Making Hamilton a Sanctuary City

Recommendations to:
Chair and members of the Emergency and Community Services Committee of the City Hamilton

December 6, 2013

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Background:
On December 9, 2013 the Emergency and Community Services Committee of the City of Hamilton received the Staff Report entitled, “Access without Fear”. This report responds to the Emergency and Community Services Committee’s request for information pertaining to the status of undocumented workers in Hamilton and their families.

The “Access without Fear” report highlights some key issues concerning undocumented people in the City. In particular, we are concerned with Hamilton’s undocumented residents’ inability to access social services in the City.

In our recommendations we use the term “Access Without Fear” to connote policies that ensure that undocumented people receive social services without fear. In our experience and research, we’ve found that undocumented residents have identified fear as a primary reason for inability to access services. This means not just passing good policies, but ensuring undocumented residents are aware of these policies’ existence and know that accountability mechanisms exist if they face problems.

Access Without Fear policies include ensuring that service providers provide services to all residents regardless of their immigration status, to not inquire about, record and keep information pertaining to a person’s immigration status and that when a service provider becomes aware of a person’s immigration status, the service provider does not communicate that information to any federal authorities.

The term “Access Without Fear” is used instead of “Don’t Ask Don’t Tell” because service providers, agencies and/or municipal offices may need to ask questions related to status in order to perform their services, including referring clients to agencies that have Access Without Fear policies.

The term “undocumented people” is used in these recommendations to mirror the City’s staff report. The term “undocumented people” includes:

- non-status people
- people with precarious immigration status (i.e. temporary foreign workers)
- people without full documentation of their immigration status
- people without any documentation of their immigration status
**Issue I:**

Many services and agencies in the City are either unaware of the Access Without Fear policy or are not applying it appropriately. For example, at times, front line staff members are not adequately trained on the policy or are not held accountable for the application of the policy.

**Recommendations:**

1. Organizations should implement the Access Without Fear policy consistently across the City and should clearly communicate that they follow this policy to the communities they serve. This is so that all residents of Hamilton trying to access services can do so without fear.

2. The City or City organizations should provide sensitivity training to front line staff and managers of services and agencies with a clear policy on repercussions and accountability if services are refused.

3. The City should establish a clear and accessible review and complaints process based on consultation with communities to address gaps in implementation of the policy.

4. The City should require service providers and agencies to have an Access Without Fear policy in place as a condition of receiving City funding.

5. The City should make public the consistent application of the Access Without Fear policy so that undocumented people are aware of this policy.

6. The City should assign a City staff person the responsibility of implementing Sanctuary City, to ensure accountability, advance staff training and public education and set specific timelines for this purpose.

**Issue II:**

The City provides and/or implements services that are funded by the Province of Ontario (the “Province”) and the Government of Canada. This exacerbates the inconsistencies in the application of the Access Without Fear policy across all services and agencies in the City.

**Recommendations:**

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3 Sanctuary City Hamilton Coalition/HCLC recommendations to the Emergency and Community Services Committee of the City of Hamilton
1. The City should advocate for the Province to implement the Access Without Fear policy for provincially-funded services in order to ensure that healthcare, policing, community housing, the Ontario Disability and Support Program (ODSP) and Ontario Works (OW) are available to residents without full status.

2. The City should advocate for the Government of Canada to implement a full and accessible regularization program for all residents of the City and for all of Canada as well.