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A history of the memories of the 'sanctuary city' in Toronto, Canada

Rachel Humphris

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**A history of the memories of the ‘sanctuary city’
in Toronto, Canada**

Rachel Humphris
Queen Mary, University of London

Series Editors: Anna Triandafyllidou and Usha George



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Introduction¹

In recent years, the term ‘sanctuary city’ has caused confusion and controversy.² This working paper aims to trace how and why the term ‘sanctuary city’ emerged in Toronto. The paper makes a key distinction between the ‘sanctuary movement’ and the governmental apparatus we now call the ‘sanctuary city.’ They are different strands of organising which at moments overlapped but members often had different logics, justifications and aims. By tracing these separate (but dialectically interrelated) developments we can more fully understand the tensions, contradictions and current shape of the patchwork that becomes the ‘sanctuary city’ in the early part of the 21st century in Canada. It is also important to note that actors themselves change their own understanding and aims. As I unpack the variety of different actors and organisations that use ‘sanctuary’ at different times for different ends we come to understand its role as a floating signifier variously filled with meaning shaping discourses, politics and policies. There was also not a linear development or straightforward progression to become a ‘sanctuary city’ but the journey was replete with ruptures, retreats and repetitions that continue to unfold.

The aim of tracing and unpacking these different perspectives and accounts is not to discredit or undermine the ‘sanctuary city’. Nor am I trying to establish whether sanctuary is more or less a governmental project or a religious one. I do not aim to offer a new definition of sanctuary or sanctuary city here but rather argue that it is in this very tension of naming, of finding (and the imperative to find) a stable definition that the challenge and the potential of sanctuary lies. It is in both its religious weight and its contradictory governmental status, in its flexibility as a signifier but also its fixed common sense meaning that holds its promise and its limits. With this in mind, the question then becomes, why use sanctuary at all? Who uses it and for what purpose? To begin to answer these questions, I trace the emergence of what became known as ‘the sanctuary city’ in Toronto from the perspective of grassroots organisers, established non-profit organisations, city municipal officers and elected city councillors. The aim is to assemble their different perspectives, the broader context for their actions and their aims and underlying justifications.

This paper broadly sits within the scholarly literature on sanctuary cities however, it is distinctly not a theoretical intervention. Rather it aims to provide stories that may help those currently working for and with un(der)documented residents in Toronto, Canada and beyond. Or those who want to understand municipal responses to these residents. Previous academic attention has primarily focussed on the USA (Bau, 1985; Buff, 2019; Collingwood, 2018; Coutin, 1991, Crittenden, 1988; Cunningham, 1995, Delgado, 2018; Gulasekarem, 2009; Gulasekaren & Ramakrishnan, 2013; Houston, 2017; Mancina, 2016; Paik, 2019; Provine & Varsanyi, 2012; Ridgley, 2012; Villazor 2010, 2018, 2019). More recently, scholarly interest in the topic has increased in Canada (Bauder, 2018; Bhuyan, 2012; Dushman, 2009; Hudson, 2009; Jeffries & Ridgley, 2020; Lippert, 2010; Macklin, 2019;

¹ This research is part of a three-year project entitled: ‘Welcoming Cities? Understanding sanctuary in securitised states,’ generously funded by The Leverhulme Trust. Grant Number: ECF-2017-578. I am also enormously grateful and indebted to all those who have given up their time to help me with this project and their generosity, kindness and trust that continues to this day. In particular, Tanya Aberman, Chris Brillinger, Michael Creal, Graham Hudson, Syed Hussan, Joe Mihevc, Mac Scott, Patricia Wood, the Centre for Refugee Studies at York University particularly Michele Millard Jen Hyndman, Michaela Hynie, Michele Millard, Sean Rehaag, and all those who work tirelessly for the Rights of Non-Status Women Network.

² A case in point is Montreal. See Scott, 2018: <https://montrealgazette.com/news/local-news/plante-unveils-action-plan-on-immigration/>. In addition, as will be shown below, those interviewed had conflicting feelings about when, and whether, to use the term ‘sanctuary city’

Moffette & Ridgely, 2018; Rehaag, 2010; Villegas, F., 2018; Villegas, P., 2019). Europe has also begun to use the term (Bagelman, 2016; Darling, 2010, 2018; Lundberg & Strange, 2017; Landbert & Swetz, 2019; Squire & Darling, 2013; Wilcox, 2019). This paper is inspired by perspectives developed within the anthropology of the state, policy and bureaucracy (Abrams, 1977; Mitchell, 1991; Scott, 1998). Mancina (2016) pioneered analysing sanctuary cities through the framework. Building on this literature I take an inductive approach that does not a priori define 'sanctuary cities' but comes to view them as fragile, contingent governmental apparatuses that are (re)made and (re)produced iteratively across different scales and spaces through the actions and discourses of differentially positioned actors. This paper provides a starting point for this approach and is a detailed account of how key actors in Toronto described the conditions that led to the creation of the 'sanctuary city.'

Methodology

I assembled these memories of the history of the 'sanctuary city' through tracing its emergence through oral history interviews, archival research and policy analysis (for more detail on this methodology see Mancina, 2013 and Rao 2020). The majority of this paper details direct action organising in Toronto shaped by an organisation called 'No One Is Illegal' (NOII). Almost all those I interviewed mentioned this organisation as crucial for passing the 'Access TO' ordinance in 2013. At the time this ordinance was heralded as proof by the media that Toronto had affirmed itself as a 'sanctuary city' (see below for further discussion). Therefore, the primary focus on NOII would seem to make sense.

However, I want to highlight several limitations in the story I set out. I am very grateful to the members of NOII who gave up a large amount of their time to provide an oral history of the organisation. I found NOII members very passionate and most were working voluntarily. They gave a lot of their time describing their involvement and the activities of the organisation. I spoke to one further female member of NOII who explained that she found it difficult to understand the highly intellectualised language of some NOII members and that it was a primarily male-dominated organisation. She did not provide detailed memories of the movement but rather focused on her current activities. It should also be noted that NOII did acknowledge and try to address this dynamic within their meetings. However, it should be borne in mind that the perspective portrayed here is from three male, highly educated organisers. I also spoke to migrants' rights organisations who had been providing services in Toronto for decades. However, their memory of organising for undocumented residents may not be as detailed as it was only one small part of their work, and the amount of time that they had to provide details, as they are often lack capacity to engage with researchers for hours, means that the part they played may not be fully accounted for here. In addition, the memories and accounts of key incidents of current and previous elected members of City Council and municipal officers are included. Throughout this paper, I am attentive to the politics of memory and how events are framed through current contexts and experiences. In the word of Pierre Nora 'history is the reconstruction, always problematic and incomplete, of what is no longer. Memory is a perpetual actual phenomenon, a bond tying us to the eternal present' (Nora, 1989, p. 8). It is not the purpose of this paper to elaborate on the theoretical implications of different approaches towards history and memory. What is important is to note the situated positionalities of the speakers and that their remembering are insights into how the past is reconstituted in present.

This paper was sent to all those who are quoted in it and asked for comment. Those who replied confirmed that I could use their names in this paper. I have removed the names of those who did not reply. The paper has also been sent to NOII Toronto and members were asked for comments and feedback. I received three replies with minor adjustments to

names of organisations. The paper has also been sent to a member of the Southern Ontario Sanctuary Coalition who provided comments and further suggestions.

The emergence and location of sanctuary

In Canada as a whole, between 1983 and 2003, 36 migrants invoked sanctuary (Lippert, 2005). Of those, 21 gained legal status (the remaining cases were unknown or resulted in deportation or going underground). Canadian sanctuary networks also played an integral role in the U.S. movement's attempt to help refugees denied access to the U.S. get to the Canadian border, and then to facilitate refugee claims and provide further support. Following an exhaustive study of sanctuary cases in Canada, Lippert forcefully argues that there was no such a thing as a coordinated 'sanctuary movement' in Canada but rather a set of localised, embedded and emplaced incidents (2005).

In Toronto, faith-based organising around sanctuary began when Nancy Pocock (Society of Friends) convened a small group in the early 1990s of people concerned at the growing numbers of refugee claimants facing deportation. The group included refugee lawyers, representative of large international human rights organisations, Mary Jo Leddy at that time a Sister of the Daughters of Zion, academics and others. This group was well resourced and connected and occasionally were invited to discuss their concerns with the Chair of the Immigration and Refugee Board (IRB). By 1993 the group had identified 23 cases they believed had been wrongly refused asylum. Mary Jo Leddy had been supporting these refugees through Romero House, a local government funded shelter for asylum seekers (Cunningham, 2012). The group held a press conference and became the Southern Ontario Sanctuary Coalition (SOSC). To date this group is the first and only self-defined sanctuary movement to appear in Canada (Cunningham, 2012; Leddy et al., 1997).

The group undertook high profile events to raise awareness as the 23 cases took years to resolve (for detail see Creal, 2019). For example, in 1995 they held a 'Call to Conscience' addressed to the Canadian people and the Canadian Government which included thirty leaders of different faiths. SOSC didn't define sanctuary solely as sheltering migrants in churches but rather included taking up legal challenges that broadly affected asylum seekers. This definition was coherent with their underlying aims to reveal injustices in the refugee determination system as a 'Civil Initiative' (rather than civil disobedience). Activities included supporting the cases of Sami Durgan and Suleyman Goven, Kurds from Turkey between 1998 and 2000; opposition to the immigration bills, C-11 ushered in after 9/11, and later C-31; a National Consultation on Sanctuary in 2007 which reaffirmed sanctuary as a 'Civil Initiative;' worked-on cases related to the 2009 and 2010 arrival of Tamil refugees by boat; Nigerian and El Salvadoran refugees in 2010-2012 and Roma refugee claimants from 2012 – 2020 (for detail on all these activities and cases see Creal, 2019). Most recently, on 22nd July 2020 the Federal Court ruled that the Safe Third Country Agreement violated the Charter of Rights and Freedoms (part of Canada's Constitution). That agreement has been one of the chief concerns of the group for many years (and one member of the group was in the legal team at the Federal Court challenge). It is yet to be seen whether the Government will appeal the decision.

In addition, a class action suit on behalf of hundreds of Roma refugees represented by three lawyers disciplined by the Law Society was successful on 31st July 2020. SOSC had met several times with the law firm that decided to take on the case pro bono. The settlement was for \$500,000 which will be paid in amounts up to \$5,000 to the refugees

concerned.³ The group will now go to the Law Society and ask them to push to establish a "political class" so the Roma refugees concerned might have their cases re-heard.

Lippert also emphasises the Canadian and USA sanctuary movement have their own dynamics (2005). While this seems necessarily the case, the Southern Ontario Sanctuary Coalition does have strong links with organisations on the southern Mexican border and still undertakes missions to learn and share experience with counterparts there. The key similarity between the movements is the role and figure of the refugee. In particular, it they are motivated to help those who the government will not accept for political reasons. This justification is key in the U.S. sanctuary movement and underpins the Southern Ontario Sanctuary Coalition. They are upholding the law because the nation-state is unable or unwilling to do so (Cunningham, 2012, p. 172). The group's justification is based on an understanding that the system is flawed, mistakes are being made and their role is to reveal injustices and fill in the gaps. Here 'sanctuary' is used primarily within faith-based organising not necessarily in terms of providing a physical shelter but as the organisation developed it became a broader signifier for their activities. As mentioned above, the aim of reviewing the development of sanctuary is not to try to evaluate whether sanctuary is a religious movement or not but rather in what circumstances sanctuary emerges, is given meaning or becomes salient as religious or not. In Toronto until the mid-2000s, the sanctuary movement was located within this organisation (Creal, 2019; Lippert, 2009).

'Modernising' Canadian Immigration Policy

For NOII activists the modern iteration of the Canadian immigration enforcement regime began in the 1960s and 1970s. They narrated how increased racialisation in the immigration system became evident as the number of European migrants' decreased (50% decrease over the course of 1970s) and the number of migrants from Asia, Latin American and the Caribbean sharply increased. Their narrative is that the Canadian federal government did not begin to introduce restrictive measures until largescale global south immigration began and became normalised. It is interesting to note that the 1962 Immigration Regulations was the first time the federal government banned overt racial discrimination in its immigration policies and by 1967 they introduced the 'points' system, designed to assess job skills and educational qualifications, not ethnicity or national origin. What perhaps marks this time as the modernisation of the Canadian Immigration System was the very fact that it could no longer discriminate by nationality (a trend seen in the USA and UK) but other markers were used to restrict migrants from becoming permanent Canadian citizens. Immigration policies were being reworked to focus on the need for migrants in the economy, rather than seeing migrants as individuals and families who would become 'Canadian.' For example, the federal government introduced temporary foreign workers programmes and a number of legal struggles emerged regarding who has personhood in the immigration system. At this time, there was very little organising or political action campaigning for migrant workers or the downgrading of rights on entry and settlement.

³ Keung, 2020: <https://www.thestar.com/news/gta/2020/07/29/these-roma-refugees-lawsuit-has-been-settled-for-500000-now-their-community-wants-an-apology-for-jason-kenneys-comments.html>

Austerity, national security and anti-black racism

The first concerted action on migration at a municipal level in Toronto focused on education in the 1980s. This developed in response to increasingly harsh federal immigration policies. For example, throughout the 1980s, there were several attempts to create a preliminary version of a Safe Third Country Agreement. At this time, anti-immigration rhetoric increased in Canada with fear-mongering that there would be waves of racialized undocumented migrants arriving at Canada's shores (Mountz, 2003). In 1985, Britain began the process to return Hong Kong to China by 1997, leading to an increase of irregular arrivals to Canada. These arrivals became part of a negative national-level discourse. In particular, boats bringing Chinese migrants to Canada provoked damaging discourses and were used to re-write federal immigration law and led to increased immigration enforcement.

In the 1990s, NOII activists recounted how organising for undocumented migrants was fragmented, non-institutionalised, small-scale and primarily located within anti-black racism activism. A key event crystallised the entwining of anti-black racism and undocumented organising in 1994. On April 5th a botched robbery took place in a donut shop called Just Desserts that resulted in the attendant (a blonde white woman) being shot and killed. The perpetrator had been born in Jamaica and undocumented. This incident provoked a media backlash and a widespread moral panic around black undocumented criminals in Toronto. Several policy framings and discourses combined including an anti-black tendency focused around criminality that was primarily targeted at men; the figure of the welfare queen targeted at women and anti-migrant discourses. For example, Somali refugees were targeted specifically. This discourse was heavily drawn upon in the framing of the austerity agenda and cuts to social and welfare spending that were evident throughout the Harris administration of Ontario (1995 – 2002). NOII activists also described that Canadian legislation mirrored criminal justice legislation that was being ushered in across the border in the United States. As will become clear below, NOII activists often interpreted and framed actions in federal, provincial and municipal governments as informed by actions in the United States and were also in contact at different moments with counterparts in U.S. cities.

The austerity agenda also provoked new forms of organising in Toronto. The Ontario Coalition Against Poverty (OCAP) formed in 1999 in response to the swathing cuts to social assistance programmes for low-income residents in the city. OCAP's primary site of direct, action, casework and advocacy was, and still is largely, in the Toronto emergency housing and shelter system. OCAP became focused on undocumented residents because they were increasingly emerging to their caseworkers in emergency shelters.

Anti-migrant discourses also spurred a new energy to demand that children had access to education resonating with previous campaigns in the 1980s. Drawing on overarching ideas of childhood and education coupled with a mainstream notion of justice and inclusion, access to schooling gained wide-ranging support. As a rhetorical and strategic focus, the issue also brought different communities together along with organised teacher actions resulting in organised action at the Toronto District School Board (TDSB). At that time, the campaign was calling for an 'access policy.' In essence, it was a 'Don't Ask, Don't Tell' policy but as one NOII activist explained, 'that language came much later.' The Toronto Teachers Union was able to win some gains with the Toronto District School Board in 1993. However, as another NOII activist described 'it was not necessarily getting the School Board itself to pass any defining policy not like we would have seen in the late 2000s but there was a lot of different pressure at different scales.' The Education Act of Ontario was rewritten in explicit language that all children would have access to schools. The amendment stated:

A person who is otherwise entitled to be admitted to a school and who is less than eighteen years of age shall not be refused admission because the person or the person's parent or guardian is unlawfully in Canada (section 49.1).⁴

This is envisaged by current activists in NOII as an important precursor to their movement.

Legal clinics such as Parkdale Legal Community Services based in the west of the city, which had some of the lowest rental and multi-occupancy housing at that time, began collaborations with NGOs such as Social Planning Toronto at this time. Both organisations were part of the effort to push for access to schools for undocumented children. They also began talking about access to health care and legal services. OCAP also started to undertake a large number of undocumented residents' cases. In particular, a legal advisor called Macdonald Scott who led OCAP's Immigration Legal Committee became very committed to this issue and later went on to set up No One Is Illegal Toronto (NOII).

In 2001, largescale changes were also being ushered into the federal immigration system through the Immigration and Refugee Protection Act (IRPA), which is still the defining piece of federal government legislation shaping Canadian immigration policy today. National security legislation was being written in tandem with IRPA. Activists believed IRPA was influenced by securitisation discourses, which laid the ground for far more aggressive enforcement and created exceptional, legal circumstances for immigration officers to be able to target people based on a national security profile. However, Parkdale Community Legal Services and others were able to lobby at that time on education. IRPA clause 30(2) could be interpreted to legislate that minors, the children of refugees and undocumented long-term residents can attend school up until secondary level, however it has been criticised for its ambiguity.⁵

A further turning point for NOII was September 11th, 2001, which reinvigorated the activism of racialized residents along with anti-police organising and anti-deportation work. One high profile case called 'Project Thread' targeted Pakistani residents in Toronto in 2003 (Truelove, 2019, p. 91). Twenty-four men were arrested on suspected terrorism offences which all of them denied. There was widespread outcry particularly because of the thin evidence that had been used to charge the men. Ten were later deported on 'immigration fraud' offences, not terrorism. Organising focused on creating an oversight body of the Toronto Police. One organiser described a dialectic of harsh police retaliation to demonstrations that resulted in the Toronto Police establishing a strong and unwavering public narrative around why deportation was a necessary tool for police enforcement. One activist described to me that 'Project Thread' was a turning point when NOII split from OCAP as its own organisation undertaking explicitly anti-deportation work.

While undocumented residents were not formally discussed or recognised by the municipal administration NOII activists and service providers, narrated that a large amount of mutual aid was taking place between undocumented residents and support workers in organisations in the city without recognition. Those who provided support for undocumented migrants were keen to impress that this did not occur because of a city level policy but that it had always taken place in some organisations because of their ethos. 'We don't turn anyone away' was a common refrain among frontline service workers in some community support organisations. Many also explained that undocumented status was not such a high profile issue, they did not have a bureaucratic label, or a policy specifically designed to address these residents. There was not a system for 'bureaucratically capturing' undocumented residents but a small network of service providers made up policy for them

⁴ Education Act, R.S.O. 1990, c. E.2: <https://www.ontario.ca/laws/statute/90e02#BK62>

⁵ Immigration and Refugee Protection Act, S.C. 2001, c. 27: <https://laws-lois.justice.gc.ca/eng/acts/i-2.5/section-30-20131212.html>

individually as they emerged to the organisation. For example, they were providing housing advice after residents had been evicted, found them access to woman's services after domestic abuse or tried to secure guerrilla health care with sympathetic doctors. It was widely reported that this kind of support had always been evident within networks within certain neighbourhoods in Toronto. The Ontario Council of Agencies Supporting Immigrants (OCASI), which formed in 1979 to coordinate settlement houses and NGOs in the city was also working directly with agencies who had always provided this kind of mutual support to those who would now be termed 'undocumented Torontonians.' However, unlike NOII, OCASI does not engage in aggressive political campaigning and works with a very different political coalition (see below).

The emergence of 'undocumented Torontonians'

Different actors begin the story of the emergence of 'undocumented Torontonians' to the municipal governance system from their own situated perspectives and memory of the issue. The Executive Director of a leading immigrant rights organisation in the province stated that 2005 was the starting point for Toronto's history in municipal policy on immigration and recognition of undocumented residents. In 2005, Toronto was first written into the Canada and Ontario Immigration Agreement (COIA). The City of Toronto annex to that agreement gave the city a formal role in migration issues and a voice on migration. Crucially, through COIA, federal funds were provided for settlement and integration programs and services in Ontario communities. The Municipal Immigration Committee (MIC) was established under COIA to explore municipal interests in immigration and was co-chaired by Citizenship and Immigration Canada (now Immigration, Refugees and Citizenship Canada, IRCC), the Ontario Ministry of Citizenship and Immigration and the Association of Municipalities of Ontario.

Conversely, a leading actor in the Social Development Finance and Administration (SDFFA) department identified two different reasons why undocumented residents of Toronto rose up the municipality's policy agenda. First, the City was discussing municipal franchise for non-citizens. This had emerged because the right of citizens of a British Commonwealth country to vote in local elections was rescinded abruptly in 2006 (Siemiatycki, 2015). As one previous member of the SFDA department explained 'And, you know, the more cynical amongst us might believe that's because a significant part of the Commonwealth population in Toronto was from the islands and of a different color.' There was not public consultation or discussion of the change. The city had also recently amalgamated in 1998 and was envisaging its new future as the largest city in Canada. City-officials from Amsterdam also visited Toronto to talk about the municipal franchise because they had implemented the policy for over a decade.

Second, there had already been a debate in 2004 about Portuguese construction workers, many of whom did not have a regular migration status. There were a number of previous regularisation initiatives based on the needs of this group. As a leading actor in the SDFFA describes 'that group was extremely helpful in the debate, because everyone agreed, this is a really hard-working group of people that we actually want.' OCASI, affiliated community groups and OCAP deputed at City Hall in 2004 and gained agreement from the Social Development Administration and Finance Committee that frontline workers should not ask for immigration status. On 4th May 2005, the City Council adopted the 'support for the efforts of the undocumented workers committee.' This was a very broad and weak commitment to 'supporting the many thousands of undocumented workers living and

working in the City of Toronto'.⁶ There was also agreement that undocumented workers should be included in Toronto's Fair Wage Policy.⁷ Some activists felt as though this was a hollow victory because it didn't clarify a policy or tackle some of the issues regarding multi-level governance of funding social protection programmes between federal, provincial and municipal governance. However, a leading actor in SDFA felt that it did have political and symbolic value when the legislation came back to be discussed in 2013. He could frame the new policy as a 'reaffirmation' of what was already taking place. The City created a poster that was available on its website insisting that services were already accessible with an implementation plan. NOII decided at that time not to go back and depute at City Hall regarding this policy but rather to organise a larger scale movement to shift public opinion.

From anti-deportation to access to services – making undocumented residents 'mainstream'

OCAP's Immigration Legal Committee and later No One Is Illegal, worked throughout the early 2000s on individual cases that emerged to them through their work in the shelter system. As one activist explained, 'we threatened shelters with very loud, public direct action if they did not guarantee that they would provide their service to undocumented residents of the city'. They enabled individuals on a case-by-case basis to gain access to services but without any policy or legal basis. In some circumstances, NOII forced shelters to provide their service, which in turn, fed into discussion at a municipal level about undocumented residents in the city.

In 2005, OCAP put together a ten-point program for the new mayor, David Miller. He was progressive and ran on an anti-austerity campaign. He visited the OCAP office to discuss the plan in person. One of the points was access regardless of immigration status to all city services. This built on the City's soft position on people without status in 2004, in NOII's experience was not being implemented at that time. Despite Miller's visit, the policy was still not implemented effectively.

By all accounts by those engaged with the undocumented resident issue at the time, 2006 was a watershed year. Stephen Harper was elected as Prime Minister and accepted that he had a strong mandate to be tough on immigration. CBSA began taking a more proactive approach to actively search for undocumented residents in Toronto, resulting in several high profile incidents. Combined with international events, activists galvanised public support for a more progressive stance on undocumented residents.

First, a group of women linked to NOII began visiting the Toronto immigration-holding center to conduct art therapy. In the process of those visits, they encountered many women who were survivors of domestic violence who had been detained in the course of making a police complaint against their spouses. NOII gained attention for two high profile cases of women who were being deported, defended by Aminah Sherazee. In addition, through conversations with those awaiting deportation they found that undocumented residents had struggled with accessing healthcare and education for their children. Through this work, access to services became central to NOII campaigning. As one activist described 'we were stopping deportations, stopping security certificates, and advocating against detention but access to services specifically became one of our major hallmarks.' NOII activists narrated that the access that this group of women secured in the detention centre, gave the

⁶ City of Toronto, 2005b:
<https://www.toronto.ca/legdocs/2005/agendas/council/cc050504/pofcl019a.pdf>

⁷ City of Toronto, 2005a:
<https://www.toronto.ca/legdocs/2005/agendas/council/cc050719/adm6rpt/cl003.pdf>

organisation a platform as the major radical migrant justice organisation in the city and access to services became a key plank in any migrant justice push.

'Access all services' was a strategic and rhetorical focus for activists in Toronto. It became the catchall phrase for what migrant justice and anti-racism meant for the activists at that time. As one NOII activist explained:

access all services became an important tactic I'd say in terms of what migrant justice actually is and what anti-racism is – to be able to access these things and that becoming a more normal part of the political scene in Toronto world.

NOII's organising around 'access to services' was primarily captured in calls for individualised services to adopt a 'Don't Ask, Don't Tell' policy. As Mac Scott remembers this was based on activists from New York who were 'mentoring' NOII at this time and who introduced the language of 'Don't Ask, Don't Tell.' However, the focus on access to services had not developed into a holistic municipal push or a policy demand for the municipal government as a whole to acknowledge undocumented residents. The focus was on specific institutions and anti-racist organising aimed at the police.

A second high profile case emerged in 2006 when a 16-year-old from Grenada went to the police to report an assault. Instead of dealing with the assault directly and charging the perpetrator, the police handed her over to immigration enforcement. Her family got in touch with NOII who organised a large community response. A public campaign was organised which involved councillors and municipal services. NOII also organised very aggressive confrontational rallies at Toronto Police headquarters.

NOII activists explained how they drew on the national and international context to increase support from a broad coalition but also tried to keep immigration issues front and centre. They framed the actions of the police in a wider discourse of national overreach of police powers in post 9/11 securitised discourses. In particular, they drew attention to the use of security certificates, which suspend habeas corpus rights. Concurrently, the international context shaped the landscape in Toronto including the Iraq War and the passing of the Patriot Act in the USA. Activists described how they leveraged a general public discourse linked to Canadian nationalism, where people felt 'that's not what my country is about.' They draw on the discrepancy between the city's residents and the harsh national security apparatus being imposed across the country. Organisers mobilised this feeling and linked it to the 'Don't Ask, Don't Tell' policy that they were proposing. NOII also deputed at Toronto Police Services Board, which, according to Mac Scott, is where the first demands for a 'Don't Ask, Don't Tell' policy were voiced. However, the police did not relent and only agreed to the 'Don't Ask' part of the policy. This is still a major sticking point identified by those working with undocumented residents in Toronto today with many seeing the policy as meaningless without the police cooperation. This incident sparked the formation of the 'Don't Ask, Don't Tell coalition' that eventually formed a separate organization until it disbanded in 2010.

Alongside organising against the police, a third event in 2006 galvanised NOII and brought the issue of undocumented residents to the attention of elected members of City Council. Two students aged 14 and 15 years old from Costa Rica were arrested by CBSA agents with guns in their high school. The agents held the children until their parents presented themselves for deportation.⁸ Similarly to the case of the teenager who had been assaulted, a large community response was provoked which drew on all the organisations

⁸ CBC News, 2006: <https://www.cbc.ca/news/canada/costa-rican-family-deported-on-canada-day-1.582267>

that had already been involved with trying to secure education for undocumented students. As Mac Scott remembers:

We fought their removal. We lost. They were my clients actually. But in the course of that the school really rallied around the family. And there was a number of really big, big rallies at the immigration-holding center. And that's where we got the idea to start our campaign of 'Don't Ask, Don't Tell.' But we started with the school board. So out of that, even though it was a Catholic school, we started with the Toronto District School Board. And we started with lobbying. And then we had a beautiful, beautiful demo where we went into one of the board's meetings and we filled the entire galley like all the seating for visitors, and everybody had 'Don't Ask, Don't Tell' buttons. And we went up to each of the trustees and said we'd like you to put a button and got pretty much all of them to put on a button. And at that meeting, they passed that they would let people in regardless of immigration status, and they wouldn't allow CBSA officers into the schools.'

This campaign, which came to be termed 'Education not Deportation' drew on the experience of teachers who had lobbied the Toronto District School Board in the 1990s and who had significant success in changing the Ontario Education Act to include all children regardless of immigration status and later the federal IRPA legislation. The children who had been held by CBSA also galvanised many other students who were prepared to enter into direct action rallies at different schools.

Following their commitment, the TDSB began putting up posters in schools that stated, 'this is an immigration free zone.' Crucially, councillors at the time and those who would become councillors in the future were involved in this campaign. Joe Mihevc was a progressive councillor who had long been interested in alleviating poverty and became involved in the campaign. Josh Matlow who became a City Councillor in 2010 came to know and understand undocumented residents' issues becoming involved in the Education Not Deportation campaign and came to speak at rallies and demonstrations. Crucially, an activist described how it,

wasn't just the usual suspects coming out from the left wing councillors at demonstrations. There was also right wing councillors who also happened to be Latino or Portuguese who used this issue as a platform to demonstrate their commitment to their constituencies. They were from and represented some communities that were really being very targeted by immigration particularly in the downtown.

A broad coalition was created through the Education not Deportation campaign that proved crucial to the formation of formal municipal policies seven years later.

From this campaign NOII activists learned that broad support from frontline service workers, such as teachers alongside parents and children could potentially create the power to change policy. This broad coalition also made it politically possible (and potentially necessary) for elected City Councillors who represented parents and frontline workers to speak out on this issue. This became an organising model and the underlying logic for many NOII activists at this time. Some activists also recounted that this issue gave them access to frontline workers at a time when they believed they were questioning 'state' or federal power, for example through the harsh actions of CBSA officers. Some NOII activists envisaged this form of organising provided a potential opportunity to normalise a more radical challenge to established power relations at the municipal, provincial and federal level on a broad range of issues such as indigenous sovereignty alongside organising for undocumented residents.

A fourth action in 2006 by CBSA targeted the Dufferin Mall, a large shopping mall in the west of the city that was known to be popular with new arrivals and racialized low-income families. On 2nd April, CBSA blocked the entrances and exits and asked shoppers for ID documents. This event provoked a largescale backlash that was co-ordinated by NOII. Councillors were also on board with speaking out against this action.

Finally, some members of NOII who were also employed in frontline service organisations heard that CBSA officers were targeting women's shelters as a site where they could find undocumented residents. They started a separate group called 'Shelters, Sanctuary, Status,' which brought together coalitions of women's shelters. However, following consultations with those working in the shelter system they realised their demand for a 'Don't Ask, Don't Tell policy' hindered the support that shelters could provide. Frontline support workers explained that they have to ask people their immigration status, because otherwise they would not know whether clients need an immigration lawyer. This work changed NOII's formal demand from 'Don't Ask, Don't Tell' to 'Access Without Fear,' however many of those involved used the two interchangeably.

By this time there were several separate but overlapping groups in Toronto campaigning with different services such as 'Education not Deportation' (schools), 'Shelters, Sanctuary, Status' (shelters), OHIP For All (healthcare), Food For All (food banks) and the 'Don't Ask, Don't Tell' coalition (police). Many of the members of these organisations were employed in settlement houses, neighbourhood organisations or other non-governmental organisations that were providing services for immigrants so information about campaigns and rallies were spread throughout the city.

'Access Without Fear' and 'Don't Ask, Don't Tell' became overarching demands encompassing many divergent priorities of different groups. The two phrases gained meaning through the organising that took place and through the actions of a broad coalition of actors, not only NOII. This was particularly evident at May Day rallies. Numbers at May Day rallies swelled between 2006 and 2009 reaching 20,000 people who took over every part of the city. There became a normalisation of the language around 'Access Without Fear' that did not just belong to radical left organisations but large sectors of society. NOII activists narrate that at this time they felt as though their campaigning language was becoming part of everyday language in Toronto.

However, just as I am careful in assembling the memories of this 'history' of the sanctuary city, one NOII activist also wanted to make clear that these actions were not linear or cumulative. I had invited him to narrate a history and he had obliged. He was also keen to state 'there were a lot of ruptures and then reimagining solutions. People would drop out of the movement or would not have institutional memory.' What seemed clear at this moment was how NOII activists leveraged the Toronto response to the federal post 9/11 security rhetoric. They leveraged support through a generalised feeling that the federal crackdown on immigration should not be what Canada stands for. Support was not based on a fundamental critique of the (Canadian) nation-state but rather an overstretched security apparatus that was arbitrarily targeting immigrants. Anti-deportation campaigns were also galvanised by the number of white people who were being deported for resisting the Iraq war. NOII organisers described how 'we used a lot of rhetoric from American organizations that was very effective with the downtown left. The carceral state and police overreach were low hanging left wing talking points that we could use.'

In summary to this section, although there was not a coherent plan from the outset, organisers in Toronto throughout the 2000s made anti-deportation a relatively mainstream political issue for progressives in the city. Organisations such as OCASI also used 'Access Without Fear,' which had been crystallized through the high profile attempts to deport people throughout 2006. As one activist explains 'there was a big shift in terms of the acceptable normal left language at that point, building on how anti-deportation had been linked to anti-

racism as a synonymous thing in the Toronto world of the 90s.' As a further activist describes:

I think there was enough of a kind of like, crystallized moment after that, that it was a hegemonic thing that you had to be – you had to be for these things to consider yourself an anti-racist in Toronto at that time.

'The City as a Sweatshop,' G20 and NOII's decline

Motivated by what NOII considered a groundswell of public support, their tactics changed. One activist described that 'at that point, we were targeting specific institutions and trying to get all the workers in these institutions to implement their own policies. We were not relying on municipal policy to actually hold.' The logic of this organising was to create safety for undocumented residents from the ground up rather than relying on top-down policy and implementation.

The aim was to 'build dual power, or build institutional power that was independent of representative bodies.' This took many different forms, for example, NOII activists were working with teachers to get the TDSB to pass a policy to make sure that their schools were doing active anti-deportation organising. This included 'not just hanging posters but doing test runs in schools pretending that there is a CBSA officer in the school and what they would do about it.' They also organised rallies at schools if they were made aware that the receptionist or clerk was asking students for immigration status. Almost all the work was undertaken by unpaid organizers and volunteer organizations. They also encountered resistance from directors of organisations as one activist described 'there was a pretty big backlash from the managerial class of some of these institutions.'

Again, the aims of the organisation began to develop and shift as it became more visible and gained more members leaving more capacity in the central organising team. The logic of organising shifted as NOII tried to build a coalition of frontline workers and directly affected people. There was some success particularly in shelters but as one activist remembers, 'it was really difficult to maintain because people aren't getting paid and people sometimes got fired for their political organising.' The logic of the organisation was to have a large base of frontline workers in social service organisation to build a mass movement in the spaces where they worked.

NOII also lobbied with OCASI strategically to work with service providers to develop a framework for newcomers and refugees. However, NOII maintain that organising around undocumented residents was what made this possible. At this point, NOII began folding other demands into their campaigning that went beyond Access Without Fear such as decolonisation, stopping imperial wars, and indigenous sovereignty. In trying to build an intersectional organisation that would address social injustices more broadly the movement began to overstretch its bounds. The organising team, mostly made up of highly educated non-directly affected men introduced a new term with a report that branded Toronto as 'the city as a sweatshop' (it is important to note that NOII did recognise the dominance of male voices in the organisation and tried to rebalance with the voices of women). The aim was to bring together many different strands of what they saw as state sanctioned violence and injustice. It aimed to act as an overarching term, mirroring the success of 'Access Without Fear' as a point of interconnection for the other issues that organisations were fighting such as OHIP For All and resisting gentrification. However, as activists later reflected, they did not have the base for this kind of organising and the political momentum of previous campaigns was waning. Canada Border Services Agency (CBSA) had also changed their tactics and were not undertaking largescale raids or any strategies that would cause a

spectacle and public outcry. NOII lost resonance with the public and the call to see 'the city as a sweatshop' did not take hold.

The declining momentum of NOII was further consolidated following the G20 protests in Toronto, dramatically shaping radical left organising in the city. Heavy rioting caused largescale damage to the downtown area. The police were very heavy handed and arrested many protesters. Many NOII organisers were held on security and conspiracy charges that carried more than ten-year's imprisonment if convicted. One of the main organisers was also about to be deported at this time. Many NOII organisers had non-association orders placed on them, meaning they weren't allowed to be in the same room as other organisers. This dampened many activities and the different coalitions working on different service areas slowly fell apart. Those who remained fell back on NOII, which was under continued surveillance. NOII was also dealing with its own internal fractions as one member had brought a case of sexual assault against another member.

While grassroots organisers were engaged in G20 protests and its aftermath, OCASI had continued its work through the COIA, which had created a voice for municipalities on migration. Ontario had created 'local immigration partnerships' (LIP) in 2008, 'in order to propose new strategies and structures to address complex social issues and service gaps.' Toronto created five LIPS, one in each 'quadrant' of the city and a citywide LIP which brought together the municipality, departments within the municipality such as public health and education and funders such as United Way. The citywide LIP also created Toronto Newcomer Leadership table, which is still co-chaired by Debbie Douglas from OCASI, the City and the United Way. The funding is federal and therefore can only be used for permanent residents. While undocumented residents cannot be discussed in detail at this forum, it was decided that Toronto should be safe space for everyone, regardless of immigration status. In addition, as LIPs were independent, some organisations decided to take a more proactive stance on undocumented residents particularly if they represented organisations that had always provided support to those with precarious status (see above). At the same time, refugee houses were a very active part of the coalition and paying attention to issues of housing and access to shelters for refugee claimants in particular.

The municipal response: undocumented workers to Access TO

By 2012, migration was further up the municipal agenda and the City formulated the Newcomer Strategy. The Community Development and Recreation Committee requested information from the Social Policy, Analysis and Research department (part of the Social Development, Finance and Administration Department) about the status of undocumented workers in Toronto including a review of the possibility of offering amnesty to undocumented workers and their families (those without a criminal record).⁹ Councillors asked a leading actor in SDFR whether the policy passed in 2005 could be used to ensure access to services for undocumented workers. As he describes, 'it was not clear enough. I told them don't expect me to start directing staff on the basis of this. Right? We need a clear policy.' The report focused on undocumented workers and drew on a report published by Toronto Public Health and Access Alliance Multicultural Health in November 2011, entitled 'The Global City: Newcomer Health in Toronto.'¹⁰ In particular, it focused on the growing number of temporary rather than permanent immigrant pathways resulting in many more workers slipping into undocumented status. It also highlighted the growing number of refusals of refugee claims

⁹ City of Toronto, 2012: <https://www.toronto.ca/legdocs/mmis/2013/cd/bgrd/backgroundfile-55291.pdf>

¹⁰ City of Toronto, 2011: <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2011.HL9.1>

and the relatively small number of deportations resulting in many remaining in limbo in the city.

NOII became involved once this report had been written. One activist described how he received a call in September 2012 from an aide to Janet Davis saying that she had received a report about undocumented residents and the report was going to the Community Development and Recreation Committee (henceforth the Committee) and the councillor wanted recommendations. At first, he narrated that he did not reply to this email but it came up in a NOII meeting a few months later and he contacted the councillor again who confirmed that the report had been deferred because no one had good recommendations to put to the Committee. At this point, two NOII activists decided that they would write the recommendations and include their wish list of demands for the City including training all City staff. At this time, NOII still had the aim to train all frontline workers in anti-colonial, anti-capitalist education based on the 'City as a sweatshop' report. Their aim was to work on institutional power inside service provider organisations and have de facto control over some of these services to allow undocumented residents to access them. Crucially, they did not believe that they could rely on top down policy to drive this institutional change. They well understood the city had no jurisdiction over any of the services that undocumented residents needed to access (such as healthcare, affordable housing, day care, social protection) as these were all under the purview of Ontario.

Janet Davis advised NOII that the Committee was stacked in their favour and included all councillors who were involved in the Education Not Deportation campaign in 2006 (the members included Maria Augimeri, Paula Fletcher, Josh Matlow, Joe Mihevc, Anthony Perruzza and Kristyn Wong-Tam). She also believed there was a chance to push something through City Council because the mayor at the time, Rob Ford, was embroiled in a large scandal. NOII activists described how they did not have hopes for a policy but 'it seemed like a golden opportunity because the mayor was so distracted with the crack scandal, amongst other things, and had lost control of council.' NOII decided not to write the bylaw quietly but to stir up many of the same stories from the late 2000s. They were able to 'write a file that reflected everything we ever wanted in terms of municipal policy without many edits' in particular it stated in non-ambiguous language that all city services should be accessible without discrimination. NOII and allies in their network went to depute at the Committee where it passed on 31st January 2013. As is described by one activist 'they were all friends. I was like you can you go and say this – that person went and read out our list of demands.' It then moved to the Council to be approved.

The framing was important and, as one activist described, became explicitly about race:

'given the Rob Ford scandal, we didn't want to get back into some of the fractious debates that were happening between the right and the left in the mid 2000s, we just framed it in terms of "are you a racist are not?" Progressive councillors strategically lobbied to make sure there was a clear majority when the vote came to council. It was one of the longest debates in City Hall because of the framing of the issue. Councillors made a point of stating their reasons were based on non-discrimination and their anti-racist values. Councillors also drew on many of their own family migration histories, "my grandfather was an immigrant and I would have wanted him to have access."

A further key framing of the policy was that it was 'reaffirming' what the City had agreed in 2005 and what city-level service providers and NGOs were already practicing. As one activist described 'we were saying to everyone, this is not a major shift in policy'. During the council vote, Mac Scott and Nate Prier were drafting amendments to the motion that they

passed to Joe Mihevc, who moved them on the council floor. There was open cooperation between NOII and progressive councillors. As a leading actor in SDFA describes:

it was very nicely managed, orchestrated, or kind of choreographed in the moment on the floor of council between, you know, my responding to questions. And then the counsellors, moving motions, that got through, quite frankly, with some of them not understanding the implications of what they were voting on’.

Some believed that the councillors did not know what they were voting for, while others believe that it was very clear. The council voted 37 to 3 in favour of the policy. Rob Ford, the mayor, voted for it. There was a clear majority but the City was not vocal on the issue and did not publicise the decision. However, NOII were tactical with the media, and as one activist described ‘very colour coordinated.’ However, it was achieved without grassroots organising particularly when compared to the amount of activity that was taking place between 2006 and 2008. One activist described the decision as legendary but ‘I say it is legendary because I think this there is a lot of myth around what is and what it actually does.’

Organisations such as OCASI had been doing a lot of work to push an ‘Access Without Fear’ policy. One key actor was to have the support of Chris Brillinger. As the Executive Director of a leading immigrant rights organisation in the province explains,

‘nothing gets through City Council without the Head of Social Planning and Finance. So that was crucial, to have Chris Brillinger on board. Without him it wouldn’t have been pushed through council. We’ve always had progressive counsellors but between 2006 and 2012 the poverty advisory group chaired by Joe Mihevc had been very close to these issues. So there were conversations happening in different places, a push externally from grassroots organizers and OCASI and then real buy-in from the City Council.’

The resulting policy passed on 20th February called ‘Undocumented Workers in Toronto.’¹¹ It makes no reference to ‘sanctuary’ and became known as the ‘Access TO’ policy in the City Administration and the immigrant sector. However, the media reported Toronto had affirmed itself as a ‘sanctuary city’ allowing undocumented migrants to access services regardless of immigration status and made comparisons between Toronto and 36 American cities including Chicago, New York and San Francisco that already have such policies.¹² The vote immediately provoked backlash from those who believed that the policy would allow ‘illegal immigrants’ to access welfare undermining ‘hard-working migrants who may have waited years to be able to access Canada legally’¹³.

The implementation and evaluation of Access TO was located in the Social Development Finance Administration under Social Policy Analysis and Research. The policy was held by one officer as part of a number of policies on their caseload and had no budget attached. The City created an ‘Access to City Services for Undocumented Torontonians Working Group.’ The measures included, clarification of the City services that can be accessed by undocumented Torontonians without fear, those that require proof of identity, and options for the City to limit the collection of immigrant/citizenship information; a training plan for City staff; clarification of the complaints process related to accessing City services; a public education campaign to raise awareness about the City’s commitment to Access

¹¹ http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2013_CD18.5

¹² <https://www.thestar.com/news/gta/2013/02/21/cisanctuarycity21.html>

¹³ Selley, 2013: <https://nationalpost.com/news/toronto/chris-selley-sorry-but-its-simply-not-possible-for-council-to-declare-toronto-a-sanctuary-for-illegal-immigrants>

Without Fear; supports to City-funded agencies to increase the role they play in increasing service Access Without Fear; and, work the City must do with other orders of government.

While the policy had passed, the municipality did not commit to the largescale resources needed to make meaningful changes. This was justified by elected members of council and the S DFA because they believed if they had included a budget line it would not have passed Council. What perhaps was a more meaningful change came in a separate piece of legislation that year on medically uninsured residents, which provided more funding for Community Health Centers. While these health centers explicitly cater for those who have just arrived and are waiting for three months to be eligible for provincial health insurance (OHIP 3 month wait provision), these centers also cater for undocumented residents of the city. However, this policy received no attention, while it could be argued that it made more of a difference to the everyday lives of undocumented residents in the city.¹⁴

NOII endeavoured to capitalise on the momentum from passing the policy and conducted a campaign to audit its implementation, resulting in the 'Solidarity City' report. Published in June 2013 the report detailed NOII's full set of recommendations. As one activist describes 'I wrote the recommendations before the study. Because we knew what we wanted to say.' In an effort to maintain pressure on the City, NOII began to campaign for Toronto ID cards. Activists described how the idea was taken directly from San Francisco. Activists from NOII were in touch with Peter Mancina, an activist-scholar in San Francisco (Mancina, 2016). He gave support and advice about how to ensure that the administrative data did not compromise undocumented residents' safety. The reason for campaigning on this topic was inspired by media attention. As one activist explained,

ID cards was one of the recommendations which we took from San Fran to the Toronto Star, and they said let's run with that recommendation because there was so many. And then everybody got super pumped and excited about it. Right? Like in the Toronto Star, everyone reads the headline. No one reads the report and then we said okay, fine. Let's do ID cards. Whatever is moving. Let's fly with it.¹⁵

However, a leading actor in S DFA was against the idea. As he explained,

the primary reason being, we cannot guarantee in anonymity. We have no constitutional standard. If the senior order of government comes along and says, we want that information, we can be compelled to provide it. In my mind, I could not look an undocumented individual in the eye or City Council and say yes, we can do this, and absolutely guarantee that we are not putting that individual at risk.

The Solidary City report also details an important issue regarding terminology. As one activist described, 'there was no sanctuary. Sanctuary was the language they use. Our work is about self-determination. It was never sanctuary. Solidarity city network did the sanctuary city campaign for a brief moment.' What is interesting is the no one apart from the media reports seemed to be using 'sanctuary' at this time. Despite not affiliating with the sanctuary city terminology, NOII activists strategically began using the language because it had gained resonance. One activist describes how the sanctuary city was conceptualised at that time,

¹⁴ City of Toronto, 2013: <https://www.toronto.ca/legdocs/mmis/2013/hl/bgrd/backgroundfile-57588.pdf>

¹⁵ Keung, 2013: https://www.thestar.com/news/immigration/2013/12/05/municipal_id_urged_for_nonstatus_torontonians.html

we came up with this new freedom to move, return stay as a kind of migrant justice. And we explain it as a contradiction and a tension. How can you have freedom to stay between indigenous people and migrants? How can you have freedom to return in places that are now colonized? How can you have freedom to move? You have to change the entire global infrastructure. So we talked about Toronto as a sanctuary city in part as a city. For it to be a sanctuary city Toronto could not be complicit in any displacement. No mining companies could be based here. No war profiteers could be based here. No climate change deniers could be based here. That's how we articulated the sanctuary city.

The aim of pushing for the policy and using the label of 'sanctuary city' was also very clearly known by organisers. As one described 'It was just kind of like the opportunity that we took. Let's just get like a clear by-law that has very clear language that we can use strategically in the future.' They managed to leverage the term in specific campaigns. For example, international students had their childcare subsidy revoked and NOII organised demonstrations of international students outside City Hall and declared publicly that the City was violating the sanctuary city policy. They also targeted specific councillors personally. As one activist recounted 'they can't handle the headline of like, so and so councillor is violating the sanctuary policy. It is a terrible line to have on twitter.' NOII were able once again to use the media to make a policy change.

While NOII activists could use the notion of the sanctuary policy to create a spectacle to push the City Council to act, City Councillors could also use the policy to their own benefit. As one activist explained,

city officials were able just to declare Toronto as a sanctuary city - whenever they were under political pressure or something, there was just like random councillors declaring their support for the sanctuary city policy. Without any policy behind it without resources being mobilised it was just part of a diversity brand that you could stamp on yourself.

This frustrated organisers and further closed the space they could leverage to push the municipality to act (see below). While some Councillors were using the sanctuary city brand, NOII highlighted that there was no municipal training on the policy let alone actively defending or encouraging its widespread implementation. As explained above, NOII was well aware of the limitations of municipal services but believed that if they could train all city staff from managers to volunteers in anti-colonial education they build a de facto 'sanctuary city' from the ground up. However, they were not given access to municipal staff training programmes. NOII organised a large rally in 2014 to highlight the lack of implementation of the policy. The City Council passed the 'Access to City Services for Undocumented Torontonians' in June 2014, which among other things required the City 'to implement a compulsory training program to inform, educate and train all appropriate City staff and volunteers regarding access to City Services for undocumented Torontonians.'¹⁶

FCJ refugee centre were commissioned to undertake an audit of city services and their implementation of Access TO. This audit of city services conducted in October 2015, showed very patchy understanding and implementation of the policy. A further City Council decision followed this report, which asked City divisions to ensure their staff were using Access TO. The City also commissioned FCJ to do training with city level staff. All those I interviewed,

¹⁶ City of Toronto, 2014:
<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2014.CD29.11>

including those from the City administration and Newcomers Office described how the training was underfunded and ineffective. A further issue in this council decision raised the issue of the Toronto Police Services Department (see below).

Once the City administration agreed to the policy, they disarmed NOII's main weapons, the spectacle of rallies and media attention, which could only be used in very specific circumstances, such as the childcare subsidy for international students. The campaign also lost momentum and interest because many believed they had 'won' and activists explained it became much harder to keep people interested in campaigning when focused on the technicalities of implementing a policy. As one activist described 'most of us lost interest and stopped being involved because it became about policy makers, NGOs and settlement agencies trying to kind of parse it out.' Fights for access to services became increasingly technical and professionalised because the fight was buried deep in complicated administrative welfare systems. These struggles were no longer spectacles demonstrating against CBSA raids but were about seemingly small administrative decisions made at the lowest levels of frontline service work or interpretations of arcane federal, provincial or municipal policy. Activists did not seem interested in this kind of work and increasingly NOII centred immigration detention, rather than access to services.

This discrepancy between gaining policy change through media interventions and demonstrations and the implementation on the ground has been identified and reflected upon by many in the movement. As one activist explains, 'we did a lot of protests we got a lot of media attention. It was a spectacle based fight. But we weren't building power.' As the implementation gaps became more visible, activists acknowledged that they had not been building an organising base. One activist explains,

so this is the thing if you think about Canada, there is no base membership. NOII has 21 members, maybe. So you've got to understand this is how organizing is done. It has to do with funding because to do a base building organization, you need to have staff that can deal with the day-to-day struggles of people. And then leadership trainings. How do you turn someone who has a problem into a member? It is a step-by-step process. You need lots of support and analysis and skills and a popular culture that allows for it.

This narrative helps to explain the changing thinking in how sanctuary is conceptualised by movement organisers. Before the Access TO ordinance their aim was to organise with frontline service providers on any site where undocumented people access services and to build coalitions between service providers and their clients. As one activist explains,

it is such a nice idea. But it didn't work. It wasn't effective. It looks great on paper. I tried it for five years, I was convinced I did lots of speeches about this is the only way. It was the only way because we thought about access fights as fights for autonomy. We said, what would it look like for shelter workers, school teachers, Food Bank workers, just to openly refuse to comply with CBSA and police along with residents? Like what would happen? And then that structure could move people to fight for disability rights or indigenous sovereignty. It wasn't supposed to be single issue.

The aim was not to change policy just for undocumented residents, but to change the culture of frontline workers. In the words of one organiser 'our thinking was for them to become anarchist.' The movement for undocumented residents in Toronto changed and shifted as organisers learnt and responded to the actions of the municipality and what seemed to affect progressive change. From experience at the Police Services Board they learnt how limited their power was to force the Police to follow their legal interpretation, but

that their power lay in their ability to create spectacle and direct bad media attention to specific individuals so that 'it became too damaging for their brand.' Then the movement turned its attention to service providers in schools, shelters and food banks. When the opportunity arose NOII became involved in passing a council resolution that would make Toronto Canada's first 'Sanctuary City.' However, as one activist now reflects, 'misstep number one, aligning yourself with an existing brand and thinking you can reshape it. Then we moved from doing policy from our base organising and mass education.' Once the Access TO policy was passed some organisers shifted their logic again. There was a lot of interest from other cities and they realised if they could get a critical mass of cities they might be able to make change at the provincial level, which would make a tangible difference because most services are provincially funded. They turned their attention to making as many cities in Canada 'sanctuary cities.' However, the logic in these cities was not the same. They were organising for access to services for undocumented people whereas the Toronto organisers' aims were much broader 'our politics was we're building up the revolution in a coordinated fashion.' In addition, they came to an understanding that a policy fight for access to services for particular communities without building power within communities would not be sustainable or effective.

A further drawback for activists was the continued reticence of the police to engage in discussion about Access TO. In 2015, NOII began specifically campaigning against the police. David Moffette, assistant professor at the University of Ottawa and Karl Gardner, a PhD candidate at York University published a report under NOII in November 2015 detailing the extent of collaboration between the Toronto Police Services (TPS) and Canada Border Services Agency (CBSA). It argued that the TPS regularly breaks its own 'Don't Ask' policy and that in any case the policy is ineffective without the 'Don't Tell' component. It also argued that the previous legal opinion produced in 2008 by the Immigration Legal Committee was still valid and reiterated that the police have a 'legal power' to share information, not an obligation to do so. Mac Scott presented this in a report to the City Council when it was discussing the findings of FCJ's audit of City Services. The City Council made recommendations for the City (through Chris Brillinger) to work with the TPS to 'clarify and articulate' police procedures, the reasons why TPS would ask for immigration statuses and how the police encourage victims and witnesses of crime without fear. At the Police Services Board, CBSA attended but said that they had not read the report that they were deputing on. However, they did confirm that Toronto Police did 90% of CBSA's enforcement work. To date the Toronto Police has not changed its stance on its 'Don't Ask' policy and refuses to work with the City Council on the issue.

Toronto becomes a 'sanctuary city'

On 31st January 2017 Mayor John Tory, called an urgent motion to City Council entitled 'Toronto for all – United as an Inclusive Sanctuary City.'¹⁷ This is the first time the term 'sanctuary city' is used in official City Council documents. It is interesting to note that the policy once again 'reaffirms' previous policy as it did when it originally passed the Access TO legislation in 2013. In addition, it states that Toronto had already 'affirmed' itself as a sanctuary city. The only place where Toronto has 'affirmed itself as a sanctuary city' was in the Toronto Star newspaper.

¹⁷ City of Toronto, 2017:
<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2017.MM24.23>

The Newcomer Office had become responsible for administering the Access TO policy in 2017¹⁸. The municipal officer responsible for Access TO stated that this declaration did not come from city staff and there was no campaigning from organisations, 'the motion didn't come through staff. It was to reaffirm Toronto as a sanctuary city. Like when we use that terminology, which was more from the political side, what they're actually doing is reaffirming the Access TO policy.'

While the Newcomer Office did not feel as though the word made a difference, 'Oh, it's just wordsmithing, it was just like a linguistic difference' they acknowledged that there is always confusion between the terms 'it was confusing. Sometimes in our staff records, we might say sanctuary city. Sometimes we flip between them. The formal policy is called 'Access to city services.' We didn't want people to get confused.' Here, the Newcomer Officer makes it clear, the term sanctuary city has a meaning that the city did not ascribe to in its formal policy. They didn't want people to get confused that the city was offering protections that it couldn't provide (within Canada's federalised governance structure municipalities are unable to make such policies). However, politicians did use the language, as did campaigners and the media. Language makes a difference as the solidarity city campaign shows (see above). The City purposefully called the policy in 2013 Access TO for vulnerable workers, not sanctuary city or solidarity city but did use the sanctuary city language in international conferences away from potential backlash from more conservative voters.

Those I interviewed had different reasons for why Tory would make such a political statement to reaffirm Toronto as a 'sanctuary city' in 2017. Grassroots organisations believed it was a response to Trump and to make a stand to contrast their own position against the United States. Whereas some in the municipal government believed it was to make a stand against Doug Ford and was a more personal position against the provincial premier. In addition to this political commitment, the Mayor asked the Newcomer Office to complete an audit of city services to re-assess the implementation of the policy. FCJ refugee centre was once again asked to complete this audit. They reported some small improvements but still a large implementation gap in applying the newly termed 'Sanctuary City' policy.

A reinvigorated sanctuary movement? Building relationships, building care.

A key narrative that emerges from service providers and bureaucrats in the city is that the sanctuary city came about through a push 'from the community and from directly affected people.' However, activists are very aware that they did not engage the community and this is used as the justification for why they did not achieve their aims (see above).

One previous NOII activist who wanted to do groundwork rather than policy, set up community dinners in January 2019 because 'sanctuary has been forgotten.' She explained how promotional posters have disappeared, managers are no longer interested in the idea

¹⁸ In 2015, following a federal government commitment to resettle to a large number of Syrian refugees to Canada, the City Council adopted the 'refugee resettlement program,' which was overseen by Toronto Newcomer Office. This office had been created in 2013 to administer the Toronto Newcomer Strategy and was primarily funded by the IRCC, a federal agency that has strict funding criteria for permanent residents only. One of the results of the refugee resettlement programme was recognition from City Council that the Newcomer Office needed resources that were not from the federal government so they could work with refugee claimants. These resources included one staff position funded by the city, which has allowed the office to expand their remit to newcomers or people without status writ large in the city.

and service providers are not aware of it. In addition, directly affected people are changing all the time and do not hold the practical information that undocumented residents need to be safe in the city:

the movement of people changes, and people move all the time. Like, I know, right now with a wave of Mexicans coming in, and they know they don't know or they think they know because they just hear things. But what we try to do is to give them the right information. There's all the people coming in all the time. If we have 10 people in the room what we are hoping is that they teach other people how to access to services.

In addition to community dinners for undocumented residents, a new organisation called S4 (Sanctuary Students Solidarity and Support Collective) was set up at the end of 2018 to support post-secondary education for undocumented students.

Other organisations have been gaining grassroots momentum, bringing together undocumented workers in Toronto, such as Butterfly, who work with migrant sex workers primarily from China and South-East Asia, and the Migrant Workers Alliance, spearheaded by previous NOII activist, Syed Hussan who coordinates the member organisation across Canada. Since the outbreak of the COVID-19 pandemic in 2020, the interconnectedness of all residents has been foregrounded. An organisation called OHIP For All, that have been active for decades (see above) capitalised on the crisis and the provincial government allowed all residents of Ontario to access all healthcare regardless of immigration status¹⁹. The Rights of Non-Status Women Network that operates in Toronto has also gained attention for highlighting the increased danger to non-status women during the pandemic both in their homes through domestic violence and in their work.²⁰ In addition, the Migrant Rights Network has been galvanised by the crisis and using previous NOII media strategies combined with grassroots organising has managed to gain a lot of public attention for regularisation programmes of undocumented workers.²¹ It remains to be seen whether the sanctuary city will be mobilised successfully in these campaigns in a post COVID-19 era.

Final remarks

Rather than calling Toronto a 'sanctuary city' from 2013 and reviewing the rise and fall of a term, this paper demonstrates how important it is to carefully analyse the exact language, who uses it, from what embedded perspective, for what purpose and how terms shift in their meaning over time and through the politics of memory.

Harsh immigration enforcement was the catalyst for the widespread public engagement and action for undocumented residents in the 2000s. What is interesting about the Toronto case, is that activists were able to leverage the international context (particularly U.S. intervention in the Middle East), and a notion of 'un-Canadian' police overreach to garner support. Public opinion for undocumented residents was therefore based on a nationalistic feeling of what Canada (and Canadians) should stand for, rather than questioning the national project.

With the passing of Access TO, the City disarmed NOII's campaigners reframing struggles for access to services as bureaucratically technical and professionalised concerns. The debate became about complicated administrative welfare systems rather than ideals of

¹⁹ Ontario Ministry of Health, 2020: <https://news.ontario.ca/mohltc/en/2020/03/ontario-expands-coverage-for-care.html>

²⁰ RNSWN, 2020: <https://rnswn.files.wordpress.com/2020/05/the-rnswn-covid-19-statement.pdf>

²¹ Migrant Rights Network, 2020: <https://migrantrights.ca/covid19/>

morality and social justice and pushing back against CBSA. NOII had also been distracted from its grassroots organising and mass education work by putting its energy into policymaking. NOII moved from anti-deportation work, to the 'sanctuary city' through access to services, and back again to anti-deportation campaigning. In pursuing the 'sanctuary city' NOII believed that they could change the social imaginary of the term or use the term as the means through which to build large-scale cultural change. They believed that mobilising the term 'sanctuary' from San Francisco and New York would create the cultural shifts they envisaged, rather than seeing that the meaning of sanctuary had emerged from the particular historical, social and cultural context in those cities. While using the term 'sanctuary city' did accomplish some of their strategic aims (such as campaigning for international students' childcare subsidy) it also gave up the term for City Councillors to use for their own ends. They could also use the term politically and benefit from Toronto being called Canada's first sanctuary city without any of the policies or resources to back up that claim. The term was also taken up in other cities with different aims.

In this paper, I have been careful to pinpoint where I have gained information and whose story and perspective I am portraying, where they began their story and why. As I mentioned at the outset, this paper is driven mostly by the memories of NOII activists. I am mindful that they may have related the most detail of events because they are very invested in this topic and were involved in highly charged and sometimes violent clashes with police. They were also perhaps more sympathetic to sharing the memories of their history with an academic researcher. I do not see these as limitations, rather important sites of further analysis that will continue to unfold.

References

- Abrams, P. (1988). Notes on the Difficulty of Studying the State (1977). *Journal of historical sociology*, 1(1), 58-89.
- Bau, I. (1985). *This ground is holy: Church sanctuary and Central American refugees*. Paulist Press.
- Bauder, H., & Gonzalez, D. A. (2018). Municipal responses to 'illegality': Urban sanctuary across national contexts. *Social Inclusion*, 6(1), 124-134.
- Buff, R. I. (2019). Sanctuary Everywhere: Some Key Words, 1945–Present. *Radical History Review*, 2019(135), 14-42.
- CBC News. (2006, July 01). Costa Rican family deported on Canada Day. *CBC News*. Retrieved from <https://www.cbc.ca/news/canada/costa-rican-family-deported-on-canada-day-1.582267>
- City of Toronto. (2005a). *Council Resolution on Support for Undocumented Workers*. Retrieved from <https://www.toronto.ca/legdocs/2005/agendas/council/cc050719/adm6rpt/cl003.pdf>
- City of Toronto. (2005b). *Support for the Efforts of the Undocumented Workers Committee*. Retrieved from <https://www.toronto.ca/legdocs/2005/agendas/council/cc050504/pofcl019a.pdf>
- City of Toronto. (2011). *The Global City: Newcomer Health in Toronto* (Action HL9.1). Retrieved from <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2011.HL9.1>
- City of Toronto. (2012). *Undocumented Workers in Toronto*. Retrieved from <https://www.toronto.ca/legdocs/mmis/2013/cd/bgrd/backgroundfile-55291.pdf>
- City of Toronto. (2013). *Medically Uninsured Residents in Toronto*. Retrieved from <https://www.toronto.ca/legdocs/mmis/2013/hl/bgrd/backgroundfile-57588.pdf>
- City of Toronto. (2014). *Access to City Services for Undocumented Torontonians* (Action CD29.11). Retrieved from <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2014.CD29.11>
- City of Toronto. (2017). *Toronto for all - United as an Inclusive Sanctuary City - by Mayor John Tory, seconded by Councillor Joe Cressy and Councillor Joe Mihevc* (Action MM24.23). Retrieved from <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2017.MM24.23>
- Collingwood, L., & O'Brien, B. G. (2019). *Sanctuary Cities: The Politics of Refuge*. Oxford University Press, USA.
- Creal, M. (2019). *A brief history of the sanctuary coalition 1993-2019*. Personal communication. On file with author.
- Crittenden, A. (1988). *Sanctuary: A story of American conscience and the law in collision*. Grove Press.
- Cunningham, H. (1995). *God and Caesar at the Rio Grande: Sanctuary and the politics of religion*. University of Minnesota Press.
- Cunningham, H. (1998). Sanctuary and sovereignty: church and state along the US-Mexico border. *Journal of Church & State*, 40, 371-389.
- Darling, J. (2010). A city of sanctuary: the relational re-imagining of Sheffield's asylum politics. *Transactions of the Institute of British Geographers*, 35(1), 125-140.
- Darling, J., Barnett, C., & Eldridge, S. (2010). City of Sanctuary - a UK initiative for hospitality. *Forced Migration Review*, 34, 46 - 47.
- Delgado, M. (2018). *Sanctuary Cities, Communities, and Organizations: A Nation at a Crossroads*. Oxford University Press.
- Gulasekaram, P., & Villazor, R. C. (2009). Sanctuary Policies & Immigration Federalism: A Dialectic Analysis. *Wayne Law Review*, 55, 1683-1704.

- Houston, S. (2019). Conceptualizing sanctuary as a process in the United States. *Geographical Review*, 109(4), 562-579.
- Hudson, G. (2019). City of hope, city of fear: Sanctuary and security in Toronto, Canada. In H. Bauder & J. Darling (Eds.) *Sanctuary cities and urban struggles*. Manchester University Press.
- Immigration and Refugee Protection Act, S.C. 2001, c. 27*. Retrieved from <https://laws-lois.justice.gc.ca/eng/acts/i-2.5/section-30-20131212.html>
- Jeffries, F., & Ridgley, J. (2020). Building the sanctuary city from the ground up: abolitionist solidarity and transformative reform. *Citizenship Studies*, 1-20. doi:10.1080/13621025.2020.1755177
- Keung, N. (2013, December 5). 'Municipal ID' urged for non-status Torontonians. *Toronto Star*. Retrieved from https://www.thestar.com/news/immigration/2013/12/05/municipal_id_urged_for_nons_tatus_torontonians.html
- Keung, N. (2020, July 31). Roma refugees' lawsuit has been settled for \$500,000. Now, their community wants an apology. *Toronto Star*. Retrieved from <https://www.thestar.com/news/gta/2020/07/29/these-roma-refugees-lawsuit-has-been-settled-for-500000-now-their-community-wants-an-apology-for-jason-kenneys-comments.html>
- Leddy, M. J., Deng, B., Deng, A., Ajax, B., & Showler, P. (1997). *At the Border Called Hope*. Harper Collins.
- Lippert, R. (2005). Rethinking Sanctuary: The Canadian Context, 1983–2003. *International Migration Review*, 39(2), 381-406. doi:10.1111/j.1747-7379.2005.tb00271.x
- Lippert, R. (2010). Wither sanctuary? *Refuge: Canada's Journal on Refugees*, 26(1).
- Lippert, R., & Rehaag, S. (2009). Sanctuary in context. *Refuge*, 26(1), 3.
- Macklin, A. (2019). *Working against and with the state: Hospitality from sanctuary to resettlement*. Personal communication. On file with the author.
- Mancina, P. (2012). The birth of a sanctuary-city: a history of governmental sanctuary in San Francisco. In *Sanctuary Practices in International Perspectives* (pp. 223-236): Routledge.
- Mancina, P. (2016). *In the spirit of sanctuary: sanctuary-city policy advocacy and the production of sanctuary-power in San Francisco, California*. (Doctor of Philosophy), Vanderbilt University.
- Migrant Rights Network. (2020). *Covid-19 response & recovery must ensure migrant rights*. Retrieved from: <https://migrantrights.ca/covid19/>
- Mitchell, T. (1991). The limits of the state: beyond statist approaches and their critics. *The American Political Science Review*, 85(1), 77-96.
- Moffette, D., & Ridgley, J. (2018). Sanctuary City Organizing in Canada: From Hospitality to Solidarity. *Migration and Society*, 1(1), 147-155.
- Mountz, A. (2003). Human Smuggling, the Transnational Imaginary, and Everyday Geographies of the Nation-State. *Antipode*, 35(3), 622-644.
- Nora, P. (1989) 'Between Memory and History: Les Lieux de Memoire.' *Representations*, 26, 7-24.
- Ontario Education Act, R.S.O. 1990, c. E.2*. Retrieved from <https://www.ontario.ca/laws/statute/90e02#BK62>
- Ontario Ministry of Health. (2020, March 20). *Ontario Expands Coverage for Care Enhanced Health Care Coverage Critical to Support Efforts to Contain COVID-19*. Retrieved from <https://news.ontario.ca/mohltc/en/2020/03/ontario-expands-coverage-for-care.html>
- Rehaag, S. (2010). Bordering on Legality: Canadian Church Sanctuary and the Rule of Law. *Refuge: Canada's Journal on Refugees*, 26(1), 43-56.

- Ridgley, J. (2012). The city as a sanctuary in the United States. In R. Lippert, S. Rehaag (Ed.), *Sanctuary Practices in International Perspectives: Migration, Citizenship and Social Movements* (pp. 219-231). New York City: Routledge.
- Rights of Non-Status Women Network. (RNSWN). (2020). *A call to action for municipal, provincial and federal authorities on their pandemic response*. Retrieved from <https://rnswm.files.wordpress.com/2020/05/the-rnswm-covid-19-statement.pdf>
- Scott, J. C. (1998). *Seeing like a state how certain schemes to improve the human condition have failed*. New Haven: Yale University Press.
- Scott, M. (2018, December 06). Montreal not a sanctuary city, but a responsible one, Plante says. *Montreal Gazette*. Retrieved from <https://montrealgazette.com/news/local-news/plante-unveils-action-plan-on-immigration/>
- Selley, C. (2013, February 22). Sorry, but it's simply not possible for council to declare Toronto a 'sanctuary' for illegal immigrants. *National Post*. Retrieved from <https://nationalpost.com/news/toronto/chris-selley-sorry-but-its-simply-not-possible-for-council-to-declare-toronto-a-sanctuary-for-illegal-immigrants>
- Squire, V., & Darling, J. (2013). The "Minor" Politics of Rightful Presence: Justice and Relationality in City of Sanctuary. *International Political Sociology*, 7(1), 59-74. doi:10.1111/ips.12009
- Villazor, R. C. (2008). What is a sanctuary. *SMUL Rev.*, 61, 133.
- Villazor, R. C. (2010). Sanctuary cities and local citizenship. *Fordham Urb. LJ*, 37, 573.
- Villazor, R. C., & Gulasekaram, P. (2018). The New Sanctuary and Anti-Sanctuary Movements. *UCDL Rev.*, 52, 549.
- Villazor, R. C., & Gulasekaram, P. (2019). Sanctuary Networks. *Minnesota Law Review*, 103, 1209 - 1283.