came from the interaction with police, particularly when police identify individuals, demand documents and report individuals to federal agencies.

In addition, Dr. Mukherjee describes that “police ought not to be an agent of the federal government” when there is a contradiction between the municipal policy of declaring to be a ‘sanctuary’ city and the federal policy that claims that irregular migration is illegal. This jurisdictional dilemma led to an initiative to examine the scope and feasibility of a proposed Don’t Ask Don’t Tell (DADT) policy. The objective of the DADT policy is two-fold: first, it prevents law enforcement officials from inquiring into an individual’s immigration status; second, this policy mandates law enforcement officials to treat this information as confidential, thereby restricting the ability to communicate this information to other federal immigration and border control services agencies. In 2006, the TPSB adopted the Victims and Witnesses without Legal Status. This policy directive solely includes the Don’t Ask component of the DADT, restricting the ability of law enforcement officers from questioning residents about their immigration status. The adoption of TPSB’s Don’t Ask policy sparked controversy among migrant communities and academic professionals as it was viewed as a paradoxical representation of core institutional values as well as a jurisdictional
contradiction between federal and municipal policies (Deshman 2009, 210; Hudson et al. 2017, 8). In order to shed light on the rationale behind the adoption of TPSB’s *Don’t Ask* policy, Dr. Mukherjee explains:

> While it was absolutely legitimate that police officers should not be asking people about their status [...] it would not be possible to tell police officers to not tell. Based on the fact that police officers are under oath to obey the laws and if they came into possession of information about somebody – so making a distinction between soliciting or asking for information, and coming to know in the course of an investigation or in any other way without asking – then it would be a breach of the law for them to concede what, under federal law, was an illegal act. The Chief of Police could direct police officers to withhold that information. Police officers are given discretion and the Chief [of Police] does not have the authority to tell them how to use their discretion since they were bound by their oath of office to uphold the law of the land (Interview transcription, Toronto Police Services Board, June 5, 2018).

In recognition of the TPSB’s rationale for adopting half of the DADT policy, Dr. Mukherjee acknowledges that while the *Don’t Ask* policy seeks to cover the majority of situations in which the police interacted with residents, the policy may not be completely respecting the city’s and the TPSB’s policies. In other words, while there is a ‘sanctuary’ city policy, its implementation is very weak. According to *Often Asking Always Telling: The Toronto Police Service and the Sanctuary City Policy*, a report published by No One Is Illegal Toronto, Canada Border Services Agency received 10,700 calls from all Canadian law enforcement and transit agencies between November 2014 to June 2015, which includes 4,392 calls from Greater Toronto police authorities. Specifically, the Toronto Police Service made 3,278 calls to CBSA during the eight-month period, where 83.4% of the calls were classified as “status checks” (No One Is Illegal 2015). Today, the former Chair of Toronto Police Services Board admits that the Board and the city have yet to continue the conversation with the community and municipal officials about what it means to have a sanctuary city policy as well as the limits and possibilities of having this municipal status.

**Education.** In the educational sector, civic mobilisation and community advocates are the principal drivers that pushed for legislative changes and policy amendments in support of individuals with precarious immigration status to access education in Toronto. In 1993, advocates successfully lobbied the Ministry of Education
for the amendment of Ontario’s Education Act to allow access to education for students who are living unlawfully in Canada or whose parents are living unlawfully in Canada. While the adoption of section 49.1 marked a victorious win for migrant communities, the effectiveness of its delivery and implementation remains in question today.

In Producing and Negotiating Non-Citizenship, Francisco Villegas describes that passing Section 49.1 further highlighted ambiguities within the institutional and educational system. For example, the amalgamation of the six municipalities to form the new city of Toronto in 1999 concurrently led to the institutional restructuring of seven different school boards to join the Toronto District School Board (TDSB). Villegas explains that the restructuring of the school system has been “marked by budget cuts and considerable loss of school-level and classroom-level autonomy over budget planning and curriculum” (Goldring and Landolt 2013, 262). Another contextual element was the amendment of section 49.7 of Ontario’s Education Act, which required precarious students to apply for study permits in order to be enrolled. As a result, Education Rights Task Force, a group primarily composed of members of the legal community, lobbied for an amendment of section 49.7 as the requirement to apply for a study permit risks exposure to immigration authorities (Goldring and Landolt 2013, 262).

Despite the legislative changes to Ontario’s Education Act, migrant communities and grassroots collectives argue that the amendment did not protect students from immigration authorities from school property. One of the catalysts that triggered this sentiment was the deportation of a Costa Rican family in 2006. In 2001, Gerald and Francelle Lizano-Sossa arrived in Canada, along with their children, Kimberly and Gerald Jr. on a visitor visa. Two years later, the parents welcomed their third child in Canada. The parents applied for a refugee status under the basis that they are on the hit list of a drug cartel, but received a negative decision (CBC 2006). The family filed an application for extension of authorization to remain in Canada as temporary residents so that the two older children could finish the school year. On June 28, 2006, a federal court judge rejected the family’s request for an extension to remain as there was no

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35 Under section 181(2) of the Immigration and Refugee Protection Regulations (IRPR), an officer shall extend a foreign national’s authorisation to remain in Canada as a temporary resident if, following an
compelling reason to allow them to stay longer in Canada. The case sparked a controversy when enforcement officers pulled Kimberly and Gerald (Jr.) Lizano-Sossa from a local Toronto high school to take them to a detention centre, while officials tracked down their parents. This event caused a significant public response, which forced officials to release the children. In recognition of the detention of the two eldest children and the eventual deportation of the Lizano-Sossa family, grassroots collectives and migrant community representatives came together to mobilise for immediate change. In 2007, the Toronto District School Board unanimously passed the *Students Without Legal Immigration Status* policy, also known as the *Don’t Ask Don’t Tell* policy, in response to the heightened pressure and advocacy of Toronto’s migrant community.

The TDSB acknowledges that the DADT policy came with its share of implementation challenges as a result of the amalgamation of the new mega-city of Toronto and the false misinterpretation of what it means to be a sanctuary city in Toronto:

> We’ve got a very large school board. There’s a high turnover of staff and sometimes, the only challenge is that sometimes schools don’t know – they aren’t as experienced as my office, given that I’ve been around 30 years in this business. So they’re not experienced enough to ask or understand the documents that are being presented. In those cases, they either call us or send the families to our office. I think the biggest challenge is [...] understanding because I think the sanctuary policy – it’s got this colloquial phrase called *Don’t Ask Don’t Tell* – and that confuses a lot of people more than the policy. Some of them thought that anybody can just come into school. So, we had to clarify ‘no’. *Don’t Ask Don’t Tell* is about people who have proven to be undocumented kids, not anyone who walk through the door. We educate schools on that, if they’re undocumented, we have to ask who they are. There’s no such thing as *Don’t Ask* – we have to ask, but we won’t tell (Interview transcription, Toronto District School Board, December 5, 2017).

While access to education remains under the province’s purview, its jurisdictional scope is an influential factor in the implementation of municipal policies, which directly impacts non-status residents. The above transcription demonstrates that the construction of public problem engenders a procedural impact that transcends within and throughout

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examination, it is established that the foreign national continues to meet the Temporary Resident Visa requirements of section 179 of the *IRPR*. Retrieved via: https://laws-lois.justice.gc.ca/eng/regulations/sor-2002-227/page-39.html#docCont
the policymaking process, from agenda-setting to evaluation. In this case, the Toronto District School Board acknowledges that the issue of misunderstanding the scope of the DADT policy is influential as it can trickle down the policymaking process and impacts, in this case, the phase of implementation.

5.2. **Cadre: Framing Access Without Fear as a Political Manoeuvre**

From the perspective of key actors involved in the development of Toronto’s *Access Without Fear* policy, the issue of access to services for residents without valid immigration status is viewed differently across service sectors. Understanding the manner in which an issue is framed, as perceived by key entrepreneurs, is vital to the construction of a public problem as these interpretations have the capacity to alter the projection of an issue to decision-makers. An example of framing an issue is through the use of symbols. Hudson makes references to the use of symbols to illustrate that a sanctuary city policy provides a set of language for people of diverse backgrounds, specialties and responsibilities to coordinate their efforts to collaborate. While the issue of access to services for residents without valid immigration status can be a source of misconception, its impact generates a sense of belongingness, empathy and inclusion among those who are in a similar position within the city:

> Symbolism is incredibly important – all of language is symbols, all of art is symbols – symbols are where meaning is. That’s how we relate to each other, that’s how we interact. So, this quote-unquote symbolic function of sanctuary city shouldn’t be underestimated. It captures something very powerful about how morality and ethics motivate behaviour and how it can connect people. Shared consciousness. Sanctuary city policy has helped send messages to that community that there are a lot of bigots out there, lots of danger, but there are a lot of people looking out for you. Lots of people trying to work in solidarity with you. It has meaning, if you cut through the laws and the policy (Interview transcription, Academic researcher, November 16, 2017).

From a political standpoint, another example of framing Toronto’s *Access Without Fear* policy is to counteract an existing policy or practice by bringing out what is deemed to be a better option when it comes to providing access to services for all city
residents. For example, Toronto City Councillor Joe Mihevc\textsuperscript{36} describes that service access for residents with precarious immigration status is critical when establishing consistency to bridge the gap between the development of immigration policies and the creation of an inclusive municipal environment for residents, especially in the period of the current American political landscape. Councillor Mihevc emphasises that in the \textit{City of Toronto Act}, his administration does not work for the \textit{citizens} of the city of Toronto; rather, they work for the \textit{residents} of the city of Toronto:

\begin{quote}
The key thing in sanctuary city is its symbolic importance especially in the period of Trump and, in the case of Ontario, Doug Ford, and all the anti-immigrant sentiment that is out there. It is very, very important symbolically to say that in my house – i.e., the city – you are welcome. You are in a situation of sanctuary. We will do our best to make your life with us is safe and healthy as practically possible. That’s an important message to get out there. It’s not accidental that Trump is talking about going after these cities and not giving them federal grants if they pass sanctuary cities because he understands that it’s an important symbol. We have a network across Canada or across the US, but let’s say Canada of cities that have adopted sanctuary city policies, it’s going to be hard for the xenophobic national federal government to go on a different direction. If we are saying, “you are welcome here”, and the other orders of government are going in a different direction, that’s going to be – you’re going to be in a little bit of a fight. (Interview transcription, City Councillor, July 5, 2018).
\end{quote}

Taking into account Councillor Mihevc’s comments, the City of Toronto’s Social Development and Finance Administration (SDFA) Department, the lead group responsible for the sanctuary city portfolio, acknowledges that community advocacy for an \textit{Access Without Fear} policy has made city services more accessible. From the municipal bureaucracy’s perspective, their view is focused on balancing the maintenance of anonymity while also being able to have some concrete data concerning residents with precarious immigration status for research and evaluation purposes. The City of Toronto explains that while information about residents with precarious immigration status would be helpful to evaluate the implementation of Toronto’s \textit{Access Without Fear} policy, there is no way to track this information as the city does not have the obligation to ask:

\textsuperscript{36} My research interview with then-Councillor Joe Mihevc was conducted on July 2018, three months before the October 2018 Toronto municipal election where Josh Matlow was elected as the new Councillor, replacing Joe Mihevc, in Ward 12 Toronto-St. Paul.
We don’t collect that information. We don’t track numbers; we don’t ask people their status, by the definition of the policy, so we aren’t able to know. This is what we are trying to figure out now: the balance between maintaining anonymity and also being able to have some concrete data around it. Currently, the City doesn’t ask about it, so there’s no way to track it (Interview transcription, City of Toronto, November 24, 2017).

City officials reflect a similar view as Councillor Mihevc with regard to the importance of inclusion and the operationalisation of service delivery to all Toronto residents when providing access to services for undocumented Torontonians:

I don’t think anyone, even at the city-level, doesn’t want to serve undocumented residents. It’s just the restrictions that are beyond people’s control. From what I’ve heard, even before the Access T.O. was formally adopted, based on the PowerPoint presentation that I sent you, so very recently, before it was adopted, many divisions had their own way of providing service to undocumented Torontonians. It’s just that there is no officially policy in place that directed it. It’s been going on for a long time, especially some that feel directly with the community, so like Parks Boards and Recreation and others, but there was no policy directive at that time (Interview Transcription, Municipal Government, November 24, 2017).

Similarly, some service provider organisations, like the Toronto Public Library, has played an instrumental role in assuring that all city residents have equal access to library services. Cynthia Toniolo and Michele Meldey, Toronto Public Library Managers, describe the use of a public library postcard, which functions like a low-tech confirmation tool to verify address identification without acquiring the immigration status of the client. This postcard emulates the Municipal ID cards in the United States, which provide a means of identification for city services areas:

So much is in how you speak to people and how you present things. It’s been a big learning for us and continues to be. We’ve changed our policy again to be a little bit more welcoming and inclusive. In the past, people had to present more information. Policy is very iterative and very fluid. It’s always up for re-evaluation. This one [sanctuary policy] particularly. Traditionally, we go to our Library Board, once a year, with a package of recommended changes. We work through the year about what presents itself, what comes up, what might need some revision. So, this is an example of what might be looking at, is to continue to push that equity lens and agenda a little bit by realigning it with the full-services card renewal (Interview transcription, Toronto Public Library, November 15, 2017).
From the perspective of the Toronto Police Services Board, Dr. Alok Mukherjee describes that while the concern is focused on the safety of undocumented migrants from police interaction, it can eventually lead to an unintentional sharing of information. TPSB defends the merits of exercising broad discretion as police officers are under oath to uphold the law of the land as a function of responsive policing:

The view was that [local] police ought not to be an agent of the federal government in this regard. People had the right to safety from persecution and they had the right to be here. Based on the fact that police officers are under oath to obey the laws and if they came into possession of information about somebody, so making a distinction between soliciting or asking for information, and coming to know in the course of an investigation or in any other way, without asking, then it would be a breach of the law for them to concede what, under federal law, was an illegal act. The Chief of Police could direct police officers to withhold that information. Police officers are given discretion and the Chief does not have the authority to tell them how to use their discretion since they were bound by their oath of office to uphold the law of the land (Interview transcription, Toronto Police Services Board, June 5, 2018).

In contrast to the TPSB’s viewpoint, Hershkowitz, Hudson and Bauder are of the view that Toronto’s sanctuary policy rested the points that the “absence of formal policies and the existence of untrammeled discretion with respect to collecting and sharing immigration information (Hershkowitz, Hudson and Bauder 2019, 19).

Representatives of grassroots collectives express that an effective method of taking action is to put pressure on the municipality’s provincial counterparts, so as to propel the conversation to a higher level of jurisdiction. In addition to the perspective that the city does not have the authority to grant immigration status for city residents, some grassroots collectives put pressure on the city to create an alternative and push the higher levels of government for a solution.

If we are going to put pressure on the province, the more municipalities that we can get to pass the policy, the stronger influence we have in getting a new policy at the provincial or for getting laws changed at the provincial level (Interview transcription, Grassroots collective, July 25, 2018).

In addition to the municipality’s jurisdiction, some grassroots collectives point out the difficulty of understanding how city residents can feel safe with Toronto’s current
Don’t Ask policy. In 2006, the Toronto Police Services Board adopted recommendations from the TPSB Working Group to develop a Don’t Ask policy toward victims and witnesses of crime. This policy prohibits the police from inquiring into the immigration status of victims and witnesses in the absence of bona fide reasons (TPSB 2006). The Board, however, did not recommend a Don’t Tell portion of the policy, which would require the police to treat any immigration information as strictly confidential, especially from the Canada Border Services Agency. According to the Minutes of the Public Meeting of the Toronto Police Services Board in November 2008, the TPSB Working Group concluded that a Don’t Tell policy component is “not feasible” because the policy, as it currently exists, and as it has been implemented by the Chief, “is as far as [the Board] can go on this matter.” The absence of the Don’t Tell clause means that “the decision of whether or not to treat information regarding victims and witnesses as confidential is still left to the individual officer’s discretion” (Deshman 2009, 221). This rational illustrates that while residents with precarious immigration status are “equally protected by police services, they may find themselves in a situation where they themselves are reluctant to come forward because they are personally in violation of the law”(Deshman 2009, 221). This decision has engendered lengthy discussions and ongoing debates about developing trust and understanding between the police and migrant residents until today. Macdonald Scott, No One Is Illegal representative and Immigration Consultant in Carranza LLP, describes the current status of the TPSB’s Don’t Ask policy:

They allegedly have a Don’t Ask policy where they won’t ask victims and witnesses of crime their status. But they believe, under the Police Services Act, and I think they’re wrong, that if they pick someone up and if they find out that they don’t have immigration status, they are compelled to call Canada Border Services Agency and hand the person over. When we fought for Don’t Ask Don’t Tell with the city police, Canada Border Services Agency came forward and said that basically Toronto Police does a good 80% of their pick-ups. It’s difficult to understand how people in the city can feel safe when they know that if they report an attack or crime, they are going to be deported (Interview transcription, Grassroots collective, July 25, 2018).

The two sides of this debate provide an overview on how the issue of accessing services for residents with precarious immigration status is perceived from different viewpoints. These opposing perspectives, particularly between the grassroots collectives and the
Toronto Police Services Board, shape the nature in which the issue is constructed in a bottom-up approach. Symbolic representation in the framing of Toronto’s *Access Without Fear* policy is critical in the analysis of the problem, particularly in the development of *Access Without Fear* policies. The next section will move analyse how key actors justify the gravity of service accessibility for residents without valid immigration status as well as the relevance of Toronto’s *Access Without Fear* policy.

5.3. **Justifier: Balancing Civic Duty and Political Relevance**

As Neveu describes, proving that a problem merits attention from the government’s agenda involves the combination of *la science et le chiffre* (science and numbers), *les émotions* (emotions) et *la vox populi* (voice of the people). It is not only important to be heard or seen, but to be seen well in order to produce a strong sentiment of urgency and gravity (Neveu 2015, 126). The following section presents how different policy entrepreneurs weighed in on the discussion on access to services during the pre-adoption stage of Toronto’s *Access Without Fear* policy.

**Science and Numbers.** There is no census data or reliable published record pertaining to the number of people with precarious immigration status residing in Canada. Deshman accounts for the estimates that have ranged from 200,000 to 400,000 across the country, with the majority of individuals likely living in Toronto and other large urban centres (Cheney and Freeze 2001; Robertson 2005; Deshman 2001, 215). Academics attest that the number of residents without valid immigration status is most likely around 200,000 in the Greater Toronto Area, around 100,000 in the Greater Vancouver Area and around 100,000 or less in Montréal. These numbers, however, are only estimates as municipalities do not officially keep track of this information. As migrant communities face the cultural, linguistic and socio-economic barriers, they also confront the fear that interactions with police exposes their immigration status, eventually leading to deportation (Deshman 2001, 215). Moffette emphasises the distinction between how municipal government representatives perceive the number of residents with precarious immigration status in the city versus how migrant community members perceive this issue. Municipal governments claim that an *Access Without Fear* policy
does not affect the population of migrant communities in the city as there is no significant number of residents with precarious immigration status; whereas, migrant groups attest that this number appears to be much more than what the government claims:

I find it interesting that the range of 300,000 to 600,000 is quite a significant number [...] from the perspective of the municipal government representatives with whom I have spoken, they do not see the number as significant as 300,000 to 600,000. It shows how community members see the numbers versus how government sees it, as well. On the one hand, it’s how they see it. On the other hand, it’s what they need to say. This is not the priority. If they say “we are not going to do anything about it” because is not a priority. They can't say that it is important, but not do anything about it because there is no political will. (Interview transcription, Academic researcher, July 05, 2018).

The internal dynamic between key policy actors involved in the development of the problem is the relevant to the number of population that the policy is perceived to affect. Much like in the case of Vancouver, the municipality’s standpoint relies strongly on determining which local issue merits government attention and priority. In the case of Access Without Fear policies, one of the factors that measures the level of priority for a local issue is based on the number of the affected population. In 2012, the Government of Canada adopted legislations to amend the Immigration and Refugee Protection Act. This regulatory change contained a number of measures that involve changes in processing refugee claim hearings, procedural guarantees and reviews, and immigration detention, to name a few. In a recent report on the case of Canada’s irregular migration, Idil Atak, Graham Hudson and Delphine Nakache explain that because “irregularity is extremely hard to measure and evaluate, it remains unclear if and how reform policies have directly impacted irregularity in Canada” (Atak, Hudson and Nakache 2018, 20). Certain policies are seen as having a correlation with irregular migration, resulting from an interplay of immigration, asylum policy and border control” (Atak, Hudson and Nakache 2018, 21). As a result, some interview respondents describe that this political intersection generates a climate that reinforces a culture of fear as it notably targets migrant communities and vulnerable groups.

In recognition of the political relevance of irregular migration on an international and domestic scale, access to services for residents without valid immigration status
remains a subject of debate within the Toronto City Council. Councillor Joe Mihevc explains that the role of the city on Toronto’s Access Without Fear policy is critical as the city should serve the residents of Toronto, not the citizens of Toronto:

We are not a city, where in our Act, we are working for the citizens of the city of Toronto. We work for the residents of the city of Toronto. The word is resident, it is not citizen or landed immigrant or whatever. As long as you reside here, you fall under our mandate to provide you services. Knowing that was a retort to that argument that some people had at council, “you know get in line, like everybody else”, our retort “well, it’s not really in our business to say who should be in the line and who shouldn’t be in the line.” Our job is to accommodate people while they are here, and that’s really what sanctuary city policy is. While you’re here, we don’t ask your status in Canada, we’re here to basically serve you and make this a good place for you to be. (Interview transcription, City Councillor, July 5, 2018).

Similar to Vancouver City Councillor Andrea Reimer’s perspective on the guestimates of the population affected by Access Without Fear policies, Councillor Mihevc shares the same view and explains that this number did not come up in the discussion as “numbers do not impact policy.” Councillor Mihevc takes the position that Toronto’s Access Without Fear policy should not be used as a tool for penalising residents without valid immigration status.

**Emotions.** It was common, among migrant community representatives and grassroots collectives, to express the difficulty of advocating for access to city services given the limited jurisdictional authority of a municipality. Francisco Rico-Martinez, Co-president of FJC Refugee Centre, describes the relational respect and trusting relationship that they have with the City of Toronto. In contrast, Rico-Martinez explains that their relationship with the federal government is one that is problematic as he claims that federal officials believe that the issue of non-status individuals is not an utmost priority. As a result, Rico-Martinez highlights the lack of transparency to identify the issue and recognise that the lack of access to services for residents without valid immigration status merits greater visibility:

With the federal government, it’s very problematic. They don’t want the issue of non-status. For them, the issue doesn’t exist. They don’t want to open up to anything [...] The province is more reluctant than the city. With the city, we don’t discuss whether or not we are going to do something, we discuss about how we are going to do it. With the
province, you have to convince them. The province is scared of the volume and what is called the ‘pull’ factor. If you change many things, they’re going to be even more people without visa/status. For instance, we approved that people with non-status can receive assistance from social services, but they don’t want to publish it. The federal government says that there is no non-status people in Canada [laugh]. It’s a denial because they don’t want to act on it. (Interview transcription, Grassroots organisation, November 15, 2017).

While grassroots collectives recognise the jurisdictional limitation of a municipality to provide access to services for residents without valid immigration status, some acknowledge the commitment and willingness of city staff to address the needs of migrant communities and make the issue more visible. For example, FCJ Refugee Centre considers that their relationship with the City of Toronto staff is a “huge success in the commitment to implement and do something”. They acknowledge that city staff is committed to collaborate with civil organisations to build a relationship of trust and partnership. The relational dynamic between grassroots organisations and the municipality appears to be much more collaborative and transparent than with other sectoral areas that are directly tied with federal authorities, specifically with the Toronto Police Services. Some grassroots organisations believe that the Toronto Police Services are not properly implementing the city’s Access Without Fear policy as the police enforce federal law:

The police, for instance, they’re not implementing because they enforce the law. So, you have a warrant of arrest because you are an illegal immigrant, what does the police do? The police here are very racist. If they stop someone on the street, and if they don’t bring papers, they bring them to CBSA. Why do they do that? The person is not doing anything wrong. But they stop the person because the person is black, young. If they find out that they are undocumented, they bring the person to the CBSA, which is illegal detention. We talked to the police and they said, “Yes, we can do something here” but they are very reluctant to implement the policy because they see this as a violation of their mandate, which is not true (Interview transcription, Grassroots collective, November 15, 2017).

In many jurisdictions, municipal police boards and provincial police commissions play a significant role in overseeing the activities of police services as the authority of police boards flows from provincial police acts (Griffiths 2013, 59). These acts provide the legislative framework within which police services are structured and delivered. Dr. Alok Mukherjee, former Chair of the Toronto Police Services Board, recognises the
tension in realigning the police’s municipal responsibility with its interjurisdictional mandate and authority. Dr. Mukherjee describes the ongoing dilemma about the role of the Toronto Police Services and its implications in reconciling the municipal policies of sanctuary cities and the federal government’s opposing position:

That’s my dilemma. My suspicion is that while they may be following the policy on “Don’t Ask”, they are also acting as agents of the federal government in the areas of national security and antiterrorism. I believe that is the loophole they use to make inquiry, report the illegal status of people, etc. They may very well say that these are part of the exemption for the policy. There is a contradiction between a local police board on making one policy, and the federal requirement which appears to undermine [it] (Interview transcription, Service Provider, June 5, 2018).

As cross-jurisdictional agents of the municipality and the federal government, it is up to the individual police officer to use their discretion to uphold the law of the land and the oath of office. The dichotomous role of the Toronto Police Service presents an interesting case highlighting the complexity of the varying cross-sectoral dynamics between different municipal areas of service providers from police services to grassroots collectives.

La vox populi. As described in the previous chapter, la vox populi refers to the legitimation of an issue that takes into account the popular will or, in other words, the voice of the people. As Neveu describes, this category affirms the democratic foundation that provides agency to the public as a means to react and express their opinions accordingly (2015, 149). In Toronto, la vox populi occurred in observable forms prior to the adoption of the city’s Access Without Fear policy. For example, some community organisations, like No One Is Illegal, and grassroots collectives, like FCJ Refugee Centre, have continuously emphasised that community change does not happen when a new policy is adopted; change occurs through community mobilisation. In other words, a top-bottom approach wherein city council passes a new legislation is not the ultimate objective as the effectiveness of change occurs in a bottom-up approach, starting with community engagement. From the perspective of community organisers, it is critical for an issue to reach a certain level of visibility to become relevant. In a city where multiple issues frequently arise in both public and government agendas, its public relevance becomes a prominent indicator for decision-makers. An interview respondent highlights
that the number of the affected population is not the most important factor when it comes to making a case for the relevance of access to city services for residents without valid immigration status in Toronto:

The more that I’m talking to different people, I am coming to a conclusion where sometimes numbers aren’t the most important thing when it comes to these social policy issues. That’s the continued demand to hide behind numbers and the idea that numbers can define priorities rather than impact. We have this distorted quantitative demand that numbers equate significance, which is just another means of maintaining a – how do I say this politely – it maintains marginalised communities as not as valued within policymaking spaces. It also prohibits the ability to count or to somehow measure impact and need because we are also talking about communities that are experiencing multiple marginalisation (Interview transcription, Academic researcher, July 16, 2018).

Concurrently, other community stakeholders believe that the impetus is to simply not pass a policy, but to create safer spaces that increase access to services and decrease possibilities of detention and deportation. It appears that the most recurrent concern among community members, who work directly with Torontonians without valid immigration status, is the interaction with law enforcement officials. This sentiment of fear, as described in the previous case study, is a common perception that contributes to the rationale behind the political attitude against collaborating with law enforcement officials. Prior to the adoption of Toronto’s Access Without Fear policy, community organisers and grassroots collectives has carved out measures to develop spaces where immigration enforcement officials can have little access as possible. Migrant community organisations highlight the importance of building sustainable grassroots campaigns to provide the space to question and challenge the institutional agenda (Walia 2014, 217). Community-led campaigns that advocate for Toronto’s sanctuary city policy. The next section will discuss in detail how community-led campaigns pushed city council to advocate for Toronto’s sanctuary city policy.

5.4. **Populariser: Community Mobilisation as a Political Strategy**

The concept of popularisation (*populariser*) refers to the diffusion and amplification of an issue in public space. As Neveu describes, visibility and relevance of
an issue are prominent factors that contribute to its effective diffusion. In Toronto, some of the factors that drove community organisers to push for a *Don’t Ask Don’t Tell* campaign were the potential to mobilise across different service sectors (e.g., education, unions, social services, and health), the specificity of demands, the history of successes in sanctuary cities in the United States, as well as the opportunities of combining practice and theory in relation to immigration and border concerns (Walia 2013, 216). This section highlights two features that further illustrate the concept of *populariser* in the media and the public arena.

**The Media Arena.** As the first Canadian municipality to declare itself as a ‘sanctuary city’ in 2013, the city of Toronto was featured in a number of news media coverages\(^{37}\) after passing a policy allowing undocumented migrants to access city services regardless of immigration status. In Toronto, media reports and data from an *Access to Information and Privacy* request reveal that the Toronto Police Service and provincial agencies like the Ministry of Transportation Ontario have all inquired Torontonians about their immigration status as well as engaged in unsolicited sharing of personal information with federal law enforcement officials (No One Is Illegal 2015). Research in immigration and border studies consider this practice as a feature of urban securitisation, which is a process where local and provincial authorities are conjointly involved in the management of perceived risks to state and citizen (residents) at the scale of the city (Hudon et al. 2017, 6).

News headlines also covered the historic city council vote of 37-3 along with a recommendation asking the federal government to create a regularisation program for people without valid immigration status (Toronto City Council 2013). The adoption of the policy in 2013 marked a significant change for the grassroots collective members and migrant community representatives who attended the city council decision and advocated for regularisation of residents without valid immigration status in Toronto. I had sent out requests to speak to journalists who covered the sanctuary city movement in Toronto, but I was unable to secure an interview during the phase of my data collection. As a means to

\(^{37}\) Some media headlines include coverages from the *Globe and Mail, Toronto Star, CTV News, Torontoist, CBC, Inside Toronto, NOW Toronto*, among others.
address this gap, I was able to cross-reference this information with the existing interviews that I had conducted with key stakeholders. For example, Dr. David Moffette, a member of No One Is Illegal Toronto and Professor in the Department of Criminology at the University of Ottawa, expressed the importance of engaging with the media to heighten the visibility of this policy and increase pressure on city council:

One of the common strategies [is to] push the conversation that can keep us in the media and that can keep us relevant to have people engage with us and potentially might make a little win. When people think that the policy is about to pass, people will join the movement or people will support, people sign petitions. People are thinking ‘wow, something historical is happening here. I want to be part of this and I want to be organising’ (Interview transcriptions, Grassroots collective, July 5, 2018).

Moffette explains that because the sanctuary city campaign in Toronto involved strong community participation, organisers were able to make the movement politically untenable for the city council to vote against the motion. The result of the motion was a historic 37-3 vote, declaring Toronto as the first Canadian city to adopt a sanctuary policy. Media reports reveal the arguments and speeches from city councillors representing political spectrum during the debate. For example, Councillor Joe Mihevc (Ward 21, St. Paul’s) cited his own immigration story after his parents immigrated to Canada from their home country of Serbia. His speech gave testimony to the perspectives of migrant communities arguing that Toronto is shaped by the strength of its immigrant communities. Alternatively, media reports also featured the other side of the debate, wherein councillors of the opposing view expressed concerns against adopting a sanctuary city policy. Councillor Denzil Minnan-Wong (Ward 34, Don Valley East), one of the most vocal critics of sanctuary city policy, proposed that council assist the federal government in removing irregular migrants from the city as he considers them as an insult to every immigrant “who played by the rules to get into this country” (Cole 2013). From the perspective of the community members, the policy is only the beginning of creating change. In order for change to be effective, community members believe that demonstrating strong community mobilisation and establishing accountability with city councillors that have voted to support the policy are critical for next steps.
**The Public Arena.** The motion to adopt Toronto’s *Access Without Fear* policy was a second attempt by grassroots collectives and migrant advocacy groups to formalise Toronto’s sanctuary policy. Under the previous administration of former Mayor David Miller, the city did not fully commit to affirming, or implementing, the policy. Instead, the city addressed the issue of *Access Without Fear* by publishing posters online as a means to promote the decision. Most interview respondents recognise migrant advocacy groups and grassroots collectives as the foundation behind the driving force to push for a sanctuary city policy. Through the interconnected links established with city council, advocacy groups can develop the capacity to lobby policymakers about local issues. In 2007, the advocacy work to pursue the agenda of the sanctuary solidarity movement in the areas of policing, labour, education, and later, health. As Graham Hudson explains, policy genuinely has roots in community movements and mobilisation:

There was advocacy in terms of challenging stale federal laws that closed pathways to regularisation, and protecting non-status migrants from being apprehended and deported. In Toronto, it did start from that civic community social movement that was being industry specific. It wasn’t homogenous by any stretch movement. It was within the values of education, anti-police or anti-racism versus policing and labour rights. Then, all of that culminated in a redoubling of efforts to pressure government, specifically government, to adopt formal policies that recognised the human rights of non-status migrants but also, interestingly, the statutory rights, in some cases (Interview transcription, Academic researcher, November 16, 2017).

Grassroots activists were instrumental in the development of the counter-narrative and challenges against the institutional structures of issues concerning access to services in the city of Toronto. In particular, No One Is Illegal developed and cultivated a framework for regularisation that is drawn directly from the process of building relationships with migrant communities. As Walia describes, the “greatest value of support work comes from building relationships of respect, trust, and accountability” (Walia 2013, 110). Advocacy work establishes a link between migrant communities and the institutional systems that they are confronting, while equipping them with the necessary tools and skillset to develop the capacity to push for their cause.
5.5. *Mettre en politique publique: Cross-sectoral Partnerships and Agenda Access*

No One Is Illegal’s foundational framework is committed to key movement-based practices, which focused on the premise of community organising, building broad alliances and developing direct support work with vulnerable groups. Walia emphasises that because of the highly polarised nature of the campaign, community organisers acknowledged the value of reaching out and lobbying the policymakers. While this strategy can open doors of collaboration and open communication, others perceive that doing so, without a vocal critique of the system, is antithetical to the grassroots principles (Walia 2013, 109). In Toronto’s case, however, key actors and community stakeholders recognise the importance of collaborating with municipal policymakers to influence decisions and to push for institutional change. For example, Graham Hudson, Professor in the Department of Criminology at Ryerson University, emphasises the need to develop and cultivate the link between community stakeholders and political actors in the formulation, as well as the implementation, of Toronto’s sanctuary policy:

> The city needs to connect it with the community. The people in the city are doing an excellent job. I can’t speak enough of Kris Bellanger or Fenicia Lewis-Dowlin, there’s a bunch of people in the city now who work so well with the community, specifically with FCJ [Refugee Centre]. They care so deeply with this issue, there’s not enough people. If we could multiple those people and their connection to the community, huge change. Huge change with the culture of the city. So, numerous roots in the community.

Prior to the adoption of the policy in 2013, the issue of providing access to undocumented residents in Toronto was rooted in community movements and mobilisation, particularly from policing (i.e., *Don’t Ask Don’t Tell* policy), labour (i.e., Justice for Migrant Workers) and access to education (i.e., Education Not Deportation campaign). The push to recognise the existing practices and political principles, established by community groups and grassroots collectives, contributed increased visibility and relevance of addressing the issue of access to services. The culmination of events leading to the official proclamation and adoption of Toronto’s sanctuary policy in 2013 was instrumental in the policymaking process. Macdonald Scott, member of No
One Is Illegal and Carranza Law, described the moment when city council passed the motion in February 2013:

We lobbied them, we went to their meetings, and we spoke for them. When it went to city council, we had a sea of yellow shirts with Access Without Fear across them. No One Is Illegal wrote the policy, so it went very, very well. At the municipal level, actually, we can have a lot of influence (Interview transcription, Grassroots group, July 25, 2018).

Scott affirms that grassroots collectives and community organisations can have a significant influence on politicians and decision-makers; in particular, as more municipalities collaborate together to pass a sanctuary policy, community advocacy becomes more and more influential and impactful. This cross-sectoral collaboration between community representatives and the municipal government is a critical piece that drives the sanctuary movement from a local area of concern and turning it into an institutional agenda item. Interview respondents constantly highlight the importance of policymaking via a bottom-up approach. For example, Scott acknowledges the collaboration between the community and Councillor Joe Mihevc, who played a significant role during the preliminary stages of drafting Toronto’s sanctuary policy:

The main one was Joe Mihevc who worked with us to draft a policy that was then passed by the community in the development of services committee. Then, it was brought to City Hall. We showed up with 150 odd people in shirts saying “Sanctuary City Access Without Fear”. We handed buggies to city councillors, many of them put them on and we won by a vast majority, including both the Fords [Rob and Doug]. So, that’s the story. The problem has been implementation, since […] it’s all good and well to have a policy, but if nobody knows about it and nobody trains it, then it doesn’t really go anywhere. That’s the problem in Toronto (Interview transcription, Grassroots group, July 25, 2018).

The cross-sectoral partnership between community members and political actors is a foundational piece in the initial stage of a public problem construction process. It appears that this collaboration transcends beyond the scope of formulating a policy as this partnership is equally significant in the later stages of the policymaking process (i.e., implementation). Alison Stanley and Nicole Watson, Community Development Officers in the City of Toronto, affirm the importance of having both community involvement as well as political support in the development of Toronto’s Access Without Fear policy:
For political support, mayor and council often will make motions for us to write to the federal or provincial government to reaffirm the importance of having services accessible to all Torontonians and communities to ensure the wellbeing of refugee claimants and newcomers. I think having that political support from council and the mayor is very important (Interview transcription, Municipal government, November 24, 2017).

While migrant communities and grassroots advocates recognise the role of some councillors who have pushed and moved the conversation forward to pass the motion in city council, they simultaneously express their frustration and distaste regarding the lack of the policy’s implementation since 2013. For example, respondents highlight the absence of formal training and education to equip service providers with the necessary tools and skillset when interacting with vulnerable residents without valid immigration status. Francisco Rico-Martinez, co-president of FCJ Refugee Centre (FCJ), explains that community groups like FCJ play an impactful role to address the gap in training as a tool to work towards implementing Toronto’s sanctuary policy:

This is the second time that we have been hired that the City of Toronto hired us to train the city staff about their own policies. They realise that no one knows. Even if they know, they don’t understand. We are defining a training. We are working on a training that will be implemented in the middle of January 2018. We are also reviewing all the website of the city in order to see how friendly the website is for undocumented Torontonians (Interview transcription, Grassroots collective, November 15, 2017).

The city of Toronto has committed to move forward in the development of an online training module as a mandatory tool for all city staff. Hudson et al. highlight that more weight needs to be considered when providing more guidance to select staff based on how much of their portfolio should be dedicated exclusively to Toronto’s Access Without Fear policy (Hudson et al. 2017, 18). Community stakeholders highlight that part of the reason why training appears to be scarce is tied to the amount of available funding. From the perspective of some community representatives, the absence of adequate front-line funding is a critical barrier that needs to be addressed in order to implement a sanctuary policy. As Hudson et al. describe, the city of Toronto has a sheer size as a bureaucratic entity, which requires “a systematic approach with adequate funding and political leadership” (Hudson et al. 2017, 25). Simply put, city council must focus on what it has jurisdictional power to do as well as to understand that a sanctuary
city policy cannot simply operate on the level of personal convictions, resources and political will of a small cadre of city staff.

5.6. Concluding Remarks

Six years since its adoption, *Access T.O. for Undocumented Torontonians* started as a symbolic proclamation with the objective to provide access to municipal services for Torontonians without valid immigration status. Grassroots activists and migrant representatives have coined the term ‘regularisation from below’ as a means to describe the existing practices and community initiatives that have contributed to develop a non-hierarchical urban community, while rejecting the nation state that renders migrants without valid status as ‘illegal’ (Bauder 2016; McDonald 2012). Since 2013, the policy has encountered multiple political leadership turnovers and institutional changes in the federal, provincial and municipal scales. As Ontario welcomes a new Premier, it would be interesting to observe whether the issue of *Access Without Fear* would be treated as another ‘sleeping dog’. Given the recent changes in the political landscapes not only is such an asymmetry in policy implementation destabilising, but such change reinforces the current status quo to maintain a certain level of what communities may define as stagnancy or, simply put, non-implementation of what appears to be a *pilot* policy.
Chapter 6.

Comparing Vancouver and Toronto’s *Access Without Fear* Policies

This chapter examines the two case study jurisdictions by providing a comparative overview of the key differences and similarities that typify the development of *Access Without Fear* policies in Toronto and Vancouver. Through the lens of Neveu’s constructivist framework, this chapter outlines Neveu’s five operational phases, distinguishing each phase with the policy similarities and differences, followed by a discussion of a synthesis of themes from across jurisdictions.

6.1. **Identifier: Identifying the Catalysts of Access Without Fear**

6.1.1. **Similarities**

**Grassroots Collectives as Primary Propellers of Advocacy**

A common characteristic that sets the foundation of sanctuary city policies in Toronto and Vancouver is the drive to challenge and confront exclusionary immigration policies; specifically, in the context of “harsh national and international treatment of migrants and asylum seekers” (Dauvergne 2016; 2008; Squire and Bagelman 2012; Hershkowitz, Hudson and Bader 2019). Hershkowitz, Hudson and Bader (2019) explain that this treatment is the result of the ‘uneasy’ relationship between security and liberalism in which discourses associated to resource implications intermingle with conceptions of deservingness, thus produces tensions related to social and political inclusion. These tensions eventually led to the enforcement of bordering practices that have shifted downwards to the provincial and local levels. The outcome of decentralizing law enforcement of federal immigration law generates an impact on non-status residents through the sharing of personal information with federal authorities, especially by local police and indirectly through the denial of services by city staff (No One Is Illegal 2015; Hudson 2011; FCJ Refugee Centre Audit Report 2015; City of Toronto 2014). Érik
Neveu describes that the democratic potential of social movements, like the sanctuary movement, comes from the obligation to publicise the relevance of the problem in question (Neveu 2015, 63). Grassroots collectives contribute to the escalation of an issue following its moment of identification. In other words, these groups “explain their vision and the importance of the problem to the media, supporters of the cause and readers of published petitions” (Neveu 2015, 63). Sanctuary Health Vancouver and No One Is Illegal (NOII) play an influential role of publicising the issue of lack of access to services for non-status residents in order to break through the political and administrative gates that lead up to the agenda table. For example, Sanctuary Health Vancouver identified the issue of lack of access following the removal of the Interim Federal Health coverage in 2012. The group pushed for the issue through organising petitions and protests, as well as by asking neighbouring service sectors to endorse the sanctuary principles.  

Similarly, No One Is Illegal was instrumental in organising various campaigns that responded to a culmination of events in various service sectors relating to the deportation or detention of migrant residents in Toronto, specifically the apprehension of two students from Costa Rica while in school at Dante Alighieri Academy by CBSA officials. NOII was built from a community foundation of students and teachers who pushed the issue towards the attention of the Toronto District Catholic School Board. The campaign also brought the issue towards the attention of the Toronto District School Board to push for the development of a similar Don’t Ask Don’t Tell policy in 2006.

38 Sanctuary Health Vancouver endorses the following principles to address the issue of lack of access for all residents: (1) Access to basic and essential services is determined by need and not by migration status, and (2) Access without fear. Retrieved via: http://www.sanctuarycityvan.com/endorsements/
6.1.2. Differences

Vancouver: Outcome of Federal Decisions on Individual Immigration Cases

The rationale behind the sanctuary movement in Vancouver occurred through the culmination of local events resulting primarily from federal decisions on removal orders and the reform of the Interim Federal Health program in 2012. As mentioned in my case study findings in Chapter 4, the deportation order against Laibar Singh marked one of the most prominent events which triggered the mobilisation of 1,000 supporters who protested at the Vancouver International Airport terminal in 2007. A second example is the federal immigration policy reform in 2012 in which cuts to primary, preventive and supplemental healthcare were administered as a cost-saving mechanism of the Interim Federal Health program. The death of Lucia Vega Jimenez in 2013 after a fare-evasion check by Vancouver Transit Police and a three-week detention at a CBSA holding cell triggered the sanctuary movement and resulted to its entry to the municipal government’s political agenda. Jimenez was one of the 328 cases of individuals that transit police reported to CBSA that year. In the health authorities, it was reported that approximately 500 patients were referred from Fraser Health hospitals to CBSA from January 2014 to October 2015. The continuous efforts and increased mobilisations of grassroots collectives, particularly Sanctuary Health Vancouver, in reinforcing the gravity and relevance of accessing basic services for residents without status is paramount to gaining public and political support. As Neveu explains, public problems are not like “automobile entities that would follow a highway with clear and precise signage”. They are instead “a product of an association of emerging human activities” (Neveu 2015, 42). For example, this association consists of activities that “seek support, create social coalitions with the objective of garnering interest to bring claims to a successful conclusion”. By applying Neveu’s preliminary operational phase in Vancouver’s Access Without Fear policy, the outcome of the above-mentioned trigger events produced sufficient visibility and awareness, which community advocates used as tools to propagate the political momentum towards gaining access to the institutional agenda. This federal reform ignited the formation of grassroots collectives to represent the needs of affected residents.
Toronto: Policing of Non-Status Residents

The policing of non-status residents in the broader context of “analogizing non-status migration with criminality” catalyzed the sanctuary movement in Toronto (Hershkowitz, Hudson and Bader 2019, 6; TPSB 2006). Allegations filed against the Toronto Police Service (TPS) reveal that police officers inquire about the immigration status of individuals seeking police services and share this information to their federal counterparts (TPSB 2005, 6). Specifically, the apprehension of the Lizano-Sossa children from a local Toronto high school and the family’s eventual deportation in 2006 was one of the most prominent factors that fueled and intensified the discussions on Toronto’s non-status migrants. Neveu’s work signals that public problems start with a moment of identification because it “perturbs the experience and causes discomfort, affecting interests and essential values that eventually turns a situation into an object of attention” (TPSB 2005, 43). In Toronto’s case, the view that local police have a statutory responsibility to enforce federal immigration law marked this moment of identification. In contrast to the local events in Vancouver, the sanctuary movement in Toronto was not solely triggered by high-profile events (e.g., the death of Lucia Vega Jimenez in 2013). Instead, the movement was the result of sectoral pressures in service areas to which residents were not receiving access. For example, the fear of interacting with law enforcement authorities, particularly when police identify individuals, solicit documents and report individuals to federal agencies, like CBSA, influenced the Toronto Police Services Board (TPS Board)39 to explore options for improving police operations. For example, the TPS Board passed a Victims and Witnesses Without Legal Status policy in 2006, prohibiting soliciting information and inquiries about the immigration status of victims and witnesses unless required under law. This policy resulted to the community initiative to push for the adoption of a Don’t Ask Don’t Tell (DADT) policy as a means to prevent immigration officials not only from sharing information to other immigration and border control services agencies (Don’t Ask), but also to prohibit sharing this information to federal immigration authorities (Don’t Tell). A Don’t Ask component of the policy was

39 The Toronto Police Service Board is an oversight body mandated to produce policies, objectives and priorities of the Toronto Police Service.
later adopted a policy directive. To date, community organisers have continuously advocated for the full directive and include the Don’t Tell component.

6.2. **Cadre: Framing Access Without Fear Policies to Influence Public Perception**

6.2.1. **Similarities**

**Framing Access Without Fear through Policy Naming Conventions**

Prior to the adoption of the city’s sanctuary policy in Vancouver and Toronto, the municipal officials expressed that it is critical to err on the side of caution when discussing the types of services that the city can provide. The intention to prevent miscommunication and mislead residents who seek refuge in both cities. During the formulation of Vancouver and Toronto’s Access Without Fear policies, municipal officials are careful not to over-reach and overpromise by including the word ‘sanctuary’ as part of the policy’s naming convention. This concern is reflected on the existing titles of both Access Without Fear policies in Vancouver (Access Without Fear to City Services for Residents with Uncertain or No Immigration Status) and Toronto (Access T.O. for Undocumented Torontonians). For example, the parameters of providing city services to residents with precarious immigration status in Vancouver rest within the purview of the municipal jurisdiction. The implementation of some of these services vary as some service areas – like Parks and Recreation, the Vancouver Public Library and the Vancouver Police Department – have independent boards that are separate from the city’s governance structure. The city, however, may ask these agencies to endorse similar principles, as per their respective mandates. When it comes to framing the scope of a sanctuary city policy, the cities are careful and cautious in the formulation of a policy title. This technical intricacy is a critical tool to define the scope, and to avoid misconception and unmet expectations. While the scope of sanctuary could be misinterpreted in migrant communities, its framing is critical to influence the political momentum as well as to advance the progressive agenda and internal motivations of city council and political actors in Vancouver and Toronto. For example, as the number of Canadian municipalities adopting a sanctuary policy increases, it can create a political
leverage that can be used to pressure higher orders of government and influence the development of immigration policies.

6.2.2. Differences

Vancouver: Reinforcing Moral Duty over Quantity

In Vancouver, *Access Without Fear* is framed in accordance to the different viewpoints of key entrepreneurs. The goal of key actors and entrepreneurs is to formulate competing social problem frames that can depict the most favourable outcome and interpretation to decision-makers. Neveu’s framework describes that the selection of certain factors – personal accounts, images, links of causality or symbols – while obscuring others demonstrates framing as a process of careful selection. As members of the Mayor’s Working Group on Immigration, Dr. Yan (academic) and Wong (public servant) share similar perspectives that reveal that the policy lacks a clear, tangible function yet maintains a ‘spirit’ that reflects the city’s progressive agenda. In contrast, Councillor Reimer poses a counterargument to explain that the decision to exercise moral duty should not be heavily influenced by quantitative measures. My findings suggest that city staff is of the view that the gravity of a problem can be strongly proven when accompanied by high numbers of the affected population. From City Council’s perspective, however, advocacy should not cease even if there is no concrete number of non-status population who are unable to access city services. Councillor Reimer frames her point of view by explaining that civic duty is not measured by the number of people affected as long as there is a need for it. In Vancouver’s case, the view of city staff is perceived to have a much more conservative and reserved outlook on the meaning behind what a sanctuary city policy should entail as compared to the view of the political staff.
Toronto: Civic Accommodation over Socio-Political Equity

Toronto City Council shares a similar perspective as Vancouver when emphasising the duty of exercising civic inclusion and accommodation of all city residents, regardless of immigration status. There is a particular focus, nonetheless, on countering the existing political landscape in the United States, which drives City Council to compare Toronto’s more inclusive space as compared to what Councillor Mihevc refers to as a “xenophobic” perception of the Trump administration. It is possible that this explicit comparison between Canada (Toronto) and the United States may very well play towards the Councillor’s political and progressive motivations. From the perspective of service providers, Access Without Fear is framed in such a way that reflects the internal priorities, mandates or visions of the organisation, body, or board. For example, the Toronto Public Library (TPL) aims to exude an environment of inclusivity and accommodation in order to respond to the need of all city residents. This vision strongly influences the implementation tools, like using address postcards as ID cards, used to deliver services. TPL explains the importance of adapting to the iterative nature of policy in order to align library services to the changing nature of the city’s socio-demographic profiles and needs. Representative of the TPL also act as key entrepreneurs capable of pushing the needs of residents without valid immigration status by framing and pushing for the importance of equity on the library board’s agenda. In contrast to the library’s vision of accommodation, the Toronto Police Services Board (TPSB) focuses more on the legal rights of residents to safety from persecution as well as the rights of police officers to exercise broad discretion. TPSB defends that police officers are under oath to make the right judgement with respect to collecting and sharing immigration information with residents. The mandate of the TPSB informs decisions on developing policies, like Victims and Witnesses without Legal Status policy, which constitutes a Don’t Ask component, to reiterate that victims and witnesses of crime shall not be asked their immigration status, unless there are bona fide reasons\(^40\) to do so.

\(^{40}\) According to the policy, *bona fide* reasons include: “a victim or witness who may possibly require or may seek admission into the Provincial Witness Protection Program; a Crown Attorney is requesting information for disclosure purposes; the information is necessary to prove essential elements of an offence;
6.3.  *Justifier: Justifying the Relevance of Access Without Fear*

6.3.1.  Similarities

**Status Checks as a Feature of Urban Securitisation**

Fear is an underlying element that hinders most residents with precarious immigration status from accessing municipal services due to the risk that the lack of legal status will be revealed and will eventually lead to detention, separation from children or deportation. In Vancouver and Toronto, residents with precarious immigration status are less likely to report to police for fear of exposure, detention and possible deportation. Research and media reports show that the Toronto Police Service and the Vancouver Transit Police have solicited immigration status of residents by performing status checks and have shared information of personal information with the CBSA (No One is Illegal 2015; Hudson et al. 2017, 6; Ball 2014). Hudson et al. describes this practice as a feature of urban securitisation in which local and provincial authorities carry out the management of perceived risks to state and citizen (resident) at a city-level (Hudon et al. 2016, 6; Lippert and Walby 2013; Valverde 2014). The outcome of this practice results to increasing risks, which dissuades the vulnerable population from seeking police assistance. From the municipal government’s perspective, a key element to measure the relevance of a policy is by identifying the number of the affected population. In both cities, there is no census data or published record regarding the number of people without valid immigration status residing in Canada. Reports show that the majority of individuals with precarious immigration status are likely living in Toronto and other large urban centres, with estimates ranging from 200,000 in the Greater Toronto Area and 100,000 in Metro Vancouver (Deshman 2001, 215; Hudson et al. 2017, 6; City of Vancouver 2016, 15).

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investigations where the circumstances make it clear that it is essential to public or officer safety and security to ascertain the immigration status of a victim or witness” (TPSB, 2008).

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6.3.2. Differences

**Vancouver: Referral Calls from Healthcare Providers and Policing Services**

In Vancouver, there have been instances in which migrant communities need services, like healthcare, which exist outside of the scope of the municipal’s jurisdiction. As a result, there are residents without legal status who are increasingly afraid to go to hospitals for fear of being reported to immigration authorities. Fraser Health, a provincial health authority that operates 12 hospitals in Metro Vancouver, referred approximately 500 patients to the CBSA. In addition to referrals from hospitals, it was reported that Vancouver Transit Police had turned over 328 incidents to CBSA in 2013 (Ball 2014). The 328 referrals resulted in 62 investigations and the suicide of Lucia Vega Jimenez in December 2013 after spending two weeks in detention in a CBSA custody due to a fare-evasion check in a Vancouver sky train station. This well-founded fear is a foundational piece that supports the rationale behind the development of a sanctuary policy in Vancouver as individuals continue to refrain from reporting crimes or accessing essential services.

**Toronto: Information-sharing between Local Police Service and Federal Agencies**

One of the most prominent and essential municipal service in the city of Toronto is the access to police services. In 2006, the Toronto Police Services Board adopted a “Don’t Ask” policy whereby police officers are not to ask victims and witnesses of crime about their immigration status without a bona fide reason to do so. Most advocates and legal professionals affirms that a “Don’t Ask” policy can only be effective when combined with a “Don’t Tell” policy, which prevents the police from disclosing immigration status to federal officials. In 2014–2015, it is reported that the Toronto Police Service is responsible for 31% of calls made by all law enforcement and transit agencies across Canada (No One Is Illegal 2015). As a municipal body, the Toronto Police Service was critiqued for making referral calls that were, more often than not to RCMP, and more often than the police services of Montréal, Québec City, Calgary and Vancouver combined. 83% of the referral calls were to perform a status check as a means to actively solicit information about an individual’s immigration status. Community
proponents argue that a municipal police service does not have the statutory authority to enforce federal immigration policies. As a result, residents without valid immigration status are fearful to interact or report to police even in extenuating circumstances that demand it. The justification behind developing a sanctuary city policy in Toronto is to address this grey zone in relation to the jurisdictional accountability of the Toronto Police Service.

6.4. *Populariser: Exposing Consequences of Government Decisions*

6.4.1. *Similarities*

*Intra-governmental Push to Pressure Provincial and Federal Counterparts*

Among the key actors involved, grassroots advocates and community representatives are considered to be the most prominent stakeholders in this stage of the problem construction process. Community representatives and grassroots advocates in Toronto and Vancouver share a number of common mobilising strategies that heighten the visibility and reinforce the sanctuary movement in the government’s agenda. As both cities acknowledge that the jurisdictional authority on the types of city services can be limited, they believe that it is critical to move the policy beyond the city and push for a regional-wide approach. Community representatives are engaging in discussions to pressure provincial governments and affiliated organisations to provide access to services at the provincial level. For example, FCJ Refugee Centre in Toronto and Sanctuary Health in Vancouver are both engaged in discussions about the possibility for their respective provinces to provide support for medical services, education and social assistance for the vulnerable residents, particularly those with precarious immigration status. In addition, collectives continuously engage with the media with the goal to cover sanctuary city stories, push the conversation externally to the public, and keep the issue relevant. *The Tyee, StarMetro Vancouver, Toronto Star* and *Torontoist* are some news media that covered a number of feature stories, which amplified the relevance of the issue. From the perspective of grassroots collectives, endorsing the principles of sanctuary movement in the local, provincial and federal level can be an organisational
challenge for collectives that do not necessarily have sufficient means of human resources. As a result, cross-sectoral collaborations between external collectives, organisations and agencies that share similar principles toward providing access for all residents, regardless of immigration status, is an important factor that contributes toward public awareness and amplification of the issue.

6.4.2. Differences

Vancouver: Endorsing Sanctuary Principles as a Form of Community Mobilisation

Mobilisation strategies for sanctuary movement began between 2007 and 2008 in response to the removal order against Laibar Singh. Community organisers from No One Is Illegal Vancouver sought to prevent Sing’s deportation and launched a public campaign, which included speaking daily on Punjabi radio shows, writing commentaries in multilingual newspapers, giving out leaflets in gurdwaras, facilitating national days of action, and organising community meetings (Walia 2013, 108). NOII’s mobilisation strategy eventually led to the creation of a mass blockade at the Vancouver International Airport in December 2007, which shut down the entire international terminal and canceled dozens of flights throughout the day. This blockade was reported to be the only time in recent North American history that the violence of a deportation was prevented through the power of a mass mobilisation and direct action (Walia 2013, 110). In addition to this direct support work, Sanctuary Health Vancouver engaged with the affected communities and groups supporting non-status residents with the objective to develop and endorse the Sanctuary City Principles in 2012: (1) all individuals should be able to access services based on their need rather than their immigration status, and (2) that all persons should be able to access services without the fear of being deported (Sanctuary Health Vancouver 2018, 2). Sanctuary Health Vancouver encourage its community organisers to openly share these principles with extended networks (BC Government and Employee Services Union, HEU, CUPE, BCEU), as a tool for community mobilisation to influence the development of policies in various independent governing bodies of the city like the Vancouver Public Library, Vancouver Police Department, and Parks and Recreation.
Toronto: Organising Sector-Specific Campaigns to Politicize Public Discourse

In 2006, mobilisation strategies for sanctuary movement started following the advocacy for Toronto’s Don’t Ask Don’t Tell policy within various municipal and governmental bodies. Part of the promoting the movement was to focus on organising the Education Not Deportation campaign, following the removal of two undocumented children by immigration enforcement officers from a Toronto high school. One of the strategies was to lobby the Toronto District School Board with official submissions from parents, teachers, migrant justice activist and educators to call on the school board and welcome students, regardless of immigration status (Walia 2013, 114). The result of this campaign pressured the TDSB to provide training to teachers and administrative staff in 2010. Over five hundred schools were given posters to ensure that educational staff were able to effectively implement the policy. Similarly, a campaign on Shelter Sanctuary Status was initiated in 2008 to prevent immigration officers from accessing women’s shelters in Toronto. The campaign ensured that services are accessible to undocumented residents. In recognition of these mobilising strategies, the CBSA was pressured to issue a directive inhibiting enforcement officers from entering women shelters or other spaces for women who are experiencing violence. In 2013, representatives from No One Is Illegal attended the Toronto City Council vote with the objective to communicate and lobby city council to adopt an Access Without Fear policy. Proponents of the policy attended this vote and wore yellow Access Without Fear shirts to promote visibility and relevance in front of municipal policymakers. In addition to the grassroots community, academic researchers have demonstrated support and promoted the movement by conducting and presenting research that sheds light and, oftentimes, critique the current landscape of the policy. These mobilising tools have contributed to the political momentum by politicising the public and heightening public awareness.
6.5. *Mettre en politique publique: Access to Power, Access to Agenda*

6.5.1. Similarities

**Identifying an Internal Political Champion and an External Political Advocate**

Sanctuary city policies in Toronto and Vancouver share common features in its early stages of implementation wherein a member of the municipal legislative body – city council, in this case – supports the principles of *Access Without Fear* initiatives. For example, former Vancouver City Councillor Geoff Meggs was an instrumental political figure that brought the issue forward to City Council following with the support of the advocacy group, Sanctuary Health Vancouver. As the leading political advocate, Meggs worked in collaboration with the Mayor’s Working Group on Immigration (MWGI), which provided resources, community knowledge and tools needed for the formulation of an *Access Without Fear* framework. In Toronto, former City Council Joe Mihevc played a prominent role in the formulation and development of Toronto’s sanctuary city policy. Former Councillor Mihevc engaged with grassroots collective No One Is Illegal to draft the *Access T.O.* policy, which he later presented and passed in City Council. The adoption of a sanctuary city policy in both cities was the result of identifying a political champion within city council (i.e., a City Councillor) as well as outside of the institutional bureaucracy (i.e., grassroots collective). As the issue propagates from the community-level actors, front-line advocates identify a political champion within city council who is capable of raising the relevance of the issue in the institutional agenda. As such, zones of sanctuary are actively constituted not by politicians or bureaucrats, but by the community (i.e., services providers, educators, healthcare professionals, neighbours) on the basis of upholding the principles of what it means to be a sanctuary city (Bauder 2016). City councils of sanctuary cities commit to implementing *Don’t Ask Don’t Tell* policies when disseminating personal information about city residents to other orders of governments, which includes law enforcement officials. Municipal police in both cities, however, do not fully implement these policies.
6.5.2. Differences

Vancouver: Influence of City on Policing, Parks and Library Service Boards

Prior to the adoption of Vancouver’s *Access Without Fear* policy in 2016, the Mayor’s Working Group on Immigration\(^{41}\) (MWGI) organised local initiatives that constituted the groundwork for community consultation and outreach. In this stage of the problem construction process, the MWGI played a prominent role in the operational steps leading to the adoption of the policy. The collaboration between Sanctuary Health Vancouver and then-Councillor Geoff Meggs prompted the MWGI to leverage political support within Vancouver City Council. The MWGI organised community forums and outreach activities to engage with the community members, agencies and affiliated independent governing bodies, such as the Park and Recreation Board, the Vancouver Public Library, and the Vancouver Police Board. As there is no municipal sanctuary city policy covering all independent governing boards in Vancouver, a prominent course of action from a governing body can play an influential role on other independent governance structures to adopt similar policy guidelines with respect to their operational mandates. For example, Vancouver Transit Police terminated its Memorandum of Understanding with the Canada Border Services Agency in February 2015, committing that officers must receive permission from a Watch Commander to initiate contact with CBSA (Hamilton 2015), as a means to end its enforcement of federal immigration law. One year later, the City of Vancouver adopted its *Access Without Fear Policy*. Twenty-one days later, Vancouver Public Library adopted *Access to Vancouver Public Library Services Without Fear Policy* in April 2016. Similarly, Parks and Recreation adopted *Access to Park Board Services Without Fear Policy* in November 2016. Two years later, the Vancouver Police Board published its operational guidelines on *Access to Police Services Without Fear* in June 2018. During the initial stages of the policy phase, the level of political influence creates a significant impact in propagating the city’s policy

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\(^{41}\) The Mayor’s Working Group on Immigration assists the City of Vancouver with the development of city policies, the endorsement of leadership strategies and the formulation of recommendations for adoption by City Council. The working group is comprised of 18 representatives from the business, academic, community service, education, health, police and legal sectors.
goals across its affiliated independent boards, thus broadening the scope of the access to city services policy.

Toronto: A Vision towards Using Municipal Identification Cards

One of the principal drivers behind the re-affirmation and adoption of Toronto’s Access T.O. for Undocumented Torontonians in February 2013 was through the advocacy and community outreach of No One Is Illegal (NOII). Similar to Vancouver, NOII engaged with former-Councillor Joe Mihevc to present the issue and raise the concern in the institutional agenda. The city of Toronto convened an interdivisional City staff team, called the Access to City Services for Undocumented Torontonians Working Group, to develop a municipal strategy of providing access to services for undocumented Torontonians. This organisational structure is an important feature to understand how the city is able to influence other service providers when sharing knowledge and determining strategies to address the complex issues of undocumented Torontonians. For example, the city cannot disclose personal information to another government unless required by law or a statutory declaration to support a specific investigation. Similar to San Francisco and New Haven in the United States, the city of Toronto is of the view that another course of action is the plan to implement a municipal identification card to facilitate access to municipal services for all residents, including undocumented Torontonians. Having a municipal ID encourages safer interactions with frontline city workers and participate local commerce as well as use the basic city services and programs for which they are already eligible. In addition, the city of Toronto is undertaking a strategic initiative to improve service access for vulnerable residents through training. City council reports that the city will work together with other affiliated agencies to identify training resources.
Chapter 7.

Final Discussion and Conclusion

My findings suggest that the development of sanctuary city policies in Vancouver and Toronto was the result of a culmination of local incidents, which primarily involved interactions between non-status migrant residents and law enforcement officials. While the type and frequency of local cases of sanctuary-related incidents vary in both cities, its sociopolitical implications, specifically on the policing of non-status residents, and the manner in which these issues have successfully entered the city council agendas have stark similarities. Essentially, community mobilisation from a bottom-up approach contributed to the heightened focus on local cases that eventually emphasised tensions related to social and political inclusion, and gained the attention of decision-makers in city councils. For years, studies of decision-making in various communities in North America, particularly in the United States, concluded that local decision-making was dominated by the politically and economically elite few (Eissler, Mortensen, Russell 2016).

When respect to successfully propelling issues onto the agenda, my interview respondents in Vancouver and Toronto affirm the shift to a more pluralist perspective. In other words, this upward move to push the issue of providing city-wide access to services for residents with precarious status is deeply rooted from community mobilisation efforts of grassroots collectives and advocates. In the case of Access Without Fear policies in Vancouver and Toronto, identifying the most suitable political champion capable of leveraging influence within city council led to the effective mobilisation and successful advocacy of these entrepreneurs. More precisely, grassroots collectives and advocates in both cities exercised their level of expertise and knowledge by tactically selecting the Councillor who would best represent the interests of the non-status population as well as strategically pitch the issue in a manner that appeals to the public and the majority of city council. In both cities, advocates knew how to navigate in order to identify the appropriate champion who had the complementary networks that matched and benefited from their spheres of influence. In recognition of this strategic move, my findings suggest
that while *Access Without Fear* policies were produced from distinct trigger events involving law enforcement interactions with non-status migrant residents, these policies would not have come to light without the cross-sectoral, networking dynamics between an influential political champion from city council and an equally tactical advocate from the front-lines (grassroots collective).

Much of the ongoing debate on the role of local and provincial enforcement of federal immigration law and policies is central when analysing the pertinence of sanctuary city policies. My empirical findings confirm that this discussion has stirred subsequent challenges in affirming the role of a municipality and the perceived utility of sanctuary city policies because municipal governments do not have legal jurisdiction nor constitutional authority over some service agencies, like local police services. My results demonstrate, however, that although cities have jurisdictional limitations over the statutory implications of immigration, they are still in a position capable of challenging federal immigration laws through the development of city-wide initiatives to reinforce the city’s progressive agenda of enacting *local citizenship*. Some initiatives mentioned in my thesis include the use of municipal ID cards, the creation of centralised referral programs to access basic healthcare and the adoption of *Access Without Fear* policies. The development of these tools and instruments play a strategic importance on the role that city councils play when leveraging political influence on service boards, which advertently influence service agencies, sectors and organisations.

The role to foster political will within key entrepreneurs involved in adopting sanctuary city policies is critical in order to develop sufficient influence among external boards and service agencies. More importantly, advocates representing the rights of non-status residents in Vancouver and Toronto have played an instrumental role in propelling the issue to city council agenda. After multiple exchanges with interview respondents, my findings show that effectiveness of pushing the agenda forward is achieved when advocates are well aware of identifying the suitable champion capable of leveraging influence within the intimate circle of policymakers in the decision-making table in order to make a strong case for supporting the issue. In light of the growing literature on the comparison of sanctuary city policies in Canada and abroad, this study makes several key
contributions to existing literature, some of which may lead the path towards further research and implementation of policies as discussed below.

7.1. Final Discussion

7.1.1. A Municipality’s Response to Enacting Federal Citizenship

An interesting characteristic of the governance of immigration in Canada is the relationship between the cross-jurisdictional operationalisation of policies. While immigration policy is under the responsibility of the federal government, its implementation carries a more prominent impact at the provincial and municipal level. Scholars have clearly established how discourses and practices in the governance of immigration have shifted upwards to supranational venues, downwards to local governments and outwards to entrepreneurs or societal actors, like civil society collectives and organisations (Guiraudon and Lahav 2000). In recognition of the city’s jurisdictional limitations, urban policies supporting vulnerable residents with precarious status are capable of confronting or complementing national policies, as well as inspiring innovative political approaches towards establishing a sense of residency and cultural belonging (Bauder 2016, 175).

Since the very first sanctuary incident in Canada in 1983, federal governments have not directly addressed this issue nor responded to provincial and municipal initiatives to oversee and work with the non-status population. Interview respondents affirm that this gap in formulating clear policies, procedures or practices at the federal level leaves much of the groundwork and efforts to the lower levels of government, particularly to cities. With respect to the jurisdictional dynamic of enacting immigration policies within Canada’s tripartite federalist system, my findings suggest that a clear motivation behind the development of Access Without Fear policies in Vancouver and Toronto is to challenge existing national immigration policies and to further propel city council’s progressive, albeit political, agenda. Patrick Smith’s study on urban governance describe municipalities like Toronto and Vancouver as Eager Beavers because they
extend their policy grasp beyond their jurisdiction in efforts to solve local policy challenges (Smith 2019).

My research shows that the limited role and responsibility of municipalities on informing the development of national immigration policies leaves room for jurisdictional ambiguity. Much of this grey zone transcends to the local level, particularly when it comes to the public interpretation of policies that cities intend to adopt. My findings illustrate that the meaning behind Access Without Fear policies can be interpreted in a manner that conceals the nature of providing city services under the municipal jurisdiction. Bauder explains that this lack of clarity can mask the variability and contextualised nature of sanctuary city policies (Bauder 2016, 175). Municipal governments feel a need to support and regularise residents with precarious immigration status as de facto members of the city. With respect to the division of powers between federal, provincial and local governments, federalism creates openings for progressive cities to pursue initiatives and implement tools that reflect their priorities and policy goals. De Graauw (2014, 314) stresses that while cities are “mere administrative subdivisions of [provinces] and the federal government, they have an obligation to regulate and protect the health, safety and wellness of all city residents. These residents work in the city, pay local taxes, are tenants or landlords or homeowners, send their children to local schools, attend city church, buy groceries in the city – among many others (De Graauw 2014, 312). Residents without valid immigration status experience the most exclusionary effects of the policy’s implementation. While cities engage in the development and adoption of various sanctuary city policies to facilitate the integration of city residents, which includes non-status migrants living in the city, they do not have the legal authority to expand these rights outside the municipal’s jurisdiction. As a result, Access Without Fear policies were passed unanimously in several Canadian cities, but these policies has yet to be fully implemented despite the implementation plans of city officials. The formulation of such policies, however, can be informed in a way that allows for collaboration and cooperation with local nongovernmental organisations, grassroots collectives, academic researchers and other prominent stakeholders whose work involves direct and collaborative interaction with the affected population. As cities take a direct and progressive policy stance in relation to a wider political debate on
federal immigration policies, Toronto’s and Vancouver’s *Access Without Fear* policies, are capable of garnering sufficient political leverage to challenge immigration and citizenship policies.

7.1.2. **Implications on Immigration Policymaking Process**

The constitutional structure of regulating immigration policies in Canada provides the federal and provincial governments with a shared jurisdiction to enforce these regulations, laws and policies. Immigration, in general, touches upon classes of subjects within the exclusive constitutional jurisdiction of provinces, including: education, most labour and economic relationships, policing, housing, social assistance and a range of social services. Given the intergovernmental organisation of immigration policies, the nature of its regulation tends to be prioritised specifically within the two superior orders of government, leaving a misrepresentation of municipalities as non-political institutions with a lack of capacity to develop and enforce policies in this area (Fourot 2015). The devolution of national immigration policies constructed the perception that the responsibility for facilitating the integration of residents, regardless of immigration status, does not fall clearly within the municipality’s jurisdiction. In the case of *Access Without Fear* policies, while it is not within the municipal government’s authority to offer sanctuary to residents without valid immigration status, there is no legal legislation that prevents the municipal government from doing so.

Researchers highlight that an exclusively provincial and federal focus on immigration policymaking does not allow for a full understanding of these policies (Edgington and Hutton 2002; Frisken and Wallace 2003; Germain, Archambalt et Mongeau 2003). In recognition of this difference, municipalities can have a certain degree of latitude when demonstrating their autonomy due to the withdrawal of federal and provincial services and subsequent delegation of responsibilities to municipalities (Fourot 2015, 416). Municipal responses to national immigration policies vary considerably, “not only in content and comprehensiveness, but also in degrees of initiative” (Frisken and Wallace 2003). While municipalities have limited constitutional authority over national immigration policies, they facilitate interrelated efforts to support
pressing issues at the local level. Mechanisms of coordination operate both on a relatively formal basis, through working groups and cross-sectoral, information-sharing tools as well as on an informal, ad hoc basis via networking techniques and strategies.

7.1.3. **Reconciling Service Compliance with Municipal Police Services**

Much of the debate is concentrated around the understatement to reinforce the constitutional authority of cities when adopting an *Access Without Fear* policy. An example of a jurisdictional hurdle includes the role that municipal police boards play in the sanctuary city policy framework. Police are considered to be service providers within a municipality’s jurisdiction unless there is a presence of a police board. Police boards constitute a departure mechanism from cities under the control of crown corporations, which includes the Royal Canadian Mounted Police and Canada Border Services Agency. While municipal police boards are mandated by the *Police Act* to maintain and report to these federal law enforcement counterparts, their role poses an intergovernmental challenge when it comes to complying with municipal sanctuary city policies – which do not necessarily complement federal immigration policies involving residents with precarious immigration status.

As Dr. Alok Mukherjee describes, there is a contradiction between a local police board on enforcing a municipal policy, and the federal requirement, which appears to undermine it. The tension in realigning the municipal police’s responsibility with its interjurisdictional mandate and authority is an ongoing dilemma about the role of the Vancouver Police Board and the Toronto Police Services Board. The Vancouver Police Department (VPD), for example, has been involved in discussions with the City of Vancouver since 2014 on issues involving undocumented residents. In response to the Vancouver City Council’s request, the VPD has developed draft guidelines on communication with the CBSA regarding the immigration status of Vancouver residents unless bona fide reasons exist. The VPD, however, must maintain contact with the CBSA when dealing with individuals with criminal charges and when it comes to keeping the public safe.
The intergovernmental challenge in reconciling the policy objectives of sanctuary cities and the mandate of the municipal police services fuels grassroots collectives and community representatives to advocate for solutions that address the lack in effective policy implementation. As a result, undocumented residents who are victims, witnesses or complainants may actually be reluctant to report criminal incidents and emergencies to the police due to the fear associated with being detained, or eventually, deported. As municipalities are not obligated nor mandated to act contrary to federal laws and regulations, cities can, if they choose, demonstrate that they can indeed influence national immigration policies through community-driven initiatives like the sanctuary movement.

7.2. Conclusion

My research represents only one of many possible works to be conducted using a comparative case study analysis of sanctuary city policies in Canada. My thesis puts to light a portion of lessons learned throughout my analysis as well as snippets of the poignant events and thoughtful experiences that I have witnessed over the previous years. My objective was to determine how community-driven issues, like accessing city services for residents with precarious immigration status, gain attention of decision-makers and propel towards the agenda. Identifying key actors engaged in the policy process is paramount to exploring the cross-sectoral dynamics and stakeholder relationships that shape the discussion towards the entry to the agenda. In the heart of agenda-setting, entrance to the agenda can be virtually automatic in some contexts due to technical and political reasons, and particularly to the role that privilege and influence play on the part of those desiring a decision.

Sanctuary city policies in Vancouver and Toronto make clear that municipalities in the Canadian federal system have some freedom to initiate and develop initiatives that facilitate access to city services for residents with precarious status, despite their limited jurisdictional authority to operationalise national immigration policies. As the federal and provincial governments continue to share power over the immigration and citizenship portfolio, this delegated responsibility makes it constitutionally challenging for cities like Vancouver and Toronto to implement policies and directives as a means to achieve their
progressive agendas. I learned, however, that city councils have sufficient capacity not only to apply their discretionary powers in developing initiatives that facilitate access to essential city services to residents, but also to use their administrative and bureaucratic authority to influence their own city service agencies and local boards to follow suit and develop their own initiatives, thus broadening the access to more tangible services and programs for all city residents.

From a scholarly perspective, the theoretical implications of studying *Access Without Fear* policies give rise to academic significance as they relate to developing literatures on the sovereign right and jurisdictional autonomy of cities. The local enactment of citizenship within the city’s regional scope connects key discussions and debates on the importance of understanding the political relevance of space and boundaries. Similarly, the grey zone embedded within the jurisdictional contradiction of policing services governed by a local police board yet mandated by the federal requirement exudes the bureaucratic hurdles and operational challenges of using discretion when communicating with the vulnerable population. Exploring the grey contradiction in greater depth would result to a fruitful exercise to explore means of reconciling these two opposing outlooks to inform future implications on research.

From the policy sciences perspective, empirical evidence of domestic patterns in accessing the policy agenda benefits policy entrepreneurs within government (e.g. elected officials, public servants) as well as outside of government (e.g. grassroots collectives, service providers, academics, the media, public opinion). Given the increased number of Canadian cities that have initiated formal discussions on adopting *Access Without Fear* policies since 2013, it is important to inform policymakers about the decisions on courses of action at the initial stage of policy process. It is also critical to provide recommendations on mechanisms during the preliminary contact with internal and external actors in this stage of the policy cycle. Additionally, my contribution will support community-level actors and organisations in navigating through the complexity of the public policymaking process to determine the opportunities of access for agenda entrance. Through a comparative analysis of *Access Without Fear* policies in Toronto and Vancouver, my analysis provides understanding on the intricacies of policy dynamics and
network analyses to support the enhancement of immigration policies for city residents. As more municipalities follow suit in the adoption of *Access Without Fear* policies, there will be a greater need to continuously assess and understand the policy dynamics and the impact of the jurisdictional scope on sanctuary city policies. As the City of Vancouver recently re-elected a new mayor, it would be intriguing to anticipate the next steps in how a new political leadership can influence the design of *Access Without Fear* policies. From Toronto’s pioneer-move to declare itself a sanctuary city in 2013, to the several proposals underway from emerging municipalities that are interested in adopting the policy, it would insightful to envision the future of the policy landscape as the country prepares for the federal leadership election.
References


Appendix A. An Excerpt of a Coding Memo in NVivo

<table>
<thead>
<tr>
<th>Category</th>
<th>City</th>
<th>NVivo Node</th>
<th>Source</th>
<th>Raw data</th>
</tr>
</thead>
<tbody>
<tr>
<td>Municipal Government</td>
<td>Vancouver</td>
<td>Definition of Sanctuary</td>
<td>Interview</td>
<td>&quot;By calling ourselves a ‘sanctuary’ city, it could be misinterpreted. This is an advice from our Mayor’s Working Group in Immigration, which is a group of community stakeholders. We are actually quite inclined to go all the way to call ourselves a ‘sanctuary city. I am actually happy to use that term to describe the policy, but rather, we err on the side of caution. We want to spell it all out within the policy name to avoid any room to misinterpret it too much. The purpose is not to mislead people who seek refuge.”</td>
</tr>
<tr>
<td>Municipal Government</td>
<td>Toronto</td>
<td>Cross-sectoral Dynamic</td>
<td>Interview</td>
<td>“As a Local Immigration Partner (LIP), we have a lot of cross-communication with different municipalities both within Ontario and nationally. We try to attend, when we can, conferences, recently Pathways to Prosperity, where all the LIPs were able to come together and we participated in the LIP pre-conference, so we’re able to communication in conversation with other people.”</td>
</tr>
<tr>
<td>Grassroots collective</td>
<td>Vancouver</td>
<td>Cross-sectoral Dynamic</td>
<td>Interview</td>
<td>“In terms of sanctuary, it’s a local response to a federal problem, but we can be grounded in community and it’s a local response in organising and localising communities. The settlement organisations do have connections at a federal-level. For us, it was like putting out fires and filling in the blanks for the work that you should be doing. At least you can be advocating at the federal level with which you do have relationships, but they’ve never done it.”</td>
</tr>
<tr>
<td>Grassroots collective</td>
<td>Toronto</td>
<td>Recommendation and Next</td>
<td>Document</td>
<td>“We recommend that the TPS be immediately taken off the list of City services claimed to be accessible to undocumented Torontonians. This is necessary in order to protect our neighbours, our co-workers, and our loved ones who live in this city with precarious immigration status. This should be a temporary measure as we work toward rendering the TPS accessible to all Torontonians.”</td>
</tr>
</tbody>
</table>
Appendix B1. List of Interview Participants in Toronto

<table>
<thead>
<tr>
<th>Category</th>
<th>Name</th>
<th>Position</th>
<th>Organisation</th>
<th>Mode</th>
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</thead>
<tbody>
<tr>
<td>Public Servant</td>
<td>Nicole Watson</td>
<td>Community Development Officer</td>
<td>City of Toronto</td>
<td>Telephone</td>
</tr>
<tr>
<td>Elected Official</td>
<td>Alison Stanley</td>
<td>Community Development Officer</td>
<td>City of Toronto</td>
<td>Telephone</td>
</tr>
<tr>
<td>Elected Official</td>
<td>Joe Mihevc</td>
<td>City Councillor</td>
<td>City of Toronto</td>
<td>Telephone</td>
</tr>
<tr>
<td>Grassroots Collective</td>
<td>Macdonald Scott</td>
<td>Collective Member</td>
<td>No One Is Illegal</td>
<td>Telephone</td>
</tr>
<tr>
<td>Researcher</td>
<td>Anonymous</td>
<td>Anonymous</td>
<td>Anonymous</td>
<td>Telephone</td>
</tr>
<tr>
<td>Researcher</td>
<td>Dr. David Moffette</td>
<td>Professor</td>
<td>University of Ottawa</td>
<td>Telephone</td>
</tr>
<tr>
<td>Researcher</td>
<td>Dr. Idil Atak</td>
<td>Professor</td>
<td>Ryerson University</td>
<td>In-Person</td>
</tr>
<tr>
<td>Researcher</td>
<td>Dr. Graham Hudson</td>
<td>Professor</td>
<td>Ryerson University</td>
<td>In-Person</td>
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<tr>
<td>Street-Level Bureaucrat</td>
<td>Dr. Smita Sengupta</td>
<td>Manager</td>
<td>Toronto District School Board</td>
<td>Telephone</td>
</tr>
<tr>
<td>Street-Level Bureaucrat</td>
<td>Dr. Alok Mukherjee</td>
<td>Former Chair</td>
<td>Toronto Police Services Board</td>
<td>Telephone</td>
</tr>
<tr>
<td>Street-Level Bureaucrat</td>
<td>Cynthia Toniolo</td>
<td>Manager</td>
<td>Toronto Public Library</td>
<td>In-Person</td>
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<tr>
<td>Street-Level Bureaucrat</td>
<td>Michele Meldey</td>
<td>Manager</td>
<td>Toronto Public Library</td>
<td>In-Person</td>
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Appendix B2. List of Interview Participants in Vancouver

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<thead>
<tr>
<th>Category</th>
<th>Name</th>
<th>Position</th>
<th>Organisation</th>
<th>Mode</th>
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</thead>
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<tr>
<td>Public Servant</td>
<td>Baldwin Wong</td>
<td>Social Planner</td>
<td>City of Vancouver</td>
<td>In-Person (x2)</td>
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<tr>
<td>Public Servant</td>
<td>Unnamed</td>
<td>Employee</td>
<td>City of Vancouver</td>
<td>In-Person</td>
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<tr>
<td>Elected Official</td>
<td>Andrea Reimer</td>
<td>City Councillor</td>
<td>City of Vancouver</td>
<td>In-Person</td>
</tr>
<tr>
<td>Grassroots Collective</td>
<td>Alejandra Bravo Lopez</td>
<td>Member</td>
<td>Sanctuary Health Vancouver</td>
<td>In-Person</td>
</tr>
<tr>
<td>Grassroots Collective</td>
<td>Byron Cruz</td>
<td>Member</td>
<td>Sanctuary Health Vancouver</td>
<td>In-Person</td>
</tr>
<tr>
<td>Researcher</td>
<td>Dr. Miu Chung Yan</td>
<td>Professor</td>
<td>University of British Columbia</td>
<td>In-Person</td>
</tr>
<tr>
<td>Street-Level Bureaucrat</td>
<td>Unnamed</td>
<td>Lawyer</td>
<td>Unnamed</td>
<td>In-Person</td>
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<tr>
<td>Street-Level Bureaucrat</td>
<td>Cecilia Tagle</td>
<td>Settlement Worker</td>
<td>Mayor’s Working Group on Immigration</td>
<td>In-Person</td>
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<tr>
<td>Street-Level Bureaucrat</td>
<td>Eyob Naizghi</td>
<td>Executive Director</td>
<td>MOSAIC</td>
<td>Telephone</td>
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<tr>
<td>Street-Level Bureaucrat</td>
<td>Juan Solorsano</td>
<td>Executive Director</td>
<td>Vancouver Coastal Health</td>
<td>Telephone</td>
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<tr>
<td>Street-Level Bureaucrat</td>
<td>Jennifer Reddy</td>
<td>Youth Coordinator</td>
<td>Vancouver School Board</td>
<td>In-Person</td>
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<tr>
<td>Street-Level Bureaucrat</td>
<td>Bruce Garnett</td>
<td>District Principal</td>
<td>Vancouver School Board</td>
<td>In-Person</td>
</tr>
</tbody>
</table>
Appendix C. Template Letter of Presentation for Participants

[Date]

Dear [First Name, Last Name],

I would like to request a short interview with you. I am a Master’s student in the Department of Political Science at Simon Fraser University. My research focuses on understanding the development of ‘sanctuary city’ policies in Canada, specifically in Toronto and Vancouver.

Given your involvement in the policy sector, I am very interested to learn from your experiences on the design of this policy. In particular, I would like to hear about your perspective on the relationship between service accessibility and policy design, as well as the jurisdictional implications associated with this policy.

I believe that this research will be beneficial to support and inform other municipalities and community organisations in other regions when designing sanctuary policies, as well as to shed light on the intergovernmental aspects of this policy. Would I be able to arrange a meeting with you in person for a 30-minute interview?

Please be assured that your comments will remain confidential. I hope to present my findings in conferences and publish academic articles. Nothing will be published or presented without your consent. Please do not hesitate to communicate with me for more information on the interview or my research.

I appreciate your support and I look forward to hearing from you,

Justine Mallou
Master's Candidate, Department of Political Science
Simon Fraser University, 8888 University Drive, Burnaby, B.C. V5A 1S6
E-mail: justine_mallou@sfu.ca
Appendix D. Study Detail and Consent Form for Participants

**Project Title**
Decoding the Black Box of Policy Design: A Cross-Municipal Analysis of ‘Sanctuary City’ Policies

**Study Team**
My name is Justine Mallou and I am a Master’s student in the Department of Political Science at Simon Fraser University. This interview will contribute to my Master’s thesis research that I am completing this year.

**Research Purpose**
You are invited to participate in this research to discuss the development of ‘sanctuary city’ policies in Canada and to offer your experiences regarding access to city services and its impact on sanctuary policy design. Your feedback will be beneficial to support and inform other municipalities and community organisations when designing sanctuary policies, as well as to shed light on the jurisdictional implications of this policy.

**Your Participation**
Your participation is voluntary. You have the right to refuse to participate. If you decide to participate, you may still choose to withdraw from the study at any time without any negative consequences to education, employment or other services to which you are entitled or are presently receiving.

**Research Procedures**
If you agree to participate, you will answer a series of open-ended interview questions about your perspective on ‘sanctuary city’ policies. Please be assured that you are not obligated to answer all of the questions. The interview is designed to last between 30 minutes to one hour. With your permission, I will audio record the interview to facilitate the process of note-taking.

**Interview Themes**
The interview will be structured into four sections:

1) Your role and perspective on the development of *Access Without Fear* policies
2) Policy design and service accessibility
3) Cross-municipal relationship with other local stakeholders
4) Learning outcomes and future strategies
**Potential Benefits and Risks of the Study**

Your feedback could contribute to the understanding of policy design and improvement of immigration and refugee policies in Canada. In particular, your comments could enhance and inform municipal policies on migrants. There are no foreseeable risks associated with your participation in this study.

**Remuneration**

There will be no financial remuneration or honoraria provided.

**Confidentiality**

Interview data will be stored in a SFU password-protected online repository (e.g. SFU Vault). Audio recording will be destroyed soon after transcription. Data will be destroyed five years after the completion of my analysis. You can also provide your explicit and informed consent to disclose your identity. Information that discloses your identity will not be released without your consent. With your permission, you can choose to be identified by name, by institutional affiliation or to have your information de-identified. De-identified means that identifying information will be removed from the transcripts and will not be printed in my final report. If you choose to be de-identified, I will use the following coding scheme: *Interview 1. Municipal Government. Toronto. 2017, November 24.*

**Withdrawal**

You may withdraw from the interview at any time without any explanation. If you choose to enter the study and then decide to withdraw at a later time, all data collected about you during your enrolment in the study will be destroyed.

**Study Results**

The results of this research will be reported in a graduate thesis, presented in conferences and may also be published in journal articles or books.

**Contact Information about the Study**

If you have further questions on my research, I invite you to contact me by e-mail at [jmallou@sfu.ca](mailto:jmallou@sfu.ca) or by telephone at (778) 881–2616.

**Contact for Complaints**

If you have any concerns about your rights as a research participant and/or your experiences while participating in this study, you may contact Dr. Jeffrey Toward, Director, Office of Research Ethics by e-mail at [jtoward@sfu.ca](mailto:jtoward@sfu.ca) or by telephone at (778) 782–6593.
Future Reference
With your permission, I may also re-contact you in the future for follow-up interviews.

Final Copy
If you would like to obtain a copy of the final study, please do not hesitate to communicate with me. I would be more than happy to send a copy via e-mail.

Participant Consent and Signature
Taking part in this study is entirely up to you. You have the right to refuse to participate in this study. If you decide to take part, you may choose to pull out of the study at any time without giving a reason and without any negative consequences.

Please choose:

I consent that the interview be audio recoded:

☐ Yes  ☐ No

I want to remain unnamed:

☐ Yes  ☐ No

I agree to be contacted for follow-up questions:

☐ Yes  ☐ No

Your signature below indicates that you provide consent to participate in this study.

___________________________  ____________________________  ________________
Participant Name         Signature                 Date (YYY/MM/DD)
Appendix E. Interview Guide for Participants

The following themes below list the sample questions for a semi-structured interview. Participants may skip questions, take a break or withdraw from the interview at any time. The interview will be conducted in-person or via telephone. In time-sensitive scenarios, priority questions are designated as [P].

ROLE OF PARTICIPANT

1) Can you tell me about your engagement in the adoption of Toronto’s Access T.O. policy [and/or] Vancouver’s Access Without Fear policy?

POLICY DESIGN

2) [P] How was Toronto’s policy introduced in the agenda? What led to the initial meeting? Who was behind it?

3) [P] How was Vancouver’s policy introduced in the agenda? What led to the initial meeting? Who was behind it?
   ➔ Prompt: Were the policies well-received?
   ➔ Prompt: Is there an estimate count of the number of people who are affected by this policy?

4) [P] Who were the key actors in the formulation of these policies?
   ➔ Prompt: How much influence do you think advocacy groups have in the adoption of Access Without Fear policies?

5) [P] From your experience in both cities, was there anything that changed significantly when the policies were adopted? [What] Were there any new tools or programs?

6) Who was involved in the decision-making step of the City’s Access T.O. policy?

7) [P] In the next few years, what would (should) Toronto and Vancouver envision as the potential next steps regarding this policy?
SERVICE ACCESSIBILITY

1) With regard to Vancouver’s ‘sanctuary city’ policy, can you list the different types of municipal services that are accessible to Vancouver residents?

   ➔ Prompt: Which services are considered to be the most accessible? Which are the least accessible? Why do you think this is the case?

2) Are there organisations that are thought to be non-compliant with the policy?

   ➔ Prompt: Can you describe the relationship and/or experience with other organisations that are thought to be non-compliant with the city’s sanctuary policy?

CROSS-MUNICIPAL RELATIONS AND LEARNING

1) Can you describe the relationship and/or experiences between Vancouver and other Canadian cities that are thinking of adopting this policy? Does the city relay lessons to other Canadian cities?

2) Can you describe the relationship and/or experience with grassroots organisations?

   ➔ Prompt: Do/Did grassroots organisations inform the design of sanctuary policy in Vancouver? If so, how?

LEARNING POINTS AND FUTURE STRATEGIES

1) What have been the major successes of sanctuary policy? What have been the major difficulties?

2) What lessons would you offer other cities that have recently implemented or that are planning to implement sanctuary policy?

   ➔ Prompt: Could these lessons be transferred to other cities thinking of adopting this policy? If so, through which mechanisms?

CONCLUSION

1) Before we conclude our interview, are there other areas or issues that you would like to address?