

# WORKING PAPERS

## Urban sanctuary in Canadian mid-sized cities

Jessica D. Jung, Graham Hudson & Harald Bauder

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Jessica D. Jung  
*Toronto Metropolitan University*

Graham Hudson  
*Toronto Metropolitan University*

Harald Bauder  
*Toronto Metropolitan University*

Series Editors: Anna Triandafyllidou, Richa Shivakoti, and Zhixi Zhuang



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## **Abstract**

Most research on Canada's sanctuary city and Access Without Fear (AWF) policies has focused on Toronto, Montréal, and Vancouver. There is a shortage of scholarship on such policies in non-gateway cities despite the growing adoption of such policies in these cities. This paper explores Canadian sanctuary and AWF policies in the context of mid-sized cities in Ontario, specifically Hamilton, Ajax, and London. Descriptive analysis followed by interpretive content analysis of policy documents, city reports, council meeting transcripts, and interviews indicates that local sanctuary and AWF policies are limited because of the constraints of municipal governments related to their legislative authority and structure. Moreover, sanctuary and AWF policies only influence city-run services and city staff, leaving the conduct of local law enforcement largely unaffected. While local sanctuary has many limitations, it remains a meaningful designation. Corresponding policies highlight the reality of precarious legal status residents and envision belonging and inclusion in the city beyond one's legal migration status.

**Keywords:** access without fear; sanctuary cities; precarious legal status; mid-sized cities; Canada

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## Introduction

Much of the scholarly focus related to sanctuary cities in Canada is on the country's largest cities: Toronto, Montréal, and Vancouver (Atak, 2019; Atak & Hudson, 2023; Bernhard et al., 2023; Dennler, 2020; Hudson, 2019, 2021; Hudson et al., 2017; Krahn et al., 2005; Lippert, 2005; Moffette & Ridgley, 2018). While it is suspected that most of Canada's persons with precarious legal status (PLS) likely reside in these three cities (Ellis, 2015; Magalhaes et al., 2010), a growing number of small and mid-sized cities are becoming appealing newcomer destinations (Mukhtar et al., 2016) and have passed or are considering sanctuary and Access Without Fear (AWF) policies to accommodate PLS residents (Paquet & Joy, 2022). Yet, little is known about sanctuary policies and practices in cities outside Toronto, Montreal, and Vancouver. In this article, we address this shortcoming.

Broadly speaking, sanctuary or AWF cities in Canada offer all residents—regardless of their immigration status—access to municipal services. Municipalities enact sanctuary and AWF policies intending to mitigate the challenges faced by many of their PLS inhabitants (Atak, 2019; Atak & Hudson, 2023; Hudson et al., 2017). In Canada, municipalities and local non-government agencies offer newcomer integration and settlement services, but the decision-making and funding are often controlled at federal and provincial levels (Guo & Guo, 2016; Mukhtar et al., 2016; Paquet & Joy, 2022; Rose & Preston, 2017; Segatto, 2021). In addition, there is no official policy mandated by the federal government that addresses the needs and rights of persons with PLS (Hudson, 2019). Local sanctuary and AWF policies typically seek to uphold the rights of PLS inhabitants and allow all residents access to municipal services (Villegas et al., 2019). In addition, they position municipalities as progressive, inclusive, and responsive to local needs (Paquet & Joy, 2022) and affirm their role in migration governance (Atak, 2019).

In this paper, we present the results of an empirical investigation in pursuit of two main research objectives: (1) To identify the policies of mid-sized sanctuary and AWF municipalities in the Canadian province of Ontario and (2) to determine if these policies and practices in the three cities of study, namely Hamilton, Ajax, and London, differ from one another. To address these objectives, we reviewed the literature and analyzed city policy documents, city reports, and council meetings from the municipalities of Hamilton, Ajax, and London. We also draw from interviews conducted with city staff and local community organizations in these cities.

The remainder of the article is structured as follows. First, we provide background information by reviewing the relevant literature on PLS migrants and sanctuary cities in Canada. In the methodology section, we introduce our case studies and discuss our data collection and analysis, including the structure of interviews. Thereafter, we present the results of the study with separate sections on community engagement, inter-city collaboration, and implementation. After a discussion of our findings, we offer a short conclusion.

## Background

### *The Making of PLS Migrants*

There are several ways in which migrants and refugees can become persons with PLS; some migrants or refugees have lost legal status, others never had status, or they switch between legal status categories. They include unsuccessful refugee claimants, persons who entered the country through irregular means, and persons who remain in the country with an expired visa or permit (Aery & Cheff, 2018; Bauder, 2014; Nyers, 2010). Scholars point to increasingly restrictive refugee and immigration laws and policies that have reduced the success rate of refugee claimants and the lack of pathways to permanency for international students and temporary migrant workers leading to PLS (Bauder, 2014; Dennler, 2020; Huot et al., 2016; Landolt et al., 2021; Nyers, 2010;

Villegas et al., 2019). We use the term PLS to capture variable contexts and nuances of these migrants' and refugees' circumstances (Goldring et al., 2009; Goldring & Landolt, 2022).

In Canada, knowledge of the PLS population and its demographics is sparse (Smith & Kim, 2022). Under a sanctuary or AWF policy, demographic or identifiable data is not collected when accessing city services (Hudson, 2021). Despite the lack of data, there are estimates that between 80,000 and 500,000 non-status residents live in Canada (Aery & Cheff, 2018; Ellis, 2015; Hudson, 2021; Hudson et al., 2017; Smith & Kim, 2022), but this estimate has been cited widely for several years (Smith & Kim, 2022) and is highly speculative (Hudson, 2021). The lack of official and reliable data, however, is problematic; PLS migrants and refugees are a highly diverse population that includes single women, young families, youths, and the elderly (Atak, 2019), and sanctuary and AWF policies and practices cannot fully address the needs of this population without knowledge of whom it represents (Ellis, 2021). Women and children are among the most negatively impacted by PLS, especially when it comes to their health, access to services (including childcare), and propensity for abuse and exploitation (Magalhaes et al., 2010). Mixed-status families—with at least one PLS member—are also at high risk, with children often being penalized and lacking access to healthcare, public schools, and post-secondary education due to fears of a PLS family member being revealed (Atak, 2019; Bernhard et al., 2023; Magalhaes et al., 2010).

### **Defining a Sanctuary City**

Conceptually, being a sanctuary city entails that residents with PLS possess a “right to the city” (Lefebvre, 1968), which involves all residents being active members of the urban community (Purcell, 2014a) and claiming “a right to change ourselves by changing the city” (Harvey, 2008, p. 23). Similarly, the concept of urban citizenship suggests that all residents of a city have substantive rights independent of their formal national status (Bauböck, 2003; Holston, 1999). Both the right to the city and urban citizenship entail that all residents play a role in the city's development, allowing the city to meet the needs of all the people who live there (Attoh, 2011; Harvey, 2015). In many ways, sanctuary or AWF policies aim to fulfill this promise (Gilbert & Dikeç, 2008, p. 259). Additionally, sanctuary and AWF policies challenge the legal and political exclusion exercised by the nation-state (Gilbert & Dikeç, 2008; Purcell, 2014b). Sanctuary cities envision a city where access and belonging are not constrained by a restricted national citizenship or status (Dennler, 2020; Ellis, 2015; Nyers, 2010).

There is no legal or official definition of what a sanctuary city is (Benton, 2018; Lasch et al., 2018; Martínez et al., 2018). The term tends to be used in Canada, the United States, and the United Kingdom but depends on political, geopolitical, and geographical contexts (Bauder, 2016, 2021; Bauder & Gonzalez, 2018; Walker & Leitner, 2011). Sanctuary cities in Canada and the US often focus on providing access to municipal services with some level of protection to people with PLS (Paquet et al., 2022). Janika Kuge (2020) observes that sanctuary city policies generally seek to diminish differences in local service provision whether one is a *de jure* (legal) resident or *de facto* (present without official recognition) resident. In the US, sanctuary cities often limit the cooperation of city employees and local law enforcement with federal immigration authorities (Martínez et al., 2018); in Canada, local police are usually not included in such policies (Hershkowitz et al., 2021). In the UK, cities of sanctuary do not seek to offer legal protection but focus on welcoming and integrating asylum seekers and refugees (Bauder, 2016). Generally, being a sanctuary city involves various dimensions, including city-council support, the rejection of inflammatory migration discourses, promoting an inclusive urban identity, and mobilizing local municipal resources to include and protect persons with PLS (Bauder, 2016).

Sanctuary cities have also been criticized for creating a false sense of security since national authorities cannot be prevented from entering the city and finding and deporting persons

with PLS (American Immigration Council, 2015). In addition, sanctuary and AWF policies and practices fail to address the root problem of PLS and do not adequately address structural inequalities (Bagelman, 2015; Houston & Lawrence-Weilmann, 2016; Kuge, 2019).

### ***Sanctuary Cities in Canada***

In 2013, Toronto City Council passed a motion that effectively declared the city a sanctuary city and named the policy “Access T.O.” (Hudson et al., 2017; Moffette & Ridgley, 2018). In their evaluation of Access T.O., Hudson et al. (2017) found that the notion of core institutional values “describe the fundamental beliefs, perspectives, and customs that define the character of a City division, and that notionally guide decisions and actions towards a common goal” (Hudson et al., 2017, p. 12), while paradoxical, played an important role in the policy’s advancement.

Following Toronto’s adoption of an AWF policy, six Canadian cities followed with similar sanctuary and AWF policies (Atak & Hudson, 2023; Paquet et al., 2022; Paquet & Joy, 2022). In December 2022, the City Council in Kitchener, Ontario, approved an AWF policy, making Kitchener the eighth Canadian sanctuary city (City of Kitchener, 2022). Even without city council support, many Canadian municipalities have quietly adopted sanctuary practices (Gilligan, 2017; Smyth et al., 2020).

While sanctuary or AWF ordinances suggest a top-down approach to sanctuary, the efforts of ground-level organizers and advocates in the initial stages demonstrate how top-down and bottom-up approaches combine in sanctuary cities (Bauder & Gonzalez, 2018). According to Paquet et al. (2022), despite variations in sanctuary policies and their objectives within Canadian cities, three commonalities exist. First, all residents have access to municipal services, such as libraries, parks, public transit, and community centres—regardless of status. Second, efforts exist to disseminate knowledge of sanctuary and AWF policies to populations that would benefit from this information and work towards training city staff and increasing public awareness. Third, Canadian sanctuary and AWF policies cannot provide complete protection from detention or deportation.

Canadian sanctuary city initiatives also face criticism. In February 2017, Montreal’s mayor at the time, Denis Coderre, declared the city to be a sanctuary city, short of enacting any meaningful sanctuary policies or practices (Moffette & Ridgley, 2018). Like the sanctuary movement in the US, the definition and application of sanctuary are ambiguous in the Canadian context. Sanctuary and AWF policies rely on a city’s commitment and political will, which are not always sufficient, rendering policies and political declarations ineffective and symbolic (Hudson et al., 2017; Jeffries & Ridgley, 2020; Smyth et al., 2020; Wilson-Forsberg, 2017).

A significant barrier to the implementation of sanctuary and AWF policies in many of Canada’s municipalities is a lack of designated staff or a municipal department that focuses on sanctuary policies and practices. Vancouver’s AWF policy, which was passed in April 2016, could not be properly implemented due to insufficient city staff training or knowledge sharing within the community and no annual reporting on the policy (Brennert et al., 2018). Similarly, Access T.O. does not have a specific department and continues to be short-staffed (Hudson, 2021). In 2017, the Access T.O. policy was transferred from the Division of Social Development, Finance and Administration to the Toronto Newcomer Office; in 2019, the policy was placed under the care of one staff member whose sole responsibility is the policy, along with two staff members with additional responsibilities outside of Access T.O. (Hudson, 2021). Furthermore, one of the most significant barriers to implementing urban sanctuary and AWF in Canada is the defiance of police services in refraining from sharing immigration status with the Canadian Border Services Agency (Atak, 2019). Part of the problem is that police services are not under the jurisdiction of municipalities in Ontario. Hence, cities cannot impose upon the police compliance with AWF policies, highly constraining their impact (Hershkovitz et al., 2021; Paquet et al., 2022).



## Methodology

### Study Design

#### Case Studies

We use a case study approach involving three mid-sized cities in Ontario with a sanctuary or AWF designation. A case study approach was chosen because it allows the researcher to study a complex topic or phenomenon in-depth while utilizing a variety of data (Creswell & Creswell, 2018; Crowe et al., 2011). The three cities of study include Hamilton, Ajax, and London. Hamilton adopted the “Access to Services for Undocumented Individuals” policy on February 10, 2014; Ajax passed a similar policy on June 26, 2017, although it did not give its policy an official name; finally, London passed a “Free of Fear Services for All” policy on June 25, 2018.

We adopt the Canadian Government’s Canada definition of mid-sized cities as municipalities with a population between 100,000 to 1 million people (Immigration Refugees and Citizenship Canada, 2020). Table 1 shows demographic trends related to the case-study cities. We also included Toronto for comparative purposes. While the types of non-status residents who benefit from a sanctuary-city policy are nuanced, temporary or non-permanent residents are a notable population because of their potential precariousness. In Canada’s Census of Population, non-permanent residents refer to individuals who live in Canada with a work or study permit and also include asylum claimants (Statistics Canada, 2023).

**Table 1:** Immigrant population and ‘non-permanent residents’ residing in select sanctuary cities, Ontario, and Canada.

| City               | 2021 Total population (number) | 2021 Immigrant population (%) | 2016 Census Non-permanent residents (number) | 2021 Census Non-permanent residents (number) | Non-permanent residents’ population change from 2016-2021 (%) |
|--------------------|--------------------------------|-------------------------------|--|--|---|
| Hamilton           | 569,353                        | 25.56                         | 6,230  | 12,640                                       | 102.89  |
| Ajax               | 126,666                        | 41.64                         | 530  | 1,205  | 127.36  |
| London             | 422,324                        | 24.46                         | 7,970  | 19,220                                       | 141.15  |
| Toronto            | 2,794,356                      | 46.03                         | 136,895                                      | 145,240                                      | 6.10  |
| Ontario (province) | 14,223,942                     | 29.57                         | 201,200                                      | 387,850                                      | 92.77   |
| Canada (country)   | 36,991,981                     | 22.60                         | 506,625                                      | 924,850                                      | 82.55   |

Source: Statistics Canada, 2016 Census of Population; 2021 Census of Population.

Comparing the 2016 and 2021 Census of Population reveals an overall increase in non-permanent residents. The town of Ajax is the smallest municipality designated a sanctuary city in Canada but has one of the highest immigrant populations outside of Toronto. The non-permanent resident population has also increased by over 127% in Ajax between the two census years. London has a relatively small immigrant population yet has a substantial population of non-permanent residents, rising over 141% from 2016 to 2021. Hamilton is the largest of the three case-study cities and has doubled its non-permanent resident population between 2016 and 2021.

Municipalities in Canada lack autonomous constitutional status (Sancton, 2020). As corporations, they are self-governing within the laws of a province, but provinces retain the constitutional authority to create, amalgamate, and even eliminate municipalities at their discretion. Provinces also possess considerable discretion over municipal finance and the conditions under which public policies may be locally administered. Furthermore, provinces can create and similarly govern additional local authorities, such as libraries, police services, schools, hospitals, and administrative (e.g., landlord and tenant) tribunals. In legal terms, provincial power over municipalities is subject only to constraints imposed through constitutional rules and norms (Sancton, 2020; Tindal et al., 2017).

Municipalities can be either single-tier or two-tier in structure. Single-tier municipalities are governed by a mayor and city council and provide all municipal services outlined in the enabling Municipal Act (Association of Municipalities Ontario, n.d.). Hamilton and London are single-tier cities. In a two-tier municipality, responsibility over services is divided between lower tiers and the central regional municipality (Sancton, 2020). Lower tiers are governed by a mayor and city council, both of which are represented in the larger city council of the regional municipality; the regional council is led by a Regional Chair who is appointed by regional councillors. Regional municipalities typically have jurisdiction over larger and more complex services, such as policing, transportation, public health, housing, and children’s services. Lower-tier municipalities have jurisdiction over local matters, including community and economic development, land use planning, fire services, libraries, and arts and culture. Because lower-tier municipalities are autonomous within their jurisdiction, the content of and access to policies can vary within a regional municipality. The town of Ajax is a lower-tier municipality in Durham Region. Table 3 lists services that do not require proof of legal migration status in the single and two-tiered cities.

**Table 2.** List of municipal services that do not require immigration status in sanctuary cities<sup>1</sup>

| Hamilton  | Ajax   | London   |
|---|--|--|
| <p><i>No specific list on the city website, but the following were found in media reports:</i></p> <ul style="list-style-type: none"> <li>-public health</li> <li>-fire services</li> <li>-recreation</li> <li>-transit</li> <li>-other services</li> <li>-daycare facilities</li> <li>-nutritional programs</li> <li>-food banks</li> <li>-shelters for emergency care</li> <li>-ability to report abusive partners to the police</li> </ul> <p>(Craggs, 2014; McCall, 2014)</p> | <p><i>No specific list on the Town of Ajax website, but the following were found to be available to “all residents” throughout the website and in a city document:</i></p> <ul style="list-style-type: none"> <li>-recreation programs</li> <li>-libraries</li> <li>-parks</li> </ul> <p>(Town of Ajax, 2019; Vaughan &amp; Sahak, 2017)</p> | <p><i>Listed on the city’s designated AWF policy webpage; these services do not require proof of immigration status:</i></p> <ul style="list-style-type: none"> <li>-Fire services/paramedic and ambulance (EMS)</li> <li>-By-law enforcement complaints</li> <li>-Pet licencing</li> <li>-Marriage license</li> <li>-Public service call centre (complaints)</li> <li>-Land development and building permits</li> <li>-Property complaints, inspections, and compliance</li> <li>-Recreation facilities, classes &amp; general programs</li> <li>-Community centres – general programs</li> </ul> |

<sup>1</sup> Only London has a designated webpage or official documents that outlines what services are accessible for residents with PLS; we therefore consulted media reports, searched city websites, and reviewed meeting minutes and related reports.

|  |  |   |
|--|--|---|
|  |  | <ul style="list-style-type: none"> <li>-Early-On drop-in programs (located at Family Centres)</li> <li>-Subsidized transit (bus) pass</li> <li>-Employment resource centres at all sites in the City</li> </ul> <p>(City of London, 2021)</p> |
|--|--|---|

**Data Collection and Analysis**

The data consists of open-access policy documents, meeting minutes, policy reports, and a recorded live-stream special council meeting, which we identified through a Google search, targeted reviews of the city websites, and by references from interview participants. The live stream council meeting was transcribed using Otter.ai software. The initial retrieval process produced numerous documents that were assessed and filtered based on whether they contained sufficient detail for the analysis. Many of the publicly accessible meeting minutes needed to be more comprehensive to gather any knowledge and produce an analysis. In the end, five documents were used as the core data source for this study. Despite the small sample size, the documents were of high “quality [for] the purpose and design of the study” (Bowen, 2009, p. 33). The documents were manually coded to identify, describe, analyze, and interpret patterns and themes within the data (Kiger & Varpio, 2020).

In addition, we draw on five interviews conducted in 2019 with two senior city staff of the Town of Ajax, a legal professional and a community activist in Hamilton, and a policy researcher in London. These interviews were conducted as part of a larger comparative study of sanctuary city policies throughout Canada. We used two strategies to select interviewees. First, we identified key actors in each city by scanning official documents (e.g., municipal documents, materials, and reports) as well as grey and academic literature. Second, we asked our participants to help us locate potential interviewees within their networks (snowball sample) or to identify people they knew were involved in the field (nomination sample). The interviews lasted one hour on average and took place either remotely (phone, Zoom, etc.) or, in the case of Ajax, within municipal offices. We audio-recorded each interview, transcribed them verbatim, and then analyzed them using, first, a descriptive and, second, an interpretive content analysis approach. Descriptive analysis was chosen in the initial examination of the data because this approach allows the researcher to describe and identify basic patterns and associations (Lawless & Heymann, 2010; Sloman, 2010); however, this approach is limited because further analysis is required to develop a deeper understanding of the data. Thus, interpretive content analysis provides the research with a method “to describe content and meanings, to summarize large data sets, and to make inferences about intentions, thoughts, and feelings based on speech or other forms of communication” (Drisko & Maschi (J. W. Drisko & Maschi, 2015, p. 65).

**Findings**

**Barriers to Access Well Understood**

Documents and interviews reveal a general awareness of the barriers faced by PLS situations, including the causes and types of PLS. A document by the City of Hamilton states that “the vast majority of undocumented individuals enter Canada legally through authorized federal programs but for a variety of reasons their status or documentation of their status lapses” (City of Hamilton, 2014a, p. 2). In the case of London, advocates and City officials seemed to appreciate the

relationship between PLS and international students as well as temporary foreign work, which reflects migrant demographics in the city. A report drafted for City Council states, “a temporary work permit holder can be considered precarious in terms of accessible services and long-term possibilities to stay in Canada; a student can be precarious between the end of the studies and the beginning of an employment” (Centre for Organizational Effectiveness [“COE”], 2017, p. 35). This report includes a case study of an international student, Lucia, who forgot to renew her permit in due time and was rendered a PLS migrant without access to basic social services (COE, 2017).

The documents further acknowledge the lack of access to services as a problem. A Hamilton report highlighted that “The fear of service providers reporting them [PLS persons] to the authorities can keep undocumented individuals from seeking health care services, even though there are some health care services that could be accessed” (City of Hamilton, 2014a, pp. 5–6). Overwhelming fear is a significant deterrent to accessing services:

A challenge and barrier that was repeatedly highlighted in the interviews was a fear of accessing services. The perceived threat of having enquiries for services result in reporting to ‘authorities’ factored into the decision of some individuals to not try and access certain services at all. (City of Hamilton, 2014a, p. 2)

Similarly, Ajax’s policy states that the city “recognizes that residents with precarious or undocumented status may be reluctant to access [municipal] services” (Town of Ajax & Sharma, 2017, p. 1).

The negative impact of a lack of status on one’s physical and mental health and well-being due to the inability to access services is well-acknowledged throughout the documents we examined. The Hamilton Community Legal Clinic (HCLC) report “identified that many undocumented individuals in Hamilton exhibited ‘signs of trauma, depression, chronic stress and stress-related physical illness due in part to their status’” (City of Hamilton, 2014a, p. 5).

In addition, the documents reveal that being in a PLS situation can lead to social isolation and impede community involvement. “The HCLC report highlights that the constant fear that undocumented individuals live in may often preclude them for [sic] actively participating or feeling as though they are part of the community as a whole” (City of Hamilton, 2014a, p. 7). The report also includes the results of a forum in which PLS migrants shared their experiences with precarity. “Many of the participants ... expressed the feeling that they were living somehow ‘outside’ of the community although they had an overwhelming desire to call Hamilton home” (City of Hamilton, 2014a, p. 7), and “many of the individuals in these situations work, pay taxes and otherwise contribute to the community and economy” (City of Hamilton, 2014a, p. 2).

There are a range of other issues that PLS residents confront. Hamilton’s HCLC report revealed that “undocumented individuals who participated in the Hamilton Sanctuary City Forum on November 13<sup>th</sup>, 2013 also openly discussed their precarious employment, low wages, and lack of protection from employers who preyed on their fear to exploit them as workers” (City of Hamilton, 2014a, p. 6). Hamilton’s policy report on PLS residents also draws attention to the gendered experience of PLS women and their inability to access specific resources. The report argues that PLS women “cannot access daycare and therefore cannot be employed” (City of Hamilton, 2014b, p. 5). PLS women are often unable to access or choose not to reach out for support if they are experiencing domestic violence or abuse. “For women who are undocumented and experience domestic violence or other physical or sexual abuse, the fear of being discovered/deported results in a lack of reporting of the crime to police services” (City of Hamilton, 2014a, p. 6). Furthermore, “Children are impacted by status in various ways, for instance, one interviewee cited lack of proper nutrition due to insufficient funds, as well as lack of access to recreational and daycare activities that promote healthy growth” (City of Hamilton, 2014b, p. 6). These situations draw attention to the layered plight of PLS migrants.

## **Community Collaboration and Engagement**

The process of policy development in the three cities helps explain the extent of knowledge reflected in official documents. In each case, city staff worked in close collaboration with community organizations in producing reports that were pitched to city councils, which were successful in part by aligning with the institutional values of each municipality, especially when they aligned with broader policies of community engagement, anti-racism/anti-oppression, and immigration and settlement.

Community engagement was a central theme in Ajax. The policy emerged from within the Diversity and Community Engagement department and was championed by two senior staff members with rich experience working with and for community service organizations. These two staff members each spent several years employed with an immigrant service agency located in Toronto. One interviewee stated:

I started working here in April of last year, and I came from [agency]... [Agency] played a role in working with the sanctuary network in Toronto. The network, of course, as you know, traces its role back into the early nineties. And, we had a few people at [agency] that worked very closely with that particular network. So, I was very well aware of the sanctuary movement, of what it meant, of why it was important.

Ajax's sanctuary policy drew from the city's prior commitment to EDI and to community collaboration, both of which were reflected in their 2010 Diversity and Community Engagement Plan ([Town of Ajax, 2010](#)). One interviewee noted that they were "given the mandate coming in, to really look at strengthening our community building, our community development capacity, our relationships with community and with organizations in the community."

Another interviewee noted:

Our first plan was put together in 2010. I only joined last year. So there was a lot of groundwork that had already been done, in terms of involving the community, involving different stakeholders, and creating a more inclusive community. So I think with my arrival and the work that they had already done, and my background at [agency], some of the things that I had been exposed to there, it just kind of merged into the sanctuary movement.

We observed similar dynamics in London, where one interviewee spoke of a "bottom-up movement" composed of "different kinds of organizations or associations or even community leaders." The process began in late 2016 and while the process was quick in Ajax, City Council didn't pass London's Free of Fear Services for All policy until June 2018. In the interim, the city engaged in a series of lengthy public and community consultations to generate consensus around contentious issues, including the fiscal implications of the policy, jurisdiction, and intergovernmental relations (particularly with the federal government), socio-demographic data on the beneficiaries of the policy, and strategies for mitigating divisive local politics.

The first official step in this process occurred on February 1, 2017, when the City of London resolved that:

The Civic Administration BE DIRECTED to consult with the Diversity, Inclusion and Anti-Oppression Advisory Committee (DIAAC) and the community stakeholders who are working on the Diversity and Inclusion Strategy, and report back at a future meeting of the Strategic Priorities and Policy Committee with the appropriate arrangements for the City of London to become a Sanctuary City where residents can expect access to

service without fear. (City of London, 2017)

From this point on, public consultation and community were effectively managed by the city's Diversity, Inclusion and Anti-Oppression Advisory Committee.<sup>2</sup> This committee shared its first report in May 2017, which was followed by a lengthier report drafted by an independent institution, the Centre for Organizational Effectiveness (COE), in December 2017. This 46-page COE report stands as the largest and most comprehensive municipally drafted report on this topic in Canada. It included an overview of language used to describe PLS migrants and "sanctuary" cities, comprehensive social demographic data concerning PLS migrants in the city, and strategies for public education, advocacy, and policy implementation.

The drafters of the report included trained sociologists who conducted serious qualitative research, including a mediated consultation with 28 representatives from 23 different agencies in October 2017. The mediator provided participants with a four-page primer on the topic "with the purpose of having a shared understanding of who non-status individuals are, and which sectors these individuals would likely need to access" (COE, p. 18). Participants were drawn from municipal services (City staff, Housing, and Libraries), education (one school board, and both local post-secondary institutions), the police, emergency medical services, shelters, the women's sector, mental health, public health, settlement & newcomer programs, employment sector, and faith-based communities. This report helped counter opposition by members of the public and some members of the City Council who—as one interview participant explained—considered sanctuary and AWF policies an unnecessary response to "a bunch of international students who don't know what to do." With its data, clarifying language, and survey of common jurisdictional, fiscal, and administrative questions, the report brokered compromise among Councillors who voted overwhelmingly in favour of the policy in June 2018.

Hamilton was similar in some respects: The movement was bottom-up, driven by community organizations and networks with long experience helping PLS migrant residents gain access to local services. One of the engines of the policy process was the Hamilton Community Legal Clinic (HCLC), which aimed to promote progressive law reform, develop community capacities, and, in the words of one interview participant, "help social service providers, settlement workers, shelter workers, food bank workers, to help them understand the refugee process." Another interviewee and member of the initial coalition of advocates noted that, like Toronto, the movement in Hamilton was sparked by regressive changes to immigration and refugee laws under the Harper demonstration between 2010-2012: "Our main focus in the campaign itself was that we wanted the city to kind of, take a stand for all of its residents, that was directly contradicting and resisting what was coming from the federal government."

Unlike Ajax and London, the Hamilton municipal government neither had a pre-existing record of commitment to EDI initiatives nor played a role in advocacy or outreach. Both interviewees noted that the city had yet to commit to tackling anti-oppression or anti-racism within its own departments, noting that few managers, directors, or City Councillors were persons of colour. While they had support from key staff members and councillors, most notably Councillor Brian McHattie, the movement was community-centred and -driven. Interviewees were clear that the city itself was neither "part of the coalition" nor did it "direct the campaign"; the "movement was really meant to be a movement from community folks."

Like in Ajax, advocates in Hamilton benefitted from the experiences of activists in Toronto. Early in the campaign, the Hamilton coalition reached out to No One is Illegal Toronto and other organizations that attended some meetings and shared their experiences, advice, and documents. These exchanges were valuable, explained one interviewee, as the Hamilton coalition "learned from a lot of what they did, but then thought about, you know, a lot of the particularities in Hamilton." The policy was passed by the City Council unanimously and without

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<sup>2</sup> See [Diversity, Inclusion and Anti Oppression Advisory Committee Terms of Reference](#),

significant delay. Unlike Ajax and London, though, the City of Hamilton took a backseat until it stamped its imprimatur on a policy that was generated almost entirely by local communities.

### ***Inter-City Collaboration: Strategic Mobilization***

In addition to relying on the experiences of Toronto, all three cities benefitted from collaborations with other mid-sized cities. Following the passage of their sanctuary policy, Ajax became a source of information for other cities considering making the move. One participant recalls that he became part of a network of mid-sized municipalities (including Kingston, Cambridge, Hamilton, and London) once the city passed its policy. This network was decidedly municipal, consisting of City Managers, Directors, and other staff rather than community organizations. Discussions centred around, among other things, how to work through the layered administrative, political, jurisdictional, fiscal, and community issues engaged by sanctuary and AWF policies.

Interest in this area grew to such a state that, by 2019, the Association of Municipalities of Ontario (AMO) dedicated an entire panel to the topic of sanctuary cities in Canada. An interviewee from Ajax confirmed that this was the first time that sanctuary had been discussed at the AMO with respect to Canadian cities. He also noted that two staff representatives from London, Ontario, spoke on the panel, sharing their recent experiences with developing and passing the policy. Indeed, London and Ajax communicated closely as the former developed its policy recommendations.

Cities also communicated with respect to strategic mobilization. In the case of Hamilton, advocacy was from day one concerned with minimizing media involvement and broad-based public attention to the issue. Drawing from the advice of Toronto-based mobilizers, the Hamilton coalition reasoned that premature public consultation would produce sizeable backlash on ideological grounds from persons who didn't understand the nature and scope of the policy, were overly concerned about jurisdictional clashes with federal governments, or worried that the policy would cost too much. The strategy instead was to focus on small-scale and targeted community outreach among those with experience and knowledge in the field so that the central mobilizers could better understand socio-demographic realities, the scale of unmet service needs, and where the barriers to services were. With this information in hand, Hamiltonian advocates could carefully identify specific wards and City Councillors who could drum up support within the municipality. This strategy proved effective, as Hamilton City Council passed the resolution unanimously, notwithstanding its lack of a robust municipal anti-racism and anti-oppression strategy.

London organizers adopted the same approach for the same reasons. However, when the municipality took charge of aspects of the process, it unilaterally decided to hold an open forum for the public to express their views on sanctuary and AWF policies and irregular migration in general. Held in February 2019, the event was advertised by public media and without prior consultation with community groups. Community activists knowledgeable of the strategies used in Hamilton and Toronto were deeply concerned that this event would generate divisiveness within the city and subsequently weaken support from City Councillors unable or unwilling to take what they perceived to be an unpopular position on irregular migration. Despite pleas to call off the event, the city proceeded. According to an interviewee, the forum was:

“a disaster, with a lot of racism going on, with people crying, people from minorities crying. The racist and white people start to change the topic, because they didn't know what they were talking about, change the topic towards, in general, immigration and then, Islamophobia and then terrorism. It was very, very ugly.”

It was only after the abject failure of this public consultation process that the city re-engaged with community groups and commissioned the Organization of Effectiveness to draft the

above-mentioned comprehensive 46-page report. This strategy of patience and information-gathering proved effective, with the policy prevailing over exclusionary rhetoric.

The Town of Ajax adopted a different strategy, although with a similar outcome. In the policy development stage, city staff meticulously gathered information to complement the knowledge they already possessed by virtue of their professional work in immigration, settlement, refugee rights, and community development. These efforts included parsing through documents relating to sanctuary and AWF policies in Toronto, Vancouver, Hamilton, and US cities—most notably Chicago and San Francisco. Interviewees said that staff had multiple conversations with municipal staff and community organizations in these cities, as well as academic researchers. However, Ajax did not conduct open-ended public consultation at the development stage. Instead, it enabled the City Council to understand the administrative, jurisdictional, fiscal, and demographic realities of the policy and to leave the question of community engagement and public consultation to the implementation stage. Ajax may have been uniquely well-positioned to take this route due to the strength of its 2010 Diversity and Community Engagement Plan. As we will soon explain, another key reason Ajax’s strategy worked was that there is unusually strong collaboration across and within various departments within City Administration and between these departments and the City Council, the Mayor, and a range of other local public institutions like schools, police, health units, and the Ministry of the Attorney General. This foundation allowed for broad stakeholder consultation to be appropriately viewed as part of the implementation phase.

### **Implementation**

It is too soon to provide a full accounting of implementation, but we could identify two important themes. One theme is the pre-existing institutional commitment to anti-racism and anti-oppression, which seem to be critical to the success of sanctuary and AWF policies. In Hamilton, we could not locate any records of the policy having been reviewed, reiterated, or audited in the nine years since it was passed; it appears that the policy has been symbolic, with no practical changes made to service delivery.

A year or so after the policy was passed, the City of Hamilton invited community organizations to audit service delivery. These organizations declined in part because, as one interviewee explained, they “didn’t want to set the precedent of [the city] just sort of relying on us to do that work for them.” We also heard that community organizations did not see evidence of a commitment to the policy or to anti-racism and anti-oppression more generally; to the contrary, the city was unable to maintain permanent staff or positions in anti-racism. In the view of one participant, the City was looking to:

“pass the ball. ‘Oh, the Hamilton (legal) clinic had to do it.’ And we say, ‘No, the equity officer’s not there anymore.’ And then it goes back to us, and then we say ‘Okay, you just closed down your anti-racism resource centre.’ And it goes like that. You know?”

They added that:

“in terms of inclusion, equity, anti-racism, anti-oppression. I don’t think it even exists, really. Maybe there’s someone there, all they got is one training, every five years of half an hour and that’s it. I don’t think they understand it. And I think that, in my view, that’s where the problem lies. It lies that they’re, they deeply do not know what, what all this is. You know?”

By contrast, Ajax enjoyed the benefit of a 2010 Diversity and Community Engagement Plan and was able to hit the ground running. Within a matter of months of the adoption of the policy, there were multiple training sessions, from front-line staff up to Managers and Directors.



Training outpaced that of large cities like Toronto and Montreal (Atak & Hudson, 2023; Hudson, 2021). First, 150 front-line Customer Service Representatives were trained over a 3-day period. The training was mandatory and covered such issues as points of contact, provision of services without inquiring into status, and some key contexts for the policy. Second, there were several training sessions for Managers, Directors, and City Councillors. Third, the City's policy was featured in an annual diversity conference. Finally, there was a public speaker series—all within several months of the passage of the policy.

London was similar. It has conducted significant staff training and reviews its policy annually, with the last review in December 2021 (City of London, 2021). City Council also committed to a robust implementation plan, which was projected to cost \$85,000-95,000 annually; the cost of the policy is drawn from the City's operating budget. This funding outpaces that of even Toronto and includes support for such activities as mandatory staff training, public awareness and communication, internal reviews of document management (e.g., intake, retention, destruction, dissemination), stakeholder consultations (e.g., Community Service Organizations, Local Health Units), and the creation of a working group dedicated to implementation.

A second theme is the capacity to collect and share information about policy implementation within and across departments. London adopted the Toronto model to create a working group composed of senior staff from all relevant departments, which meets semi-annually. London's sanctuary policy states that the City's "Senior Leadership Team is collectively and individually responsible for directing compliance with this policy" and that "Managers are responsible for ensuring that staff are aware of and compliant with this policy and that no other policies or procedures are developed that contravene this policy" (City of London, 2021). The working group helps to ensure that senior staff are complying with the policy in these respects.

Ajax has adopted a similar approach and rolled the work of implementation into monthly meetings of a working group as well as bi-weekly meetings with senior leadership:

"we've now made all of the directors basically accountable for the actions of the plan. So, each director has appointed staff to sit on the working committee, but the plan itself comes periodically to the senior management table, and those directors are then accountable for saying well, what has their department done; where are they, you know, up to date on, with the plan; where are they falling behind;"

Like London, Ajax has done significant outreach to other local public institutions and stakeholders. As a lower-tier municipality, this has required a slightly different strategy that targets key services Ajax doesn't have jurisdiction over. Formally, it has focused on partners within the Durham Region, including the Durham Welcome Centre: Immigration Services, which enables immigrants and newcomers to access all the services they may need in one place. Ajax has also worked with the Durham Local Immigration Partnership, which includes more than 100 community partners representing a broad range of sectors. Ajax has engaged these partners on the principles of access without fear:

"And so then that's really a lot of policymakers around the table, so region, Durham regional police, Children's Aid Society, sort of big institutions and organizations, and their leadership sits at the table, and sort of information is funnelled to them around, again, what things are working and what isn't."

Informally, lead staff have reached out to local organizations and networks to raise awareness and discuss how the principles of sanctuary and AWF can be implemented. For example, staff have met with principals and teachers with the Durham Educators' Network for South Asians and the Muslim Educators Network to inform them that, under Ontario law, all eligible persons under

18 are entitled to attend school regardless of immigration status. Staff have even connected with the Ministry of the Attorney General:

I went to the ministry of the attorney general's office, in Oshawa here, and I talked to their staff about exactly what sanctuary means. So, they deal with a lot of people that would be in that situation, right? Families, they deal with witness protection. They deal with a lot of domestic violence. You know, they told me that ninety percent of the cases that they deal with is domestic violence cases. And of course, domestic violence and sponsorship and sanctuary, they're quite intertwined. I would not have had that discussion with them, had we not declared sanctuary. They would not be made aware of some of the numbers that I gave them, some of the stats that I gave them, you know, had we not declared sanctuary.

These kinds of opportunities are likely more common in mid-sized cities than in large cities. Mid-sized cities are administratively more compact; information can flow more easily within and across departments and between a city and local stakeholders. When a city is already committed to principles of equity, diversity, and inclusion, it's easier to manage individual and collective responsibility through mechanisms such as working groups, committees, and senior leadership meetings. As in the case of Ajax, an added challenge affecting two-tier municipalities is that key services lie outside of the lower tier's jurisdiction. But even here, there are opportunities that may be harder to find in large cities, where local governance is more layered and multi-dimensional. In mid-size cities with more opportunities for interpersonal communication, cooperation with external stakeholders and other local authorities may be easier to secure.

## Discussion

In the context of sanctuary and AWF policies, Ajax, London, and Hamilton were all engaged in their communities, but in different ways. In Ajax, the policy was spearheaded from within the municipality but in the larger context of a formal (by that time) 7-year plan to bolster community engagement. Key staff drew from their experiences in community agencies to support advocacy within the city and to later integrate the policy into broader approaches to EDI-informed service delivery. In London, efforts began with community advocates and organizations but were later directed (to a degree) by an ad hoc committee within the municipality. The process took longer than in other cities, but the collaboration resulted in a clear understanding of the causes and consequences of PLS and, similarly, a reckoning with the barriers to implementing sanctuary and AWF policies. This collaboration distinguished London from Hamilton, which remained community-driven the entire time. Prior municipal dedication to anti-racism and anti-oppression explains the commitment among municipalities in London and Ajax and the absence of such a commitment in Hamilton, which lacked a clear understanding of the socio-demographic landscape and sound community engagement and diversity strategies. These different approaches have affected the implementation of sanctuary and AWF policies.

Mid-sized sanctuary or AWF cities in Ontario lack the cooperation from local law enforcement in practicing 'don't ask, don't tell' (DADT). North American cities that adopt some degree of a DADT policy typically involve implementing measures to protect PLS residents: "A city's administrative staff, municipal service providers, school boards and educators, and sometimes the municipal police force will not ask residents about their status and, if they happen to find out, will not share this information with federal authorities" (Bauder, 2017, p. 102). However, due to the limited jurisdictional power of municipal policies in Canada (Atak, 2019; Hudson, 2021; Paquet et al., 2022), municipalities are unable to offer protection to PLS residents. Fear of detention and deportation remain major deterrents for PLS persons to access services or report a crime either as a witness or victim. London's policy directive, therefore, explicitly states that

one's immigration status shall not be shared with any type of law enforcement authority unless there is a legal obligation (City of London, 2019) and that its directives are *not* applicable to the London Police Services (City of London, 2019).

Hamilton, Ajax, and London echo many of Toronto's challenges to the implementation of sanctuary and AWF policies. Previous studies on Toronto's sanctuary policy indicate that the implementation of the policy directives is largely inadequate (Atak, 2019; Hudson, 2021; Hudson et al., 2017). This observation is significant because there are many differences between mid-sized and larger cities, particularly in service provision and social infrastructures (Mukhtar et al., 2016). The passage of sanctuary policy in Hamilton, Ajax, and London via inter-city collaboration and strategic communication reveals that these small and mid-sized sanctuary cities are similar to their large sanctuary-city counterparts in practice. The ability to provide services is impeded by the type of services cities can provide. For example, provinces fund healthcare, community housing, and subsidized childcare, among many others that require immigration status or citizenship (City of London, n.d.; Hannan & Bauder, 2015). These services could positively impact the physical and mental health of PLS persons if they were made available via sanctuary policies. However, this change would require a shift in the legislative power of municipalities or extending sanctuary to other levels of government.

In addition, Ajax is a lower-tier municipality of Durham Region. Unlike single-tier structures, two-tier municipalities coordinate to provide services for their residents with varying degrees of responsibility. Our findings indicate that there are additional constraints to implementing sanctuary and AWF policies based on the limited service and program delivery in two-tier municipal governments. Two-tier municipal structures thus further impede the successful implementation of policies like sanctuary and AWF. Although lower-tier sanctuary cities like Ajax may pass sanctuary and AWF policies, under the *Municipal Act*, regional-level or upper-tier service provision is excluded. Although there are differences in municipal service provision between the three mid-sized cities in this study, the AWF policies and practices within each city do not differ widely and remain limited in their scope.

## Conclusion

Although immigration is a federal concern, municipalities that adopt sanctuary or AWF policies reflect "the increasing involvement of municipalities in the governance of migration" (Atak, 2019, p. 124). As mid-sized cities in Canada continue to experience population growth, develop policies that support and encourage immigrant settlement, and benefit from the federal government's regionalization efforts (Baglay, 2012; Mukhtar et al., 2016), PLS migrants and refugees are also increasingly living and working in mid-size cities across Canada. These cities advocate for reducing or eliminating migrant precarity via regularization. In the meantime, sanctuary and AWF cities seek to provide practical assistance and attempt to address the immediate needs of PLS migrants.

Urban sanctuary and AWF policies and practices, however, are a double-edged sword. These policies and practices accommodate and welcome residents with PLS but often fall short in their implementation, as our research reveals. A sanctuary-city declaration could potentially create more harm than good if cities neglect the policy following its enactment while promoting the illusion that the city is safe for PLS residents.

There are many avenues for future research. Our study has focused on mid-sized cities, but smaller towns and rural areas also warrant scholarly attention to examine if sanctuary and AWF policies do and should extend beyond urban areas. Furthermore, additional in-depth research on sanctuary and AWF policies in mid-sized cities would permit the evaluation of policy implementation. Future research could also evaluate municipal commitments to sanctuary and AWF policies via an investigation of the funding involved and the details of staff training. It would

be additionally compelling to develop a study comparing sanctuary or AWF policies and practices in urban metropolitan cities with those of small and mid-sized cities to determine if differences exist. While the PLS population is highly vulnerable, leading to concerns about research ethics, future sanctuary scholarship should also include the voices of PLS migrants and refugees living and working both in and outside sanctuary cities.

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