

## Frequently asked questions (FAQs) and scenarios

### Access to City Services Without Fear

#### Policy FAQs

##### 1. Q. Why is the City implementing this policy?

- A. We know that some people don't access City services because they are in fear of being identified as undocumented, or they may not have access to their identification or paperwork. We want to make sure that every person can access our public-facing services in a safe manner, regardless of their immigration status.

Implementing this policy is a critical component of our work to create a more equitable Vancouver.

This work aims to incorporate the following principles set out by Sanctuary City Vancouver into our service delivery:

- Access to basic and essential services will be determined by need and not migration status, and;
- Access without fear.

##### 2. Q. Where are the policy guidelines and tools?

- A. You can review the City policy online: <https://policy.vancouver.ca/COUN003.pdf>. Material for City staff including these FAQs and scenarios are available on Currents (<https://currents.vancouver.ca/About/Teams/Arts-Culture-Community-Services/SitePages/access-to-city-services-without-fear.aspx>). When available, training will also be shared on the staff site.

This material is also available at <https://vancouver.ca/people-programs/access-to-city-services-without-fear-information-for-staff.aspx> (or you can scan the **QR code**) for staff who are not on the City network.



Vancouver Public Library and Vancouver Board of Parks & Recreation access without fear policies for their services are available at [vpl.ca](http://vpl.ca) and [parkboardmeetings.vancouver.ca](http://parkboardmeetings.vancouver.ca).

Vancouver Police Department guidelines for their teams are available at [vpd.ca](http://vpd.ca).

##### 3. Q. What does this policy look like in practice?

- A. The policy applies to City of Vancouver services, such as 3-1-1, community services such as street and homeless outreach, emergency operations, fire and rescue, garbage, recycling and green waste collection, permits, public hearings, and water, sewers and drainage.

Know what you need to ask, and ask no more. We have an obligation to provide safety and protect everyone's privacy:

- **Don't ask** for proof of immigration or citizenship even as a form of identification
- **Don't record** immigration status as part of registration, forms or notes
- **Don't share** personal information, unless required by law to disclose (in consultation with Privacy Office or Legal), always maintain privacy and confidentiality

**4. Q. If proof of residence is required for a City program or service, what should the process be?**

**A.** The City provides a variety of services so the answer may vary depending on what is required. Keep in mind that not everyone has access to their identification or paperwork. When we need to ask for proof of residence, explain why we request this information, for example, to confirm you live in Vancouver. Examples of ways to prove residency, include:

- Mail;
- Phone bill;
- Letter from a community organization or place of worship;
- Residential tenancy agreement; or,
- Letter from a landlord.

It's also important to advise that their address is kept confidential as personal information, and that this information is not shared with immigration or other levels of government.

**5. Q. What if I am asked by the VPD or RCMP or Canada Border Services Agency (CBSA) about a resident?**

**A.** BC's Freedom of Information and Protection of Privacy Act (FOIPPA) sets out a presumption against disclosure of personal information collected by public bodies, and provides exemptions from this general obligation in only a limited range of circumstances. We have a positive duty not to disclose immigration-related information unless we are legally compelled to do so in accordance with FOIPPA. Our actions have impacts – sharing an individual's immigration status may unintentionally cause devastating outcomes such as potential deportation, incarceration, and/or psychological and physical harm.

If you are pressured to disclose information, explain that you have a duty to protect privacy unless they have a warrant and in consultation with FOI Office or Legal. If they do not accept your answer seek help from your supervisor. Later when you see the person you can let them know that an officer was requesting their information.

**6. Q. Who is a safe person in the organization? Who can I reach out to for help?**

**A.** Reach out to your manager or supervisor. We are working to identify go-to contacts with positional power (a manager or supervisor or Access Without Fear champion) who can help an undocumented person or family navigate access to City services or programs. These contacts will be available on the [Access to City Services Without Fear Policy Currents page](#).

## Scenarios provided by Sanctuary Health

[Sanctuary Health](#) is a grassroots community group that advocates for access to services for all, regardless of immigration status or documentation.

The group has provided the following community-developed scenarios and FAQs to help City staff understand the importance of this policy and the impacts of its absence.

Some of the advice below includes community organizations that staff can direct people to; these are a couple examples of the many local organizations serving the needs of newcomers and community members.

### Scenarios - risks of accessing City services

#### Scenario A

A migrant undocumented woman depends financially on her Canadian partner as she is still in the process of sponsorship to regularize her status. Her Canadian partner is increasingly abusive and violent and despite the fear and the language barrier, she decides to call 3-1-1.

#### What not to do

The 3-1-1 staff connect her with VPD but VPD calls Canada Border Services Agency (CBSA) and although she is a victim of domestic violence, she faces detention and deportation as a consequence of the precarity of her status.

#### What to do

In a scenario like this, 3-1-1 staff should connect the woman with an organization that works to support victims of domestic violence such as, [Battered Women's Support Services](#) and [Watari](#), can offer such support. The staff can offer to follow up with the woman in a couple of days to ensure her safety.

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*“When we look for support we trust that the organization or government staff will keep our information confidential. We expect staff to be respectful and understand the consequences of calling VPD and/or CBSA and treat us with dignity, empathy and awareness.” – Migrant community member*

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#### Scenario B

A City employee discovers an overcrowded house during a fire inspection. The residents are racialized and seem nervous at the presence of a municipal official.

#### What not to do

Worried about the health and safety of the residents, the City employee calls Immigration, Refugees and Citizenship Canada (IRCC) or CBSA to ask for advice. Because the role of CBSA is to enforce immigration law and not to provide services, this call from the City employee could result in detention and deportation.

#### What to do

In this scenario, the inspector could provide the residents with contact information for an agency such as [2-1-1](#), [Watari Counselling and Support Services](#) or the [Immigration and Refugee Legal Clinic](#), for guidance on appropriate resources to access.

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*“As people with precarious immigration status, we are constantly in fear of detention and deportation. When we need to access basic services we are always hesitant and nervous even without doing anything wrong. This causes a lot of stress and has an impact on our mental, emotional and physical well being.” – Migrant community member*

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### Scenario C

A CBSA officer approaches a City homelessness outreach worker and asks where they could find an individual - they say they have important vital information to share with that person.

#### What not to do

The outreach worker tells them where to find this person. CBSA finds the individual and brings them into immigration detention to prepare for deportation. Word spreads throughout the community that City workers can't be trusted.

#### What to do

In a scenario like this, the outreach worker should know they are obligated to protect the individual's privacy. They can reach out to the individual and let them know that CBSA is looking for them and say that they have information for them.

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*“Unfortunately, we need to be very careful about where we go to access services as we don't know which places are safe, welcoming and aware of the realities of migrants with precarious status. We are constantly having to share with our community which staff, support workers and spaces we trust and will welcome us and protect our privacy and confidentiality.” – Migrant community member*

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### Scenario D

A family goes to the library to obtain a library card - they are asked for ID that shows their address.

#### What not to do

When they don't have an ID that shows their address, the worker asks why, and casually asks if they are just visiting or if they are permanent residents in Canada. This makes the family very nervous as they do not want to discuss immigration status. They decide to no longer access the library even though the library accepts alternative proof of residence such as mail, or a phone bill.

#### What to do

In this scenario, the staff member should discuss alternative proof of residence that do not require immigration status and not ask questions about immigration status.

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*“We can’t afford to risk ourselves and our families. Many times we have to make very tough decisions like not going to the doctor, it doesn’t matter if you’ve been sick for four days. Because of fear, we don’t feel confident accessing services, including City services.” – Migrant community member*

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## **Scenarios - how individuals become undocumented**

Throughout these materials we use the word undocumented so it is important to understand and raise awareness about who and how people are forced to be undocumented. The scenarios explain how people might find themselves undocumented and encourage you to consider the difficulties they face.

The scenarios also demonstrate why asking details about why people have ended up in this situation is highly inappropriate, can cause a lot of stress and can traumatize migrants.

### **Scenario 1**

You have come here to Canada to BCIT to study graphic design. After graduating, you applied for a post graduate work permit, but have not been able to get a steady job. You are a gay person and your same-sex partner and you have been living together for six months, but you are not yet ready to get married. Homosexuality is highly stigmatized in your home country. Your post graduate work permit is about to expire and you have no options to renew. Will you stay in Canada after your status is lapsed or will you go back home without any clear options for returning?

### **Scenario 2**

You cannot afford the expensive life-saving medicines that your elderly parents need. You take loans to pay money to a recruiter in your home country that promised you a job and a Canadian work permit. When you arrive, you realize you were lied to and that there is no job or work permit. You need to find a job to pay for the loans and the medicines. It would not be possible to find a job that pays enough to repay your loans in your home country. You find a job working under the table at a construction site for the last year. A piece of sharp metal from the construction site fell out and hit you above the eye causing a major lesion. You start losing blood profusely. What do you do? Do you call 9-1-1 and go to emergency knowing that you face the threat of a large medical bill and detention and deportation?

### **Scenario 3**

You have come to Canada as a visitor. You met a Canadian and had a child with them. You are in the process of spousal sponsorship. You don’t have access to a work permit or MSP, and you are financially dependent on your partner. You and your partner have been fighting a lot. Whenever you mention the idea of leaving, your partner threatens to stop your sponsorship and report you to CBSA. You fear calling the police because you are scared they will tell CBSA. You fear reaching out within the community for fear of being rejected. What do you do?

#### Scenario 4

You have come to Canada as a live-in caregiver to support your family back home. You are in Canada as a temporary foreign worker. You apply for Canadian Permanent Residence. Your work permit expires before your application for permanent residence is processed. Due to COVID-19, the family that you have been working for, and living with, says that they cannot continue to employ you. You have found a new family willing to employ you, but you cannot work for them due to the conditions of your work permit putting your application for permanent residence at risk. If you were to return to your home country, it would nullify your application for permanent residence. What do you do?

#### Scenario 5

You are a family of four fleeing your home country because you are afraid of the violence. You found a dead body at the side of your house and one of your neighbours was abducted. You hear stories of children being kidnapped for ransom. You arrived on a visitor record, which expired, and have not applied for any status. You have now been residing in Canada for two years without any immigration documents. If you make a refugee claim, you would have to prove you face personalized risk not faced generally by other individuals in your home country. You are considering applying for permanent residence on humanitarian and compassionate (H&C) grounds, however acceptance rates for H&Cs are low (and getting lower). Do you apply through the H&C process knowing that the CBSA may know your whereabouts, having an application in process does not stop removal, and there is little chance you will be accepted?

#### Scenario 6

A young family arrives in Canada. The father has a work permit tied to their employer and the other family members' immigration status is dependent on the father's permit. They welcome another baby into their family. The father's employer has told him how essential he is to the company, and they are expecting that their employer will help them apply to extend their work permits. The father has an accident at his workplace. He suffers a major injury that requires surgery and therapy. As he can no longer work, the employer is no longer interested in helping them to extend their work permits. When their permits expire, their WorkSafeBC compensation stops. The family decides to stay because they want a better life for their children including their newborn Canadian baby.

#### Migrant community quotes:

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*"We are constantly living in uncertainty about what would happen if the only one that works in my family is detained. Maybe one of us will be deported and be separated from our family."*

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*"I had to take my son to the emergency room, and I was asked many personal questions about my status, they made me very nervous. I wanted to run away, but my son needed medical attention."*

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*“I had to take my son to the emergency room, and I was asked many personal questions about my status, they made me very nervous. I wanted to run away, but my son needed medical attention.”*

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*“We remain silent and suffer from physical, labour, emotional, racial abuse because of our fear of facing detention and deportation.”*

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*“Some people in our community avoid essential services (healthcare, going to the community centre, etc.) because staff ask personal questions when people have accents.”*

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*“There have been good experiences in organizations that support victims of violence where they provide us with all the support. However, these services must be more accessible because these supports are often not known.”*

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*“We are not criminals and we contribute to this country in meaningful ways.”*

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*“Migrant families are deserving of services like everyone else in our communities. The paths to regularize our status are often tricky and lengthy. The city staff should become a support, and a facilitator not a source of fear and risk for migrant families. We need support and information to prevent deportation while we resolve our immigration status.”*

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*“Some migrants have applied to regularize their status and have been rejected for various unfair situations. These people depend on their work in this country. Their children have been born here and never lived anywhere else.”*

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## **FAQs from Sanctuary Health**

### **Won't connecting migrants with CBSA or IRCC help them to access the resources they need to get immigration status?**

- No. CBSA's role is to enforce immigration law through deportation and detention. IRCC's role is to review and decide applications, they do not provide immigration legal advice.

### **What do you mean when you say undocumented individuals or individuals with precarious immigration status?**

- Undocumented individuals or individuals with precarious status are people who face risks of deportation and detention and are excluded from access to rights and services. Over the past twenty years, the federal government has overhauled our immigration system cutting off access to permanent residence and entrenching temporary programs.

Above are some scenarios that show some examples of precarious status and how people become undocumented.

**Why are individuals undocumented?**

- There are many different journeys of migration. See some examples in the scenarios above - how individuals become undocumented.