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To: "Direct to Mayor and Council - DL"

CC: "City Manager's Correspondence Group - DL"
"Singh, Sandra" <Sandra.Singh@vancouver.ca>
"Zak, MaryClare" <MaryClare.Zak@vancouver.ca>

Date: 6/25/2018 5:13:19 PM

Subject: Memo - Update on the City's Access Without Fear policy and Response to Sanctuary Health's report: "Still Waiting, Still Afraid"

Attachments: Memo - Update on City's Access Without Fear Policy and Response to Sanctuary Health Report.pdf

Dear Mayor and Council,

Please see the attached memo from Sandra Singh. The memo addresses the status of the City's Access Without Fear policy and provides a response to a recent report from the Sanctuary Health group concerning the policy and implementation. The memo also outlines next steps for implementing recommended initiatives.

If you have any questions, please feel free to contact Sandra Singh, General Manager of Arts, Culture and Community Services, at 604-871-6858 or Sandra.singh@vancouver.ca.

Best,
Paul

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MEMORANDUM

June 25, 2018

TO: Mayor and Council

CC: Sadhu Johnston, City Manager
Paul Mochrie, Deputy City Manager
Katrina Leckovic, City Clerk
Lynda Graves, Manager, Administration Services, City Manager's Office
Rena Kendall-Craden, Director, Communications
Kevin Quinlan, Chief of Staff, Mayor's Office
Naveen Girn, Director of Community Relations, Mayor's Office
Mary Clare Zak, Managing Director Social Policy and Projects

FROM: Sandra Singh, General Manager

SUBJECT: Update on the City's Access Without Fear policy and Response to Sanctuary Health's report: "Still Waiting, Still Afraid"

This memo provides an update on the City's Access to City Services Without Fear policy (hereafter referred to as Access policy) and a response to the recent release of Sanctuary Health's report (hereafter referred to as "SH report") concerning the City's Access policy.

The memo does not include responses from VPL, VPB, and VPD, which are all highlighted in the SH report, as their services are outside the scope of the City's Access policy.

BACKGROUND

Between 2014 and 2016, the Mayor's Working Group on Immigration (MWGI) worked with staff who created an engagement process that resulted in a 2016 report to Council recommending an Access to City Services Without Fear policy.

<http://council.vancouver.ca/20160406/documents/pspc3.pdf>. City Council adopted the Policy.

In addition to a recommendation to adopt the proposed Access Policy, the report also recommended six actions:

1. Creation of Access To City Services Without Fear Guidelines;
2. Align with existing City's review and complaint mechanism;

3. Provide opportunities to City staff and community organizations to learn about the policy and guidelines;
4. Implement a communication strategy to inform stakeholders and the community on the policy;
5. Support the provision of services to Vancouver residents, regardless of immigration status; and
6. Reporting and evaluation.

The Vancouver Public Library Board and the Vancouver Board of Parks and Recreation both adopted similar Access policies in the same year. The Vancouver Police Department is currently still working on an Access policy.

Highlights of the City Policy's three directives are (see *Appendix A* for details):

1. That City services will be provided regardless of immigration status, and City staff will not ask for individual's immigration status as a condition of providing city services;
2. That the City will uphold and enforce privacy legislation to ensure that personal information regarding immigration status is not requested or gathered unless required by law; and
3. That City staff are not responsible for enforcing federal immigration law and are not permitted to disclose personal information including to Canada Border Services Agency, except where this may be required in accordance with the law.

Sanctuary Health Report: *Still Waiting, Still Afraid*

In the fall of 2017, Sanctuary Health conducted an 'audit' on the City Access Policy with support from UBC students that intended to evaluate if:

- City staff in key service areas are aware of the Access policy;
- City staff act according to the directives of the policy; and
- the City has implemented the six initiatives proposed under the policy.

The SH Report cites several information sources, including a review of City website information, interviews with City staff and the MGWI co-chair, and interviews with staff at local shelters. It should be noted that shelter staff are not City employees, as shelters are operated by non-profit organizations (with financial support from BC Housing and the City).

Based on information collected from the various sources, Sanctuary Health released their report *Still Waiting, Still Afraid*

(<http://www.sanctuarycityvan.com/wp-content/uploads/2018/05/Audit-Final.pdf>) during the week of May 22, 2018 to both the media and the MWGI during a regular MWGI meeting.

Based on the students' interviews, the report authors note the following:

1. City staff are generally not aware of the Access policy;
2. The City has not implemented the initiatives recommended in the report;
3. The Vancouver Police has not yet adopted a similar policy; and
4. There is need for the City to further engage with residents with precarious immigration status.

DISCUSSION

Staff acknowledge that several of the actions have not been completed. *Appendix B* lists the actions and provides information on progress and where there are gaps. A summary of compliance and implementation of initiatives is provided below.

Compliance with policy directives:

The City protects personal privacy through compliance with the privacy provisions of the Freedom of Information and Protection of Privacy Act of BC, (FIPPA or the Act). This legislation supports the key directives. For example, the non-disclosure of personal information is governed by FIPPA. The same legislation also ensures that personal information obtained by the City cannot be shared with a third party, including Canadian Border Services Agency, without proper authorization or unless required by law. All City staff are governed by and aware of FIPPA requirements, and information about FOI and the need for compliance is posted on CityWire. Staff are not aware of any City Services that require the collection of immigration status information.

Implementation of initiatives:

The attached Appendix B outlines the status of the six initiatives and identifies further implementation. Specific timelines for addressing the outstanding actions still need to be determined within City Business Units and Boards.

Systemic change and advocacy:

The SH Report identifies lack of action in the area of informing community agencies and advocacy to other levels of government on the Access policy. As noted in the Access policy report, the City has a key role to play in ensuring every resident, including those with uncertain or no immigration status, can access City services regardless of immigration status.

Staff are aware that, as a result of Vancouver's policy, other cities and jurisdictions (e.g. Health and Schools) have expressed interest in developing similar policy. There are also key initiatives underway currently that will assist in supporting systemic change and advocacy, such as Healthy City Strategy and the Vancouver Immigration Partnership.

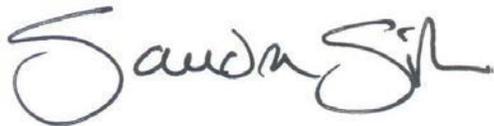
Importantly, the Mayor's Working Group on Immigration sponsored a summit on June 11, 2018 which had a focus of "Reducing Poverty for Refugees and Asylum Seekers". The Access policy was presented to 130 participants, which included City-funded groups, groups supporting asylum seekers and people with precarious immigration status, and officials from other levels of government, including Minister Shane Simpson. A significant number of summit participants were former asylum seekers and the event was intended help the City to reach out to those most affected and to advocate for improved access to services.

Further, Sanctuary Health has been engaged in the development of the City's poverty reduction plan, and the findings from that process will inform the City in further policy development and finding ways for poverty reduction for those most in need, including people with precarious immigration status.

FINAL REMARKS

While the SH Report is not entirely accurate, the critique of the City's implementation of the Access Policy and the related initiatives has some merit. Staff are poised to engage on the incomplete actions, as noted above and in the attached appendices, and the SH report's reminder that actions to support this small but very vulnerable group of residents need focussed attention is appreciated.

Please let me know if you have questions and feel free to direct them to me at sandra.singh@vancouver.ca or 604-871-6858.

A handwritten signature in black ink that reads "Sandra Singh". The signature is written in a cursive, flowing style.

Sandra Singh
General Manager
tel: 604.871.6858
sandra.singh@vancouver.ca

SS/th

Three Policy Directives:

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

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

b. Privacy of Information

The City will carefully uphold and enforce privacy legislation to ensure that any and all personal information concerning immigration status is not requested or gathered in the course of providing City services unless required by law.

The City is not aware of any City services requiring the collection of immigration status information. However, in the event that personal information concerning immigration status is required to be collected, the City will only collect same after ensuring that the person required to give it is aware of the requirement and then only in accordance with applicable privacy and disclosure laws.

c. Relationship with Canada Border Services Agency, CBSA

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

*Note: the Act can be accessed online: <http://laws-lois.justice.gc.ca/eng/acts/i-2.5/>

APPENDIX B

Six Proposed Implementation Initiatives:	Update/Comments	Completion expected
<p>1. Creation of Access To City Services Without Fear Guidelines: The effective implementation of this policy will require the creation of guidelines for City staff. The City will engage with community partners and individuals with lived experience to assist in the development of the Guidelines.</p>	<p>Not completed. Guidelines to be jointly developed between the City, VPL and VPB.</p>	<p>TBC – est. Q4 2018</p>
<p>2. Align with existing City’s review and complaint mechanism: The City’s existing review and complaint mechanism will be used to ensure no one is denied access to services based on their immigration status.</p>	<p>No action required.</p>	<p>n/a</p>
<p>3. Provide opportunities for City staff and community organizations to learn about the policy and guidelines:</p> <ul style="list-style-type: none"> a. An essential component in adopting this policy and associated guidelines is to inform relevant City staff on the policy and guidelines. This will be incorporated into current staff training. b. Further, Social Policy will inform organizations receiving City funding for the provision of community services about the policy and guidelines by sponsoring related workshop(s). <p>Feedback will be sought from individuals with lived experience.</p>	<p>The June 11, 2018 Immigration Summit provided an opportunity for City staff and community organizations to hear about the policy. Feedback from people with lived experience is being gathered from this summit and will be considered as part of the Poverty Reduction Plan and to inform future actions arising within the context of the Access policy implementation.</p> <p>ACCS and HR/EEO to work on staff roll-out, with assistance from Corporate Communications and City Clerk’s Department. Will also further discuss with VPL and VPB on a joint approach.</p> <p>A community outreach plan will be developed.</p>	<p>TBC - Communication Plan Q4 2018</p>

<p>4. Implement a communication strategy to inform stakeholders and the community on the policy: Staff will implement a communication strategy to inform stakeholders and the community about the Access policy.</p>	<p>To be completed. A communication plan will be developed for further implementation.</p>	<p>Q3 2018</p>
<p>5. Support the provision of services to Vancouver residents, regardless of immigration status: The City will continue to advocate for the needs and challenges of residents with uncertain or no immigration status to other orders of government and jurisdictions.</p>	<p>MWGI will continue advocacy work; the June 11 Immigration Summit gathered recommendations which can be shared with the City, the Province, and the Federal government.</p>	<p>Ongoing</p>
<p>6. Reporting and Evaluation The City Manager will have an annual report back to City Council on the application of this policy, any complaints received and their disposition, as well as recommendations for amendments.</p>	<p>No report to date. Appropriate reporting approach still TBD</p>	<p>First report to occur in Q2 of 2019</p>