Report on the Experiences of Non-Status Persons Accessing City of Toronto Services

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On Behalf of the Rights of Non-Status Women Network
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BACKGROUND

The Rights of Non-Status Women Network (RNSWN) is an organized network of non-profit agencies, service providers, and community members in Toronto, Ontario. Our mandate is to address barriers to services and resources faced by non-status women through coordinated public education, knowledge exchange, and advocacy for the purpose of systemic change.

In January 2016, RNSWN was informed that the City of Toronto Ombudsman’s office was seeking feedback about the experiences of non-status persons in accessing City of Toronto services. RNSWN had long been aware of difficulties faced by non-status persons when trying to access City of Toronto services, despite the fact that the City has had a Sanctuary City Policy, for more than three years, since February 2013. Under the policy, Toronto’s services are supposed to be accessible to all Toronto residents, regardless of immigration status. Services provided by the City include affordable housing, public transit, ambulances, child care, and employment and social services. These types of services are essential to meeting the basic needs of all Toronto residents. Such services must be equally accessible to non-status persons in order to ensure their quality of life and even survival. As the City of Toronto has previously acknowledged, “Once a person becomes non-status, they have limited or no access to many essential services and supports, and can become vulnerable to employer exploitation and mental health issues.”

Ensuring that non-status persons have access to essential city services therefore helps to ensure that the well-being of non-status persons is not further and unnecessarily jeopardized.

This issue is of particular importance in Toronto, given that “While there is no current data, past reports indicate there may be between 20,000 and 500,000 non-status people living in Canada. […] It is estimated that 50% of non-status persons living in Canada reside in Toronto.” As a home to somewhere between 10,000 and 250,000 non-status persons, it is all the more urgent that the City of Toronto live up to its mandate to be a sanctuary city, so as not to further marginalize and endanger non-status residents.

For these reasons, RNSWN decided it would be important to provide feedback to the Ombudsman regarding access to city services for non-status persons. RNSWN undertook to survey its member agencies, as well as community members, so as to provide informed feedback.

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1 Please note that RNSWN does not have any on-going funding and has undertaken its research and produced this report without monetary support from any agency or person. However, this work has been made possible by the provision of space for RNSWN meetings by Springtide Resources and through the infrastructure of Willowdale Community Legal Services that was used in crafting the survey and report. Ultimately, though, it is RNSWN member agencies and individuals that generated the ideas leading to, and included in, this report, and RNSWN as a collective that had final say over the form and substance of this report. For a full list of the member agencies and individuals of RNSWN who have endorsed this, please see the end of this report.

2 Throughout this report, the term ‘non-status person’ is used to refer to persons who are in Canada without an immigration status that is recognized by the Canadian government as giving the person a legal right to remain in Canada. This includes persons whose status is precarious or uncertain.


to the City of Toronto Ombudsman regarding this critical issue. The report was submitted to the City of Toronto Ombudsman in December 2016.

Subsequently, RNSWN decided that this report may be useful to community members, service providers, and others, and so is now making available a public version of the report. This report can be circulated freely, in any form, whether hard copy or digital, and can be cited as follows:


Any questions about this report can be directed to RNSWN via our email: rightsofnonstatuswomen@gmail.com.

HOW SURVEY DATA WAS COLLECTED

A basic survey was designed by RNSWN. (See Appendix A, attached.) The survey included six questions, four of which were structured and two of which allowed for open-ended responses. The structured questions were primarily interested in asking respondents about whether they were aware of any difficulties accessing city services and, if so, why and which ones. Multiple responses to the questions were allowed. All of the questions allowed an “other:______” response if none of the provided responses were accurate. The two open-ended questions were focused primarily on how any difficulties noted above might be resolved and anecdotal examples of difficulties. The survey typically took 5 to 10 minutes to complete.

Hard copies of this survey were distributed to all attendees of the RNSWN’s “Youth, Mental Health & Self-Care Full Day Symposium” held on May 4, 2016 at the Lillian H. Smith library in downtown Toronto. The Symposium was open to both RNSWN members as well as members of the public. At the symposium, 12 attendees completed the paper survey and returned it to RNSWN. An online version of the survey was also made available electronically using the free service, SurveyMonkey, the link for which was forwarded to all members of RNSWN on July 11, 2016 and was available until July 31, 2016. Members were also encouraged to share the link with others. The survey was completed electronically by 45 people. Between the paper and electronic survey, RNSWN was able to obtain a total of 57 responses. Respondents were encouraged to keep their responses anonymous and all surveys were viewed and are being kept confidentially by the RNSWN organizing committee. None of the individual responses have been reproduced herein, in order to ensure confidentiality.
SURVEY RESULTS

1. Identities of the Respondents: Of the 57 respondents, 43 of them (75.4%) identified as service providers who assist non-status clients, 2 (3.5%) identified as service providers who do not assist non-status clients, and 12 (21.1%) identified as community members/individuals. Any of these categories may be inclusive of persons who are themselves non-status. For safety and ethical reasons, RNSWN opted not to ask people to identify themselves as non-status.

2. Difficulties Accessing City Services: Of the 57 respondents, 53 of them (93%) reported that they, their clients, or someone else they knew had difficulty accessing City of Toronto services due to lack of status, while 4 of them (7%) reported no such difficulties.

3. Which Services Were Difficult to Access: Of the 57 respondents, 55 answered this question. Their responses are summarized in the following table:

4. What Made Access Difficult: The fourth question on our survey asked respondents to identify what (if anything) made it difficult to access City of Toronto services for non-status persons. Of the 57 respondents, 54 answered this question. Their responses are summarized in the following table:

<table>
<thead>
<tr>
<th>Type of Service</th>
<th>Number of Respondents Who Reported Difficulty</th>
<th>Percent of Respondents Who Reported Difficulty</th>
</tr>
</thead>
<tbody>
<tr>
<td>Children’s Services</td>
<td>30</td>
<td>54.4%</td>
</tr>
<tr>
<td>Emergency Medical Services</td>
<td>23</td>
<td>41.8%</td>
</tr>
<tr>
<td>Employment and Social Services</td>
<td>42</td>
<td>76.4%</td>
</tr>
<tr>
<td>Municipal Licensing and Standards Services</td>
<td>11</td>
<td>20%</td>
</tr>
<tr>
<td>Public Health Services</td>
<td>32</td>
<td>58.2%</td>
</tr>
<tr>
<td>Shelter, Support, and Housing Administration</td>
<td>24</td>
<td>43.6%</td>
</tr>
<tr>
<td>Toronto Community Housing Corporation</td>
<td>36</td>
<td>65.5%</td>
</tr>
<tr>
<td>Toronto Transit Commission</td>
<td>8</td>
<td>14.5%</td>
</tr>
<tr>
<td>Other(^5)</td>
<td>11</td>
<td>20%</td>
</tr>
</tbody>
</table>

Table 2: Reported Difficulty with Regard to Immigration Status or Identity Documents

\(^5\) Of these eleven, three specifically identified Parks, Forest and Recreation Services and two specifically identified Welcome Policy Services as being problematic.
<table>
<thead>
<tr>
<th>Type of Difficulty</th>
<th>Number of Respondents Who Reported Difficulty</th>
<th>Percentage of Respondents Who Reported Difficulty</th>
</tr>
</thead>
<tbody>
<tr>
<td>Asked About Immigration Status</td>
<td>37</td>
<td>68.5%</td>
</tr>
<tr>
<td>Asked To Submit Documents About Status</td>
<td>37</td>
<td>68.5%</td>
</tr>
<tr>
<td>Asked To Provide Identity Documents Only A Person With Status Would Have (Ex. Health Card)</td>
<td>39</td>
<td>72.2%</td>
</tr>
<tr>
<td>Asked To Provide Other Documents Only A Person With Status Would Have (Ex. Tax Assessment)</td>
<td>34</td>
<td>63%</td>
</tr>
<tr>
<td>Other</td>
<td>11</td>
<td>20.4%</td>
</tr>
</tbody>
</table>

Of the respondents who indicated other difficulties, 3 specified that these difficulties included persons being provided with misinformation or a lack of information about the services, 2 specified fear of being reported for being non-status, 2 specified lacking financial capacity to access services, 1 specified negative reports from peers about accessing services, 1 specified language barriers, and 1 indicated that someone was simply refused services altogether due to lack of status.

5. Suggestions for Improving Accessibility: The fifth question on our survey asked respondents what the City of Toronto could do differently to make services easier to access. Of the 57 respondents, 38 answered this question. Overwhelmingly, the most common recommendation was that City of Toronto staff need better training in responding to the needs of non-status community members and being compliant with their own “sanctuary city” policy. Multiple respondents cited non-status people being turned away from city services for lack of documents that they cannot produce due to lack of status, or being turned away precisely because of their lack of status. According to respondents, City of Toronto staff need to know not only the City’s policies concerning access to city services for people without status, but also need basic training to be aware of and sensitive to the existence and needs of persons without status.

Other recommendations for the city included changing service policies so that staff have no reason to ask for documents related to status or documents only available to people with status and/or at least allowing for flexibility around what kind of documentation and information applicants for city services need. One respondent suggested standardizing the policies regarding information collection and identification for all City of Toronto services, presumably so non-status persons at least do not have to contend with a vast array of difficulties in accessing city services. Alternatively, another respondent suggested issuing special ID cards for persons accessing City of Toronto services so that non-status and other persons would only have to go through one intake process to confirm eligibility for a range of city services and would not need to go through a variety of application processes, each of which might ask them to provide
documents that they do not have. Numerous respondents also suggested that the city work more closely with local service providers and professional advocates so that the service providers and advocates can assist non-status clients, for example by verifying their identity, so that less or no documentation is required. Respondents also cited a need for greater awareness of eligibility for city services not only among city staff, but also among non-status communities and service providers. Interpretation services were also indicated as potentially helpful.

6. Examples of Difficulties Accessing City Services: The sixth question on our survey asked respondents for specific examples of difficulties accessing city services due to lack of status. Of the 57 respondents, 23 answered this question. Not all of their responses will be included here; however, some representative anecdotes will be paraphrased to further protect respondents’ anonymity. One respondent reported that a parent went to a City office to apply for subsidized child care and was asked by staff, in front of a full waiting room, to provide documents that they did not and would not have as a non-status person. Unfortunately, that client left without finishing their application as a result.

Furthermore, several of the responses to this question came from service providers, who reported that even when they professionally advocated on behalf of their clients, City of Toronto services still remained either difficult to access or entirely out of their clients’ reach. One respondent said that they had a client who was asked to provide proof of income and all of their family’s status documents in order to qualify for the Welcome Policy and was not given any alternatives even when they phoned with the service provider. The service provider had to elevate the concern to have the problem resolved and eventually the City accepted a letter from the provider. The service provider worried that due to language and other barriers, without advocacy, the family would not have received access to the program, even though one member needed access to exercise facilities to help manage their chronic illness.

Another service provider similarly reported that their non-status client wanted to apply for a child care subsidy and was told explicitly that they were not eligible due to their lack of status. The service provider actually had to go so far as to enlist the local city councillor for assistance. Many non-status persons do not have access to dedicated service providers who will assist them in accessing City of Toronto services and may not be able to advocate effectively on their own behalf due to language barriers, lack of knowledge of how the system works, and fear of being reported to authorities. It is troubling that non-status persons require professional assistance to access basic social services.

Sometimes even with the help of professionals, non-status persons are still unable to access City of Toronto services. One service provider reported that they called a shelter for a client experiencing domestic violence and the shelter asked for the client’s status. When the service provider asked them how relevant the information was, the client was denied a space. Another service provider reported that a non-status client of mine wished to access local parks and recreation programs to improve their health. The service provider assisted the client in filling out an application, including verification of income, but nevertheless received a letter stating they were ineligible for services because they had not included proof of income. The service provider liaised with a representative from the Parks and Recreation department. The service provider and client filled in another application with the same information and also included a
support letter from the provider indicating that in their professional opinion the client would deeply benefit from the services for health and social reasons and that they were not able to pay full cost for these programs. The client then received a call from a representative at Parks and Recreation who demanded to know why they did not have proof of annual income, such as a tax assessment and was told that the Welcome Policy is for people who are “legal” in Canada. The service provider called Parks and Recreation and after further denials by telephone, the client asked the provider cease advocating for them, for fear of persecution. The service provider noted that the situation made the client feel frightened and upset and made the provider feel angry, helpless, and embarrassed. The fact that even professional advocates are unable in some cases to secure access to City of Toronto services for their eligible non-status clients demonstrates the profound inaccessibility of the services.

Our essential finding—that non-status persons have significant difficulty accessing City of Toronto services—is consistent with those of “(No) Access T.O.: A Pilot Study on Sanctuary City Policy in Toronto, Canada,”7 which concluded that:

[T]hree years after its inception, Access T.O. remains somewhat of a pilot project, with a rather small contingent of city staff championing the ideals of the policy in the face of steep challenges and powerful counter-influences. Interview participants highlighted first and foremost that non-status migrants have not been able to consistently access municipal services, and continue to hold well-founded fear of local authorities, including police. […] Access T.O. was meant to break these barriers down by uniformly implementing an ethos of access without fear, but attention to some of the practical, institutional realities has been lacking. As a result, this objective has not been met.

LIMITATIONS OF THE RESEARCH

This study conducted by RNSWN was exploratory in nature, so has some limitations. Without any budget for the study, RNSWN relied on in-kind donations from members, such as paper for printing the surveys, and needed to use no-cost methods for producing and distributing surveys. Furthermore, without any staff of its own, RNSWN had to rely on staff from member organizations devoting whatever time to it they could manage, in additional to their regular work. These factors limited the study to surveying members of RNSWN and attendees of the RNSWN forum. Additionally, a preponderance of the respondents were service providers who assist non-status persons. The survey, therefore, is not based on a representative sample due to budgetary constraints and does not necessarily reflect the percentage of the population at large that is affected by difficulties accessing City of Toronto services. The survey also does not claim to reflect with perfect accuracy the experiences of all non-status persons, since it is probable that many non-status persons do not necessarily have access to or knowledge of RNSWN membership or forum attendance. Rather, this survey serves to verify that problems accessing city services do indeed exist, and exist in considerable numbers that strongly suggest a larger systemic problem negatively affecting non-status persons.

RECOMMENDATIONS

1) The City of Toronto Ombudsman should undertake a formal investigation of the City of Toronto’s application of its own Sanctuary City Policy.

Given that a staggering 93% of the 57 survey respondents reported that they, their clients, or someone they knew had difficulty accessing city services due to being considered non-status persons, the issue is clearly a prevalent one. It is also a deeply serious one, affecting the ability of all non-status persons residing in Toronto to access basic social services. Furthermore, it appears from the survey data that it is not a question of a simple or discrete problem that is preventing people from accessing the services. Respondents of the survey reported a vast range of problems, including being asked to provide documents regarding their status, being asked to provide documents only people with status would have, being told directly that they are ineligible because they are non-status, as well as other issues, despite the fact that non-status Toronto residents have a legal right to access services under the Sanctuary City Policy. As such, RNSWN recommends that the only appropriate response to such widespread and complex problems would be for the Ombudsman to undertake a formal investigation to determine exactly which systemic issues are preventing non-status persons from accessing city services and to make appropriate recommendations to improve the accessibility of City of Toronto services.

2) The City of Toronto should review its governing policies to determine whether they all accord with the Sanctuary City Policy.

It is unclear from the results of RNSWN’s survey whether the barriers faced by non-status persons are the result of inadequate policies or improper administration of the policies. In order to rule out the possibility that it is inadequate policies that are preventing non-status people from accessing City of Toronto services, it is necessary that the city first review its policies to determine whether there are problems there that need to be addressed.

3) The City of Toronto should ensure thorough training of its staff so that they can correctly apply city policies and so that they are attentive to the rights and the needs of non-status persons trying to access services.

Even adequate city policies will not ensure access to services for non-status persons unless the city staff who administer the policies are also administering them correctly and in a way that is aware of and sensitive to the needs of non-status persons. According to the respondents in our survey, non-status persons have experienced a range of problems in accessing services as a result of the conduct of city staff. Such problems range from non-status persons being asked to provide documents they could not possibly have as non-status people to being the subject of staff’s disbelief or derision on account of their lack of immigration status. It is therefore essential that the City of Toronto seek to better educate, train, and oversee staff with respect to administration of its policies, including the Sanctuary City Policy.

Additionally, RNSWN recommends that the City look into the feasibility of public education initiatives, including written materials that explain City policies regarding access to services for
non-status persons. This would have the two-fold benefit of making people aware of services that are available and empowering them to assert their rights. For example, in the event that City staff were to make a decision contrary to policy, the persons accessing the services could be aware of that and also direct staff to the relevant material so that the matter might be resolved easily and without the need for appeal to managerial authority, additional advocacy by service providers, or other measures that unnecessarily delay access to City services.

4) Action to address the problem of non-status persons’ access to City of Toronto services must be undertaken quickly for the sake of the health and well-being of already vulnerable and marginalized non-status persons.

It is difficult to obtain definitive statistics about how many non-status Canadians are living in poverty. However, it has been estimated that in the United States more than 80% of non-status families live below the poverty line and numerous researchers have noted the correlation between poverty and being a non-status person. In their survey answers, one respondent pointed out that: “the people I work with have had difficulties accessing these [City of Toronto] services regardless of status because of cost, waiting times, etc.; while I don’t think this is a direct result of their status, their condition of poverty is and, therefore, these services were inaccessible because of their status.” This answer is useful because it shows that, even if/when City of Toronto services are properly administered to people regardless of status, there can still be difficulties for non-status people to actually access the services because non-status people are likely to live in poverty and be accordingly constrained by the lack of access to services common to people living with low incomes. The irony, of course, is that people in poverty are also likely to have a greater need of reliable access to publicly-funded services.

Given the frequency of non-status persons living in poverty and experiencing poverty-related difficulties accessing social services, it is of even greater importance that the City of Toronto seek to administer services in a way that does not create further immigration-status-related barriers to non-status persons accessing the services. We must remember that, “for non-status immigrants, the borderline is not just at physical entry points at ports, airports, or land crossings. Rather, the border exists where and whenever they try to access social services.” It is therefore of utmost importance that City of Toronto staff implement and maintain administrative practices that make city services accessible and safe for non-status persons.

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ENDORSEMENTS

The recommendations made in this report are specifically endorsed by the following member agencies and individuals, in addition to RNSWN as a collective:

- Assaulted Women’s and Children’s Counsellor/Advocate Program (AWCCA) at George Brown College
- Cathy Schmidt
- Community and Legal Aid Services Programme at York University
- Cornelia Mazgarean, JD, LLM
- Deepa Mattoo LL.B., M.B.A
- FCJ Refugee Centre
- Gillian Reiss, JD
- Jade Wallace, B.A., M.A., Licensed Paralegal
- Migrant Mothers Project at the University of Toronto
- Nir Gepner, Lawyer
- Ontario Coalition of Agencies Serving Immigrants (OCASI)
- Rupaleem Bhuyan, PhD
- Salina Abji, PhD
- South Asian Legal Clinic of Ontario
- Springtide Resources Inc.
- Willowdale Community Legal Services