

Sanctuary City Organizing in Canada

From Hospitality to Solidarity

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■ **ABSTRACT:** In recent years, migrant justice organizers in Canada have developed campaigns aimed at building, legislating, and enforcing municipal commitments to alleviating and resisting the harms done by federal immigration enforcement, and ensuring migrant access to municipal services. As a result of these efforts, some cities, including Toronto, Montreal, Vancouver, and Hamilton, have declared themselves “sanctuary cities,” and campaigns centered around this concept have emerged in other localities across the country. In this article, the authors—who are themselves involved in sanctuary city organizing—reflect on the concept, and offer a critical assessment of these organizing efforts. We provide a brief history of these campaigns in Canada, discuss the impact of these policies in cities where they have been adopted, reflect on the types of politics that inform notions of sanctuary, hospitality, solidarity, and resistance, and offer some lessons for moving forward.

■ **KEYWORDS:** borders, Canada, migrant justice, municipal politics, sanctuary city, solidarity

Sanctuary cities resurfaced in political debates and in the media in 2017 as US President Donald Trump increasingly advanced an anti-immigration agenda and vowed to cut funding to American cities that have adopted such policies (Robbins 2017). Responding to the political climate south of the border, then Montreal mayor Denis Coderre had city council unanimously declare Montreal a sanctuary city in February, a symbolic gesture swiftly condemned by migrant justice organizers who feared the consequences of false promises in the absence of any plan to effectively protect people without immigration status in the city (Banerjee 2017). The symbolic but empty declaration prompted further debates among organizers about the merit of such policies for migrant justice struggles. After years of campaigns mobilizing the notion to various degrees, sanctuary city organizing in Canada is again at a crossroads.

Migrant communities, researchers, and activists in Canada are discussing sanctuary cities in the context of significant and far-reaching federal immigration law and policy changes that have increased the number of people with precarious immigration status in the country. While data is difficult to obtain, researchers agree that the expansion of temporary foreign worker programs, problems with the refugee appeals process, delays in processing applications for permanent residency, and barriers to family reunification have produced a growing population of people with precarious or undocumented status in Canada (Goldring and Landolt 2013; Sidhu 2013; Walia and Chu 2015). Activists and advocates have long been engaged in struggles around the role that local government and service providers should and should not be playing in immigration



policing and access to entitlements for migrants, including city services, emergency medical care, and education. The concept of “sanctuary city” has been a part of many of these struggles, but interest in sanctuary cities has intensified since January 2017 with the expansion of anti-immigrant policies and racism in the United States, the highly publicized arrival of thousands of asylum seekers crossing the border into Canada from the United States, and an increase in violence targeting migrant and racialized communities in Canadian cities. In these contexts, sanctuary cities are being advanced as a way to assert ideas of inclusivity and hospitality.

For about 15 years, we have contributed to some of these movements in Canada and the United States as organizers and researchers. Currently, we are involved in the Ottawa Sanctuary City Network, a grassroots organization working to ensure that city and city-funded services are accessible to all residents regardless of immigration status. As people involved in these struggles, we use this space to review these efforts, reflect on the concept of sanctuary, and offer a critical assessment of the gains made, as well as lessons to move forward. These reflections are based on collective debates that we have been having within these movements, and we see it as a contribution to our ongoing conversations (see Gardner 2017; Nail et al. 2010; Walia 2014; and interviews in Trew 2017; see also Paik 2017 for related arguments in the US context).

The article is divided into three sections. First, we provide a brief background on sanctuary cities in Canada. We show the dilemmas activists have faced and highlight how, for many of us, the passing of municipal policies was a means for organizing, not an end in itself. Second, we discuss the impact of these policies in cities where they have been adopted, reflecting on the problems encountered during the implementation phases, the role that police forces have played in resisting changes aimed at limiting their discretionary power, as well as the way our own public relations strategies have at times contributed to a discursive reproduction of the “good/bad” immigrant dichotomy. Finally, we engage with the idea of hospitality—a central theme of this special issue—and reflect on the types of politics that inform notions of sanctuary, hospitality, solidarity, and resistance. We conclude by humbly offering some lessons for future organizing, specifically arguing for a consequential and risky politics of solidarity.

Sanctuary in the Canadian Context

Sanctuary city policies were first passed in the United States in the 1980s. At the time, many Central American asylum seekers were denied protection, in part because authorities could not easily acknowledge that people were fleeing regimes supported by the American government. In line with the religious tradition of offering sanctuary—a sacred space of protection and care from the violence of the secular world—churches and faith organizations offered protection and help to Central American refugees. Initially in support of the faith-based movement, and later in the context of increased raids and deportations targeting Latino migrants, cities in California began adopting sanctuary policies in the 1980s, followed by dozens of other cities, counties, and states. In recent years, movements to establish sanctuary cities in the United States have once again emerged as a response to anti-immigrant politics and hostility towards refugees, and increased pressures for local police forces to assist with immigration law enforcement, which has traditionally been seen as a federal responsibility. It is estimated that there are currently over three hundred jurisdictions (cities and counties mostly) that have declared themselves sanctuaries or enacted various types of policy limiting collaboration with immigration enforcement (Coutin 1993; Mancina 2013; Perla and Coutin 2013; Ridgley 2008).

While there is a similar history of a religious sanctuary movement in Canada (Lippert 2005; Rehaag 2009), municipalities did not adopt such policies until recently. In Toronto, for example,

there have been sustained efforts by migrants and their allies to establish what can be considered sanctuary city policies since the early 2000s, based on the idea that people living without status should be able to access services and entitlements in the city without fear of arrest and deportation. In recent years, efforts to establish sanctuary policies have emerged in smaller cities across the country. While the recent movement draws inspiration from the US model, sanctuary city campaigns in Canada have been less connected to faith-based organizing. Nevertheless, the logics of sanctuary and hospitality rooted in faith traditions have been a part of many campaigns in Canada, which have advanced the idea that cities should be open and welcoming places for migrants, regardless of their immigration status.

We can trace back the current sanctuary city movement in Canada to efforts by Toronto-based organizers to limit collaboration between the police, various frontline service providers, and the Canada Borders Services Agency (CBSA), the agency in charge of exerting immigration control and enforcing deportation warrants. In 2006, after a 16-year-old undocumented woman from Granada was detained by Toronto police and handed over to the CBSA while reporting a sexual assault, the community organized and demanded that the Toronto Police Services (TPS) adopt a *Don't Ask, Don't Tell* (DADT) policy, whereby it would commit to never inquire into someone's immigration status and, were officers to find out, to never disclose this information or transfer a person to the CBSA. The TPS was successfully pressured into adopting the *Don't Ask* component, but the policy only applies to "victims and witnesses of crime" and does not include the essential *Don't Tell* component. This first limited victory marked the beginning of the DADT movement and the launch of targeted sector-specific campaigns to force the adoption of similar policies by school boards, food banks, and anti-violence against women organizations. While these struggles included an objective of policy reform that would standardize DADT guidelines, a key dimension to this approach was to use this objective as a means to develop relationships and build relations on the ground among residents and service providers, and to encourage a practice of non-disclosure and non-collaboration with the CBSA (Berinstein et al. 2006; Nail et al. 2010; No One Is Illegal-Toronto 2013).

When the climate seemed ripe to push for a similar policy at the city level, the Toronto Solidarity City Network formed to build popular support and lobby elected officials. As a result, a policy aimed at ensuring "access to city services for undocumented Torontonians" was adopted in 2013. The policy was based on the DADT principles and included follow-up mechanisms to assess implementation (City of Toronto 2013, 2015). While the term "sanctuary" was not used in the text or by organizers, the main Toronto daily paper claimed on its front page that the city had been declared a "sanctuary" (Keung 2013). Following Toronto, the cities of Hamilton and Vancouver adopted similar policies in 2014 and 2016 respectively, while Montreal city council passed a motion in 2017 declaring itself a "Sanctuary City" but without a policy plan to make it a reality. Around the same time, the Ottawa Sanctuary City Network launched a new campaign directly engaging the city council to push for the adoption of a city-wide policy—a move opposed by the mayor—before shifting towards more sector-specific organizing inspired by the DADT model. Similar campaigns are also developing in several other cities across the country.

A Critical Assessment of Sanctuary Cities

Local migrant justice organizing can take many forms, and decisions to engage local governments, push for the adoption of a sanctuary city policy, name it "sanctuary," "solidarity," "access without fear," or "don't ask, don't tell," and choose specific communication strategies have polit-

ical consequences. People involved in those struggles have been having ongoing reflexive conversations about the political implications of the strategies we deploy. As a means for building relationships, engaging frontline workers, advancing public awareness, and keeping the challenges faced by people with precarious immigration status on the public agenda, sanctuary city campaigns have mostly been useful tools. In terms of actual changes on the ground, however, the evidence to date suggests that half-hearted implementation by city officials and resistance by police have led to very limited results in Canada. Further, some of our own public relations strategies aimed at convincing the public and local government officials that people with precarious immigration status are “good” contributing members of our communities and deserving of protection may have, at times, reproduced problematic distinctions between “good” and “bad” immigrants, and reinforced forms of exclusion rooted in criminalization and stigmatization. While we are proud of the important victories resulting from this multifaceted movement and believe in its strategic significance, in this section we take stock of some of the problematic discursive and material outcomes in order to open up a discussion about how to move forward.

The passing of a sanctuary policy by a local government guarantees nothing, and to date in all Canadian cities where sanctuary policies were adopted (or where sanctuary declarations have been made), advocacy groups and migrant justice organizations have voiced their strong disappointment and frustration about the implementation process. Following a year-long assessment of access to services in Toronto, for example, academics from Ryerson University found that the policy was not working. The difficulty in transforming core institutional values, the lack of training for staff, the multiplicity of actors and agencies involved, and the resistance of law enforcement agencies are named as key obstacles to proper implementation (Hudson et al. 2017). Similar problems have also been documented for access to school (F. Villegas 2013), shelters (Bhuyan 2012), healthcare (P. Villegas 2013), and the police (Deshman 2009; Moffette and Gardner 2015). Without a means to enforce barrier-free access for people with precarious immigration status, and without resources for training and monitoring the implementation of such policies, they have remained largely symbolic, having minimal impact on the material conditions of people living and working in the city.

The role of municipal police in immigration enforcement in Canada is particularly concerning. In the United States, a number of police forces in so-called sanctuary cities have recognized that collaborating with immigration law enforcement interferes with their community policing efforts and campaigns to build trust with migrant communities. Police in Canada, however, have generally opposed any attempt to limit their discretionary power to check people’s immigration status and report people to the federal immigration authorities. In the case of Toronto, data obtained by one of the authors through Access to Information (ATI) revealed that despite its own policy to the contrary, the TPS regularly contacts the CBSA’s Warrant Response Center, and that over 80% of the time it is to make a “status check,” that is, to actively inquire about someone’s immigration status. According to this data, the TPS contacted the CBSA 5,146 times in 2015 (84% of those calls being for “status checks”), made 3,852 calls in 2016 (83% of them for “status checks”), and another 3,542 calls in 2017 (81% for “status check”). The proportion of calls made for status checks is similar in other Canadian cities, although they are lower in absolute numbers except for Montreal where calls have increased substantially since 2015, reaching 3,608 in 2017 (84% for “status checks”) (CBSA ATI document A-2017-20562 with the authors).¹ The CBSA files a call as a “status check” when “Law Enforcement Officers . . . call to verify the immigration status of a subject because they have a suspicion a subject may not have legal status in Canada and therefore may be of interest to CBSA” (CBSA ATI document A-2017-20562 with the authors; see also Moffette and Gardner 2015: 45). What this means, then, is that calls are

placed on the basis of racial or other forms of profiling. In other words, regardless of any policy that is on the books, local police are still actively engaging in forms of profiling and immigration law enforcement.

Municipal police forces across the country have consistently claimed—incorrectly (Immigration Legal Committee 2008; Moffette and Gardner 2015)—that they are legally compelled to report people who do not have immigration status, and that enforcing immigration law is part of their crime control and security mandates. This poses a significant challenge for sanctuary city organizing, not only because it legitimizes local police involvement in federal immigration enforcement, but because these assertions resonate with, and amplify, popular fears that undocumented migration poses a threat to national security and public safety. As organizers, we often find ourselves on defensive footing when forced to engage with these arguments, and our communication strategies to comfort the public have led to problematic assertions that can subtly reinforce divisions between “good” and “bad” immigrants and create divisions within immigrant and racialized communities.

In sanctuary city campaign materials and public statements, organizers have worked to create sympathy for migrants, often through assertions about their innocence, victimization, character, or contributions to society (e.g. “law-abiding,” “vulnerable,” “family-oriented,” “hard-working”). Some campaigns have focused on sympathetic figures and sites of intervention: women who are attempting to leave abusive and violent situations, and victims and witnesses of crimes (Nail et al. 2010). While these efforts do serve to challenge popular assumptions about the alleged criminality of people with precarious immigration status, the implication, of course, is that if migrants do transgress criminal law in some way, or do not conform to popular understandings of “vulnerability,” they would be less deserving of welcome and hospitality.

In reinforcing the division between “good” and “bad” immigrants, sanctuary city campaigns also run the risk of reinforcing broader divisions in the city. In the context of unemployment, racial profiling, and the over-policing of racialized communities in Canadian cities, anchoring sanctuary policies in the image of the hard-working or victimized migrant can undermine broader struggles to challenge racialized forms of economic marginalization and criminalization. Efforts to welcome and offer services to migrants who do not come into conflict with the law, or who work in waged labor and contribute to the city economically, serve to build broad-based support for sanctuary city campaigns, but these efforts may well be doing so at the expense of other struggles for justice in the city. If sanctuary city campaigns are going to challenge the criminalization of migrants and refugees through DADT policies, we need to think carefully about how to simultaneously challenge racialized processes of criminalization and marginalization more broadly, rather than reproducing them in our advocacy work.

In a context where symbolic appeals to welcome and hospitality offer a compelling politics for the general public, building a broad-based movement for migrant justice in the city that does not reproduce the dichotomy between deserving/undeserving residents, and prioritizes material changes to municipal policing and service provision, presents significant challenges for organizers. In the next section, we offer some ideas about ways forward that shift the focus away from ideas of sanctuary and hospitality to prioritize grassroots movement building grounded in a consequential and risky politics of solidarity.

Hospitality, Sanctuary, Solidarity

The vision of the sanctuary city as a welcoming and inclusive place has been a compelling idea around which to mobilize support for migrant justice issues, but the ideas of hospitality and

protection that are implicit in the concept of sanctuary should be approached with caution. In academic circles, hospitality—a notion central to this special issue—is often associated with Derrida (2000). In his work, hospitality is presented as an ethical radical openness to the other, and it appears as a central dimension of his vision for “cities of refuge” (Derrida 2001), a philosophical and ethical proposition that draws from Levinas’s reading of Talmudic passages (Eisenstadt 2003). This tradition can clearly be found in the faith-based commitment for engaging in sanctuary movements (Lippert 2005). But Derrida also shows how hospitality can never be complete, that it involves a host who “receives, welcomes, offers hospitality in his house” and is always premised upon the knowledge that “he maintains his own authority *in his own home*” (2000: 4; emphasis in the original).

This is problematic for two reasons. First, power relations and nationalist assumptions are not challenged. In the context of immigration policy, it is informed by what Ghassan Hage (2000: 46) calls “governmental belonging,” that is, “the belief in one’s possession of the right to contribute (even if only by having a legitimate opinion with regard to the internal and external politics of the nation) to its management such that it remains ‘one’s home.’” As informed by hospitality and protection, the notion of sanctuary risks being paternalistic and little more than a form of tolerance, where “to tolerate is not just to accept, it is to accept and position the other within specific limits and boundaries” (Hage 2000: 89). As our movements strive to question the legitimacy of state controls over movement, the framework of hospitality is problematic. Second, grounding migrant justice struggles in assertions of sanctuary, hospitality, and welcome is particularly complicated in settler colonial states like Canada, where struggles for decolonization raise important questions about who, exactly, is positioned to offer hospitality to migrants, and who should be determining the conditions of membership (Fortier 2013; Walia 2012, 2013). Many activists involved in this work have learned from Stó:lō scholar and poet Lee Maracle about Indigenous host laws and the work that needs to be done to bridge decolonial migrant justice movements and struggles for Indigenous sovereignty (Walia 2013). We cannot therefore ground our work in the notion of settler hospitality.

In some cities, bridges and alliances are being built between activists who are working on migrant justice issues and those who fight for Indigenous sovereignty and decolonization, and against anti-Black racism, police violence, and the exploitation of racialized workers. We see this as a generative site for a different kind of sanctuary politics rooted in solidarity. Activists in Toronto and Montreal, for example, have long advanced the idea of a “solidarity city” where residents themselves, including service providers, are actively involved in ensuring access to services and protection, regardless of what municipal officials or police do, or what municipal or federal policies say. This is hard work. As organizers most recently involved in a “sanctuary city” campaign in Ottawa, we saw the appeal of presenting these policy reforms as non-threatening, and as a matter of common sense grounded in notions of hospitality and sanctuary. It is a pragmatic strategy aimed at garnering popular support, one also seen in many “Refugees Welcome” campaigns across Europe and Canada in recent years. But policy reform should be a means to develop relationships, strengthen movements, and build resistance, never an end in itself. We thus need to always keep in mind the importance of developing and promoting a consequential and risky politics of solidarity. This would help us develop campaigns that focus on securing material change in access to services and protection, rely on arguments that avoid reproducing criminalization, encourage attitudes of bold non-cooperation and refusal with regard to immigration enforcement, fight racism in its extreme and subtle forms, and prioritize grassroots movement building and active resistance. Whether we are organizing in Canada or elsewhere, we need to refuse to choose between pragmatic reform and what is portrayed as idealistic radicalism. We need to put forward radical pragmatic strategies.

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■ NOTE

1. These numbers are based on records obtained in 2018. There are small discrepancies between these numbers and the data that we obtained through previous ATI requests in 2015 and 2017.

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