

POLICY TITLE	ACCESS TO CITY SERVICES WITHOUT FEAR (ACSWF) POLICY: FOR RESIDENTS WITH UNCERTAIN OR NO IMMIGRATION STATUS
CATEGORY	Council
POLICY NUMBER	COUN-003
POLICY OWNER	Arts, Culture and Community Services
ACCESS	Public

PURPOSE

The purpose of this policy is to support access to City services by Vancouver residents with uncertain or no immigration status and who fear detention, psychological and physical harm, or deportation, when accessing services. The policy enables these residents to use municipal services, and do so without fear that the City of Vancouver will ask for and provide information about their immigration status to other institutions or orders of government unless required by law.

This policy applies only to services provided by the City of Vancouver and is consistent with the City's core values of inclusion and safety for all residents.

The Government of Canada has jurisdiction over immigration policies and regulations including law enforcement activities related to border management and immigration control. As these activities are under the jurisdiction of the federal government, this policy relates only to the area of access to municipal services under the jurisdiction of the City.

CONTEXT

The vast majority of people enter the country through authorized channels; however, their immigration status sometimes changes for a variety of reasons, including sponsorship breakdown, a denied refugee claim or expiry of study or work permits.

People with uncertain or no immigration status have precarious access to health care, housing, education, social services, legal rights and employment, and experience constant stress and fear of deportation, social exclusion and isolation, and separation from family. Women of uncertain or no immigration status are more vulnerable to poverty, unemployment, domestic violence and abuse, and are less likely to access information or seek support services. As victims or witnesses of crime, people of uncertain or no immigration status are less likely to report to police for fear of exposure and possible deportation.

Immigration status is a social determinant of health, and such fears prevent people from seeking the support they need from government and community agencies of all types.

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The City of Vancouver is committed to responding to the diverse needs of people arriving and living in Vancouver, inviting their participation and engagement in the life of the city and providing welcoming and safe access to services provided by the City. This policy supports the City's mission to "create a great city of communities that cares about our people, our environment, and our opportunities to live, work, and prosper". Further, the policy is also aligned with the following:

- In 2007, City Council committed to "fostering an open, welcoming and safe environment to people of all cultural backgrounds", which ensures that "newcomers have equitable access to all the services provided by the City", including those with temporary status¹.
- The Healthy City Strategy (HCS)² was adopted by City Council in 2014 and is guided by a vision where the City and community partners are "creating and continually improving the conditions that enable all of us to enjoy the highest level of health and wellbeing". Key goals of the HCS are to ensure "Vancouverites have equitable access to high-quality social, community and health services" and "Vancouverites are connected and engaged in the places and spaces that matter to us." The HCS Action Plan, adopted by City Council in 2015, includes an action that the City "examines regulations, policies, and processes that affect our relationships with and between residents – past, present and future."

DEFINITIONS

Immigration Status

Vancouver residents have diverse immigration status, including those with Canadian citizenship, permanent residency, temporary residency, and uncertain or no status. For the purpose of this policy, we refer to two specific categories of status: individuals with no immigration status and those with uncertain status.

a. No Status

The term is used to describe individuals who reside or work without authorization, who have no immigration status, or who are generally referred to as 'undocumented', i.e. their documentation is not accepted or recognized by the state and therefore the individuals have no lawful status of residence. For example, newcomers arriving in Canada through regular channels may come to a point where their visa has expired, or find that

¹ Excerpt from the "Vision and Value Statement Concerning Immigrants and Refugees", proposed by the Mayor's Working Group on Immigration, and adopted by City Council in 2007.

² The HCS can be found at Vancouver.ca/HealthyCity4All

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their circumstances have changed such that their work permit is no longer valid. Typically, these individuals have very limited or no access to resources and support.

b. Uncertain Status

For the purpose of this policy, uncertain status refers to individuals with pending and/or unknown immigration status. For example, an individual who has received a negative decision in their refugee application, and is actively appealing that decision, would be deemed to have uncertain immigration status. Typically, these individuals have very limited or no access to resources and support.

Refugee

The following is adapted from the United Nations High Commissioner for Refugees (UNHCR) 1951 Refugee Convention³: Individuals, who owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, are outside the country of their nationalities, and are unable to, or owing to such fear, are unwilling to avail themselves of the protection of that country.

SCOPE

This policy may apply to the following City services:

Fire and Rescue Services

- Fire prevention and responding to medical calls
- Providing emergency preparedness information and support

Community Services

- Tenant Assistance Program
- Street and Homeless Outreach
- Emergency Response Shelters
- Non-Market Housing
- Licensing and inspections

³ <http://www.unhcr.org>: The UNHCR has, since adopting the 1951 Refugee Convention, included Sexual Orientation and Gender Identity in their Guidelines for International Protection.

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Utilities and Public Works

- Providing basic services – sewer, water, drainage
- Providing garbage collection, composting, and recycling services
- Maintaining and enhancing street infrastructure

General Government

- Permits and enforcement
- Providing information, engagement channels and customer service (website, in person and 3-1-1)

D. LIMITATIONS:

This policy applies to those services directly provided by the City and does not apply to Police, Parks or Library services. To date, Parks and Library services have adopted a policy which supports, within their respective mandates, the spirit and objectives of their policy, and links to their policies can be found here:

Vancouver Public Library: www.vpl.ca/policy/access-vancouver-public-library-services-without-fear-policy#

Vancouver Park Board:
<https://parkboardmeetings.vancouver.ca/2016/20161114/REPORT-AccessToParkBoardServiceswithoutFear-20161114.pdf>

PRINCIPLES

The following principles, including the City's Code of Conduct, will guide the conduct of City staff in relation to this policy.

1. **Integrity:** Employees are the keepers of the public trust and must uphold the highest standards of ethical behavior.
2. **Accountability:** Employees are obligated to answer to the responsibilities that have been entrusted to them and the decisions they make.
3. **Responsibility:** Employees must act responsibly, within the law and within the authorities of the Vancouver Charter.
4. **Leadership:** Employees must demonstrate and promote the key principles of the Code of Conduct through their decisions, actions and behaviour.
5. **Respect:** Employees must conduct public business efficiently, with decorum and with proper attention to the city's diversity.
6. **Openness:** Employees have a duty to be as open as possible about their decisions and actions by communicating decision-making processes, encouraging appropriate public participation and appropriate means for providing feedback.

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7. **Equity:** The policy addresses the principle of service equity so all residents, particularly those facing the greatest barriers, can access City services without impediment.
8. **Intersectionality:** A “for all” lens will help ensure that initiatives pursued are both universal for all and focused on specific populations most vulnerable to health inequities. Individuals will not be viewed in a monolithic way, by recognizing the complexity of the lived realities of individuals who experience marginalization on multiple and intersecting grounds.
9. **Transparency:** The City must work with citizens and the wider community to ensure that residents understand which services are covered by this policy and which, delivered by other jurisdictions, orders of government or non-profit agencies, are outside its scope.
10. **Partnership⁴:** Effective implementation of the spirit and objectives of this policy will require continuous engagement with the City’s three civic agencies - the Vancouver Police Board, the Vancouver Park Board, and the Vancouver Library Board.

POLICY STATEMENTS

1. The three policy statements are as follows:

- a. **Access to City services is not dependent on immigration status**

City services will be provided regardless of immigration status. Further, City staff will not ask for or otherwise seek out an individual’s immigration status as a condition of providing city services, unless the provision of such services has a legal requirement to obtain such information.

- b. **Privacy of Information**

The City will carefully uphold and enforce privacy legislation to ensure that any and all personal information concerning immigration status is not requested or gathered in the course of providing City services unless required by law. The City is not aware of any City services requiring the collection of immigration status information. However, in the event that personal information concerning immigration status is required to be collected, the City will only collect same after ensuring that the person required to give it is aware of the requirement and then only in accordance with applicable privacy and disclosure laws.

- c. **Relationship with Canada Border Services Agency, CBSA**

⁴ The development of this policy has sought input from community organizations, City’s advisory bodies, other authorities including VPD, VPB, VPL, Vancouver School Board and Vancouver Coastal Health.

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The role of CBSA is to administer and enforce the *Immigration & Refugee Protection Act*⁵ and regulations. Accordingly, the voluntary disclosure of immigration status and enforcement of immigration law is outside the scope of the City's jurisdiction, and City staff are not responsible for the enforcement of immigration law and are not permitted to disclose personal information as a general rule except in accordance with the law. These exceptions could include a court order, subpoena, or other legally binding requirements.

2. Implementation

a. **Creation of Access To City Services Without Fear Guidelines:**

The effective implementation of this policy will require the creation of guidelines for City staff. The City will engage with community partners and individuals with lived experience to assist in the development of the Guidelines.

b. **Align with existing City's review and complaint mechanism:**

The City's existing review and complaint mechanism will be used to ensure no one is denied access to services based on their immigration status.

c. **Provide opportunities for City staff and community organizations to learn about the policy and guidelines:**

- An essential component in adopting this policy and associated guidelines is to inform relevant City staff on the policy and guidelines. This will be incorporated into current staff training;
- Further, Social Policy will inform organizations receiving City funding for the provision of community services about the policy and guidelines by sponsoring related workshop(s).

Feedback will be sought from individuals with lived experience.

d. **Implement a communication strategy to inform stakeholders and the community on the policy:**

Staff will implement a communication strategy to inform stakeholders and the community about the new policy.

e. **Support the provision of services to Vancouver residents, regardless of immigration status:**

The City will continue to advocate for the needs and challenges of residents with uncertain or no immigration status to other orders of government and jurisdictions.

⁵ The Act can be accessed online: <http://lawslois.justice.gc.ca/eng/acts/i2.5/>

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f. Reporting and Evaluation

The City Manager will have an annual report back to City Council on the application of this policy, any complaints received and their disposition, as well as recommendations for amendments.

APPROVAL HISTORY

Version 1 approved by:	Departmental General Manager	3/23/2016
	City Council	4/6/2016

Next review date **3/1/2020**