

Keeping Promises: The Implementation of Sanctuary City Policies in Toronto and Montreal | Graham Hudson and Mireille Paquet

Seven Canadian cities declared sanctuary city status, pledging equal access to local services and non-cooperation with federal authorities. The first city to do so was a Toronto, in 2013. Activists, City councillors and staff, professionals, and academics have since turned to Toronto as a starting point for imagining how sanctuary policies can be advocated for and implemented. But successive audits and reports show that Toronto's policy has stagnated, while those in other jurisdictions seem to be developing at a much more rapid pace. Because of its similar size and migrant population, the City of Montreal is a useful comparator in this respect. Since declaring its sanctuary status in 2017, Montreal has invested more resources into implementation than Toronto, and is already rolling out pilot projects regarding Municipal ID Cards and the legal redress of victimization in the context of labour, landlord-tenant relations, and criminal law.

Studies on implementation of sanctuary city policies are surprisingly rare. Drawing on the American experience, literature tends to focus on the normative justification for sanctuary policies and the juridical relationship between cities and federal governments. Implementation is indirectly captured through scalar interpretations, where cities displace the federal government as a key player in the governance of migration and citizenship. But this obscures the more crucial policy relationship between cities and states or provinces, which retain authority over many of the public policies that are most important to non-status migrants e.g. education, health, social assistance, labour rights. It also risks identifying the city or the local scale with municipal government, when local authority is actually shared by a plurality of semi-autonomous bodies, like health boards, school boards, police services (and civilian review bodies), library boards, transit commissions, and rights tribunals.

The purpose of this paper is to compare the implementation of sanctuary policies in Toronto and Montreal. We argue that implementation in each city is hindered by a range of local, "bottom-up" factors, including lack of inter-organizational cooperation, unsteady city-community relations, the attitudes of staff towards policy, and the coexistence and competition of multiple, local authorities. Lead staff in each city contend with these obstacles in distinctive ways, showing that the place of cities in the broader political system does not determine their

capacity to implement policy. To the contrary, implementation is more conditional on turning the legal and political pluralism characteristic of cities into an asset than on winning jurisdictional conflicts with the federal government.

The paper draws on empirical data collected from more than 50 participant interviews with City councillors and staff, Community Service Organizations, professionals (physicians, lawyers), activists, and migrants in Toronto and Montreal. It is informed by a merged legal pluralism and comparative politics theoretical perspective.