

**FROM SANCTUARY TO ABOLITION:
MIGRANT JUSTICE ORGANIZING IN TORONTO, VANCOUVER,
MONTREAL, AND OTTAWA**

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A DISSERTATION SUBMITTED TO
THE FACULTY OF GRADUATE STUDIES
IN PARTIAL FULFILLMENT OF THE REQUIREMENTS FOR
THE DEGREE OF DOCTOR OF PHILOSOPHY
GRADUATE PROGRAM IN POLITICAL SCIENCE
YORK UNIVERSITY
TORONTO, ONTARIO

NOVEMBER 2021

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ABSTRACT

In this dissertation I examine the politics, policies, and practices of sanctuary in Canada. Specifically, I offer the first comprehensive account of how migrant justice activists have understood and approached the work of building sanctuary cities in Toronto, Vancouver, Montréal, and Ottawa. I show how migrant justice activists have been crucial actors in the development and implementation of sanctuary policies and practices in Canada, despite being largely ignored in scholarly literature on the topic. Beyond an analysis of the rich grassroots theories and strategic practices that activists have developed over two decades, I discern and theorize two fundamental approaches activists have taken to building sanctuary cities: demanding “sanctuary from above” and cultivating “sanctuary from below.” Both approaches seek to increase access to services for precarious and non-status migrants, but differ in their theory of change and in practice. On the one hand, demanding sanctuary from above seeks to increase access to services by pressuring municipal governments and public service institutions to adopt sanctuary or “access without fear” policy reforms. On the other, building sanctuary from below prioritizes working directly with frontline service providers, advocates, and migrant communities to secure localized access to services, build networks of mutual aid, and cultivate a culture of solidarity with and among precarious and non-status migrants—with or without the presence of a formal sanctuary policy. I find that both approaches contain common potentials and limits that are traceable across the four cities included in this study. I argue that each approach can hold strategic and tactical value in different circumstances, but also note that the sanctuary from below approach appears to hold more potential to achieve the kinds of long-term social transformation that migrant justice activists are committed to achieving. I conclude by theorizing an abolitionist approach to sanctuary organizing. I combine elements of Black liberation, abolitionist, anti-colonial, and no borders scholarship to construct framework to both evaluate past sanctuary policies and practices, as well as offer a radical agenda for future sanctuary organizing.

DEDICATION

To all those who have fought for a world free from borders, cages, and cops

ACKNOWLEDGEMENTS

Truthfully, this dissertation would not exist without the encouragement, care, and generosity of so many people. As I reflect on all those who supported and encouraged me to get to this point, I am filled with humility and gratitude.

To begin, I am thankful for the land upon which I continue live, work, and build community. Much of this dissertation was conceptualized and written in Tkaranto, which includes both ceded territories under multiple treaties as well as unceded territories that continue to be contested. While today Tkaranto is home for many Indigenous and non-Indigenous peoples, it is a territory that has historically been stewarded by many nations, including the Haudenosaunee, Michi Saagiig Anishinaabe, Neutral, and Huron-Wendat. While conducting interviews outside of Tkaranto, I also was a guest in the traditional territories of the Musqueam, Squamish, Tsleil-Waututh, Alongquin Anishinaabe, and Mohawk nations, among others. I begin here to acknowledge my responsibilities as a settler to name and challenge ongoing colonialism in the city and country that I call home, and to continue to support collective efforts toward decolonization.

I would like to thank Ethel Tungohan for pushing me to start writing and—perhaps more importantly—finish writing this dissertation. Your guidance, feedback, and encouragement were integral to my thinking and writing as an activist-scholar. I don’t know if I would have actually completed the dissertation without your firm but gentle reminders to just keep writing. I think we both wished this was done sooner, but it is done now, and that’s what matters! I am deeply grateful for Amar Bhatia and Jakeet Singh for agreeing to join my committee so late in the game. Your insightful feedback has improved this dissertation in numerous ways. Many thanks to Adrian Smith, Peter Nyers, and Jennifer Pybus for generously serving on my examination committee. I also want to acknowledge the immense support I received from my first day at York University from the staff in the Department of Politics. Special thanks to Margo Barreto, Marlene Quesenberry, and Jlenya Sarra-DeMeo for all your support navigating York’s many labyrinthian bureaucracies.

Finding people in a doctoral program to commiserate with about doing a doctoral program is easy. But finding people will commiserate with you *and* encourage each other to finish is not. So, to Tyler Chartrand, Devin Clancy, Annelies Cooper, and Temóc Vega, thank you for the years of friendship and support. I would not have finished without you, and our unceremoniously named “clique” continues to be a deep well of love, trips, and schemes. Specifically, I want to

acknowledge what an enormous help Annelies Cooper was in encouraging me to get to the finish line. Our weekly research and writing accountability meetings for the last two years have meant a lot to me. They have been such a supportive space in times when all I wanted to do was quit. So thank you for sticking it out with me! There are many others that I was fortunate enough to find during my studies at York University that made my time there special. While I cannot hope to name everyone, I am deeply appreciative of the friendship, wisdom, and mentorship offered by Craig Fortier, Colin Hastings, and Sharmeen Khan. And to Devin Clancy, you've been an important part of this journey and thank you for always finding ways to make post-secondary education more fun than it should have been.

My time at York University was shaped greatly by my union, CUPE 3903. Some of the first organizing I did was with the union's First Nations Solidarity Working Group during my Master's program. In 2015, the first year of my PhD, CUPE 3903 went on strike, bringing me closer together with many colleagues and teaching me early on that the University was not necessarily a supportive institution for student-workers. I took on a leadership role in organizing the 2018 York University strike, which resulted in the longest post-secondary strike in Canadian history. During the strike I was working 12+ hour days, but also during this time I came out as a queer man and was briefly in-between stable housing. One space that held me tightly during all this was the Big Gay Garden, a 525 square foot garden dug "illegally" at York University's main entrance. The garden provided vegetables and flowers because, as socialist feminist Rose Schneiderman reminds us, "The worker must have bread, but she must have roses, too." So much love to the Allied Calendulas Against Bulldozing, who grew sweet tomatoes and bitter lettuce and engaged in soft crimes and hard pickets. You know who you are. Our union has its fair share of problems, but I am grateful for the many genuine, caring, and hard-working people who make CUPE 3903 one of the most militant academic unions around.

Of course, this dissertation would not have been possible without the time and wisdom offered by those who agreed to be interviewed: Yoga Acharya, Karin Baqi, Nora Butler Burke, Omar Chu, Karen Cocq, Diana da Silva, Craig Fortier, Fiona Jeffries, Mary Foster, Tracey Jastinder Mann, Farrah Miranda, David Moffette, Nate Prier, Anna Pringle, Aditya Rao, Jennifer Ridgley, Macdonald Scott, Samir Shaheen-Hussain, and Harsha Walia. Thank you for making the time. Your contributions go far beyond any quotes used, and shaped the dissertation as a whole.

It is impossible to change the world alone. To paraphrase Mariame Kaba, everything worth doing is done with other people. In addition to those named and cited in this dissertation, I am also so grateful for the organizers, troublemakers, and comrades that have taught me so much and shown me that building a new world is possible. I particularly want to acknowledge Ayesha Basit, Ciaran Breen, Tings Chak, Tyler Chartrand, Devin Clancy, Annelies Cooper, Geordie Dent, dp, Niloofar Golkar, Colin Hastings, Alie Hermanutz, Syed Hussan, Sharmeen Khan, Mercedes Lee, Laura Lepper, Terrance Luscombe, Gita Madan, Merle Davis Matthews, Maya Menezes, Phillip Morgan, Susannah Mulvale, Darlene Necan, Richard Peters, Jen Preston, Luisa Ortiz-Garza, David Ravensbergen, Regine Schmid, Stuart Schussler, Nisha Toomey, Temóc Vega, Lesley Wood. I would also like to acknowledge some comrades who left us too soon. Dave Vasey, Fariah Choudhry, Sara Hegazi, Graeme Bacque, and Aziz Choudry: each of you impacted my life in different ways. Your absences in our communities are immense. We work tirelessly to carry on your deep commitments to radical love and justice.

I am grateful for the truly generative spaces that have challenged and nourished me through this time, including: No One Is Illegal-Toronto, the End Immigration Detention Network, Upping the Anti, the #FreeGrassy Solidarity Group, the Oshkimaadziig Unity Camp, the Field of Dreamers Cooperative Softball Association, and Bathurst Local. To Andrew Stokes, Caleb Mitchell, Ryan Tinney, Mark Semple, and Phil So, thank you for the many years of friendship and encouragement. I look up to each of you (figuratively) in so many ways. Much love to my family, Zee, Karl, and Chanelle, and to my extended family, the Sapurjis. You can no longer call me a lifetime student! And to my dearest Jeffrey Ansloos, the only person other than my supervisor to read my entire dissertation (twice!), it is not an overstatement to say I would not have finished without you. Big love and gratitude.

There are inevitably many others that I have not included here who contributed in ways big and small. And while I am deeply indebted to everyone who helped me complete this work, all errors are mine and mine alone.

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Chapter 1

Introduction

It is June 10, 2014. I'm sitting in Toronto City Hall's public gallery, observing city councillors debate the adoption of *Access to City Services for Undocumented Torontonians*, a motion that includes 13 recommendations that would "ensur[e] that Torontonians without full status or full status documents have access to City services without fear" (City of Toronto, 2014). Colloquially known as a "sanctuary city" policy, the motion was a response to over a decade of migrant justice campaigns targeting various social service sectors across the city. In fact, this was not even the first time the City of Toronto had vocalized its recognition and support of the rights of precarious and non-status residents. However, past motions only "expressed support to the many thousands of undocumented workers currently living and working in the City of Toronto" (City of Toronto, 2005a) and directed City staff to conduct an "internal review" and "community consultation" to discern how to improve access to services (City of Toronto, 2013). Today, the motion in question would result in the City of Toronto becoming Canada's first "sanctuary city." What this term meant in the Canadian context depended on who you asked, but the label generally signaled a commitment to making municipal services accessible to precarious and non-status migrants by limiting when and where immigration status had to be collected by the City and/or shared with other government agencies—most notably the Canada Border Services Agency (CBSA).

This was one of the first No One Is Illegal-Toronto (NOII-TO) actions I had attended since moving back to the city. There were about 30 organizers and supporters present. We were all wearing bright yellow t-shirts that say "Build a Solidarity City" on them to demonstrate unified public support for the motion. We booed and jeered as a handful of conservative councillors recycled racist stereotypes about so-called "illegal immigrants" in their speeches opposing the policy. It became clear over the course of the debate that the weeks of mobilization carried out by the Solidarity City Network had resulted in a strong majority of councillors who would support motion. At the end of the day, *Access to City Services for Undocumented Torontonians* passed by majority vote, with 29 councillors in favour, eight opposed, and seven absent. Though the motion declined to use the "sanctuary city" label, it set the benchmark for a distinctly Canadian version of

a sanctuary city—a term much more widely used in the US context. It concretized the City’s commitment to ensuring migrants with precarious or no immigration status could access municipal services without fear of having to divulge their (lack of) status, being detained, or deported. This landmark victory represented the culmination of decades of campaigning and organizing by activists, advocates, and migrant communities across the city.

When I joined NOII-TO’s membership shortly after this historic event, I was excited to build on this achievement and continue fighting for migrant justice. However, in August 2014—just two months after the motion was passed—the Ministry of Transportation, Ontario Provincial Police, and CBSA conducted a joint immigration enforcement “blitz” in a racialized, low-income neighbourhood in Toronto, resulting in the arrest and deportation of approximately 20 migrants (Keung, 2014) and revealing the limits of the City’s supposed commitment to the safety and well-being undocumented Torontonians. Despite forcing the Ministry of Transportation to commit to no further collaboration with CBSA, we were unsuccessful in stopping the majority of migrants’ subsequent deportations. In 2015, NOII-TO worked to free Gabriel Chan—a Toronto resident who was born to a Canadian father but had not applied for citizenship yet—from immigration detention. Chan was stopped on public transit, reported to the CBSA, and detained for 38 days (Keung, 2016). Later that year, NOII-TO discovered that Toronto police officers were calling the CBSA nearly 100 times a week to conduct immigration “status checks” on people that officers suspected of not having immigration status (Moffette, 2021; Moffette and Gardner, 2015). After a multi-year campaign against the racist and unjust use of “status checks,” we had reached a frustrating stalemate with both the City and the Toronto Police Services Board. These experiences, and many others like them, quickly led me to question the value of achieving municipal “access without fear” policy in the first place.

During my years organizing alongside activists and migrants with precarious or no status in Toronto, I found that we were consistently responding to issues that were supposed to have been addressed by Toronto’s sanctuary city policy. We were accompanying migrants to advocate for access, meeting with policymakers and bureaucrats to improve policy implementation, facilitating ad hoc and unpaid trainings with front line service providers, and documenting and publicizing evidence of continued issues faced precarious and non-status migrants across the city. While we achieved modest successes in our work, hindsight reveals that following the adoption of *Access Without Fear for Undocumented Torontonians*, our work had slowly shifted in focus. We had

become more focused on critiquing and trying to correct the scope and application of the municipal sanctuary policy than on organizing directly with migrants in order to stop deportations, organize within sites of service provision, and build a collective movement committed to fighting for migrant justice. Put another way, I gradually came to feel that the more we intervened in government processes of policy development and implementation, the less effective our work became. We had been drawn into a quagmire of “community consultations” to endlessly expose the violations or non-implementation of the City’s sanctuary policy, rather than deepening our connections to precarious and non-status migrants and finding ways to build spaces of sanctuary ourselves. Our work was still important and meaningful, but it was not growing and was failing to build momentum toward the larger goals of the organization.

It was around this time that I began to conceptualize the questions that eventually led to this dissertation. I felt like NOII-TO was caught within a “space and time occupying neither the airy reaches of victory or the dreary depths of defeat but the quotidian work of reproducing ourselves on a day-to-day basis” (Khasnabish, 2020: 1724; Haiven and Khasnabish, 2014). I wanted to use this research to reflect on the different strategies that migrant justice organizations across the country had used over the years in order to revitalize our work in Toronto. I looked not only to NOII-TO’s past, but also to other cities, where local NOII chapters and many other grassroots migrant justice groups had pursued the goals of access without fear too, but sometimes used different approaches to attend to their unique contexts, which yielded different results. As a PhD student, I was also interested in using the time and what little resources that were afforded to me to benefit those struggling for radical social change beyond the halls of academia.¹ As such, I focused my research on documenting, evaluating, and synthesizing a history of sanctuary organizing—within which I include a wide array of activities within, against, and beyond the municipal policy-making process—in four Canadian cities where a majority of this work has occurred: Toronto, Vancouver, Montréal, and Ottawa.

When I began surveying the academic literature on sanctuary cities, I was struck by the dearth of studies on Canadian sanctuary cities and the near absence of analyses focusing on the rich histories of sanctuary organizing across the country. At the time, what literature there was on sanctuary cities in Canada focused on documenting the policies and practices of municipal

¹ A process that Moten and Harney (2013) describe as “undercommoning.”

sanctuary (Bauder 2017; Hudson et al. 2017; Rabben 2016), exploring legal and jurisdictional questions surrounding sanctuary (Hudson et al. 2017; Hannan and Bauder, 2015), and theorizing about sanctuary potential to produce “urban citizenship” (Vrasti and Dayal 2016) and “possibilities of urban belonging” (Bauder 2016). In terms of sanctuary organizing, much of the literature focused on church-based sanctuary incidents (Lowry and Nyers 2003; Lippert 2005; Watt 2006; Cunningham 2013), with little discussion of its gradual adoption and adaptation by secular, urban social movements and campaigns (though see Nail 2010; McDonald 2012; Walia, 2013; Scott and Thorpe 2014). I found myself reading academic articles about work that myself and NOII-TO had been involved in, but only offered a brief acknowledgement and little analysis of both the importance of activists’ work to advance struggles for sanctuary as well as the diverse approaches we had taken in trying to do so. This paralleled a broader extractive tendency within academia: where the experiences of the oppressed communities and progressive social movements are used as a resource to build academic theories, knowledge, and careers with little to no benefit or relevance to the subjects of research. Therefore, I thought my research could address this disconnect between, on the one hand, what I was reading about sanctuary cities and sanctuary organizing, and on the other, the experiences of those working toward sanctuary, access without fear, and migrant justice every day.

The history of sanctuary as a tactic within migrant justice movements in Canada is rich and diverse. Within the last two decades, there have been unique histories of sanctuary organizing and different interpretations of the value of certain approaches to building sanctuary over others across and within different cities. I was interested in these variations, not only for the sake of documenting and archiving the practices of migrant justice movements struggling across the country, but to also discern if certain approaches had been more or less effective in establishing tangible and durable improvements to the lives of precarious and non-status migrants. The existing literature often offers a one-dimensional (e.g. a focus on municipal policy development and implementation) representation of sanctuary cities, with brief and little attention paid to the variety of public and private actors that have worked in the shadows of formal municipal politics. I therefore set out to develop a research project that would document the rich and variegated histories of sanctuary organizing in major Canadian cities and analyze the potentials and challenges of different approaches to cultivating sanctuary and solidarity in Canadian cities.

Research Questions and Objectives

My dissertation is motivated by a curiosity about the different ways in which migrant justice activists in Canada have worked toward creating spaces of sanctuary alongside precarious and non-status migrants. The central question I ask, then, is what can we learn from activists' interpretations and collective practices of sanctuary in Toronto, Vancouver, Montréal, and Ottawa?

This question, while admittedly broad, allowed me to then begin theorizing and evaluating distinct approaches that activists had taken in the process of demanding and building sanctuary. Specifically, I knew that activists in Toronto, Vancouver, Montréal, and Ottawa had all—to varying degrees—intervened in municipal or institutional policy making processes in order to declare certain services or spaces “sanctuaries” for precarious and non-status migrants. In my initial research, I found that activists were consistently skeptical about engaging and lobbying large institutions and accordingly, took different approaches while doing so. This produced local and context-specific results that nonetheless could be compared, and to some degree generalized. Therefore, my second research question is interested in exploring activists' experiences and reflections on pursuing sanctuary specifically through formal and institutionalized policy making processes, an approach I describe as pursuing “sanctuary from above.” Specifically, I ask: what has been the role of activists in the consideration, adoption, and implementation of sanctuary policies by municipal governments and service-providing institutions? What are the potentials and limits of pursuing “sanctuary from above?” These questions are considered in Chapters 3 and 4 respectively.

In addition to pursuing sanctuary by demanding politicians, policymakers, and executive directors adopt a policy, activists have also worked to create sanctuary by working directly with service providers, advocates, and migrant communities to secure access to services, build networks of mutual aid, and foster new relationships of solidarity—with or without the presence of a formal sanctuary policy. This approach, what I call “sanctuary from below,” is a distinct and complementary approach to sanctuary from above campaigns, but contains its own unique potentials and challenges. As such, I also ask: how have activists worked to create “sanctuary from below?” What are the potentials and challenges of creating spaces of sanctuary not through policy, but through collective practices of solidarity and mutual aid? Chapters 5 and 6 consider these questions as they apply to working with service providers and migrant communities respectively.

The process of collecting and analyzing such a diverse range of interpretations of, approaches to, and outcomes of sanctuary organizing across Toronto, Vancouver, Montréal, and Ottawa led me to formulate a final research question. I wanted to consider what my findings might contribute to formulating new strategies and approaches to sanctuary organizing in Canada and beyond. During the writing process I fortuitously came across the concept of “abolition sanctuary” (Paik 2020), which I believe provides a much-needed and timely framework through which to identify and emphasize the most radical and effective aspects of contemporary sanctuary organizing and orient future work. Accordingly, Chapter 7 considers the future of sanctuary organizing by asking what how an abolitionist perspective can guide and advance sanctuary work specifically, and migrant justice struggles more broadly.

My dissertation therefore develops three conceptual frameworks through which to understand, analyze, and evaluate attempts to build sanctuary within, against, and outside traditional institutional policy processes. Sanctuary “from above,” “from below,” and “abolition sanctuary” are developed not only as heuristic devices to sort and evaluate different approaches, but also to offer dynamic theoretical insights into the usefulness, efficacy, and challenges associated with these approaches. This is especially important because, as many activists and activist-scholars can attest, social movements are often stuck in “crisis-mode organizing” that offers less time for strategic reflections, campaign evaluation, and collectively working to continually developing our political analysis, positions, and collective processes (Choudry, 2014; Cox and Nilsen, 2014; Dixon, 2013; Walia, 2013). Rather than primarily using my research to further academic debates about sanctuary cities in Canada, a key objective of this dissertation is to produce “movement-relevant theory,” which will be discussed further below (Bevington and Dixon 2005).

Methodology

My research focuses on how activists have approached the work of cultivating spaces of sanctuary inside and outside of municipal government. Therefore, my methodological approach purposely and explicitly privileges the experiences, interpretations, and reflections of activists involved in sanctuary organizing, rather than relying primarily on knowledge produced about sanctuary cities by politicians, city staff, or academics. As such, I situate my work within the broad approach of

“activist scholarship.” I will briefly explain this methodological commitment within my work, before elaborating on three specific ways in which it guides my research.

Activist Scholarship

In an illuminating discussion about the position and practice of the activist scholar, D’Souza (2009) begins by noting that activist scholarship can be problematic when it is about either (1) activism *in* scholarship or (2) scholarship *about* activism. Such pursuits either centre the actions of researchers working within elitist institutions or reinforce the vertical gap between the academic researcher and those who are the object of research (D’Souza 2009; Juris 2007). When applied to research on social movements, the result of such approaches is scholarship that claims to be invested in social justice and social change, but that is often inaccessible or irrelevant to the people engaged in political struggle. D’Souza (2009) argues that activist-scholars must be keenly aware of such tendencies, and use activist scholarship in a way that

turns its focus away from the *role* of academics in universities and societies, away from idealizing *all* activism as morally desirable, and turns instead to the *objectives* that the academic... wishes to achieve through the scholarship; and to the practices that are ramified in the theories they produce. The foci then shift to knowledge for what, for whom, for what kind of activism, and the ways in which institutional constraints colour our knowledge of the world (D’Souza 2009 28; original emphasis).

Accordingly, I situate my research within the questions, tensions, and problems encountered by migrant justice activists in Canada who are engaged in sanctuary organizing. Jordan and Kapoor argue that “unlike academic research... which is increasingly defined by external funding priorities (and the commercialization of research outcomes), activist research arises from immediate struggles that movements are engaged in” (2016, 140). Accordingly, this dissertation emerges directly from the struggles myself and many other migrant justice activists are engaged in with respect to cultivating sanctuary “from above” and “from below” in our respective contexts. In order to engage in activist research, the knowledge and expertise of social movements must be taken seriously and evaluated based on their own merits and limitations, and not merely subjected to academic theories and subjected to abstract models published in inaccessible journals and discussed at exclusive conferences. My methodological commitments therefore emerge from my

position as an activist-scholar with a vested interest in supporting and furthering the struggles for sanctuary, solidarity, and abolition that I am involved in.

Producing research within an academic institution that is both useful to social movements and responsive to academic debates is the challenge of activist scholarship. In response to this, Day argues

This is perhaps not as tall an order as it might seem, since *activists are already doing theory and theorists are always already political subjects*; the challenge lies in increasing our awareness and acceptance of this mutual implication, [and] in finding more ways to explore more fully the tensions it creates and the possibilities it opens up. (2005, 206; original emphasis)

Here, Day presents a core commitment within activist research: the dismantling of the border between theory and practice. As Day and many others have argued (Frampton et al. 2006; Dixon 2013; Choudry 2014) theory is not the exclusive domain of specialized academics trained in elite institutions, and political action is not only relegated to the streets. In other words, activists develop complex political perspectives, theories, and strategies through experimenting and evaluating methods of struggle, just as scholars can use their positions within academic institutions to challenge power structures and engage in partisan, political action. Activist research can therefore be understood as research that emerges from active participation in sites of political struggle, which holds a political commitment to supporting struggles for social justice.

My dissertation emerges from my socio-political position within the “anti-authoritarian current” (Dixon, 2013) and as a migrant justice activist in Toronto. I have been an active member of NOII-TO since 2014, a year after I started my doctoral program at York University. My activist and scholarly interest in sanctuary cities have unfolded along relatively parallel timelines. I have been involved in many aspects of NOII-TO’s work, but took a specific interest in campaigns focused on access without fear, sanctuary city, and ceasing police collaboration with the Canada Border Services Agency (CBSA). My position within the movements and campaigns I research in this dissertation benefits my work. My knowledge of the political and organizing context allowed me to orient my research to reflect activists’ questions about our work. It also meant I could purposely select interview participants with diverse experiences and who represented a range of approaches to sanctuary organizing. It also opened up access to archived movement resources that,

while many did not make it into the dissertation directly, informed my understanding of the range of activist approaches to building sanctuary and solidarity in cities across the country.

My position as an activist scholar may raise some questions about the partisan character of the research and therefore its ability to approach all aspects of the topic without non-judgementally. As one scholar notes “an open mind is not the same as an empty head” (Dey 2007). Put another way, activist research is not claiming to be a neutral approach (indeed, positivist claims to value-neutrality in research are almost always fraught) and in fact is very explicit with its biases. While activist research is transparent about its political commitments, this does not mean it uncritically validates social movements and indiscriminately celebrates activist practices. Instead, it begins from the perspectives and experiences of people-in-struggle (Jordan and Kapoor 2016), and explores their “practices, insights, and questions, with what they are confronting, with what they are learning and with what their knowledge is” (Kinsman 2006, 140). In doing so, activist research can explore important questions being asked by activists, critically evaluate different strategies and tactics of confrontation, and develop useful tools to further the demands of social movements. My continued accountability to the activists and organizations I engaged for this research lends some insurance as to the rigour and accuracy of my findings throughout this project. As well, by interviewing activists with a range of experience who are located across four cities, I believe I have captured a variety of perspectives among activists interested in building sanctuary and solidarity. With this in mind, my research draws on what I believe are three key methodological features of activist scholarship: participation, grassroots knowledge production, and grounded theory.

(1) Participation

First, activist scholarship seeks to dismantle the distance between scholarship and activism that is traditionally expected in social scientific research. This distance is used to frame academic research as the product of “objective” and value-neutral investigation into social phenomena from the “outside” (Frampton et al. 2006). Instead, Bevington and Dixon argue that

social movement scholars need not and in fact should not aspire to be detached from movements. Instead, the researcher’s connection to the movement provides important incentives to produce more ‘objective’ research to ensure that the researcher is providing those movements with the best possible information. (2005, 192)

As an activist scholar, I am committed to research that is derived from issues faced by social movements; that contributes to the development of movement archives, strategies, and tactics; and is ultimately useful to the activists and collectives I work alongside. My dissertation is therefore informed by elements of “participatory action research.”

Simply put, participatory action research is a methodology that believes participation in something can enrich one’s analysis of it. It involves “the establishment of ‘mutual, reciprocal, and respectful’ relationships between academics and community partners for the purpose of creating new knowledge and advancing social change (Tungohan, Levac, and Price 2020, 160). Participatory action research has been greatly influenced by radical theoretical traditions such as Marxism, feminism, anti-colonialism, and Indigenous research methodologies. These radical influences on this approach have made it an effective tool of socially engaged activist research that upholds a dual commitment to rigorous knowledge creation *and* community empowerment (Tungohan, Levac, and Price 2020; Warren et al. 2018; Kapoor and Jordan 2009). Importantly, today “there are persistent theoretical undercurrents within [participatory action research] that have continuously sought to critique and challenge the researcher–researched relation through an emphasis on the politics of participation in the research process” (Jordan and Kapoor 2016, 135). A commitment to being actively involved in the social processes that are being researched presents a welcome challenge to traditional positivist approaches within the field of political science (Goodman, Bird, and Gabel 2017). Specifically, in studies of social movements, positivist approaches produced analyses that are liable to produce apolitical and irrelevant results for people engaged in collective struggles for survival and liberation (Carroll and Sarkar 2016, 17; Bevington and Dixon 2005). This methodological orientation forms the foundation upon which the rest of my dissertation is built: my research is connected to my participation in migrant justice campaigns. I draw upon my experiences within these campaigns to guide my analysis of the potentials and limits of various approaches to sanctuary city organizing with a commitment to generating useful insights for future sanctuary campaigns.

While some participatory action research models result in formal research partnerships between universities and community organizations, I specifically draw on the value of participation and mobilizing research toward future action as my engagement with this methodology. I explicitly avoided attempts to cement formal research partnerships with the collectives whose work I discuss in this dissertation, as there is a general disposition against this,

forged by innumerable extractive experiences within activist collectives. As well, almost every activist and collective I know is stretched thin, exhausted, and is uninterested in the time and energy commitment required to engage in a formal research project partnership. I therefore used my own participation and experiences within migrant justice activist community to conduct grounded and relevant research in ways that would not divert time or resources from these organizations: I structured the project around questions already being considered by activists engaged in sanctuary organizing, and conducted targeted interviews with individuals who have extensive experience in the different domains of and approaches to sanctuary organizing. As such, this approach informs how my participation and “insider” status within the migrant justice movement in Canada is a valuable source of research direction, knowledge production, and outcome evaluation.

(2) Grassroots Knowledge Production

Second, my research prioritizes the experiences, knowledge, and analysis of people-in-struggle about the nature of the issues they face. This perspective appreciates that knowledge can be generated through engagements and confrontations with elites, governments, and ruling institutions. In other words, “social experience is taken to be the starting point of investigation, a place to start investigating the social world from outside the frameworks of the ruling class” (Frampton et al. 2006, 7). It is not, however, discerning individual experience that is the goal of this research, but rather what collective experiences confronting ruling structures and institutions can reveal about the political, economic, legal, and social organization of oppression. It is the experience of social movements acting partially “outside” ruling relations and confronting them that can reveal important insights how unjust structures function and how best to transform them. To this effect, my research explores how “sanctuary” is variably interpreted and implemented in cities across Canada from the perspective of migrant justice activists, which produces a unique and grounded perspective on the potentials and limits of different approaches to sanctuary organizing.

Accordingly, my dissertation also draws from ethnography, which is a methodological approach that focuses on examining the complexity, contingency, and relationality of people’s lived experiences that collectively shape political, economic, and social contexts (Juris and Khasnabish 2013). Beyond a commitment to “thick description” of phenomena and capturing the

politics of everyday life, ethnographic research requires the researcher to both reflexively situate themselves in their social context and focus on the complexity of the lived reality they observe, rather than instrumentally examining lived experiences to test theoretical models. Indeed, this resonates with the fact that “movement-based knowledge is largely tacit, practical and unsystematized. It is partial and situated, grounded in activist practice, fostered by concrete engagement in social struggle and embedded in specific times and places” (Conway 2004, 56). Building on the work of Dorothy Smith,² George Smith developed a unique approach to ethnography, called “political activist ethnography,” in order to specifically to engage in activist research (G. Smith 1990; Hussey 2012).

Beginning from the standpoint of everyday people engaged in activist and advocacy work, political activist ethnography seeks to conduct research through confrontations and engagements with governments and ruling institutions. A key contention of this approach is that

political confrontation provides means for activists to investigate the organizing logic of the ruling relations they oppose. By providing a concrete practice of mapping out the social relations of struggle—both the dynamics of ruling regimes and of movements themselves—political activist ethnography enables a grounded social knowledge for more effective forms of activism. (Frampton et al. 2006, 9).

Therefore, this approach does not begin from the perspective of pre-existing theories of social movement activity. Instead, it originates from the experiences and perspectives of social movement actors themselves in order to develop clearer understandings of institutionalized forms of injustice and more effective strategies to challenge them (Campbell 2006). In this sense, political activist ethnography is committed to articulating a *grassroots theory* of power and resistance, rather than another a *theory of the grassroots* that might predict or explain social movement activity.

² Dorothy Smith, a Marxist feminist scholar, has spent her career developing an important modification of the ethnographic method, called “institutional ethnography” (IE). This approach is influenced by, on the one hand, Marxist commitments to historical materialism and the role of agency in reproducing or changing structural conditions, and feminist commitments to positionality (or one’s “standpoint”) and lived experience on the other. As such, IE aims to map the social organization of a specific institutional structure outward from the standpoint of “everyday life” in order to understand how people experience and (re)produce the ruling relations of a given institutional structure through “textually mediated” practices (D. Smith, 1987). In this way, Smith makes an important commitment to situating ethnographic knowledge in the larger systems of power that structure it, warding off localized and individualized analyses devoid of a broader analysis.

While investigating the social relations of power that movements are challenging is a primary objective of this political activist ethnography, my objective in using it is not solely a technical exercise in description or mapping out the ways in which sanctuary has been effectively or inadequately implemented in different cities. Put another way, my goal is not to simply describe the innumerable ways that activists have observed municipal governments and large institutions fail to uphold commitments to sanctuary and access without fear. Instead, I follow activist-scholars who have used the methodology to “learn more about how these relations are socially organized *so they can be more effectively challenged and transformed*” (Kinsman 2006, 152, emphasis added). Indeed, I believe that this intentional focus on using research and generating theory in order to develop more effective forms of collective action is a necessary component to producing “movement-relevant” research.

Relevance is an important—and under theorized—objective or “ethic” through which to orient and evaluate research related to collective experiences of and challenges to injustice (Chewinski 2017; Luchies 2015; Flacks 2004). In his critique of the field of social movement studies, Flacks (2004) argues that the gradual professionalization of academic knowledge about social movements has moved the field further and further toward elitist, abstract, and ultimately irrelevant analyses. Indeed, Bevington and Dixon (2005, 186) argue that the result is that social movement theory is not being read by the activists who comprise the very movements being written about and debated in the halls of academia. Seeking to introduce the dimension of “relevance” into theories of social movement activity, Flacks (2004, 138) asks: “What is all this analysis for? In what way does the validation, elaboration, and refinement of concepts provide useable knowledge for those seeking social change?” Furthermore, he wonders whether or not “our ‘findings’ about these concepts actually provide strategic or tactical resources to those already engaged in mobilization?” (2004, 147). Introducing an “ethic of relevance” (Luchies 2015) is therefore a useful and necessary framework through which to pursue activist scholarship concerned with social movements. Rather than testing and refining academic theories and models, movement-relevant theory “develop[s] through the consideration of the present needs of social movements, the growth movement-minded methodologies to guide future research, and the recovery of what is most useful from the past” (Bevington and Dixon 2005: 201). Indeed, the theories, analyses, and experiences generated through organizing and struggle—as my dissertation shows—produces brilliant, complex, and useful forms of knowledge not only for other activists

but for scholars and practitioners interested in evaluating and improving institutional policies and practices. The goal of producing movement-relevant theory is present throughout this dissertation and will be further elaborated through a discussion of the methodology and methods used to conduct my research.

I draw upon political activist research in order to derive important insights from my own and my peers' experiences organizing for sanctuary in our respective cities. As such, this dissertation contains elements of autoethnography, but is not structured as one. Instead, this orientation allows me to map how sanctuary is "socially organized" at the level of municipal policy, while also producing a rich understanding of the potentials and challenges of different approaches to building sanctuary. Instead of an outsider's analysis of the municipal policy process, legal frameworks, politicians' intentions, or city staff's interpretations related to sanctuary city policies, which already exist, I approach my research from the position of confrontations with powerful institutions and systems of injustice, with the goal of developing a grassroots perspective to enrich our understanding of sanctuary in Canada. In doing so, I draw from my own experiences within sanctuary campaigns, alongside centring the voices of migrants and activists who are working to cultivate sanctuary every day. And so, given its specifically activist standpoint and commitment to both *mapping* power relations in order to better inform radical and transformative *action*, political activist ethnography offers an invaluable set of methodological commitments through which to engage in activist-research.

(3) Grounded Theory

A grounded theory approach (Charmanz 2006) inverses a typical social scientific approach to research that chooses, collects, and analyzes data from a specific theoretical framework using pre-existing concepts. When researchers use grounded theory, they construct a set of subjective meanings, concepts, and theories from the "raw" data they have collected. A specifically constructivist approach to grounded theory, then, acknowledges and foregrounds the subjective and already-political nature of both the researcher's and participants' understanding of the world around them. I draw upon elements of the grounded theory approach to remain consistent with a central commitment of activist scholarship: to develop an analysis that is reflective of and relevant to activists interested in building sanctuary.

Emphasis is placed on the researcher reflecting on their standpoint in relation to the data, requiring them to explicitly note their pre-existing biases, which affect the collection and analysis of data. Indeed, Bryant (2014, 125) argues that

an explicitly constructivist standpoint does impact the research itself, since data collection will necessarily involve researchers taking account of people's meanings, intentions, actions, and interpretations both in terms of actually engaging with participants— using interviews—or for other forms of data collection, such as observation. Moreover, this leads to a specifically reflective position on the part of the researcher who now has to consider his or her own participation and interaction in the research setting.

Therefore, a *constructivist* grounded theory recognizes that, in the same way that participants are understood as constructing meaning from the world around them, so too will different researchers construct different interpretations, priorities, and theories as a result of “complex interactions” with the data, language, and social context (Bryant 2014, 127).

The outcome of constructivist grounded theory can be evaluated based on four criteria (Bryant 2014, 128). First, grounded theory should have “grab,” that is, “judged in terms of its usefulness, rather than on any abstract principle of veracity.” Second, it should demonstrate “fit,” or “the need for theoretical insights to adhere to the substantive context, rather than to the predilections or biases (conscious or unwitting) of the researcher(s).” Building on the idea that grounded theory should have utility and relevance to specific contexts, Bryant argues it should also “work.” In other words, grounded theory should be “useful within specific contexts or for specific tasks” and “be able to offer explanations and insights that perhaps previously were unrecognized or implicit and also provide a basis for consideration of future actions and directions.” In contrast to rigid, hypothesis-based research, grounded theory must also be “modifiable.” In other words,

the process of conceptual discovery is not to be thought of as a once-and-for-all activity, but rather as a continuing and continuous dialogue. Thus, grounded theories have to be understood as modifiable, rather than as fixed, definitive statements for all time.

A constructivist approach to grounded theory therefore facilitates a core commitment of this dissertation: centering activists' perspectives and experiences of the process of building sanctuary

in Canadian cities. And, taken together, the three methodologies I draw from collectively form the ethical foundations of activist research.

Methods

The primary method I used to collect research data was semi-structured interviews (Blee and Taylor 2002). I conduct 19 interviews with activists in Toronto, Vancouver, Montréal, and Ottawa. Kvale and Brinkman define semi-structured interviews as “interview[s] with the purpose of obtaining descriptions of the life world of the interviewee in order to interpret the meaning of the described phenomena” (2008, 3). The “semi-structured” nature of the interviews I conducted resonate with my research approach and objectives I have outlined above. Consider this passage from Brinkmann (2014, 286):

Compared to structured interviews, semi-structured interviews can make better use of the knowledge-producing potentials of dialogues by allowing much more leeway for following up on whatever angles are deemed important by the interviewee; as well, the interviewer has a greater chance of becoming visible as a knowledge-producing participant in the process itself, rather than hiding behind a preset interview guide. And, compared to unstructured interviews, the interviewer has a greater say in focusing the conversation on issues that he or she deems important in relation to the research project.

I approached my interviews with some basic questions in mind—such as asking activists to recall their experiences of certain campaigns, to reflect on their organizations’ successes and failures, etcetera—but allowed enough flexibility to focus on other important discussions as they arose. My experience conducting this research was that interviews were often with people I was already familiar with, and therefore proceeded more akin to “guided conversations” (Rubin and Rubin 2012)

I conducted seven interviews in Toronto, four in Vancouver, three in Montréal, and four in Ottawa. Greater parity with the number of interviews in Toronto was sought, but low levels of availability, the timeline of the research project, and the COVID-19 pandemic hindered further interview attempts. As I noted above, interview participants were chosen based on their specific experience within various sanctuary city and access without fear campaigns. While participants were asked to reflect on sanctuary organizing they were a part of, they were not asked to speak as

representatives of their organizations, nor should their comments be taken as the sole perspective on the work they discuss. Care was taken to include a wide range of knowledge and involvement in sanctuary efforts at the municipal and grassroots levels, at various historical conjunctures. After using convenience sampling identify key migrant justice activists in each city, I directly recruited 11 participants. My sampling snowballed vis-à-vis respondents suggesting additional participants. 16 interviews were conducted in-person, while three took place over the phone. Interview lengths ranged from 36 minutes to nearly two hours.

I recorded, transcribed, and then checked the written versions against each audio file to ensure accuracy. I then read and re-read each transcript to familiarize myself with the data set. From here, I imported all written transcripts into NVivo and began a first cycle of “open” or “initial” coding (Saldaña 2013; Charmanz 2006). Saldaña defines initial coding as “breaking down qualitative data into discrete parts, closely examining them, and comparing them for similarities and differences” (2013, 100). This process allowed me to determine the areas of agreement, divergence, and nuance between interview participants across different cities. As my analysis seeks to speak “relationally” rather than strictly “comparatively” (Goldberg 1991) across Toronto, Vancouver, Montréal, and Ottawa, the process of initial coding helped me group together emergent patterns, themes, and common experiences.

At this point, I employed Braun and Clarke’s (2006) “thematic analysis” method, which “is best thought of as an umbrella term for a set of approaches for analysing qualitative data that share a focus on identifying themes (patterns of meaning) in qualitative data” (Braun and Clarke, n.d.). Pushing back against tendencies in grounded theory and similar approaches to frame themes and concepts as “‘emerging’ from data as if they ‘reside’ within them,” a constructive approach to thematic analysis recognizes that “if themes “reside’ anywhere, it is in our heads; from our thinking about the data and creating links as we understand them (Braun and Clarke 2006, 80; Braun and Clarke 2019; Ely et al. 1997). Therefore, thematic analysis

acknowledge[s] the ways individuals make meaning of their experience, and, in turn, the ways the broader social context impinges on those meanings, while retaining focus on the material and other limits of “reality.” Therefore, thematic analysis can be a method that works both to reflect reality and to unpick or unravel the surface of “reality.” (Braun and Clarke 2006, 81)

Therefore, it is important to acknowledge that my own interests, priorities, and perspectives as an activist scholar directly involved and invested in the sanctuary organizing I research undoubtedly informed my identification of themes and concepts within my data.

Accordingly, I began to interpret the experiences of activists and constructed common themes across the four cities. Specifically, I found evidence of two broad approaches to sanctuary organizing that activists shared in common across each city, which I framed as sanctuary “from above” and “from below” approaches. Following Braun and Clarke, I believe each approach “captures something important about the data in relation to the research question, and represents some level of patterned response or meaning within the data set” (2006, 82). These two approaches form the foundation of my dissertation, and operate as a way to connect and theorize different ways in which activists have sought to build sanctuary in their respective cities.

At this point I started a second cycle of coding, specifically “pattern coding” (Saldaña 2013, 209). This involved going back through each interview transcript to populate the “sanctuary from above” and “sanctuary from below” themes I constructed after the first cycle of initial coding. Miles and Huberman define pattern codes as “explanatory or inferential codes, ones that identify an emergent theme, configuration, or explanation [that] pull together a lot of material into a more meaningful and parsimonious unit of analysis” (1994, 69). Specifically, I collected activists’ experiences advocating for sanctuary to politicians, city staff, management within service providing institutions under the theme of seeking “sanctuary from above.” Conversely, I collected activists’ experiences creating sanctuary in ways that did not depend on municipal governments or public service institutions to cultivate safe access to services under the theme of building “sanctuary from below.”

I found that activists often embedded evaluations within their discussions of each approach. I therefore constructed a variety of sub-themes to try to capture further patterns within each theme, which I eventually noticed could be grouped into discrete “potentials” and “limits” of sanctuary “from above” and “from below.” Within these sub-themes, there were illustrative examples, normative reflections, and evaluations of the strategic value and pitfalls of each approach, which I used to clearly delineate and theorize each theme. From here, I followed the “analytic process” of thematic analysis, which

involves a progression from description, where the data have simply been organized to show patterns in semantic content, and summarized, to interpretation, where there is an attempt to theorize the significance of the patterns and their broader meanings and implications, often in relation to previous literature (Braun and Clarke 2006, 84).

Thematic analysis was therefore a helpful method of organizing my data into themes that allowed me to compare, contrast, and synthesize experiences of sanctuary organizing across all four cities included in my research. This approach resists constructing the organizing in each city as isolated from developments in other cities, and allowed me to evaluate each approach to sanctuary in less constrained and more holistic ways. The themes that I constructed from the data form the basis of Chapters 4, 5, and 6.

Alongside this “inductive” approach to coding and thematic analysis—in which I constructed codes, themes, and concepts from my data—over the course of my research I also encountered a novel concept in Paik’s (2017) article, *Abolitionist Futures and the US Sanctuary Movement*. In it, Paik sketches the concept of “abolition sanctuary,” which I found resonated strongly with some of the more radical approaches and political analyses that many of my interview participants espoused. Combined with the meteoric rise in public and scholarly interest in abolition spurred by the global response to the police killing of George Floyd in Minneapolis, I became interested in further developing this concept. My interviews were already completed at this point, so I returned to my interview data once more to find key instances where activists discussed examples, reflections, and political analysis that aligned with an abolitionist approach to sanctuary. This “deductive” approach, or what Braun and Clarke (2006) call “theoretical thematic analysis,” forms the basis of Chapter 7.

Beyond interview data, I collected key policy documents from municipal governments, public service institutions, and police boards to establish the formal or “official” discourses on sanctuary in each of the four cities included in my research. As well, news media accounts of the campaigns and actions described throughout my dissertation were used to correlate various experiences that activists recalled in me in interviews. I contrasted these formal documents with social movement resources—website content, press releases, grassroots media, videos, pamphlets, public education and workshop materials, research reports, independent audits, etcetera—which are differentiated from scholarly, government, and media sources as “grey literature” (Rothstein

and Hopwell 2009). Social movement media provided important context and framing through which to contextualize and compliment interview data.

Research Context

The need for sanctuary is a product of a world carved up into nation-states, where the most wealthy and powerful states continue to entrench deeply capitalist, racist, hetero-gendered, and ableist immigration regimes. As long as humans have lived, we have moved. But nation states, borders, and citizenship are modern inventions that seek to control, limit, and exploit our movement. Indeed, it bear emphasizing that contrary to popular assumptions, borders do not exist to simply stop movement. Instead, borders are a method of classifying, managing, filtering, and redirecting movement. Nation states use borders as a method of “differential inclusion” (Mezzadra and Nielson 2013) and a justification for the governmental protection of some, and exclusion and exploitation of the rest. Wealthy and powerful countries are also implicated in the global expansion and intensification of capitalism, which violently displaces millions of poor and racialized migrants from their homes. This global system that produces dual processes of displacement and border fortification is what Walia (2013) conceptualizes as “border imperialism.” She argues that border imperialism possesses four key features that collectively produce migrant precarity:

first, the free flow of capitalism and dictates of Western imperialism that creative displacements, while simultaneously securing Western borders against the very people who capitalism and empire have displaced; second, the process of criminalizing migrants through their construction as deviants and illegals, which also ensures profits for companies that receive contraction for border militarization and migrant detention; third, the entrenchment of a racialized national and imperial identity with its gendered contours that has a specific embodied and material impacts... and fourth, the legal denial of permanent residency to a growing number of migrants to ensure an exploitable, marginalized, and expendable pool of labor. (2013, 75)

Clearly, the scope of border imperialism far exceeds the grasp of this dissertation. It is, however, the fourth aspect at Walia points to—the legislated exclusion of many migrants from being considered permanent or legitimate members of an imagined community (Anderson 1991)—that

produces the need for precarious and non-status migrants to seek sanctuary from immanent state violence.

2008 was the first year that Canada admitted more migrants through temporary work permits than through programs that would grant permanent residency (NOII-Vancouver [Coast-Salish Territories] 2015). This marked an important shift in Canada's immigration system toward conditions of temporariness for increasing numbers of migrants. This trend toward temporariness has consistently grown since then, and is forecast to continue. In 2019, Canada admitted the highest number of permanent residents in recent history, with 341,180 migrants being granted status (Government of Canada 2020). However, a record-high 404,369 migrants were also admitted that year through temporary work permits that afford little or no access to permanent residency. It is important to clarify that Canada's immigration system has "developed to the point of complexity that it is not simply about 'temporary' versus 'permanent' but rather *gradations of temporariness*," which "give differential access to permanent residency status, work permits of longer duration, rights to change occupations and other freedoms" (Chartrand and Vosko 2021, 92; emphasis added; see also Rajkumar et al. 2012). Indeed, critical scholars have consistently and convincingly shown that Canada's immigration system imposes a condition of permanent temporariness (Hennebry 2012)³ on an increasing number of migrants, who often spend periods as documented and undocumented migrants in the country (Goldring and Landolt 2013).

For many migrants in Canada the dividing line between citizen and non-citizen is therefore usually not fixed—it can be a dynamic, blurry, ever-changing process (Vosko, Preston, and Latham 2014). Put another way, "migrant trajectories of precarious legal status are non-linear, often lengthy, and can involve moments of irregularization, regularization, and illegalization," which Goldring and Landolt have conceptually compared to navigating a game of "chutes and ladders" (Goldring and Landolt 2013, 3-4). In this case, it is not necessarily accurate to discuss "undocumented" migrants in the same monolithic way it is used in the US. Instead, Goldring and Landolt (2013) and others use the term "precarious status migrants" and "non-status migrants" to

³ Goldring defines temporariness in this context as: "In the context of contemporary immigration policy and legal status, temporariness refers to state authorization to enter and remain in a country for a limited duration. Entry under a particular state defined temporary category is usually framed in relation to specific policy goals. For example, temporary workers address short-term employer and labour-market needs, student visas offer international students training and education, and refugee and other humanitarian categories offer protection and allow states to fulfill international humanitarian obligations. Temporary residence and work authorization may go hand in hand, or they may be separated as when one has the right to reside but not work, or vice versa" (2014, 220).

account for the non-linear and variously (un)documented journeys through a complex Canadian immigration system. The term “precarious and non-status migrants” is therefore used throughout this dissertation to refer to “authorized and unauthorized forms of non-citizenship that are institutionally produced and share a precarity rooted in the conditionality of presence and access” (Goldring and Landolt 2013, 3).

The dynamic and non-linear nature of precarious and non-status citizenship allow my use of “activists” and “migrant communities” to be expansive. When I used the term “activists,” I do not make a presumption about immigration status. I define migrant justice activists not by their status, but by their commitment to taking collective action in support of immigrants, refugees, and precarious and non-status migrants. When I use the term “migrant communities,” I refer to communities that share broad experiences of the social, political, economic, and cultural conditions faced by immigrants and migrants. Additionally, it should come as no surprise to the reader by now that I do not believe any human is, or can be, “illegal,” so I also occasionally use terms like “illegalized migrant,” “state-sanctioned categories of il/legality,” and point toward conditions of “deportability” when speaking about the conditions faced by precarious and non-status migrants (De Genova 2002; De Genova and Roy 2020). These terms simultaneously capture the material, lived realities of precarious and non-status migrants, while also centering the fact that these conditions are intentionally constructed by nation states and reproduced by a multitude of public and private actors in society.

In response to the governmental and institutional production of precarity for most migrants admitted into Canada each year, non-governmental organizations, advocacy groups, and social movements have sought to challenge racist and xenophobic discourses of “illegality,” campaign for immigration reform, and provide direct support precarious and non-status. Much of this work operates through what Fortier (2013) describes as “nationalist” or “assimilationist” frameworks, which seek “improvements to the lives of immigrants and refugees by resisting differentialization... by promoting multiculturalism... and by supporting the settlement needs of immigrant populations” (276). I would consider this a mainstream or advocacy-based approach to immigrant rights and resettlement work that, while important, is ultimately not the focus of my research. Though there is occasional overlap between strategies of seeking “sanctuary from above” and more mainstream approaches to immigrant rights campaigns, I am more interested in approaches taken by activists that are rooted in a political theory and practice committed to

challenging nation states, borders, and citizenships—rather than mere inclusion within these regimes (see Walia 2013; Jeffries and Ridgley 2020; Paik 2020). In this way, “sanctuary” or “access without fear” are not just demands for a universal right to safety and accessible services, they are conceptually housed within a broader commitment to dismantling the everyday borders that deem some deserving of dignity and protection (citizens), and abandon others to conditions of illegalization and deportability (non-citizens). Activists, campaigns, and organizations advance a framework that balances the need for immediate improvements to the conditions for precarious and non-status migrants with the need to challenge to the legitimacy of borders, nation states, and citizenship. I therefore reserve the term “migrant justice” for this approach, which is correspondingly the focus of this dissertation.

It was in the early 2000s that migrant justice movements began to develop a stronger presence in Canada, offering a stark departure from previous mainstream immigrant rights advocacy work. Indeed, in 2003, Wright argued that

It is clear that a “no borders/no one is illegal” politic is capturing the political imagination of many anti-globalization and anti-war activists... Tired of the racism, and not inclined to take up old defensive arguments about “the contributions of immigrants to Canada,” or indeed about the basic fairness and soundness of the immigration system... activists are elaborating a different political language. Rejecting the binaries of “good immigrant”/“bad immigrant,” “legal”/“illegal,” and “political refugee”/“economic migrant,” it is a politics that speaks both to the causes of displacement globally, and to the right of people to move across borders freely with full labour, social, and citizenship rights. It is a politics that, for some, may also be explicitly linked to an anti-national and anticolonial perspective, and one which attends to the need to bring together Aboriginal rights and im/migrant rights through a common critique of displacement, dispossession, and the power of nation-states to construct regimes of racialized citizenship. (2003, 9; see also: Wright 2013)

This particular moment gave rise to a variety of migrant justice organizations and campaigns with a distinct commitment to a no borders politic, direct action, mutual aid, and solidarity with Indigenous sovereignty struggles (Anderson, Sharma, and Wright 2009; Lowry and Nyers 2003; Walia 2013; King 2016; Fortier 2017).⁴ It is around this time that migrant justice collectives emerged in major Canadian cities and begin to define the contours of a national movement against

⁴ “No borders” is explained further in Chapter 7.

deportations, immigration detention, border securitization, and the generalized culture of racism, Islamophobia, and xenophobia that followed the attacks on 9/11 (Walia 2013; Fortier 2013).

My dissertation focuses on the work of key migrant justice organizations in Toronto, many of which can trace their roots this formative period in the early 2000s. Specifically, I focus on the work of No One Is Illegal chapters in Toronto, Vancouver, and Montréal, city-wide coalitions like Solidarité sans Frontières (Solidarity Across Borders, from hereon SAB) in Montréal and the Solidarity City Network in Toronto, and more recent groups like Sanctuary Health in Vancouver and the Ottawa Sanctuary City Network. Of course, these groups do not full capture the diverse array of migrant justice organizations and activists that have done important work across the country over the last two decades. However, I agree with Fortier (2013, 275) that this distinct subset of migrant justice groups have “played a significant role in altering the discursive and political terrain with regard to migration and borders in Canada.” I believe that all the activists I spoke with, and their affiliated organizations, are committed to the five movement-based practices that Walia identifies within NOII groups specifically:

[1] community organizing and antioppressive leadership through direct support work, [2] advocating status for all migrants and prefiguring safe spaces for undocumented migrants, [3] building broad alliances toward a systemic abolition of the security apparatus, [4] the centrality of Indigenous self-determination within anticolonial migrant justice struggles, and [5] strengthening anticapitalist resistance. (2013, 100)

This particular constellation of political commitments and practices forms the connective tissue between the particular activists and organizations that I situate my research alongside. It therefore bears repeating that my dissertation does not represent a definitive and comprehensive analysis of all interpretations of and approaches to sanctuary in Canada. Instead, my dissertation contributes the first comprehensive exploration of a particular approach to building sanctuary in major Canadian cities: migrant justice organizing that is opposed to border imperialism, informed by a no borders politic, and part of a broader “anti-authoritarian current” (Dixon 2013) within today’s “newest” social movements (Day 2005).

Dissertation Outline

This dissertation is organized thematically. After a literature review, Chapters 3 and 4 consider activist involvement and experience within formal sanctuary policy processes, broadly categorized as a “sanctuary from above” approach. Chapters 5 and 6 then consider activists use of a “sanctuary from below” approach, which involves working directly with service providers and migrant communities to build sanctuary against and beyond formal policies and regulations. Chapter 7 then presents a conceptual framework through which to both evaluate past and present approaches to building sanctuary cities, as well as to orient future sanctuary organizing toward more radical and intersectional ends. The conclusion considers the contributions, limitations, and implications of this research for scholars, practitioners, and activists. Below, I give a more detailed outline of each chapter.

The next chapter reviews the academic literature about the recent history of sanctuary in North America. Specifically, I collect and analyze the historical junctures where the concept and practice of sanctuary intersected, and at times defined, with major social movements. The scholarship on the concept and practice of sanctuary by congregations, social movements, and public institutions is largely focused on the US context, with significantly less consideration lent to its development in the UK, Canada, Germany, and elsewhere. In this chapter, then, I collect the more disparate literature on sanctuary in Canada since the 1980s, placing it in conversation with broader developments in the US and noting its unique features. Since its modern re-emergence during the antiwar movement in the 1960s, the interpretation and manifestation of sanctuary has gradually changed. There has been an observable shift from an emphasis on sanctuary as a theological practice used by congregations within churches, toward the increasing adoption of sanctuary as a policy commitment taken up by municipal governments and public service institutions, and a broad political concept invoked by social movements. This chapter ends by drawing on some recent work in the field, which argues that the tendency to focus on legal and jurisdictional question in relation to sanctuary—often producing heuristic approaches to studying sanctuary cities (“are they or aren’t they sanctuaries?”)—can obscure both the complexity of sanctuary “processes” (Houston, 2019) as well as the diverse networks of public and private actors that contribute to cultivating and expanding sanctuary within cities (Villazor and Gulasekaram 2020; Jeffries and Ridgley 2020). This emergent scholarship orients the rest of my dissertation, which seeks to add a perspective that is grounded in the work of activists and migrant communities

to cultivate sanctuary in diverse and iterative ways to the body of Canadian scholarship on sanctuary.

In Chapter 3, I trace the emergence, consideration, and adoption of sanctuary city policies in Toronto, Vancouver, Montréal, and Ottawa. Specifically, I offer an activist perspective of this process in each city, documenting activists' roles and reflections on sanctuary city campaigns and engagements with municipal government. Much of this chapter is expository: I attempt to re-tell the story of each municipality's consideration of a sanctuary city policy from the perspectives of migrant justice social movements. However, I also use this re-telling to reveal what Houston (2019) calls the "process" of sanctuary—that is, the uneven, complex, and sometimes contradictory progression of sanctuary policies and practices in each city. By exploring each city's sanctuary process from the perspective of activists and migrant communities in struggle, I contribute a nuanced perspective on the multiple ways in which sanctuary is sought in the city: local and sector specific campaigns, variegated policy-making developments, contingent and uneven implementations, and the ad hoc attempts of activists to respond and "fill in the gaps" of municipal sanctuary declarations.

In Chapter 4 I detail activists' strategic reflections on their efforts to create sanctuary at the level of policy—either within the municipal government or major public service institutions. I group these policy-focused campaigns together under the umbrella concept of pursuing "sanctuary from above." Within this approach, activists across each city cited a similar set of potentials, and limits, within this approach to sanctuary. With respect to the potentials of the sanctuary from above approach, activists remarked on the value of: gaining institutional recognition and shifting the local discourse about precarious and non-status migrants; spreading sanctuary city policies to municipalities across the country as well as trying to "scale up" municipal commitments to provincial governments; utilizing sanctuary city campaigns to grow involvement in migrant justice campaigns and organize new and diverse forms of sanctuary; and creating a public accountability mechanism to hold governments and public service institutions accountable to their commitments to migrants. While activists did note some positive elements of policy-focused campaigns for sanctuary, they also noted multiple limitations of such an approach. These included: the challenges of working within government or public service institutions to create change; the jurisdictional limits of organizing toward or in response to municipal policies, which have proven to be largely unable to create meaningful change in major areas of public service or local police forces; the

tendency of sanctuary policies to emphasize symbolic gestures over meaningful implementation, creating a dangerous gap between sanctuary policies and practices. This chapter adds a much-needed grassroots perspective on the potentials, limits, and strategic uses of campaigns for sanctuary city policies. It demonstrates that while activists recognize the potentials of the sanctuary from above approach, they also see it as fraught with considerable limitations. Once again, this reveals the uneven and contradictory nature of the process of sanctuary in each city, and adds much-needed nuance to scholarly discussions on the existence and value of sanctuary city policies.

Chapter 5 considers activists' reflections on building "sanctuary from below." This broad approach includes a diverse array of campaigns, actions, commitments, and support work that migrant justice activists use to cultivate sanctuary themselves—with or without the presence of a municipal sanctuary policy. Where sanctuary from below differs from sanctuary from above is its theory of change: building sanctuary from below does not "ask" governments for sanctuary nor do they "wait" for existing sanctuary policies to be implemented properly. Activists remarked that such an approach could be disempowering, demobilizing, and ultimately limited in its efficacy. Instead, activists detailed how they build spaces and cultures of sanctuary themselves. This chapter focuses in on activists' reflections on organizing directly with service providers to create sanctuary from below. Specifically, activists remarked on the strategic value of identifying and targeting sites of enforcement directly, working with service providers to transform cultures of service provision, finding ways to collectively create "unconditional access" through tangible changes to everyday practices, and, when necessary, finding ways to arrange "backdoor" or informal access to services for those in immediate need. Activists also noted some challenges within this approach, emphasizing the constraints imposed by government funding agreements and a generalized under-resourcing of services, which produced an "advocacy chill" in some organizations. Activists also reflected on the challenges of embedding a culture of sanctuary and access without fear due to high turnover within service providing agencies and the necessarily patchwork approach that small groups of activists must take to transform entire sectors of service provision.

Chapter 6 also considers the potentials and challenges of the sanctuary from below approach, though it emphasizes a different area of this work. Whereas Chapter 5 explored activists' work within service providing agencies, this chapter turns its attention toward strategies of cultivating sanctuary within migrant communities. By connecting with and working alongside precarious and non-status migrants, activists described building sanctuary from below in ways that

resonated strongly with the concept and practice of mutual aid. Three broad potentials of this approach were prominent: its potential to break the isolation and invisibility felt by many precarious and non-status migrants, its ability to build community and construct networks of mutual aid that empowered migrants to take collective action, and its efficacy in balancing the need for direct forms of support for migrants right now with the need to construct long-term campaigns to change the structural conditions that produce migrant precarity. Activists also remarked on the challenges of this work, speaking to the difficulty of achieving the balance between support work and movement-building and, relatedly, the struggle to build a movement across advocates, service providers, and precarious and non-status migrants themselves whose very presence within the nation state is illegalized. Both Chapters 5 and 6 reveal the diverse array of sanctuary activities that are carried out by activists and migrants themselves, but are obscured and hidden beneath the symbolic veneer of municipal policies and press conferences. These chapters contribute both to our understanding of sanctuary as a process, but also map the complex sanctuary networks within and across Toronto, Vancouver, Montréal, and Ottawa that collectively cultivate and expand sanctuary in each city.

Chapter 7 pivots away from my focus on the practical, grounded, and empirical analysis of sanctuary organizing, toward a developing a normative analysis and conceptual framework to orient future sanctuary work. This chapter contributes to the further development of the concept abolition sanctuary (Paik, 2017; 2020). By combining two complementary concepts, abolition sanctuary draws from sanctuary's practice of community defense and expanded access in the present and abolition's drive to grasp injustices at their root and develop strategies toward transforming the structural conditions that produce the need for sanctuary in the first place. After introducing the concept, I explore the complementary aspects of both abolition and sanctuary, emphasizing their resonance and radical political undercurrents. I then offer three important considerations for those interested in abolition sanctuary: the tensions within politics of un/conditionality, the importance of differentiating reformist reforms and non-reformist reforms, and the necessity of building strong and thoughtful alliances across different axes of struggle. Specifically, I map out the connections between an abolitionist approach to sanctuary and movements against policing and incarceration, LGBTQ+ and gender justice movements, and anti-colonial Indigenous sovereignty movements.

The concluding chapter summarizes the key findings and implications of my dissertation, noting its specific contributions to our understanding of sanctuary in Canada. I then note the limitations of my research. I conclude by discussing the relevance of my research for scholars, policymakers, and migrant justice activists interested in advancing the struggle for sanctuary, migrant solidarity, and status for all.

Chapter 2

Out of the Churches and Into the Streets: tracing the evolution of sanctuary in North America

Introduction

In recent years, sanctuary has experienced a sharp increase in interest across the political spectrum. Responding to decades of increasingly far-reaching and violent practices of immigration enforcement, sanctuary sites have proliferated throughout North America. No longer confined to the four walls of a church building, today sanctuary has been declared by municipalities, counties, and states; university campuses and local school boards; public service institutions; police agencies; and even restaurants (Villazor and Gulasekaram 2019). It has been mobilized in the streets to document, oppose, and in some cases stop deportations, and has propelled the development of mutual aid networks and rapid response groups to support precarious and non-status migrants. In Canada, major cities like Toronto, Vancouver, and Montréal have all declared themselves sanctuary cities, affirming the right of all residents to access municipal services without fear and regardless of immigration status. But municipal declarations and policies only tell part of the story. For decades, migrant communities and social movements have organized to create sanctuary without permission or support from municipal governments or politicians. So too have faith communities offered sanctuary to migrants facing immanent deportation in their places of worship and their homes. While the “mainstreaming” of sanctuary over the last decade is a testament to its necessity in an increasingly bordered world, it is also liable to produce a limited and simplistic view of its rich and complex history as practice of radical welcome within and against the nation state.

In this chapter, I review the literature on the history of sanctuary in North America, charting its manifestation as (1) a theological practice within places of worship and by religious social movements, and (2) its adoption by municipal governments and public service institutions as a policy commitment. While the existing literature is largely focused on the US context, I trace the parallel Canadian histories of sanctuary below, noting its connections and deviations from what has largely become the American ‘norm’ in the field. The chapter ends by highlighting recent

studies that argue for new approaches in the study of sanctuary cities. Specifically, I focus on two insightful arguments that inform the rest of my dissertation. The first is that sanctuary cities should be understood as “processes” (Houston 2019) rather than static labels, opening up more grounded analyses of the diverse and dynamic ways in which sanctuary is, and is not, enacted within so-called sanctuary cities. The second argument notes that the collection of literature on sanctuary cities has focused almost exclusively on analyzing policies, legal battles, and questions of federalism, which has obscured the wide array of actors, policies, and practices that collectively produce sanctuary within a given city. These “sanctuary networks” (Villazor and Gulasekaram 2019) offer a far more complex and accurate depiction of where, when, how, and by whom sanctuary is cultivated—with or without the presence of a “sanctuary city” policy, or even the use of the “sanctuary” moniker altogether. These two promising directions for future research inform the rest of my dissertation, which focuses on the role of migrants, activists, and social movement networks in the creation of sanctuary city policies (sanctuary from above) and practices (sanctuary from below) in Canada.

Sanctuary as a Theological Practice

Historically, the practice of sanctuary has been rooted in religious traditions of extending welcome and safety to strangers, foreigners, exiles, and others seeking refuge. Most major religions contain ancient codes, practices, and textual indications of sanctuary, producing different articulations across traditions within Buddhism, Christianity, Islam, Judaism, Hinduism, and Sikhism (Rabben 2016, 31-36; Bagelman 2016: 20). Probably the most well-known origins of sanctuary are references to the establishment of six Cities of Refuge in the Old Testament, which were to serve as sanctuaries for those who committed “accidental homicide.” Historians argue that “sanctuary developed as a way of tempering revenge for a slaying by providing ‘space’ and ‘time’ for negotiations between the murderer and the offended party” (Coutin 1993, 69). Importantly, this reference to sanctuary carving out an exceptional space and time that suspends immanent action or judgement will continue to be a dominant thread its use throughout history.

While these early references to ‘Cities of Refuge’ indicate that sanctuary has always had an urban dimension, it is a practice most strongly associated with religious doctrine, sacred spaces, and theological justification. With the gradual separation of church and state—which established

civil government as the primary sovereign influence over its subjects—the power of sanctuary to effectively contest the exercise of state sovereignty waned (Cunningham 1995). Even so, the practice of sanctuary has remained as a powerful symbol of welcome, offering a spatially and temporally confined refuge from sovereign judgement or otherwise harmful action. As we will see, this will become an important site of friction when governments themselves began to adapt and adopt the language of “sanctuary.” Contemporary invocations of sanctuary draw on this deep history to publicly oppose the actions of government from within religious spaces. Since the 1960s, sanctuary has been invoked during the antiwar movement, has defined a transnational movement in solidarity with Central American asylum seekers, and most recently has been a cornerstone in various campaigns to defend and advance the rights of precarious and non-status migrants. In all three historical periods, church-based sanctuary has been invoked as an ancient tradition of declaring a space as sacred, symbolically operating outside the reach of the nation state and temporarily suspending sovereign judgement and action upon those in refuge.

Sanctuary in the Antiwar Movement

The modern “revival” of sanctuary emerged in the US when churches, campus organizations, and eventually a municipality invoked sanctuary for war resisters and draft dodgers opposing the Vietnam War. Religious activists drew upon the rich theological tradition of sanctuary as their unique way of contributing to the antiwar movement. In 1967, the first sanctuary incident within the antiwar movement took place in the historic Arlington Street Church in Boston when, after months of antiwar sermons and even a public burning of 50 draft cards after a service, two men sought refuge from participation in the war (Foley 2002). Bau (1985, 161-162) notes two important features of the Boston congregation’s initial sanctuary declaration:

First, the motivation for providing sanctuary was not so much to protect the sanctuary seekers as to be truthful to the role of the church in society.... The underlying rationale for church sanctuary was theological and political rather than legal. Second, there was no claim to any legal recognition of the privilege. Indeed, it was precisely the illegality of the act—an act of civil disobedience—that gave the concept of sanctuary its symbolic power as a confrontation with an unjust and illegal war.

Bau's observations here are important to keep in mind as we continue to explore the history of sanctuary within and alongside contemporary social movements. Rather than claiming the church as a space parallel sovereign power, congregations often conceptualized sanctuary as the combination of theological and political imperatives to act in the face of injustice. Sanctuary sits at the nexus of these two imperatives, informed by a Biblical commitment to protection and compassion for the oppressed. Sanctuary could therefore be understood as prefigurative, stemming from a theological vision of the world as it ought to be, or a practice that gestures toward a world that is "already-but-not-yet." In this way, sanctuary was invoked in opposition to the actions of a sovereign state and in service of the Kingdom of God, representing the continued symbolic power of the Church in relation to civil government. By offering time and space for draft dodgers to think through their decisions and connect with antiwar activists, the Arlington Street congregation consciously reproduced the exceptional, liminal space of sanctuary as described in the Old Testament.

This declaration of sanctuary sparked a much wider interest in the tactic by religious and non-religious participants in the antiwar movement. Inspired by the public and symbolic act of offering refuge to war resisters, more church congregations across the country began declaring themselves sanctuaries. In the year following the Boston incident, at least 54 war resisters took sanctuary in over 20 different cities, including New York, Philadelphia, Chicago, San Francisco, Indiana, Providence, and Honolulu (Foley 2002, 416). In the summer of 1971, a sanctuary campaign occurred in Berkeley, organized around the *USS Coral Sea*. Around this time, Berkeley's University Lutheran Church (ULC) had already been making connections with the antiwar movement, and quickly designed workshops and resources for other churches in the Bay Area about the declaring themselves sanctuaries. This congregation-by-congregation mobilization work paired arguments about the theological imperative to offer sanctuary with moral, political, and legal reasons for opposing US involvement in the Vietnam War (Purcell 2007, 5). By the end of 1971 over a dozen congregations across the Bay Area had agreed to offer sanctuary to soldiers reconsidering their return to the war (Ridgley 2012, 66; Ridgley 2011). Altogether, hundreds of enlisted men in the Bay Area were able to connect with congregations to draw upon the "time and space" historically provided by sanctuary to seek spiritual counseling, access legal support, meet with others in the antiwar movement, and ultimately weigh their options and decide whether to continue evading or return to the theatre of war.

Importantly, all those that took public sanctuary in churches were either apprehended by the state or eventually returned to the war voluntarily. Congregations were under no illusions that the sanctuary they offered could rival the power of the state and promise physical protection from apprehension from state authorities. The symbolism of church sanctuary, however, did not deter congregations from using the tactic. In fact, it was the symbolism of such an ancient tradition that lent endowed sanctuary its legitimacy: congregations taking righteous, non-violent action against an unjust war and authoritarian conscription policies in the name of peace. As a theological tradition of suspending sovereign authority, even temporarily, the revival of sanctuary had certainly captured public attention.

While the practice of sanctuary waned with the antiwar movement in the 1970s, the symbol of sanctuary had been restored in the American religio-political imaginary. As Reverend Gus Schultz, a key member of sanctuary efforts in Berkeley, reflected in an interview:

I think for most of those original congregations, it's not over. [Sanctuary] was not something, this was not an event, but *a process*... something that the congregations committed themselves to. It's kind of like Baptism. You don't get rid of it. It's always there and when the time comes that it's needed.... (Purcell 2007, 90; my emphasis)

Schultz's perspective was ultimately quite prescient: the revival of sanctuary in the imaginations and tactical repertoires of politically active congregations would not be easily forgotten. Sanctuary became a powerful tool signifying a theological and political objection to government laws and actions both at home and abroad.

The symbolic potential of sanctuary was not lost on a new generation of activists who, a decade later, would turn the practice into a defining characteristic of a transnational movement in solidarity with Central American refugees. Sanctuary therefore displayed great potential to activate political consciousness within religious communities, linked religious histories and texts to the need for social action, and provided an inspiring example of the power of collective defense for individuals unjustly targeted by the state.

Sanctuary in Solidarity with Central American Refugees

Canadian sanctuary scholar Randy Lippert found that the first modern incident of church sanctuary in Canada occurred late in 1983, when a church publicly vowed to protect a Guatemalan asylum seeker from deportation. “Raphael,” the name he used in the media, was one of hundreds of thousands of people from Central America that had been displaced and forced to flee due to state-sanctioned violence and civil wars in the region. The unrest in Central America was in large part the result of a violent and interventionist US foreign policy program in the region. The US was deeply involved in long and deadly campaigns to re-establish its influence over the region by opposing progressive elected leaders, political parties, and social movements that were gaining political power and public support and propping up violent dictators (MacEoin 1985). Many of the hundreds of thousands of people who were displaced migrated north to the US to make refugee claims, only to face almost automatic rejection by the government (Coutin 1993). The US government was systematically denying Central American asylum seekers the status of “refugees” purely for political reasons: in order to justify American involvement in the region and add legitimacy to the US-backed governments, the US government refused to recognize that Central American countries were unsafe. The government argued instead that the Central American refugees were simply “economic migrants” voluntarily seeking to start new lives in the US. As a result, refugee claims from countries like El Salvador and Guatemala were accepted at rates of less than 3% and 1% respectively (Golden and McConnell 1985, 77; Young 2013, 35).

Displaced and facing a refugee determination system rigged to reject their claims, thousands of Central American asylum seekers were forced to evade border authorities and cross into the US undetected. In response, a network of congregations near the US-Mexico border emerged to offer solidarity and sanctuary to migrants who either successfully crossed the border undetected or were apprehended and detained while doing so. Initially, church leaders and congregations near the border focused on either assisting asylum seekers to cross into the US undetected, or freeing migrants in immigration detention. Congregations arranged legal assistance for refugee applications; raised bail for those in detention; and provided food, shelter, and other forms of day-to-day material support for the undocumented. However, upon realizing that the US immigration system was operating in fundamentally unjust ways, congregations began to shift their work away from only advocating *within* the refugee determination system. Instead, congregations began to organize public opposition to the US government’s policies, while helping refugees evade state authorities altogether. Politically this represented a significant shift away from

advocacy within government toward civil disobedience. Consider these two reflections from congregation members in the early moments of the sanctuary movement:

“The most urgent need of the vast majority of Salvadoran refugees is to avoid capture. Actively asserting the right to aid fugitives from terror means doing it—not just preaching at a government that is capturing and deporting them, not just urging legislation that might help future refugees.” (Jim Corbett, quoted in Coutin 1993 27)

“If God was calling on the community for either of Tucson to serve the needs of refugees, the most basic of their needs was to prevent their being intercepted.... Capture at the border led to separation of families, humiliation, imprisonment, coercion, deportation, and—all too often—death.” (MacEoin 1985 19)

Responding to the need to protect Central American refugees from state capture, congregations once again drew on the rich tradition of sanctuary. Quickly, the declaration of churches or congregation members’ homes as sanctuaries became a defining tactic of the growing network of congregations involved in the emergent movement in support of Central American refugees.

On March 24 1982,⁵ the sanctuary movement went public, thrusting the congregations’ previously quiet efforts into the limelight. One of the founding churches in Tucson, Arizona hung two banners on their walls as the background for the press conference announcing the sanctuary movement’s existence and intentions. One banner read: “This is a sanctuary for the oppressed of Central America,” while the other read “Immigration: do not profane the sanctuary of God” (Golden and McConnell 1985, 47). The joint press conferences focused on congregations’ opposition to US-sanctioned violence in Central America and the US government’s targeted exclusion of Salvadoran and Guatemalan refugees, while affirming the long tradition of sanctuary as a practice of protecting those facing immanent and unjust violence (Cunningham 1995). Religious leaders encouraged other churches take a stand with them and publicly offer sanctuary to any Central American who required it. Almost overnight, the declaration of a sanctuary

⁵ This date was deliberately chosen to draw attention to the US-sanctioned violence in Central America and the Church’s role in opposing it. Two years earlier, on March 24 1980, Archbishop Oscar Romero was assassinated as he conducted a mass in El Salvador. Romero was a prominent and progressive clergyman who had delivered a sermon the day before calling on Salvadoran soldiers (as Christians) to cease carrying out government repression against the Salvadoran people. This tragic event drew international attention to the worsening political context in El Salvador, which was only then when five nuns (four of whom were missionaries from the US) were raped and murdered by members of the Salvadoran National Guard a few months later.

movement captured the public's imagination. Congregations, religious organizations, and secular organizations began rushing to declare themselves sanctuaries for asylum seekers. By the end of the year, 30 churches had publicly declared themselves sanctuaries. (Golden and McConnell 1985, 53-54). As the movement grew, churches of many Christian and Catholic denominations, synagogues, campus chapels, student groups, and various other religious and secular organizations all joined together in their support for providing sanctuary for Central America asylum seekers and their condemnation of American imperial foreign policy and discriminatory immigration policy. A "new underground railroad," as some began to call it, was rapidly developing to provide resources, lodging, advocacy, and safe passage for the tens of thousands of Central American asylum seekers crossing into the US every month (Golden and McConnell 1985). At its height, there were more than 440 sanctuary sites, approximately 3000 organizations or congregations publicly declared their support for the movement, and the movement boasted participation from over 70,000 people (Golden and McConnell 1985, 53; Cunningham 1995; García 2006 107).

A lesser known feature of the sanctuary movement was that its networks extended transnationally (Perla and Coutin 2013). While many of those who successfully crossed into the US remained there, some continued north with the intention of making a refugee claim in Canada, where the acceptance rates were much higher (Young 2013; García 2006; Lippert 2005). Raphael was one such asylum seeker, though his application was rejected by the Canadian government. Initially, his presence in a Montréal church was concealed, but in early 1984, almost two years after the first public sanctuary declaration in the US, his case was made public. In his comprehensive account of early sanctuary incidents in Canada, Lippert (2005, 1) vividly describes the outcome of this public sanctuary declaration:

Placing on display a masked and hooded Guatemalan migrant threatened with immediate deportation by immigration officials at a televised press conference in January 1984, an ecumenical group of church officials pronounced St. Andrew's Church on the outskirts of Montréal to be a public sanctuary. Referred to as only 'Raphael', the migrant, positioned next to church officials and who had been living concealed in the church for two weeks, remained silent during the entire spectacle. Within hours, the minister of immigration had publicly announced that all deportations to Guatemala would be temporarily halted and that sanctuary providers would be spared prosecution. This 'unprecedented act' of granting sanctuary to this migrant, [was] the first of its kind in Canada....

Canada's first public sanctuary declaration, therefore, was an unquestionable success: not only was "Raphael's" deportation cancelled, but a moratorium on deportations to Guatemala meant that many other asylum seekers were temporarily safe. The power of this act of sanctuary was partially derived from its exceptionality: it was, as Lippert notes, an unprecedented invocation of the historical tradition of sanctuary. Here, once again, the symbolic power of church sanctuary was on full display as church officials were able to effectively vouch for the deservingness of a particular migrant and force extraordinary leniency from the Canadian government.

Canadian congregations and advocacy organizations were an integral feature of the sanctuary movement, providing a "last stop" for migrants denied refugee status and facing deportation from the US (Lippert 2005, 23). Canadian activists would support migrants in crossing the border, making refugee claims, aid in the process of resettlement, and often skillfully used both Canadian and American legal frameworks to their advantage (Young 2013; Young 2019; García 2006). For migrants who were denied refugee status in Canada, a handful of congregations declared themselves as sanctuaries as a last resort. The purpose was similar to "Raphael's" case above: to suspend the deportation proceedings and defer individual's deportation, while using that time advocate for the government to reconsider its decision, negotiate with immigration officials, and prove the worthiness of a particular migrant to receive permanent status (Lippert 2009).

Lippert's (2005) extensive research on sanctuary during this period is the authoritative source on public sanctuary incidents in Canada between 1983 and 2003. Lippert uncovered that, while Canadian sanctuary activists partially understood themselves as joining a long lineage of churches over the centuries to invoke the religious tradition of sanctuary, it was the immediate and practical reasons for offering sanctuary that were primary motivating factors (2005, 28-29). In general, Canadian congregations interested in sanctuary did not possess the same oppositional culture of "church against state" as their US counterparts (Cunningham 2013, 171). Christianity in Canada had been in steady decline since the 1960s, gradually eroding its popularity and cultural power within Canadian society. As such, sanctuary was only offered by congregations in exceptional circumstances, framing the action as a "last resort" (Creal 2009). In fact, it was often migrants themselves who pushed congregations to offer sanctuary, rather than congregations taking the initiative and publicly offering sanctuary to those who might need it. During Lippert's period of study, he documented a total of 36 public sanctuary incidents in Canada that collectively provided refuge to approximately 261 migrants (2005, 27). Excluding incidents that resulted in

outcomes that were either unknown or mixed,⁶ 70 percent of sanctuary incidents led to migrants gaining legal status (40). So, while Canadian sanctuary incidents were far fewer in number than the sanctuary movement in the US, in the cases that sanctuary was publicly invoked in Canada there was relatively a high rate of success. This was partially because of the remaining symbolic influence or exceptional status that churches still retained. But also, as will be discussed in further detail below, it was due to strict screening processes that congregations would use to ensure that migrants had “bona fide” refugee claims and were exceptionally deserving of the Canadian government’s reconsideration (Rehaag 2009).

In contrast to the US sanctuary movement, Lippert (2005) argues that the character of Canadian sanctuary incidents differed in three important ways. First, while Canadian sanctuary incidents occurred in multiple sites across the country, at no point during Lippert’s period of study did sanctuary constitute a nationally coordinated movement. While there was some regional coordination, as evidenced by the Southern Ontario Sanctuary Coalition (SOSC), each incident Lippert documented was locally contingent, isolated from other similar incidents, and no sanctuary site hosted more than one incident (2005, 387; also see Cunningham 2013). I would argue, however, that parallel to these relatively isolated church sanctuary incidents, there were in fact broader networks of immigrant and refugee advocates actively working with the US sanctuary movement to help undocumented Central Americans to cross into Canada and gain legal immigration status. Because these networks did not offer public sanctuary in churches, they are not counted in Lippert’s study, but they do represent an important aspect of Canadian sanctuary-based activism. My contention would be that sanctuary is an important concept and practice that exceeds the spatial and temporal confines of church sanctuary proper, and my dissertation shows, informs a wide array of practices. A more holistic picture of political activity committed to “sanctuary” would therefore include both the public sanctuary incidents collected by Lippert, as well as the activities of the broader networks connected to the US sanctuary movement that used a variety of tactics to offer protection and support to refugees and undocumented migrants (Young 2012; 2013; García, 2006).

Second, Canadian sanctuary incidents were often much more connected to governmental processes of refugee determination, appeals, and informal negotiations than those in the US. The

⁶ Meaning some refugees received status while others were either deported or went underground.

central figures within the US sanctuary movement were undocumented asylum seekers who understood that the US refugee determination system was rigged against them. In Canada, however, those who sought sanctuary were already known and “documented” by the Canadian government: none of the 36 public sanctuary incidents documented by Lippert (2005) had entered Canada “illegally.” Instead, they had legally immigrated and applied for status, were denied by the Canadian government, and had exhausted all legal avenues and appeals to remain in the country (391). Because the refugee determination process in Canada possessed a much higher acceptance rate than the US for Central Americans, sanctuary was used to shed a spotlight on exceptional individuals who were denied refugee status and appeal to “the Canadian humanitarian imaginary” (Young 2013, 236) to change in the government’s decision. In this way, sanctuary was specifically used to suspend deportation proceedings to provide a space of protection from deportation and time to appeal to the government and plead with authorities to intervene. Lippert (2009, 58) observed that, upon initiating a public sanctuary incident,

arrest and deportation of the migrants concerned was effectively delayed for at least several days. This time permitted church, community, and political support to grow through carefully managed public exposure of migrants’ plight; funds to be raised through donations and other activities to retain superior legal representation and pay for private sponsorship applications, “humanitarian and compassionate” claims, and additional Federal Court appeals; and often some level of negotiation with immigration authorities and the Minister to commence.

This orientation differed from congregations offering sanctuary in the US: sanctuary networks were used to either *evade* government authorities altogether, or be used as a public platform to expose the US government’s dual role in displacing Central Americans and then discriminating against their applications as refugees. Once again, however, Lippert’s focus on public instances of church sanctuary does not capture the entirety of activist and social movement work occurring in Canada with Central American asylum seekers at the time, who formed an important piece of the transnational sanctuary network. Indeed, by the mid-1980s, Canadian “church workers were actively involved in transnational sanctuary work, transporting refugees across the United States–Canada border, hiding them in safe houses, and securing legal and material assistance for them” (García 2006, 150). That is, beyond the 36 instances of church sanctuary Lippert comprehensively documents, there were also wider activist networks engaging in more clandestine solidarity work

outside of established refugee determination processes, including providing sanctuary in churches or congregation members' homes (Cunningham 2013).

Third, while all Canadian sanctuary incidents were based in churches, Lippert observed that they had much more involvement and influence from secular, community-based groups. This was less the case in the US sanctuary movement, which was firmly based in the theological imperative to offer sanctuary and solidarity to the oppressed of Central America in service of the Kingdom of God (Bau 1985; Coutin 1993; Cunningham 1995). Consider this stirring justification for the US sanctuary movement given by one of its leaders, Jim Corbett:

we have no middle ground between collaboration and resistance.... For those of us who would be faithful to our allegiance to the Kingdom, there is also no way to avoid recognizing that in this case, collaboration with the government is a betrayal of our faith.... We can take a stand with the oppressed or we can take our stand with organized oppression. We can serve the kingdom or we can serve the kingdoms of this world, we cannot do both. (in MacEoin 1985, 20)

In Corbett's passage, he invokes a dual responsibility or perhaps a dual form of citizenship that informs religious practices of sanctuary and solidarity with the oppressed. Historically, Canadian sanctuary incidents had much broader community involvement in their practices and secular justifications. Lippert acknowledges that they "resulted as much from secular community efforts, including support of local political authorities of various kinds, as those of clergy and members of congregations and parishes" (2005, 383). There were a variety of community groups were often involved in supporting sanctuary incidents without any professed faith or previous association with the sanctuary churches. (Lippert 2005, 34). These groups would help organize demonstrations, circulate petitions, stage pickets outside immigration offices, offer material support and fundraising, and meet with politicians and immigration officials to demand alternatives to deportation. The work of Cunningham (2013) and Young (2012; 2013; 2019) have also revealed more locally specific arrangements of religious and secular groups engaging in sanctuary and solidarity work in Ontario, specifically the Southern Ontario Sanctuary Coalition and the cross-border Detroit-Windsor Refugee Coalition. What this literature on Canadian sanctuary tells us is that while sanctuary may have been physically located within the confines of a church, as a *collective practice*, sanctuary depended on the support of various other secular actors, such as unions, advocacy groups, legal and medical professionals offering pro bono work, and other

political organizations. In the Canadian context, it would be misleading to understand sanctuary incidents solely, or even primarily, as religious undertakings. It is more accurate to describe sanctuary in Canada as a community-based practice of protection and solidarity based on principles of welcome and justice shared by religious and non-religious persons.

It bears repeating that even though Canadian sanctuary incidents were quite distinct from their US counterparts, their use of sanctuary to create a space from which to suspend the exercising of sovereign authority (deportation) remains an important connection between them. Scholars have shown that *within* this exceptional space, however, congregations can reproduce the very hierarchical relations of power over asylum seekers that they are presumed to be suspending (Bagelman 2016; Yukich 2013b; Rehaag 2009). Lippert (2005) comprehensively illustrates this point in his work, carefully documenting the many ways in which church congregations exercise a form of “pastoral power” over asylum seekers, creating a relationship akin to a shepherd and their flock. Drawing from the work of Michel Foucault, Lippert explores how sanctuary is an exemplary practice of pastoral power, which occurs through “extending kindness and providing life-affirming care on a continuous, individualized basis” and “focuses on needs, intimate knowledge, watching and visiting, and education” (2005, 89-90). Indeed, Lippert notes this approach mobilizes a discourse of self-sacrifice to justify the actions of the ‘shepherd’ over their ‘flock’. As one pastor involved in offering sanctuary in Canada noted,

Our struggle comes in standing with the “poor, the dispossessed, those determined non-status,” in suffering the day-to-day insecurities and in sustaining commitment. We call out in the wilderness so that the authorities may hear. We exhaust ourselves with the physical arrangements and endure the boredom, the frustration, the infighting of the endless days, weeks, or months as we wait for resolution. (Stastney and Tyrnauer 2004, 1)

As exemplary of pastoral power, a pervasive element of sanctuary is also the construction of the person in need of refuge as helpless and lost. For example, a United Church guide to sanctuary begins with “Refugees are the shattered angels, the symbols of the brokenness and injustice of our modern world.” Within instances of church sanctuary, then, there are implicit hierarchies that separate congregations from the migrants seeking refuge.

Scholar Agnes Czakja argues that while sanctuary practices do hold the symbolic potential to challenge state sovereignty, “sanctuary practices often replicate the dominant discourses on

refugees—which manufactures a distinction between legitimate and illegitimate asylum seekers, constituted the former as vulnerable, apolitical supplicants” (2013, 43). There are well-documented patterns of this approach in the day-to-day activities of sanctuary congregations in both Canada and the US, which reveal that refugees experienced a lack of privacy and paternalism when in sanctuary, with congregations often treating them as objects of charity rather than equals in a broader fight for social justice (Lippert 2005, 91; cf. Golden and McConnell 1985; Cunningham 1995). Despite being motivated by compassion, implicit within this tendency is also a practice of “Othering” the very migrants that are being brought into sanctuary.

Such pastoral tendencies within the practice of sanctuary led scholars to show how Canadian sanctuary incidents produce “a state within a state” (Cunningham 2013). This framework, argues Cunningham, involves sanctuary congregations taking on the role of the government in determining whether or not a refugee’s presence should be legally allowed within the nation state. Cunningham argues that sanctuary can therefore “relocate sovereignty by taking it out of the hands of the government-sanctioned official and moving it into the moral space of the ‘ordinary’ citizen” (2013, 72). This “relocation of sovereignty” was rarely, however, appropriated to expand the rights of refugees against the exclusionary policies of the nation state. Instead, legal scholar Sean Rehaag observes, there was a “curious phenomenon whereby sanctuary providers *replicate* the refugee determination process whose outcomes they reject” (2009, 44; emphasis added). Congregations offering sanctuary employed their own set of rigorous “screening mechanisms” to decide who deserved to be offered sanctuary. Importantly, while this process could potentially be more compassionate, Rehaag (2009, 43) notes that the screening process often “mimic[ked] the official refugee determination system: lawyers get involved, alleged fears of persecution are scrutinized, supporting country condition documentation is considered, and various interpretations of refugee law are propounded.” Here we see a curious, and dangerous, drift of sanctuary toward *aligning* with the practices and justifications of the sovereign state, rather than *challenging* the state itself.

These tendencies within congregations to reproduce state processes of refugee determination are well documented by sanctuary scholars. In the wake of a consultation with a longstanding sanctuary space in Toronto, the Romero House, Creal noted “Congregations offering sanctuary have to be confident that they are supporting a valid refugee claim and therefore that claim has to be thoroughly scrutinized (and it is a fact that far more requests for sanctuary have to be rejected than are accepted)” (2009, 71). Relatedly, in a “guide for congregations” released by

United Church, there is a clear and consistent emphasis on screening potential refugees to ensure their claims were genuine and valid. In service of determining whether or not the person is indeed a *bona fide* refugee, the guide states that congregations “must learn as much as possible about the person... over two or three interviews, with at least one person present constantly” and that “no reasonable question should be ignored or considered impolite or irrelevant” (Stastney and Tyrnauer 2004, 7).

The outcome of such invasive screening processes was the ultimate rejection of the majority of refugees seeking sanctuary in Canada. Cunningham’s research on the Southern Ontario Sanctuary Coalition quotes one church leader remarking that “90-95% of the cases we received we concluded that the refugees were not at risk” (2013, 169). Congregations would not necessarily abandon those denied entry into sanctuary, as other supports were still offered short of sanctuary. What becomes clear is that congregations were rarely using sanctuary to challenge state authority or advance alternative frameworks of citizenship and belonging. Instead, they claimed to be correctly applying domestic and international law in the exceptional circumstances where the law had been misapplied by the government. Indeed, while church sanctuary is often assumed to be a public act of defiance opposing the government, many scholars and participants within the sanctuary movement themselves noted that they understood their use of sanctuary as “civil initiative” rather than civil disobedience. While civil disobedience describes consciously and publicly *disobeying* unjust laws in order to display opposition to them, civil initiative entails individuals publicly claiming *upholding* the law when a government or institution is perceived as failing to do so. Consider this reflection from Chris Ferguson, a pastor within the United Church of Canada,

When we are faced with injustice in our own society, in our own refugee determination system, we may consider the ‘moral witness’ of providing sanctuary. This option protects the individual at risk in that it allows the system to respond, to self correct. Really, sanctuary as a prophetic action displays ultimate respect for the law and the justice it demands of it. It should not be carried out in the spirit of defiance (as in counsel to go underground), but in the hope of correction or transformation. (in Stastney and Tyrnauer 2004, 1)

The passage above offers a clear view behind the defiant façade of church sanctuary into its underlying motives and justifications. While the safety and well-being of “bona fide refugees” is clearly one motive for offering sanctuary, the broader political stance of Canadian congregations

in relation to the government has been revealed to be much more aligned with the state. Indeed, there is certainly a tension between sanctuary as a “prophetic” action—meaning it seeks to call forth or emulate a form of justice only realized in the Kingdom of God—and sanctuary mimicking with the worldly immigration controls of a sovereign state.

Therefore, rather than opposing unjust government policies, Canadian sanctuary incidents saw therefore themselves as responding to exceptional mistakes within the refugee determination process and correcting them. In fact, Rehaag (2009, 48) notes that this was the justification for Canadian congregations’ rigorous screening mechanisms:

church guidelines suggest that congregations provide sanctuary only to migrants who demonstrate they qualify for refugee protection under state law, notwithstanding contrary findings in the official refugee determination system. In other words, one of the reasons congregations resort to sophisticated screening mechanisms is the ensure that sanctuary can be justified on the basis that the state as misapplied and misinterpreted state law in particular cases.

And so, Rehaag concludes that church sanctuary proved to be an effective symbolic tool to show that “state institutions, including courts, do not have the final word on the interpretation of state law” and, importantly, are “premised on the notion that even the highest and most authoritative state institutions can—and sometimes do—get the law wrong” (2009, 48).

Taken together, sanctuary’s rise to prominence in the 1980s revealed new forms and interpretations of the religious tradition. In the US, sanctuary was invoked in relation to a specific subject—the Central American refugee—as a dual practice of protection as well as a public platform to challenge the government’s unjust foreign and domestic policies. The sanctuary movement drew on the religious tradition of sanctuary to justify its actions of clandestinely evading state authorities and publicly opposing government policies. In the Canadian context, sanctuary emerged as a less coordinated and more community-based practice of shedding light on exceptional cases and correcting “mistakes” in the government’s refugee determination process. Sanctuary incidents therefore did not seek to oppose the Canadian government as much as they sought to ensure its just and fair functioning, clearly informed by a reformist theory of change. As we will see, the re-emergence of sanctuary as an important piece of migrant social movements in the 2000s would result in the embedding of church sanctuary further within secular social

movements and the de-emphasizing of its attachment to sacred spaces and its use of religious justifications.

Wither Church Sanctuary? Migrant Justice and the New Sanctuary Movement

Even after the US sanctuary movement became functionally inactive in the late 1980s, throughout the 1990s “sanctuary was clearly in the air in Ontario and other parts of Canada” (Cunningham 2013, 166). The General Council of the Church of Canada publicly stated that its congregations still had “the moral right and responsibility... to provide sanctuary to legitimate refugee claimants who have been denied refugee status” (Stastny and Tyrnauer 2004, 1). While the tendencies toward paternalism, charity, and screening mechanisms remained present during this time, sanctuary remained a rarely used yet relatively effective corrective mechanism within state’s interpretation of refugee laws. While sanctuary continued to be used to defer deportation proceedings, negotiate with immigration officials, and materially support select refugees, by the early 2000s the efficacy of sanctuary—whether public or concealed—began to decline. Lippert observed this decline when he updated his study of Canadian sanctuary incidents in 2009, revealing that sanctuary was

showing signs of withering away as a resistance strategy. Thus, despite increased awareness of sanctuary as a possible resort and its past success in securing positive legal outcomes, in recent years the duration of sanctuary incidents has increased dramatically; [and] the success rate has noticeably declined from previous levels.... (2009, 57)

Lippert’s research shows that the average duration of sanctuary incidents from 2005-2009 was 686 days, compared to the average duration of 314 days since 1983 (2009, 60). Additionally, the success rate of sanctuary incidents dropped from about 70 percent to 46 percent in the same time period. Lippert argues that sanctuary’s increased duration and decreased success rate occurred alongside reforms that created more institutionalized avenues to appeal government decisions, which displaced the more informal negotiations that would occur between sanctuary congregations and immigration authorities. Taken altogether, public instances of church sanctuary were clearly showing signs of steep decline.

Meanwhile, American religious activists and organization were working to take their place within the resurgence of the US immigrant rights movement. Responding to a barrage of anti-

immigrant legislation in the 1990s⁷ and especially after 9/11,⁸ in early 2007, coalitions of congregations in Chicago, Los Angeles, San Diego, New York, and Seattle decided to revive the practice of sanctuary once again to protect undocumented migrants facing detention and deportation. By the end of the year, approximately 50 congregations had declared themselves sanctuaries (Caminero-Santangelo 2013, 92). While it dubbed itself the “New Sanctuary Movement” (NSM), it was responding to very different conditions than the movement of the 1980s. The NSM sought to work with undocumented people who had been in the US for a long period of time, rather than asylum seekers who were either in the act of crossing into the US or had only recently done so. Specifically, the NSM focused on supporting “mixed-status families,” which usually entailed at least one undocumented parent undergoing deportation proceedings that, if carried out, would separate them from a spouse and/or children with US citizenship.

By January 2018, the NSM had grown to include 1,100 congregations who had “signed up to prophetically confront the administration’s immoral and unjust deportation policies” (Orozco and Anderson 2018, 6). However, within these congregations, only 36 cases of public sanctuary were mobilized in 2017 (Orozco and Anderson 2018). This comparatively low number to the 1980s sanctuary movement signals that religious and immigrant rights activists in were re-imagining what “sanctuary” meant in the 21st century and how it would fit into its emerging religio-political movement. In contrast to the immediate needs of Central American asylum seekers in the 1980s,

⁷ There were two significant legislative changes made in 1996 to criminalize undocumented migrants and increase the role of local enforcement agencies in immigration enforcement: the *Illegal Immigration Reform and Immigrant Responsibility Act* and the *Personal Responsibility and Work Opportunity Reconciliation Act*. Together, these two pieces of legislation limited (and in some cases voided) aspects of municipal sanctuary legislation that prohibited information-sharing and cooperation with federal departments like the INS; expanded and intensified the criminal punishment of otherwise civil immigration infractions; and reduced immigrant (both documented and undocumented) eligibility for basic social services (Ridgley 2010, 90-94).

⁸ In December of 2005, the US House of Representatives passed the *Border Protection, Anti-Terrorism, and Illegal Immigration Act*, which aimed to comprehensively reform US immigration laws and enforcement. It “toughened sentencing for those convicted of document fraud (e.g. false social security cards used to obtain work and pay taxes), increased penalties for employing undocumented workers, and made it a crime for anyone to knowingly assist an undocumented person living in the United States” (Yukich 2013b, 26). As the Senate began to debate the controversial bill in early 2006, a series of escalating demonstrations swept across the country, culminating in one of the largest immigrant rights demonstrations in US history on May 1 2006. Branded as “A Day without Immigrants,” more than one million people took to the streets in protest of the Sensenbrenner Bill and in support of the rights of undocumented migrants. This impressive display of public opposition to such extreme anti-immigrant legislation successfully applied enough pressure to stop the bill’s passage in the Senate.

undocumented migrants often do not necessarily “need humanitarian aid or a place to hide en route to a safer location; instead, they seek legalization and naturalization that will allow them to continue living and working in the US locales they consider home” (Yukich 2013a, 107). This meant that traditional sanctuary—as a last resort, religious space of protection from impending apprehension by the state—was not necessarily a strategically a “good fit” for the NSM’s political context.

The result was an adaptation of a tactic taken from the LA-based organization Clergy and Laity United for Economic Justice (CLUE) called “radical accompaniment” (Yukich 2013b, 82; CLUE 2020). Initially used for CLUE’s workers’ right campaigns, radical accompaniment is a tactic in which one’s community is physically present during stressful or potentially dangerous situations. More specifically for the NSM, congregations would practice radical accompaniment as a mobile form of sanctuary by attending an undocumented person’s ICE check-ins, court dates, deportation proceedings, immigration detention reviews, and the like. Radical accompaniment has grown to include rapid response networks to support migrants who are targeted by ICE, visiting migrants in detention and working to release them, and using accompaniment experiences as a platform from which to raise public awareness (CLUE 2020).

Because church sanctuary was becoming increasingly ineffective in stopping deportations and was generally not a feasible strategy to respond to the sheer volume of migrants requiring protection from immanent deportation, radical accompaniment represented a welcomed pivot in congregations’ strategies of migrant support. Sanctuary was freed from the confines of a church and rendered mobile: sanctuary practices could be taken *to* migrants in need in the spaces they needed it, and sanctuary sites could be proliferated. It allowed non-immigrant congregation members to bear witness to the cold and unjust mechanisms of the US immigration system, operating as an important politicizing force for congregations (Yukich 2013b). Radical accompaniment also encouraged building deeper relationships of solidarity with the mixed-status families, rather than a congregation acting as merely “hosts” or “providers” of sanctuary.

So, while church-based sanctuary has clearly declined in the contemporary moment, faith communities in both Canada and the US have retained a commitment to sanctuary while being flexible in their interpretation. Perhaps most importantly, the practice of sanctuary has been increasingly embedded within broader social movement campaigns in support of precarious and

non-status migrants. Indeed, a handful of sanctuary incidents in Canada since 2000 have been centrepieces of high-profile migrant justice campaigns across Canada. While Lippert's analysis was focused on instances of church sanctuary specifically, he also briefly notes that sanctuary has "been a more general political tactic" that has "been deployed in conjunction with an array of social movements and modern institutions" (2005, 173). These alternative invocations of sanctuary begin to gradually displace church sanctuary in the 2000s. As the efficacy of church sanctuary waned in Canada, it was migrant justice movements that adopted the practice and adapted it to fit the shifting political context that migrants were facing. Within the literature on Canadian sanctuary incidents during this time, three instances arguably exemplify the gradual pivot away from church sanctuary and reimagination of sanctuary as a secular, expansive, and radical act of welcome against the state.

The first incident began on October 20, 2002, when the Seddicki-Bourouisa family made national headlines as they received sanctuary in a Montréal church on the day they were to be deported. The family was one of nearly 1100 rejected Algerian refugee-claimants targeted for deportation by the Canadian government. This mass deportation plan was the result of the Canadian government lifting its moratorium on deportations to Algeria in April 2002. The government claimed Algeria was safe to return to, despite ongoing political conflict, marking nearly 1100 Algerian refugees for deportation (Clark 2002).⁹ As the Seddicki-Bourouisa family entered sanctuary, migrant justice groups such as Comité d'Action des Sans Statuts (CASS),¹⁰ No One Is Illegal-Montréal, and Solidarité Sans Frontières (Solidarity Across Borders [SAB]) launched a campaign to oppose the deportation of the non-status Algerian refugees, and demand an end to all deportations. These migrant justice groups organized a direct action at the Montréal-Dorval Airport¹¹ to publicize the imminent mass deportation, disrupt the airport from which the Seddicki-Bourouisa family was to be deported from, and educate airline passengers and workers about their proximity to and complicity in Canada's unjust deportation regime (Watt 2006, 54).

⁹ It is important to note that the moratorium was lifted alongside the launching of a trade mission to Algeria promising millions of dollars of business between the countries. Curiously, the Department of Citizenship and Immigration Canada (CIC) also advised Canadian citizens *not* to travel to Algeria at this time due to safety concerns, revealing a glaring contradiction in the standards of "safety" for Canadian citizens and Algerian refugees (Lowry 2003).

¹⁰ Formed in 2001 in Montréal, CASS was a group comprised of non-status Algerian refugees that self-organized against their exclusion from Canadian citizenship and imminent deportation.

¹¹ Re-named the Pierre Trudeau International Airport in 2003.

Actions continued to increase public pressure on the federal government and expose its contradictory stance on Algeria's political climate. Ten days after the Seddicki-Bourouisa family took sanctuary and the anti-deportation campaign was launched, then-immigration minister Denis Coderre announced a new program to regularize *some* Algerians in Canada rather than deporting them. Dubbed the *Joint Procedures for the Processes of the Applications of Certain Algerian Nationals*, the program contained extensive security and medical checks, excluded anyone with suspected of criminal activity, required Algerian migrants to demonstrate their "integration" into Quebecois and Canadian society, and specifically did *not* re-instate the moratorium on deportations to Algeria (Watt 2006, 57).

While about 90 percent of Algerians gained permanent residence status through this program, approximately 150 Algerians did not qualify for status under this partial regularization scheme. Acknowledging that the *Joint Procedures* were a partial victory, migrant justice groups continued to organize rallies, pickets, and direct actions in support of those Algerians excluded for regularization, expanding their demands to: an immediate end to *all* deportations in Canada, a reinstatement of the moratorium on deportations to Algeria, and a comprehensive regularization program from all non-status migrants in Canada (Watt 2006; Khandor et al. 2004; Wright 2003). As three CASS members explained in an interview:

Linking up with the No One is Illegal Campaign has been important. They have helped a lot with our case, and we're appreciative because this isn't just about the rights of Algerians. Everyone should have these rights, and we hope that others will be able to take advantage of the work that we do. (Podur 2002)

What is notable in this case is the integration of sanctuary into a broader political campaign premised on status for all migrants—in effect, creating a national "sanctuary" for those without access to permanent citizenship status. Here we see a greatly expanded vision of sanctuary, moving beyond the four walls of a church toward a generalized practice of welcome.

On February 17 2004, just a few days before his deportation date, outspoken member of CASS Mohamed Cherfi took sanctuary in St. Pierre United Church. His *Joint Procedures* application had been denied and, less than a month later, police deemed the church he was in as "illegitimate" and violated sanctuary to arrest him (Lippert 2005, 176). This blatant violation of sanctuary revealed the limits of the church's ability to challenge the exercise of sovereign power.

While symbolically evocative, ultimately the church was not deemed “off limits” to the enforcement of immigration law. The police apprehended him, but quickly released him—right into the hands of the CBSA, who then immediately transported him to the US (where he had entered Canada from in 1997) to be detained near Buffalo, New York. Though this was the second time sanctuary had been violated in Canada, it was much more widely publicized and opposed. Lippert notes that, in response to Cherfi’s apprehension and deportation, “the outcry was more widespread than any support for any previous sanctuary incident” (2005, 176). Within a few days, his story made national headlines as a large rally was held in Quebec City to protest the police’s breaking of sanctuary to arrest Cherfi, and a national day of action was organized in cities across the country demanding his release from detention and return to Canada. Cherfi was ultimately detained in Buffalo for 17 months as he made a refugee claim in the US, which was eventually granted after a lengthy determination and appeal process. He was able to move back to Canada to rejoin his family with permanent residence in 2009. The violation of sanctuary and the funneling of Cherfi’s case back into legal, institutionalized processes of refugee determination arguably had a chilling effect on the safety and efficacy of church sanctuary in Canada.

A third instance occurred in 2007 when Laibar Singh, a disabled Punjabi refugee claimant, took sanctuary in Kalgidhar Darbar Gurudwara in Abbotsford, BC. Singh’s refugee claim was denied for minor inconsistencies and he was ordered to be deported on July 8th 2007, and entered sanctuary the day before. His health deteriorated in August, forcing him to be hospitalized. The CBSA detained him in the hospital with the intention of deporting him, but “due to immense community and political pressure, Mr. Singh was granted a 60-day stay first on August 20th and then another stay on October 20th 2007, pending a decision on his humanitarian and compassionate claim” (Communities for Laibar Singh 2008). His claim was denied in November 2007, despite dozens of organizations and a petition with 40,000 signatures in support of granting him permanent residency. Singh was to be deported on December 10th—International Human Rights Day—but in a historic and unprecedented move approximately 2000 people demonstrated at Vancouver International Airport, surrounding the vehicle Singh was held in, stopping his deportation, and “expressing their commitment to the moral values and acting out of a sense of justice and compassion” (Communities for Laibar Singh 2008; Fong 2007).

Singh then returned to sanctuary with a new deportation order. Despite the fact that the Gurudwara had made clear that Singh was in sanctuary, the CBSA tried once again to apprehend

Singh and deport him, this time at 4:30am on January 9th 2008 (Fong 2008). Once again, hundreds of his supporters showed up at the Gurudwara and the CBSA did not enforce Singh's removal order. Later in January, National Days of Action in support of Singh were announced, with solidarity actions happening in 11 different cities from coast to coast (NOII Vancouver-Coast Salish Territories 2008a). Throughout 2008, CBSA officers harassed Singh and tried to convince him to leave Canada voluntarily. They routinely violated sanctuary by visiting the Gurudwara where he was receiving care with the intention of intimidating him and wearing him down psychologically, insisting that there was "no chance for him to remain in Canada" and that he should just accept his deportation (NOII Vancouver-Coast Salish Territories 2008b). On November 3, 2000, Singh made the decision to leave Canada and the legal limbo into which the Canadian government had forced him into. With heavy hearts, his supporters respected his wishes and arranged medical care for him in India.

What the literature on these three examples highlights is that while sanctuary incidents were declining in efficacy, over the course of the early 2000s the concept of sanctuary was starting to become more integrated into broader social movements. While Lippert's (2009) research clearly answers the question "whither sanctuary?" in the affirmative, he does note that "future research may yet reveal a trend toward sanctuary themes being appropriated by secular groups in secular contexts" (67, fn. 42). During this time migrant justice organizations in Canada grasped the symbolic power of sanctuary and began to experiment with the concept, adapting it to the needs of precarious and non-status migrants in the 21st century. The result was the transplanting of the ancient religious practice of offering refuge into secular institutions like municipal governments and public services. This is an important process from the perspective of my dissertation, which seeks to broaden a narrow conception of sanctuary as either confined within a place of worship or within a set of public policy parameters. Interestingly, Lippert's (2005; 2009) study of church sanctuary in Canada begins to draw our attention beyond the church and into the wider community as he documents the diverse, secular actors that were involved in early sanctuary work in Canada. Attempting to develop this further, I have tried to show how the broader collection of transnational migrant advocacy work that was happening alongside instances of church sanctuary must also be understood as activism that invoked a wider conception of sanctuary. This expanded adoption of sanctuary would be a defining characteristic of the next decade of migrant justice campaigns in

major Canadian cities, as social movements attempted to integrate the practice of sanctuary into secular institutions and spaces. It is to this parallel history of sanctuary we now turn.

Sanctuary as a Municipal Policy

The Birth of the “Sanctuary City”

Sanctuary’s modern revival in the US antiwar movement as a religious practice in opposition to the federal government inspired municipalities to attempt to invoke the claim as well. Municipal governments sought to replicate sanctuary’s commitment to protection and refuge for non-status refugees and migrants within their own jurisdictions. Because sanctuary historically represented a challenge or suspension to the sovereign authority of the state, municipal governments necessarily had to adjust the meaning of the concept in order to adopt it. Rather than adopt sanctuary as a suspension of sovereign authority, sanctuary cities framed their role as declaring their support for sanctuary movements, while attempting to reduce their participation in the carrying out of immigration enforcement. To varying degrees, municipalities were able to affirm the presence of non-status migrants and refugees and then extend limited, local rights. In doing so, municipalities were taking public positions that challenged and sometimes resisted federal policy initiatives and law enforcement.

“If there is a moment when the logics of Sanctuary became embedded in municipal policy in the United States,” sanctuary scholar Jennifer Ridgley notes, “it would be in California in November of 1971” (2010, 55). In response to the growing popularity of the antiwar movement, Berkeley, California was the first modern city in North America to declare itself a “sanctuary city.” In the summer of 1971, an aircraft carrier temporarily returned from the Vietnam War, docked at the Alameda Naval Base near Berkeley. Soldiers on the ship had been circulating antiwar petitions and pamphlets for months before their arrival, and quickly connected with local antiwar activists in the Bay Area. Many soldiers were interested in exploring the possibility of deserting, citing their opposition to the continuation of US aggression in the region. Just days before the *USS Coral Sea* was ordered to return to the Vietnam War, the City of Berkeley passed a ground-breaking resolution in support of the war resisters: *Sanctuary for the Soldiers on the USS Coral Sea*. The City, along with 10 local churches, voiced its opposition to the War and declared its support for all people seeking to desert and remain in the US. Of course, the jurisdiction of municipal

governments over national war efforts is non-existent, but this did not deter the City of Berkeley, which stated in a press release on the resolution:

The purpose of this decision is to dramatize to the federal government the depth of the anti-war feeling and to indicate the belief of the Berkeley City Council that the continuation of the war adversely affects the city's ability to deal with important urban problems. (in Ridgley 2010, 71)

Beyond signaling the municipality's opposition to the war, the City took tangible steps within its area of jurisdiction to support war resisters' efforts. The resolution outlined that the municipal government itself was willing to provide public buildings for sanctuary if necessary (Purcell 2007, 81) and actively encouraged Berkeley residents participate in offering sanctuary, advising people to provide bedding, food, medicine, legal help, and camaraderie to war resisters when and where possible (Ridgley 2010, 172). Perhaps most importantly, Section 5 of the motion stated that:

That no Berkeley City Employee will violate the established sanctuaries by assisting in investigation, public or clandestine, of, or engaging in or assisting arrests for violation of federal laws relating to military service on the premises offering sanctuary, or by refusing established public services. (Ridgley 2010, 172)

Unbeknownst to Berkeley's city council at the time, this section—which not only affirmed support for existing sanctuaries in civil society, but also effectively expanded the practice of sanctuary to all municipal services and spaces—would become a model for cities considering municipal sanctuary policies a decade later.

There was not a similar revival of sanctuary by the Canadian antiwar movement during this time. Instead, antiwar groups in Canada began to form in response to a growing number of draft dodgers and deserters migrating north to seek refuge from participation in the war. Beyond addressing the immediate needs of recently arrived war resisters, Canadian anti-draft groups disseminated border crossing tips and legal information across Canada and the US, initiated public campaigns opposing restriction to immigration and to “open the borders,” and coordinated their efforts with the US antiwar movement more broadly. Squires (2013) convincingly shows that it was precisely the pressure from the network of over 25 anti-draft groups across the country that forced Trudeau's government to keep legal avenues open for draft dodgers and deserters and effectively “build sanctuary” in Canada.

Showing interesting connections to migrant justice movements decades later, the antiwar movement continued to put public pressure on the Liberal government to open the borders and regularize the thousands of people present in the country without access to landed immigrant status—effectively positioning Canada as a “sanctuary” for those opposed to participating in the US war effort. Antiwar efforts in Canada culminated in the announcement of a national “Adjustment of Status Program” which, between August and October of 1973, granted 39,000 people permanent residence status, most of whom were war resisters from the US. While the anti-draft movement in Canada could loosely be associated with the practice and concept of offering “sanctuary,” it neither drew from the theological roots of the concept, nor did it attempt to re-frame its work as offering political sanctuary as cities and campuses in the US were. Instead, it drew on the framing of “open borders,” sustained campaigns for more liberal immigration policies, and created national networks to organize direct support and advocacy for American war resisters. Specifically, it advocated for pathways to regularize the immigration status of war resisters that were presently in Canada with temporary or no authorization to remain.

It was not until the sanctuary movement for Central American refugees had reached national prominence that sanctuary would become a widespread municipal commitment. Beginning in 1985, multiple cities began declaring themselves “cities of refuge” and “sanctuary cities” for Central American refugees, pledging support for local sanctuary churches and committing to reduce cooperation with federal immigration enforcement activities (Collingwood and Gonzalez O’Brien 2019; Villazor 2008). Indeed, the City of Berkeley’s 1971 resolution pledging to protect war resisters served as a model for municipalities seeking to support Central American refugees a decade later. Initially, it was cities with significant Latinx populations with strong ties to religious institutions, along with a strong network of refugee and migrant organizations that created strong public and political support for sanctuary city designations (Delgado 2018, 113; Chinchilla et al. 2009). However, the sanctuary designation was quickly rising in popularity: between 1985 and 1987, at least 20 cities and two states passed sanctuary declarations (Ridgley 2008, 67), signaling sanctuary’s clear shift into secular institutions.

Around this time, municipal sanctuary declarations generally contained an ideological component and a policy component. For example, the City of Los Angeles declared itself a sanctuary in 1985, passing a resolution that responded to the “climate of fear prevalent in Central American refugees,” noting that it “may potentially impair the efficiency of city government

agencies, disturb the efforts of law enforcement agencies to resolve pending cases, and in general contradict the ideals of diversity and tolerance to which the City of Los Angeles subscribes” (Mathews 1985). In addition to this symbolic declaration of support for refugees, the City drew attention to a policy passed by the Los Angeles Police Department years earlier that prohibited police officers from “initiat[ing] police action with the objective of discovering the alien status of a person” and that officers “shall not arrest nor book persons for violation of... Illegal Entry” (Collingwood and Gonzalez O’Brien 2019 17). Taken together, we can see how the sanctuary resolution framed sanctuary as a tool of municipal governance and a law enforcement issue, specifically by withdrawing municipal participation from immigration enforcement.

In a similar vein, anthropologist Peter Mancina documents how the City of San Francisco declared itself a sanctuary city in late 1985, affirming both its support of Central American refugees and their right to access city services without fear of being reported and apprehended by federal immigration authorities (2016, 44-51). By 1989, San Francisco police officers had been caught on multiple occasions aiding the INS in identifying, arresting, and deporting Central American refugees. In danger of losing the support of migrant, faith, and progressive communities based on their earlier sanctuary commitment, a Memorandum of Understanding was signed asserting the separation in duties between federal immigration and local law enforcement activity. It stated that

Board of Supervisors of the City and County of San Francisco has declared that San Francisco is a City and County of Refuge for Salvadoran and Guatemalan refugees and that enforcement of immigration and refugee policy is a matter of federal jurisdiction. (Mancina 2016, 53)

Soon after this, the City of San Francisco amended its Administrative Code to wholly reflect its commitment to being a sanctuary for the undocumented—from Central America or elsewhere. In it, the City expressly prohibited all departments, agencies, and city employees from using any resources to

- 1) assist or cooperate in their official capacity with any INS investigation, detention, or arrest procedures, public or clandestine, relating to alleged violations of the civil provisions of the federal immigration law;
- 2) assist or cooperate in their official capacity with any investigation, surveillance or gathering of information conducted by foreign governments;

- 3) request information about or disseminate information regarding the immigration status of any individual;
- 4) condition the provision of services or benefits by the City and County of San Francisco upon immigration status except as required by federal or state statute, regulation or court decision. (Mancina 2016, 54)

This reform to the Administrative Code is an excellent example of both the potentials and the limits of municipal sanctuary policies. On one hand, the City of San Francisco passed some of the strongest language in the United States as it relates to withdrawing municipal participation in immigration enforcement. On the other hand, Mancina (2019) clearly argues that such a policy has not stopped immigration enforcement from operating within the city limits while the City wipes its hands clean of any participation in the matter.

By the early 1990s, the sanctuary movement in solidarity with Central American refugees had waned. So too did interest in sanctuary city policies; though most policies remained “on the books.” Importantly, sanctuary had clearly found its place within the political landscape as a popular and viable strategy of asserting municipal jurisdiction to oppose, or withdraw participation from, federal immigration policies and enforcement activities. The birth of the sanctuary city in the 1980s would have far-reaching implications for municipalities across North America, who would soon be responding to a dual process of intensification and devolution of immigration enforcement.

The Rise of Sanctuary Cities: devolution, jurisdiction, and local citizenship

The beginning of the 21st century marked a revival urban, secular forms of sanctuary. After 9/11, the dual existential threats in the West of terrorism and unauthorized migration led to a widespread fortification of borders, intensification of surveillance, and proliferation of exclusionary immigration controls. Ironically, these national and supra-national extensions of what Walia (2013) terms “border imperialism” actually reproduced the very violence they claimed to oppose. The extension of Western imperialism spurred by the “War on Terror” and neoliberal capitalism led to increased displacement and forced migration across the globe, while the proliferation of borders and exclusionary immigration controls created the conditions for more and more people forced to pursue unauthorized entry into Western states and remain as undocumented migrants.

The presence and enforcement of borders multiplied *within* national boundaries as much as they did beyond them. In Canada and the US, federal governments mobilized local-level actors to act as “force multipliers” for immigration enforcement, expanding the spaces and times where immigration enforcement could occur (Provine et al. 2016). The subsuming of local police forces, public services, and communities themselves into a national enforcement network has “transformed immigration enforcement from a federally managed and outward-looking power, located at the territorial margins... into an operationally diffuse and inward-looking power focused on resident immigrant populations” (Stuesse and Coleman 2014, 106).

Sanctuary became a uniquely positioned response to this new context of decentralized and localized surveillance and violence against racialized, precarious, and non-status migrants. The election of Donald Trump as President of the United States—arguably representing the tip of the proverbial iceberg of nationalist, anti-immigrant sentiment across the globe—resulted in a resurgence of interest in sanctuary. The declaration of church sanctuary and sanctuary cities rose to a level of mainstream prominence not matched since the 1980s sanctuary movement. In the few weeks between Trump’s election and his inauguration, the number of publicly declared sanctuary congregations doubled in size. By January 2018, the new sanctuary movement had grown to include 1,100 congregations who had “signed up to prophetically confront the administration’s immoral and unjust deportation policies” (Orozco and Anderson 2018, 6). However, it is sanctuary cities that garnered the most public attention and debate in the contemporary moment. At the time of writing, more than half of the states within the US contain sanctuary cities and/or counties, with over 200 sub-federal jurisdictions across the country (Collingwood and Gonzalez O’Brien 2019; Delgado 2018). In Canada, interest in sanctuary city designations also spiked after Trump’s election: the number of adopted sanctuary city policies increased from three to seven, with many more local sanctuary city campaigns launching in other cities as well (Gardner 2017).

Responding to the on-the-ground realities of these shifts in enforcement, sub-national governments began once again to cultivate their own policies in relation to local immigrant populations. In both Canada and the US, jurisdiction over immigration and citizenship resides primarily with the federal government. But as Varsanyi argues, local actions such as sanctuary city policies represented “attempts by cities to ‘take matters into their own hands,’” and “rescale a defining characteristic of the nation state—power over immigration—in order to regulate undocumented migration at the local scale” (2010, 297). Of course, this dual federal-municipal

interest in locally “regulating” undocumented migrants holds the potential to either expand or restrict migrants’ rights and freedoms. Scholars have shown that municipalities have responded to the increased pressure to locally enforce federal immigration laws in a spectrum of ways, with some cities making migrants’ lives more difficult and dangerous to live (Villazor and Gulasekaram 2018; Provine et al. 2016; Gilbert 2009), while others harnessing their local jurisdiction to act as a potential buffer between federal enforcement pressures and residents with precarious or no citizenship status (Lasch et al. 2018; Bauder 2017; Strunk and Leitner 2013). Therefore, while “subnational governments are generally prevented from making immigration policy... they are able to develop policies that address the integration of immigrants into local communities, that is, immigrant policy” (Varsanyi 2010, 296). It goes without saying that sanctuary cities have become by far the most public and controversial “immigrant integration” policy that municipalities have pursued. Across the US and Canada, there are now hundreds of self-proclaimed sanctuary cities. While sometimes referred to as a “sanctuary city movement,” the surge in local sanctuary jurisdictions lacks any formal structure, coordination, or even an agreed upon definition of what a sanctuary city is (Delgado 2018; Villazor 2008). Therefore, while it is tempting to describe the recent proliferation of sanctuary cities as a movement, it is more accurately a series of locally contingent policies that seek to divest from or resist the devolution of immigration enforcement and rising anti-immigrant sentiments, and affirm the presence and value of racialized, precarious, and undocumented migrants.

In Canada, the increased devolution of immigration enforcement to the local level was initiated by grassroots migrant justice organizations and originated in response to instances of immigration enforcement within specific public service sectors. A series of “Don’t Ask, Don’t Tell” (DADT) campaigns emerged alongside struggles to stop detention and deportation of migrants who were apprehended while in school, seeking refuge in anti-violence against women (anti-VAW) shelters, accessing food banks, or by police officers performing “status checks.” The demands were relatively straightforward and localized, but held considerable potential to make the lives precarious and non-status migrants in large urban centres much safer. As two migrant justice organizers in Toronto explain:

DADT was launched by No One Is Illegal-Toronto in 2004 and seeks to prohibit city workers from inquiring into an individual’s immigration status in order to provide them with a vital service, such as healthcare, housing, obtaining assistance from police, and gaining entrance

into schools among others—the Don’t Ask component. Also, in the event that these officials do become aware of a person’s immigration status they would be barred from disclosing this status to federal or provincial immigration authorities—the Don’t Tell component.... (Mishra and Kamal 2006)

Without the historical precedent or critical mass of interest in sanctuary cities that existed in the US, migrant justice campaigns focused instead on creating “zones of sanctuary,” proceeding “community centre by community centre, school by school, and neighbourhood by neighbourhood” (Misha and Kamal 2006). Instead of a municipal policy commitment, migrants justice activists in major Canadian cities like Toronto, Montréal, and Vancouver operated at the community level to cultivate sanctuary in a variety of community spaces. Local struggles for sanctuary were strung together by an overarching commitment to “status for all,” and DADT campaigns were understood as creating a form of *de facto* “regularization from the ground up” (Mishra and Kamal 2006). In the absence of a comprehensive federal plan to regularize the thousands of non-status migrants currently living in Canada, migrant justice organizations understood the creation of local “zones of sanctuary” as a way of keeping migrants safe, and that by working toward proliferating these zones they could ultimately build communities where immigration status was rendered effectively irrelevant.

It was not until the City of Toronto’s landmark commitments in 2013 and 2014 that “sanctuary city” policies began to be considered and adopted by Canadian municipalities. Largely in response to the culmination of numerous high-profile campaigns defending and advancing the rights of non-status migrants (Mallou 2019), municipal governments started looking into how to make the limited services they did control and administer more accessible to all residents, regardless of immigration status. Following the City of Toronto, “sanctuary city” or “access without fear” policies were passed in Hamilton, Vancouver, Edmonton, London, Montréal, and Ajax, joining the City of Toronto in an effort to extend a climate of welcome to all residents. As we will see in the next chapter, these sanctuary city commitments were more symbolic than meaningful changes to the day-to-day administration of public services, and did little to stop local police forces from continuing to participate in immigration enforcement activities. Though, to varying degrees, municipal sanctuary policies broadly acknowledged each city’s responsibility to ensure that all residents had safe and equitable access to municipal services and some formally

called on the federal and provincial governments to address the fact that the current immigration system is producing a growing number of precarious and non-status migrants.

Scholars have noted that municipal sanctuary city policies construct a form of local membership or identity rooted in residence, or presence, within a city. Of course, municipalities in Canada cannot offer citizenship to their residents. Legally, however, municipalities do arguably include—and have a public responsibility toward—*all* people living in the city (Atak 2019). In this way, scholars argue that sanctuary city policies reposition the city as a “space of belonging” and “aim to facilitate the enactment of a collective urban community that brings together citizens and migrants, and inhabitants with and without status” (Bauder 2020, 37; Bauder 2016). This is sometimes done explicitly, through the use of city-specific monikers in municipal policies, like the City of Toronto’s “Access to Services for Undocumented *Torontonians*” policy or the City of Vancouver’s commitment to “ensure *Vancouverites* have equitable access to high-quality social, community and health services.” Another example is the development of municipal identification cards, which take a step toward formalizing a municipal belonging by offering a form of “local bureaucratic membership” (Kaufmann 2019; de Grauw 2016; Varsanyi 2006).¹² Other examples are more implicit, as municipal policies claim cities should be safe, accessible, and welcoming places for “all residents.” However, sanctuary cities do pledge a commitment to everyone within their jurisdiction, eroding the divisions of national citizenship—even if only discursively. This represents a key difference between church sanctuary and municipal sanctuary: the latter “not only broadened the scope of assistance available [to migrants] but they also sought to accomplish broader policy goals that benefitted all residents within the localities in which they were passed” (Villazor 2008, 142). While a municipal identity or membership claim has little legal authority and cannot replace formal citizenship, sanctuary city policies evidently put forward the argument that all residents of a city should have equal access to public services regardless of immigration status. In other words, by intentionally rendering citizenship status irrelevant to accessing municipal

¹² To date, the Montréal is the only city in Canada offering municipal identification cards. While the adoption of municipal identification cards in many cities in the US has been promoted for any resident who may require access to identification (young people, people without a stable address, precarious and non-status migrants, etc.), in Montréal they are specifically for undocumented migrants. This has raised concerns over the safety of possessing or using such identification, which might in fact expose an individual as not having status.

public goods, sanctuary city policies arguably are argued to embody a new form of belonging based in presence rather than legal status (Bauder 2020; 2016).

The argument that sanctuary city policies produce claims to a *de facto* membership in a polity beyond the boundaries of *de jure* citizenship often converges with theories of urban or local citizenship (Villazor 2016). Urban citizenship is premised on the argument that cities are well positioned to decide who is, or ought to be, a member of a political community. While conventional understandings of citizenship equate to a simple legal status and a corresponding set of rights, entitlements, and responsibilities, urban citizenship is premised on presence and inhabitation within a specific local community (Bauder 2012; 2014; Baubock 2003). Urban citizenship proposes a normative, idealist notion of citizenship, one that is “not bound to an a priori political community, but emerges from presence in place” (Kauffman 2019, 444). Urban citizenship therefore also requires a reconfiguration of the relationship between nation states, cities, and urban inhabitants. Indeed, Nyers notes that while sanctuary policies “do not provide migrants with formal status, they do allow a person with little or no formal status to access many of the rights of ‘social citizenship’ (e.g. health care, education, emergency services)” at the local level (2018, 149).

In a review of theories and practices of urban citizenship, Baubock (2019) argues that cities seeking to cultivate new forms of belonging may do so using diminutive, derivative, or post-national approaches. A diminutive approach consists of informal and uncontroversial municipal actions to include non-citizens in the local demos. In federal states like Canada, municipalities are not constitutional entities, so diminutive forms of urban citizenship are generally either considered unimportant by the federal government, or occur within what Hirschl (2020) calls “constitutional silences.” Examples of this could be changing an intake form to not take citizenship information or reducing the identification requirements to access a public service. A derivative approach attempts to realize urban citizenship by deriving formal rights from within a federal framework by gaining official recognition within a constitution. Campaigns within the City of Toronto to become either a Charter City or a federal province in order to secure further autonomy are examples of a derivative approach. The final account of urban citizenship—as embodying a post-national relationship to the nation state—aims to maximize municipal autonomy and promote “new forms of direct democracy,” including increased local voting rights, participatory budgeting, issuing municipal identification cards, regularizing migrants without status, and offering sanctuary to migrants facing deportation (Baubock 2019). Advocates and scholars supportive of sanctuary

cities argue that this approach must form their underlying normative goal: beyond avoiding or deriving permission to construct communities based on presence, cities must move toward resisting unjust federal laws and delegating democratic control to their residents. Importantly, a post-national approach to urban citizenship would clearly benefit precarious and non-status migrants, but it also goes beyond these specific categories to include all inhabitants of a municipality whose presence may not be authorized or desirable to the nation state. At its core, urban citizenship is therefore constituted by principles of local autonomy, (increased) direct democracy, and a recognition that governing institutions must be accountable to those who are governed or affected by them.

While some scholars argue that sanctuary city policies can be extensions of local autonomy by extending forms of urban citizenship to precarious and non-status migrants, a closer look at sanctuary cities in Canada reveals that such claims might be based more in normative hopes than the material practices of sanctuary today. Indeed, Graham Hudson notes that “*Most radically*, sanctuary cities can support wholly non- or even anti-state programmes that urge us to reject the concepts and assumptions underpinning the state system and/or centralized government (2019, 78; emphasis added). His important research on Toronto’s sanctuary city policy, however, has generally found the policy’s scope and implementation to be limited (Hudson 2019; Hudson et al. 2017). In a similar vein, sanctuary scholar Harald Bauder contends that “access-without-fear initiatives in Canada must be seen as acts of defiance by municipal policymakers against exclusionary federal immigration laws and policies” (2019, 34). But a closer look at sanctuary city policies and public statements by supportive city councillors shows that municipalities *do not* see themselves as defying federal law or even impeding immigration enforcement activities. As will be discussed in more detail in the next chapter, sanctuary city policies in Canada are in fact careful *not* to defy or exceed their jurisdictional limits.

Additionally, municipalities explicitly do not include local law enforcement within the scope of their policies. Where municipalities *do* attempt to implement access without fear policies, they usually only commit to “not asking” for status and “not telling” enforcement authorities if someone is found to be undocumented when it is not mandated to by provincial or federal law (Atak 2019). So, rather than defying federal immigration law, sanctuary cities in Canada ultimately seek to “stay in their lane” and enforce it when they must. And while some sanctuary city policies do include requests for provincial and federal governments to “review” and “reconsider”

immigration policies that are producing increasing numbers of migrants with precarious or no formal immigration status, nothing has come from these communications, and cities have not pressed the issue. Therefore, a pessimistic look at sanctuary city policy across Canada reveals that they often “accept the status quo, and relegate the city to passively offering access to purely municipal services rather than finding ways of breaking through jurisdictional constraints” (Hudson 2019, 91).

Sanctuary city policies in Canada therefore fall into the “diminutive” approach in Baubock’s criteria. The growth of sanctuary city policies has (as of yet) not prompted a public response from provincial or federal governments, and have not resulted in any formal delegations of additional municipal autonomy. It is symbolically powerful to declare that city services should be accessible to all residents regardless of status, and some strides have been made toward increased access as a result of such declarations. But as we will see, sanctuary city policies in Canada currently operate within the limited legal bounds of municipal jurisdiction and do not challenge or suspend the nation state’s sovereign authority over immigration policy and enforcement. This does not drain sanctuary city policies of all symbolic and substantive utility—activists have secured some crucial victories through local sanctuary policies—but does circumscribe their overall potential. Kuge captures this contradiction between the defiant and law-abiding aspects of a sanctuary city policy, noting “[sanctuary] is not necessarily a policy that ideologically aims to mitigate social injustice,” but is instead “a pragmatic tool of government” which nonetheless “aims to benefit all of a city’s population in terms of economic resilience, public health, and safety” (2019, 69). Put another way, Canadian sanctuary cities appear to take a similar approach to Canadian sanctuary incidents: rather than invoking sanctuary’s rich tradition of challenging the authority of the state, it is instead distorted to align with the state and uphold its legitimacy in the process of pursuing greater rights, protections, and entitlements for precarious and non-status migrants.

So, on one hand, precarious and non-status migrants have certainly benefitted to some degree from greater and safer access to services due to sanctuary city policies. Hudson notes that “while distinct in many ways, Canadian sanctuary cities do share with their American counterparts faith in the potential of formal policies, procedures, and directives of municipalities” (2019, 77). And indeed the same could be said about Canadian sanctuary city scholars. Bauder (2019; 2017; 2016), Atak (2019), Kuge (2019), and Hudson et al. (2017) have all discussed the actual and

potential positive outcomes municipal sanctuary designations in the Canadian context. But on the other hand, research on sanctuary cities in Canada has also shown that the realization of these policies has remained limited, resulting in a patchwork of implementation across various sectors, uncertainty of access, and, disturbingly, has occurred alongside *increased* police involvement in immigration enforcement (AQAADI 2018; Moffette and Ridgley 2018; Sanctuary Health 2018; Hudson et al. 2017; FCJ Refugee Centre 2015; Moffette and Gardner 2015; Solidarity City Network 2014). Ultimately, as my research will show, activists and migrant communities campaign for sanctuary policies (sanctuary from above) with a degree of skepticism, and therefore supplement such campaigns with efforts to create spaces and networks of sanctuary that are constituted by directly affected people, not policy commitments (sanctuary from below). Because of the persistent and inherent gaps in municipal policies, sanctuary must still be cultivated and defended by local activists and grassroots campaigns, which is the topic of Chapter 5.

Sanctuary City as a Process

It would be a mistake, then, to equate the existence of a sanctuary city policy with the actual conditions of access, safety, and protection that the term “sanctuary” conjures in the public imagination. Precarious and non-status migrants already know this, as do migrant justice activists working in their communities to cultivate sanctuary and solidarity. But this disjuncture does pose a few issues for scholarly inquiry. Chief among them is, what then is the value of the “sanctuary city” label? And how does this disconnect between the label and material reality of sanctuary affect how scholars ought to conceptualize and study sanctuary cities?

Scholars have responded to these questions in a variety of ways. There is a thin consensus within the literature that a sanctuary city can be defined as a city that the adoption of a policy by a sub-federal jurisdiction that attempts to limit participation and enforcement of immigration laws by refusing to require and collect citizenship information where possible and/or communicate individuals’ citizenship status to law enforcement authorities (Darling and Bauder 2019; Collingwood and Gonzalez O’Brien 2019; Delgado 2018; Villazor 2008). However, many scholars emphasize that the immense variety in interpretation, local contingency, and uneven implementation of sanctuary city policies (Lasch et al. 2018; Villazor and Gulasekaram 2019; Villazor 2008) means that simple heuristic model of sorting municipalities into sanctuary cities

and non-sanctuary cities is overly simplistic, vehemently contested, and ultimately an endeavor of little value (Houston 2019; Walker and Leitner 2013).

Instead, more fruitful modes of inquiry focus on the presence, or lack thereof, of a range of policies, agreements, actors, and practices that create sanctuary in a variety of ways, including extending rights to migrants, making civic participation and access to services not contingent on immigration status, and withdrawing institutional cooperation with federal immigration enforcement where and when possible. Avila et al. (2018) describe a “spectrum of sanctuary” in the US based on the presence of a number of specific municipal and county policies that limit information sharing between local law enforcement, county jails, and federal immigration authorities. Understanding sanctuary as existing on a spectrum allows us to grasp not only the diverse array of sanctuary policies that may or may not exist in a given jurisdiction, but also various “anti-sanctuary” policies and local attempts to criminalize and restrict the rights of precarious and non-status migrants (Gilbert 2009; Varsanyi 2010; Villazor and Gulasekaram 2018). In the same way cities may welcome and extend limited local rights to migrants, cities may also discourage the presence of migrants by “seizing opportunities provided by the federal government’s devolution of immigration enforcement authority to police unauthorized migrants in their communities” (Provine et al. 2016, 9). Indeed, the parallel rise of anti-sanctuary policies in municipalities across the US has emphasized what Gargiulo and Piccoli (2019) describe as “the dark side of urban citizenship,” where

Direct democracy at the local level may simply reproduce the exclusion of non-citizens from political participation; social movements may appropriate local spaces to promote social housing while discriminating against migrants; and local administrators may erect bureaucratic barriers that make it more difficult for mobile and vulnerable citizens to access basic rights like healthcare. The point is that urban citizenship may sometimes provide the means to enhance, rather than reduce, populism, anti-immigrant sentiment, and exclusionary policies.

A more complex view of how rising municipal autonomy in relation to migrants’ presence therefore allows discussions of sanctuary to become more nuanced. In the same way that different sub-federal jurisdictions across a country can enact pro- or anti- sanctuary policies, individual jurisdictions can possess a range of policies that may also run the length of the “spectrum” of sanctuary. Indeed, scholars have shown that the increased role that sub-federal governments and local law enforcement agencies are playing in the regulation of migrants and enforcement

immigration has produced what Provine et al. accurately describe as a “multijurisdictional patchwork of enforcement policies and practices” (2016, 3).

If sanctuary cities manifest in “invariably contextual” ways (Villazor and Gulasekaram 2019) and therefore only provide safety and access to services in specific times and spaces, this returns us to the question of the value of the label itself. Or, at least the local contingency of sanctuary policies would certainly trouble scholarly attempts to produce a heuristic model that could neatly sort cities into sanctuaries and non-sanctuaries based on the presence of particular policies. As my dissertation unpacks in Chapter 3, while Toronto, Vancouver, and Montréal all passed municipal policies committing to implementing “access without fear,” much would be lost if we simply equated them all as “sanctuary cities” in the same way. This would betray both the multiple interpretations and manifestations of sanctuary cities generally, and erase the various contextual differences between the each of the municipalities specifically.

Fortunately, scholars have begun to conceptualize sanctuary in ways that move beyond these limits to embrace the variety of ways in which sanctuary is cultivated, asserted, and spread within local jurisdictions. Specifically, the multiplicity of actors involved in producing sanctuary—and the ensuing range of interpretation and practice within it—is being more accurately conceptualized. As a result, our gaze is shifted away from focusing on what municipal policies and politicians *say* they are and are not committed to doing in the name of sanctuary, toward the material processes, practices, and networks that create tangible spaces of safety, access, and sanctuary for precarious and non-status migrants.

An effective analysis of sanctuary cities does not ignore municipal policies and regulations, but does recognize that policies are often complex sets of instructions that are interpreted by multiple individuals and institutions and therefore implemented in various, context-specific ways. As a result, a sanctuary city policy can manifest in a variety of different ways, belying its appearance as a uniform policy or commitment to migrants’ safety. Houston (2019) proposes that sanctuary should be understood, then, as a process rather than a definitive “is or isn’t” state. He argues that

sanctuary is not static and prescribed, but rather a variegated and contextual process. Places assert their local authority and draw boundaries around acceptable and unacceptable actions through varied policy mechanisms. In shifting the focus away from a binary rendering of

sanctuary, my goal is to further understandings of sanctuary as contested and contingent.
(Houston 2019, 564)

From this perspective, sanctuary is the sum of a variety of policies, norms, and actors that collectively produce a spectrum of expanded or restricted rights for precarious and non-status migrants. In other words, there is a *spectrum* of sanctuary across Canadian cities—and indeed, within cities themselves—precisely because the cultivation of sanctuary in a city is a complex and dynamic *process*. Useful inquiries into the potentials and limits of sanctuary city policies therefore must attend not only to the policies themselves, but reveal the variety of ways in which sanctuary is interpreted and implemented on the ground (see Hudson et al. 2017; Hershkowitz et al. 2020).

Because sanctuary cities are structured by various levels of government policy, various departmental attitudes toward implementation, and locally specific political contexts, understanding sanctuary as a process helps us grasp its necessarily dynamic nature. Houston's framework is therefore a useful way to grasp the various ways in which sanctuary policies *actually* increase migrants' safety and access to social services. In doing so, he further notes that

Put simply, sanctuary is far from clear cut; on the contrary, it is a fraught and liminal process, full of paradoxes and escaping simplistic categorization. Overlooking this complexity often renders sanctuary a static classification of being. Conceiving of sanctuary as a process, though, means that rather than debate whether or not... policies make places sanctuaries, analytical attention can be paid to how sanctuary assumes materiality through the enactment of specific procedures. (2019, 571)

Somewhat ironically, sanctuary-as-process therefore sharpens our view of what a sanctuary city is, by focusing on its complex and dynamic nature. It is a concept that looks beyond the grandstanding associated with municipal policies and politicians' press conferences, and seeks to uncover and investigate the "materiality" of sanctuary practices as they actually exist. When understood a process, sanctuary is recognized to be in motion—sometimes expanding its protections for migrants, sometimes contracting them. As we will see, activists understand that sanctuary policies are a fraught and imperfect step toward cultivating conditions of safety and dignity for precarious and non-status migrants. While sanctuary policies typically do not result in the sweeping reforms they are often imagined to, they do express a commitment to recognizing and including a population that is illegalized by the federal government. Therefore, sanctuary-as-process demands that we refuse the untenable conflation of sanctuary policy and the actual

conditions of safety for precarious and non-status migrants, and begin to theorize sanctuary as an emergent commitment and a contested terrain. In doing so, the multiplicity of actors, actions, and movements that work to create of sanctuary and solidarity underneath the symbolic veneer of public policy have been obscured. It is this network of people working inside and outside formal institutions that my dissertation focuses on, and it is toward “sanctuary networks” that we now turn.

Toward an Analysis of Sanctuary Networks

As the literature review has shown thus far, two sites have come to dominate scholarly and mainstream interest in sanctuary: the church and the city. Villazor and Gulasekaram (2019) have observed that the majority of contemporary scholarship on sanctuary cities has focused on questions of policy, law, and federalism in relation to sanctuary cities in the US. In Canada too, scholarship on sanctuary cities has focused largely on the implementation, possibilities, and limits of municipal policies (Bauder 2017; 2016; Atak 2019; Hudson 2019; Hershkowitz et al. 2020). While widespread attention on municipal governments has produced some important and interesting insights, Villazor and Gulasekaram argue that

focusing only on sovereignty and federalism issues is myopic. It elides the multiple ways that public and private actors have offered sanctuary today, exerting governance and authority over noncitizens and competing with the federal government’s enforcement scheme.... To fully appreciate the legal issues surrounding the provision of sanctuary today, we need to move beyond federalism analysis and explore the ways that the sanctuary movement and actions have evolved into a distributed network of public and private actors. (2019, 1213-1214)

Villazor and Gulasekaram (2019) coin the term “sanctuary networks” to capture the variety of actors and institutions involved in offering sanctuary to and cultivating relationships of solidarity with precarious and non-status migrants—with or without the municipal adoption of a formal sanctuary city designation. They contend that understanding sanctuary as produced by a network also expands the definition of sanctuary itself that, from this perspective, includes “a range of policies and programs adopted by public and private entities or organizations that decline or limit voluntary participation in federal immigration enforcement practices or seek to shield noncitizens from federal enforcement tactics” (1217-1218). Importantly, this includes both those entities and

actions that explicitly take up the label of sanctuary to frame their work, as well as those that seek to impede and resist immigration enforcement and expand access to services but do not claim the “sanctuary” moniker.

The argument that sanctuary is produced by a “distributed network of public and private actors” is a welcomed and necessary shift in perspective, and one that frames the focus of this dissertation. By mapping and analyzing “sanctuary networks,” scholarly inquiry is able to more accurately grasp the complex, varied, and daily work of cultivating sanctuary within and across a city. Indeed many different kinds of policies and practices have emerged in the contemporary period, including but not limited to

“welcoming” measures (such as the designation of a site as “inclusive”), “non-immigration law enforcement” policies (i.e., refusing to use resources, public or private, to enforce immigration law), “don’t ask” policies (such as refusing to inquire about a person’s immigration status or participating in E-verify), “don’t tell” policies (i.e., refusing to disclose known information), humanitarian acts (such as the provision of shelter and food), private property rights assertions (such as refusing entry to law enforcement officers without an administrative or judicial warrant), and “forewarning” actions (such as notifying undocumented immigrants about a raid). (Villazor and Gulasekaram 2019, 1227-1228)

My dissertation reveals and analyzes many of these sanctuary practices across four major cities in order to further develop the concept and utility of studying sanctuary networks.

Importantly, while individual spaces and acts of sanctuary are necessary and impactful responses to migrant illegalization, they are seldom able to address the totality of the exclusionary and racist conditions created by citizenship and borders. However, Villazor and Gulasekaram argue that

Viewed in isolation, the ability of these sanctuaries to achieve their specific goals may be constrained by legal principles that govern public and private entities. Examined together, however, these public and private groups are forming a system that collaborates, formally in some contexts and informally in others, to collectively challenge the federal government’s claimed monopoly on setting immigration policy. (2019, 1214)

Therefore, the importance of sanctuary networks is not necessarily the physical locations or policy directives that have come to define sanctuary in past periods, but a collaborative political project and a set of practices defined by solidarity, mutual aid, and radical welcome.

Sanctuary networks are a response to the fact that government policy has never been sufficient in creating actual conditions of safety for precarious and non-status migrants—and has at times been actively hostile toward efforts to create such conditions. Informal and community-based networks of sanctuary and mutual aid have always existed within communities that have historically experienced exclusion and/or violence at the hands of the nation state. What is unique about contemporary sanctuary networks is that they contain “several types of actors, ranging from legislatures, government agencies, corporations, foundations, non-governmental organizations, and other more informal associations, exercise authority over particular fields in loosely connected networks” (Villazor and Gulasekaram 2019, 1252). As a result, sanctuary networks are well equipped to resist the increasingly networked operation of domestic immigration enforcement, which relies on the devolution of authority to local-level actors to surveil and capture non-status migrants in more difficult to locate cases.

So too, then, are the various sanctuary practices responding to immigration enforcement by either withdrawing participation from enforcement networks, or willingly obstructing and resisting them. This includes public and private actors that either publicly commit to creating sanctuaries, but also those policies and practices that do not explicitly claim the sanctuary moniker but nonetheless work toward resisting immigration enforcement and creating spaces of safety and solidarity for precarious and non-status migrants (Villazor and Gulasekaram 2019, 1218). Take, for example, a Community Health Centre changing their intake forms to stop requiring citizenship information, or a local food bank opting to expand the forms of identification it requires to serve an individual to be more accessible. Or the circulation of Know Your Rights resource guides and workshops in migrant communities that can be used in interactions with police or CBSA agents. Administrators and teachers at schools, workers in anti-VAW shelters, and healthcare providers all creatively find ways to provide much-needed services to non-status migrants, with or without a sanctuary policy sanctioning their actions. These actions both protect migrants from encounters with CBSA as well as facilitate access to much needed services, yet are often lost in high-level analyses of municipal policy directives.

New forms of sanctuary are being developed to respond to the many gaps and limits of municipal policy. The concept and practice of sanctuary is being mobilized through the use of rapid-response networks to document and contest immigration raids, social media pages alerting communities to the presence of immigration enforcement, or mutual aid networks that provide housing, legal support, community connections, and other resources to precarious and non-status migrants (Paik 2020). Sanctuary is invoked when deportation orders are secretly evaded or publicly opposed, and through actions are taken to free migrants from immigration detention. Beyond the walls of a church or the regulations of a municipal policy, sanctuary in Canada is being creatively mobilized by a variety of actors and institutions interested in cultivating spaces of safety and access for all residents, regardless of citizenship status.

When invoked by a church congregation, sanctuary is a physically delimited space granted to an individual or small group of migrants facing immanent apprehension or deportation. As a city policy, sanctuary is an attempt to limit municipal involvement in the collection of citizenship-related information and, in rarer cases, the enforcement of immigration law by municipal services and law enforcement agencies. To date, however, neither places of worship nor municipal governments have been able to successfully contest the federal government's authority over immigration policy, nor cease the continued violence of immigration enforcement activities upon racialized migrant communities. Sanctuary and mutual aid networks have always been an important and necessary response to the failure of governments to provide adequate care and protection to all those present within their jurisdictions. The perspective gained by conceptualizing sanctuary as the result of a network of public and private policies, practices, and actions is therefore a welcomed and much needed intervention into the mainstream scholarship on sanctuary. While Villazor and Gulasekaram's (2019) field-building article focuses solely on the US context, its learnings are applicable and valuable in the Canadian context as well.

This chapter has shown that as social, political, and legal context shifts, so too does the concept and practice of sanctuary. The dual histories of sanctuary in places of worship and as municipal policies expose some important tensions and contradictions within sanctuary, specifically regarding its relationship to state violence and legally-sanctioned injustice. While there has historically been symbolic power in sanctuary when it is invoked as a form of religious protection and exceptionalism *against* the state, religious sanctuary also often replicated the very governmental practices it claimed to be responding to. There was symbolic power in municipal

sanctuary declarations too: potentially signaling defiance within lower levels of government and the possibility of expanding the scale sanctuary across an entire local jurisdiction. Municipal sanctuary, however, requires an inversion of the concept as a practice opposing the state to a label claimed by the state. While there are important and interesting investigations still to be done about the nature and efficacy of sanctuary within places of worship and municipal governments, to narrowly focus on demarcating and explaining *spaces* of sanctuary obscures both the material practices that produce sanctuary and the wide array of public and private actors that experiment with and carry out sanctuary practices. The rest of this dissertation is an attempt to centre the “materiality” of sanctuary spaces and practices and the “networked” collection of actors, policies, and actions that produce sanctuary in four major Canadian cities.

Chapter 3

Mapping the Process of Sanctuary in Toronto, Vancouver, Montréal, and Ottawa

Introduction

As the previous chapter documented, sanctuary cities have a long history in the US, emerging alongside social movements supporting war resisters, Central American refugees, and undocumented migrants. Sanctuary cities are a more recent phenomenon in Canada, with the municipalities of Toronto, Hamilton, Vancouver, London, Ajax, Edmonton, and Montréal adopting what could broadly be considered sanctuary city policies since 2013. Grassroots campaigns have also emerged in Victoria, Saskatoon, Regina, Winnipeg, Ottawa, Fredericton, and Halifax to pressure their respective city governments to adopt similar policies. Though they do share some common characteristics the politics, policies, and practices of sanctuary in each of these cities is relatively distinct. The result of the increased interest in sanctuary cities across the country has been a diverse array of policies and practices that together produce a uniquely Canadian “spectrum of sanctuary.”¹³ Recognizing this spectrum of policies and practices across and within Canadian cities, this chapter seeks to explore how the process of sanctuary has unfolded in Toronto, Vancouver, Montréal, and Ottawa in uneven and contested ways.

Despite the existence of multiple sanctuary city policies and campaigns in Canada, to my knowledge there are few examples of attempts to comprehensively map the unique and uneven processes of sanctuary across municipal contexts. Scholarship that does analyze sanctuary cities from a comparative perspective typically does so internationally, generalizing approaches within the US, Canada, UK, and to a lesser extent other countries (Darling and Bauder 2019; Foerster 2019; Bauder and Gonzalez 2018; Rabben 2016; Bauder 2016). In studies of sanctuary cities both in Canada and internationally, however, there is an underlying tendency to focus exclusively on the presence of sanctuary city policies—and the theoretical, legal, and institutional debates that flow from them. While these are important areas of inquiry, they can both obscure what Houston

¹³ Referencing the Immigration Legal Centre’s analysis of the “spectrum of sanctuary” in the US (Avila et al. 2018; Graber and Marquez 2016), which maps the presence of seven individual sanctuary policies across American to show the varying degrees of sanctuary (rather than simplistic labels as sanctuaries, or not).

calls the “process” of sanctuary, as well as the “sanctuary networks” (Villazor and Gulasekaram 2020) that produce diverse forms of sanctuary against and beyond government policy.

On one hand, sanctuary cities in Canada have been praised for their ability to challenge exclusionary narratives against migrants, create new forms of urban citizenship and belonging, and facilitate marginal improvements to access to services for all residents regardless of immigration status (Hudson et al. 2017, 2). On the other, the limits of Canadian sanctuary city policies have been well documented (Hershkovitz et al. 2020; Hudson et al. 2017; Sanctuary Health 2018; AQAADI 2018; Moffette and Ridgley 2018; Jeffries and Ridgley 2020). Specifically, critical scholarship has shown that sanctuary cities (1) remain within the limited jurisdiction afforded to municipalities, (2) have proven unwilling to challenge the cooperation of local police forces with CBSA, and (3) have generally failed to make a concerted effort to translate policy commitments into tangible improvements to access to services for precarious and non-status migrants. The purpose of this chapter, then, is neither to uncritically celebrate sanctuary city policies nor is it to further document only their limits and failures of implementation. Instead, in this chapter I document the “process” of sanctuary in Toronto, Vancouver, Montréal, and Ottawa. Conceptualizing sanctuary in these cities as a process invites them to be analyzed as dynamic and uneven works in progress, rather than static and homogenous spaces of either inclusion or exclusion. This perspective allows a more nuanced and complex view of the various ways sanctuary in which is produced, and withheld, in each city.

This chapter explores the historical processes of initiating, adopting, and implementing sanctuary city policies in Toronto, Vancouver, Montréal, and Ottawa. Specifically, I analyze these processes from the perspectives of migrant justice activists who have worked for years to cultivate sanctuary and solidarity within their respective cities. This perspective offers a unique look at the complex nature of sanctuary processes, and offers a clearer assessment of the dynamic, uneven, and at times contradictory nature of sanctuary cities. Additionally, I reveal the role of sanctuary networks—consisting of public and private actors working collectively to create spaces and practices of sanctuary—in both influencing municipal policies as well as responding to them. I build my analysis through interviews conducted across Toronto, Vancouver, Montréal, and Ottawa and a range of qualitative data, including policy documents, social movement archives, news media sources, community-based reports, and published literature.

Toronto

On February 20 2013, when Toronto seemed poised to become Canada’s first “sanctuary city,” the City adopted a motion stating “City Council *re-affirm* its commitment to ensuring access to services without fear to immigrants without full status or without full status documents” (City of Toronto 2013; emphasis added). While this wording could be easily overlooked, it was in fact an important reference to over two decades of prior advocacy-based attempts within Toronto to extend rights and potential regularization to undocumented migrants. For example, in 1993, a coalition of education workers and activists won changes to the *Ontario Education Act* that opened the door for undocumented youth under the age of 18 to access public schools. Throughout the 1990 and 2000s organizations like Parkdale Community Legal Services, Community Legal Education Ontario, Social Planning Toronto, and Justice for Children and Youth continued to support teacher- and community-based campaigns around access to education, ultimately winning a change to the *Immigration and Refugee Protection Act* (IRPA) to allow the children of refugees and undocumented migrants access to K-12 public education.¹⁴ In the late 1990s, community health centres and legal clinics successfully advocated for OHIP coverage for children born in Canada whose parents were undocumented. In 2001 and again in 2003, the Greater Toronto Homebuilders Association advocated at all three levels of government for the regularization of undocumented construction workers, successfully launching a two-year pilot project that granted temporary status to 500 workers (Chan 2018). While many point to the City of Toronto’s 2013 commitment as marking the beginning of sanctuary city activism in Canada, that City Council understood its actions as “re-affirming” its commitment to “undocumented Torontonians” is a nod to decades of grassroots organizing by precarious and non-status migrants, refugees, and allied organizations.

Alongside the sector-specific work to increase access to services for migrants in the 1990s, “sanctuary city” activism in Toronto started with various “Don’t Ask, Don’t Tell” campaigns in

¹⁴ The amendment to IRPA states: “Every minor child in Canada, other than a child of a temporary resident not authorized to work or study, is authorized to study at the pre-school, primary or secondary level.” Therefore, youth may be eligible to register for school under IRPA, but in order to do so they must provide multiple forms of documentation and potentially disclose their (lack of) status to multiple TDSB administrators over the course of applying—making the process risky and untenable for many.

the early 2000s. In 2003, the Ontario Coalition Against Poverty (OCAP)—an anti-poverty organization that engaged in a significant amount of immigration and anti-deportation work at the time—brought “10 Demands for Action Against Poverty” to city council, which included the adoption of a municipal “Don’t Ask, Don’t Tell” (DADT) policy in relation to immigration status. A coalition that included 23 organizations from across the city was formed around OCAP’s comprehensive platform. No One Is Illegal-Toronto (NOII-TO) volunteered to work on advancing specifically the DADT component. NOII-TO formed a specific DADT coalition soon after, working with over 80 different organizations in Toronto to pass organization-specific DADT policies across the city. A collaborative research project with NOII-TO and other organizations defined DADT policies this way:

These policies prohibit municipal employees from asking about an individual’s immigration status (‘don’t ask’), and also stop them from sharing this information with immigration or other government authorities (‘don’t tell’). A DADT municipal policy would therefore ensure that city services are available to all city residents on the basis of need, and without discrimination on the basis of immigration status. It would also ensure that municipal funds, resources, and workers would not be used to enforce immigration laws. (Berinstein et al. 2006, 9)

While DADT was a reference to similar policies passed in American municipalities with which Toronto activists had connections to, this was the first time it had been proposed to the City of Toronto.

It was also around this time that NOII-TO was facilitating an art therapy program with undocumented migrants in immigration detention to listen to their individual stories, collectivize their experiences, and strategize about where campaigns could be most effective. Farrah Miranda, a longtime organizer with NOII-TO, recounted that:

Four women in NOII, myself included, were able to get into the Toronto immigration jail and facilitated an art therapy group every couple of weeks with women and kids.... And through the art we started to hear things about how people were ending up inside.... And we heard many stories of people being apprehended not just by the CBSA, but by police too; or shitty landlords or bosses reported them.... So we were hearing it wasn’t just the CBSA, but at many different points of access that people were being reported or picked up, and starts the focus on “access without fear.”

Learning that undocumented migrants were often being “discovered” and reported while trying to access services, by abusive partners, by the police, or by their bosses or landlords, only made the need for DADT policies across the city even more urgent. In order to distance themselves from the discriminatory US military policy by the same name, and to emphasize that the solution was more complex than simply “not asking” or “not telling,” NOII-TO gradually began to use the term “access without fear” to capture what they were working toward. This framing put the focus on equitable access to social goods, and highlighted that of sites of service provision were places of fear for many migrants.

In response to increased pressure from organizations like OCAP, NOII-TO, and the DADT Coalition, in February 2005 a resolution was brought to city council to “express its support for the many thousands of undocumented workers currently living and working in the City of Toronto,” for the City’s “Undocumented Workers Committee” to work on a “resolution” for the situation of undocumented workers, and to directly communicate to the federal government its “desire to see the cases of undocumented workers be addressed in a timely, fair and equitable manner” (City of Toronto 2005a; 2005b). Despite this acknowledgement of the precarious situation non-status residents faced, city councillors and government officials believed that the majority of Toronto’s services were already accessible to undocumented residents. Craig Fortier, a past member of NOII-TO, noted that

We started to work through the system, which included things like doing presentations with city councillors.... We met with [a city councillor] in 2005, and we had a PowerPoint presentation where we explained the DADT campaign to him.... And he leaves and does some internal research and comes back to us and says: “the City of Toronto already has a Don’t Ask, Don’t Tell policy, we just don’t talk about it. So all we need to do is promote it.” Which was news to us because in our work experiences and also in our day-to-day interactions (for those of us who were social service providers or worked on cases around accessing services), that hadn’t been really happening.

Here Craig notes a disjuncture between migrants’ and advocates’ experiences of service provision and city councillors’ beliefs that the City’s services were already accessible. From the City’s perspective, there are very few bylaws or policies that list immigration status as a criterion for accessing services. This is because the *City of Toronto Act* mandates the City of Toronto to serve all residents, rather than those with documented immigration status. However, many other criteria—

—such as specific identification requirements, proof of residency requirements, fees, and other barriers—can restrict access for precarious and non-status migrants and potentially alert service providers and government officials if someone is non-status.

Nevertheless, the City released a document detailing the services that were supposedly available to all residents, including undocumented migrants. The City did not audit its services to ensure their services were in fact accessible, and information about access to services was not widely publicized. To its credit, the City did investigate a variety of additional policy and legal avenues it could take to address some of the broader issues faced by its undocumented residents. Ultimately, however, “staff advised that the best way for the City to meaningfully address the exploitation of undocumented workers was to avoid a legally and jurisdictionally complex by-law mechanism, and instead lobby the federal and provincial governments to enact legislation” (Chan 2018, 52). The city’s lobbying efforts were unsuccessful, at least partially due to the election of Stephen Harper’s Conservative Party of Canada a year later in 2006, which proceeded to champion a range of anti-immigrant legislation (No One Is Illegal-Vancouver [Coast Salish Territories] 2015).

Around the same time as the municipal government was considering its ethical and jurisdictional responsibility to its undocumented residents, NOII-TO was organizing grassroots campaigns in response to the violent intersection of immigration enforcement and policing. In 2004, a 16-year-old woman from Grenada reported an instance of sexual assault to the Toronto Police. After taking the accused into custody, the police then questioned the woman and upon discovering that she was undocumented, handed her over to the CBSA to be detained. She was then notified that the date she was to testify against her assailant was the same day as her deportation. Through a series of mass mobilizations, NOII-TO organizers successfully stopped her deportation and helped her gain legal immigration status.

A year later, on International Women’s Day, Wendy Maxwell—a precarious status woman from Costa Rica—was reported to police by a Ryerson campus security guard as she was selling baked goods to fundraise for a community radio station. While community efforts to stop her deportation were ultimately unsuccessful, both of these cases revealed the extent of local law enforcement agencies’ collaboration with the CBSA. In response to these women’s experiences, in 2006 a DADT campaign targeting the Toronto Police Services’ (TPS) was launched. The

Toronto Police Services Board (TPSB) was pressured to pass a partial “Don’t Ask” policy, specifically for victims and witnesses of crime (TPSB 2006). However, despite continued pressure from various community organizations, it maintained its dubious legal obligation to cooperate with the CBSA, a claim that has been thoroughly disproven, as the *Police Services Act* notes an officer *may*, not *must*, report a non-status migrant to CBSA (Immigration Legal Committee 2008; Moffette and Gardner 2015). This campaign was a starting point for future sector-specific campaigns around access without fear, as Craig Fortier explains:

We decided to really politicize this and publicize to the media. It was a first building block toward access, or tearing down of a barrier to access. And it's what I think really kickstarts the momentum for the Don't Ask, Don't Tell and Access Without Fear campaigns that follow.

Between 2005 and 2012, NOII-TO organized access without fear campaigns in various sectors, including education, anti-VAW spaces and services, health clinics, shelters, and food banks, resulting in many service providing organizations committing to implement the principles of DADT. These campaigns generated an impressive series of victories, tangibly increasing access in a variety of sectors and effectively publicizing the need for access without fear in the city of Toronto.

The pressure gradually built by these campaigns came to a head in 2013, when NOII-TO organizers were approached by a city councillor suggesting the possibility of passing a sanctuary city policy. Though many of the sector-specific access without fear campaigns invoked “sanctuary city” as the logical direction of their work, there was not a specific sanctuary city campaign that preceded this interest in a policy. Instead, the impetus came from progressive city councillors themselves, though they were acting in a context of a decade of DADT and access without fear campaigns in the city. In my interview with Karin Baqi, a past organizer with NOII-TO, she recalled that a city councillor

told us that “there's going to be this motion brought forward about sanctuary city and so maybe we should say or do something with it”.... It was decided by [NOII-TO] that we shouldn't just ignore this, this is basically building off of all the Don't Ask, Don't Tell and Access Without Fear work we've done in many spaces over the last 10 years, and it's now coalescing at the municipal level.... We were thinking about how we were going to get this done, because we knew that the motion was coming either way. So how do we actually make sure that it passes,

and how do we change the language to make it better? Because we basically ended up drafting the policy.

Here Karin gestures toward the strategic discussions within NOII-TO at the time. In response to an opportunity to have considerable input within the municipal policy-making process, Toronto organizers debated whether or not it would be worth their time and energy to engage in more traditionally reformist work. In considering how to strategically engage with city councillors and city staff, Nate Prier, a past organizer with NOII-TO and the Solidarity City Network, remarked that

We'd built a lot of relationships at city hall.... And there was good momentum happening. Rob Ford was in the middle of launching into full crisis-mode, the right was very divided at city hall... [and] the media was right for this too. And then we got an email from a councillor that we'd worked pretty closely with before on the police and school board campaigns and she said to us, "there's a mostly-left wing [CDRC] right now. You could basically write a policy... and allow this thing to finally go to city council and be debated."

Both Karin and Nate describe a favourable shift in what social movement scholars describe as the "political opportunity structure" in Toronto (Tarrow 2011). While this will be discussed more below, suffice it to say that NOII-TO activists did perceive an opportunity to intervene and shape the municipal policy process in a significant way. This opportunity did not emerge within a vacuum, but was the result of years of grassroots advocacy and organizing work carried out by migrant justice activists in Toronto. The combination of a robust history of DADT and access without fear organizing in the city, strong relationships with both city councillors and major non-governmental actors, a sympathetic media landscape, and a favourable number of councillors who could be pressured into supporting the motion resulted in NOII-TO deciding to pursue a sanctuary city policy.

In response to this opportunity, NOII-TO brought together a coalition of organizations that worked with migrant workers, refugees, and undocumented migrants was brought together. The organizations formed the Solidarity City Network (SCN)¹⁵ in 2013, which "organize[d] for access

¹⁵ The Solidarity City Network included residents of Toronto, service providers, and a variety of organizations, including: the Alliance for South Asian AIDS Prevention, Health for All, Immigration Legal Committee, Justice for Migrant Workers, Law Union of Ontario, NOII-TO, OCAP, Parkdale Community Legal Services, Roma Community Centre, Social Planning Toronto, South Asian Legal Clinic of Ontario, the Workers' Action Centre, and others (Solidarity City Network 2013).

to services for all residents of Toronto, regardless of immigration status, and demands status for all” (Solidarity City Network 2013). A variety of beneficial forces converged at this point. There were a considerable number of progressive city councillors willing to vote in favour of a sanctuary city policy, and the SCN had strong pre-existing relationships with many of these councillors. The SCN was also able to organize a strong series of deputations by representatives from organizations across all major areas of work and service provision to speak in favour of a sanctuary policy. Finally, there were select champions within City staff that took direction from the years of work done by grassroots organizations and advocated from inside the city as well (see Community Development and Recreation Committee 2012).

On February 20, 2013, Toronto city councillors adopted a motion titled *Undocumented Workers in Toronto*, in which the City would consider taking further steps toward implementing a city-wide access without fear mandate (City of Toronto 2013). Beyond “re-affirming” the City’s commitment to access without fear for undocumented Torontonians, the policy mandated the Executive Director of Social Development, Finance, and Administration to conduct a comprehensive internal review and community consultation and report back later that year on four possible areas for the City to take further action:

- a) review of opportunities to improve access without fear;
- b) opportunities for City-funded agencies to improve access without fear;
- c) providing training for front line staff and managers to ensure that undocumented residents can access services without fear; and
- d) (d) a complaints protocol and a public education strategy to inform Torontonians of the City’s policy. (City of Toronto 2013)

The motion also instructed city staff to explore further intergovernmental collaboration on matters of immigration and further requested that the Ontario government “review its policies for Provincially funded services for undocumented residents with a view to ensuring access to health care, emergency services, community housing and supports for such residents within a social determinants of the health framework” (City of Toronto 2013). City staff were instructed to return to city council with the results of this internal review and to recommend further steps. While *Undocumented Workers in Toronto* is sometimes framed as a sanctuary city policy (Keung 2013), it was only a commitment to exploring the possibility of becoming a sanctuary city. This is not to

diminish its importance: this policy was an important landmark in the “process” of sanctuary in Toronto.

Rather than sitting back and waiting for the City to conduct its own internal review, the SCN conducted their own community-based audit of municipal services. The SCN’s audit was the latest in a series of prior studies released by Social Planning Toronto, which had previously mapped accessible municipal services for non-status migrants (2007), dissected access to education for migrant youth (2008), and conducted their own audit of city services (2013). The results of the SCN’s study found multiple barriers to access for precarious and non-status migrants, presenting a direct challenge to the City’s claim that municipal services were already accessible to precarious and non-status migrants. The SCN’s report, *Towards a Sanctuary City*, surveyed 185 service sites across four major municipal sectors—childcare, health clinics, emergency shelters, and food banks—to determine how many were either refusing services to undocumented residents, or required documents or information were de facto barriers to access. The SCN (2013, 4) found that:

Overall 25% of the staff at the sites surveyed indicated that non-status residents could not receive services at their agency, centre or clinic, or they were unsure about the rules.... The audit... shows that a majority of service providers want to accept non-status residents, but most lack the proper procedures to adequately provide it. Some services are found to be more inaccessible ‘at the door’ than others, such as childcare centres and health clinics.... Yet, across all key services, there are still challenges and practical barriers to receiving services. The vast majority of services called required some form of ID, documentation or fees for service that would be difficult or impossible for non-status residents to provide.

The above findings isolated a number of key points that would need to be addressed by a sanctuary city policy, including: access was being denied by a quarter of sites surveyed, a majority of city services had conditions and requirements that were barriers to access, and there was widespread confusion about what the rules were in relation serving precarious and non-status migrants. The report also emphasized that the primary reason more service providers could not provide greater access was a lack of clear procedures and training. And so, the report highlighted that sanctuary city policy would have to include a city-wide directive to serve Toronto residents regardless of status, a review of intake forms and policies to remove barriers to migrants, training for city staff,

and a clear communications strategy so service providers and migrants alike would know exactly what services were accessible.

In response to these findings and concerted pressure from the SCN and sympathetic city staff, Toronto City Council adopted the *Access to Services for Undocumented Torontonians* motion on June 10 2014. The motion included 13 ambitious points of action for the City to undertake, including: regulations to only collect immigration information where mandated by provincial or federal law; have all City divisions, agencies, and corporations review and shift their policies to be consistent with the City Council's commitment to access without fear; compulsory training for city staff; a comprehensive communications and public education plan; a yearly evaluation and progress report made to Council; and a further exploration of issuing municipal ID cards (City of Toronto 2014). The motion also mandated the City of Toronto to formally request the provincial and federal governments to "reconsider their immigration policies" to ensure access to services for all Torontonians, and to encourage other municipalities across Canada to pass similar motions (City of Toronto 2014). So, while not explicitly using the term "sanctuary city," the City of Toronto's 2014 access without fear policy effectively made it the first sanctuary city in Canada.

The City rolled out the new policy under the banner of "AccessTO," which promised access to a range of municipal services for all residents regardless of status, including: library services, public health services, public transportation, employment services, shelters and housing supports, children's programs, bylaw and permit services, emergency services (911), among others. Before a comprehensive review of municipal services and training of city staff could reasonably occur, the city initiated its public outreach strategy, releasing the list of accessible municipal services. Surprisingly, by grouping all emergency services together, the Toronto Police Service (TPS) was included on this widely disseminated list. While the inclusion may have been a response to the TPSB's commitment to a partial "Don't Ask" policy in 2006, there remained well-documented and frequent collaboration between the TPS and the CBSA (Immigration Legal Committee, 2006; Moffette and Gardner 2015). The year AccessTO was launched, the TPS, the Ministry of Transportation, and the CBSA teamed-up for a "vehicle safety blitz" in a low-income and racialized community. Under the guise of vehicle safety, cars were "randomly" stopped, identification was requested, illegally, from all vehicle passengers, and the CBSA was on-site to run peoples names through their database. More than 50 people were arrested, 21 of whom where

undocumented, on their way to work (Keung 2014; Katawazi 2014). A swift mobilization by community groups led to some of the detainees being released, though most were deported. The campaign to stop immigration raids like this one also forced the Ministry of Transportation to cut ties with the CBSA (Brennan 2014). The following year, NOII-TO received access to information reports from the CBSA that the Toronto police were contacting the CBSA nearly 100 times a week, 84% of which were not to enforce an immigration warrant, but to perform “status checks” (Moffette and Gardner 2015).¹⁶

What followed was a bureaucratic game of legislative hot potato, with the head of the TPSB being pressured to refer these findings to City Council, who then referred them to the CDRC, who then referred them back to City Council, who finally made a formal request to the TPSB to conduct yet another review of its policies and practices. Like the DADT campaign nearly a decade earlier, City Council requested that the TPSB justify its practices of collaborating with the CBSA and consider passing a “Don’t Tell” policy in order to be consistent with the City’s commitment to ensuring access to all municipal services without fear. The TPSB, despite immense public pressure (Keung 2015; Da Silva 2016), resisted implementing a full DADT policy, and instead continued to claim a legal responsibility to work with the CBSA, noting also

The Service consulted with the CBSA and has been informed that the CBSA relies on the on-going support of police agencies to assist in achieving its mandate.... To carry out its mandate, the CBSA requires police agencies to share information when aware that the CBSA has interest in a person the police agency has made contact with (TPSB 2017).

Importantly, the TPSB explicitly acknowledges the CBSA’s reliance on local law enforcement agencies in the process of discovering, detaining, and deporting undocumented migrants. The willingness of the TPS to continue participating in immigration enforcement activities within a “sanctuary city” clearly undermined access without fear in spirit and in practice. Pressure from advocacy organizations and social movements to cut ties between the TPS and CBSA resulted in the TPS being removed from AccessTO’s list of accessible services, and the extension of a the

¹⁶ The CBSA “explains that a call should be filed 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’ or when they call ‘to confirm the status of a subject they have in custody.’ It is therefore a practice informed by a mere suspicion about an individual’s immigration status that often relies on racial profiling.” (Moffette and Gardner 2015, 22; see also Moffette 2021)

partial “Don’t Ask” policy to “uninvolved persons”¹⁷ in the process of criminal investigations. Despite this small addition to the “Don’t Ask” policy, the Toronto police continue to maintain that immigration enforcement is within their mandate, which creates a dangerous gap between the promise of access without fear and the day-to-day practices of service provision and policing in Toronto. Arguably as a result of the mounting public pressure, TPS “status checks” did go down slightly in the years following.¹⁸

The years following the launch of AccessTO were therefore filled with dashed hopes and little implementation. Two further audits of city services only confirmed the City’s failure to make good on its commitment to access without fear. In 2015, the office of Social Development, Finance, and Administration invited FCJ Refugee House to conduct an audit of city services. The results reaffirmed that service providers had inconsistent knowledge about the City’s access without fear policy and had not received adequate training to implement such a policy commitment (FCJ Refugee Centre 2015). In 2016, researchers at Ryerson University released the results of their own comprehensive audit of the AccessTO initiative, specifying that while “the primary objective of AccessTO is to ensure that all residents are able to access municipal and police services, regardless of immigration status.... City Council never fully committed itself to a sanctuary city” (Hudson et al. 2017, 2). The report reframes expectations around the city’s access without fear policy, noting “it may be more accurate to view AccessTO as a pilot project rather than as a full policy” (Hudson et al. 2017, 3). The report reveals that while AccessTO has had a noticeable effect on broad “institutional values” toward access without fear, there were clear inconsistencies in city staff and service provider knowledge about the City’s policy, gaps between governmental and organization-specific interpretations of access without fear, a sweeping lack of funding and training, and little consideration how to safely collect, store, and protect individuals’ sensitive information. Altogether, a stark picture of AccessTO is presented: efforts to implement access without fear were found to be lacking and inconsistent to the point that “one may question the

¹⁷ The Toronto Police Chief’s report to the TPS stated: “...there is another group of persons known as *Uninvolved*. *Uninvolved* persons have no verified involvement in an ongoing investigation that would lead an officer to believe they are a victim, witness, person of interest, suspect, or accused” (TPSB 2017). However, the well-documented and ongoing issue of systemic racism and carding within the TPS would seemingly undermine this addition.

¹⁸ The TPS still made 3,542 calls to the CBSA in 2017. However, the TPS contacted the CBSA 5,146 times in 2015, and made 3,852 calls in 2016 (Moffette & Ridgley 2018, 150; see also: Moffette, 2021).

extent to which AccessTO stands as a policy *per se* (Hudson et al. 2017, 25). The lack of tangible and meaningful implementation means that “access without fear” exists more as a symbolic commitment than a material set of practices. Therefore, precarious and non-status migrants remain at risk, despite being residents of a so-called “sanctuary city.”

Despite the mounting evidence that the City was not committed to implementing access without fear policy, Toronto City Council opted to publicly re-affirm its commitment to ensuring access to services for undocumented residents without fear. *Toronto for all - United as an Inclusive Sanctuary City* was adopted on January 31st 2017 as a symbolic re-commitment to sanctuary in response to the election of Donald Trump as the President of the United States, who was elected on a platform of anti-immigrant and xenophobic rhetoric and a public opposition to sanctuary cities in the US (Paik 2020). The motion also occurred two days after the tragic Quebec City mosque shooting, the deadly product of rising Islamophobia and white supremacy in Canada. The motion was symbolic because it simply repeated many of the commitments the City had made years prior. Echoing the City’s untouched commitments years prior, the motion sought to “re-affirm Toronto as a sanctuary city,” direct “City divisions, agencies and corporations to review their policies,” “urge the Federal government” to base its immigration system on values of inclusion and acceptance, and encourage city councillors “to speak out against discrimination and hate in our communities, across the country and around the world” (City of Toronto 2017). No additional measures were included to ensure the city’s access without fear policy would be meaningfully implemented and monitored, no accountability mechanisms were embedded, and no funding was committed to translating Toronto’s self-proclaimed sanctuary city status into anything more than a public relations stunt.

Frustrated by the consistent lack of municipal action to undergird the Toronto and other cities’ symbolic sanctuary city declarations, NOII-TO hosted a national convergence in April 2018 titled “From Sanctuary to Solidarity.” The purpose of the convergence was to share lessons from various municipal campaigns for access to services, and to collectively build a “broad and comprehensive framework that guides all the different forms of our work” (NOII-TO 2018). The convergence hosted over 50 organizers from campaigns across 15 Canadian cities to discuss how the struggles to build sanctuary and solidarity cities could coordinate their work and situate their campaigns within the municipal, provincial, and federal political arenas. The proposed framework for the convergence was to re-focus municipal campaigns on building toward a demand for

regularization for all precarious and non-status migrants in Canada. Organizations spoke to their experiences of pursuing municipal sanctuary city policies, strategized about grassroots methods of implementing access without fear, and discussed the need to replace a focus on municipal policy with “the voices, experiences, and strategies of those who are directly affected” (NOII-TO 2018).

Taken together, Toronto’s sanctuary city policy was the result of both a rich history of access without fear organizing in the city, as well as a targeted effort by NOII-TO and SCN to intervene and advocate for a policy to be adopted. While the policy was robust on paper, there was a clear and consistent lack of municipal commitment to implementation. More concerning, the continued cooperation between the TPS and CBSA significantly undermined the City’s commitment. Therefore, despite celebrations of the City’s landmark commitment, the outcome of the policy from the perspective of migrant justice activists and migrant communities has been an uneven patchwork of in/accessible municipal services and ultimately a continued climate of fear toward the police.

Vancouver

In the first decade of the 2000s, sanctuary campaigns were not as central to migrant justice organizing in Vancouver as they were in Toronto. Of course, the campaign to stop Laibar Singh’s deportation in 2007 and 2008 was focused on Singh’s sanctuary within a gurudwara, but it had not been taken up as a strategy to secure greater access to services for precarious and non-status residents of Vancouver. And this is also not to ignore the rich history of migrant justice, Indigenous solidarity, anti-poverty, anti-gentrification, and harm reduction work done by groups like No One Is Illegal-Vancouver (Coast Salish Territories), Refugees against Racial Profiling, and various groups organizing in the Downtown Eastside and elsewhere. However, it was two high-profile campaigns that took place after Singh was pressured to return to India—one in the area of healthcare and the other in relation to transit police—that initiated a particular shift toward an urban politics of sanctuary, creating the conditions for the passage of Vancouver’s own access without fear policy in 2016.

In 2012, the federal government passed a series of immigration reforms under Bill C-31, *Protecting Canada’s Immigration System Act*. This bill made sweeping amendments to the *Immigration Refugee Protection Act*, the *Department of Citizenship and Immigration Act*, the

Balanced Refugee Reform Act, and the *Marine Transportation Security Act*. Altogether, Bill C-31 accelerated the timelines on refugee claims, created a two-tiered system that made claims effectively impossible for refugees from countries deemed “safe” by the Minister of Citizenship and Immigration, implemented mandatory incarceration for refugees who cross into Canada “irregularly,” and made drastic cuts to refugees’ access to social services (NOII-Vancouver [Coast Salish Territories] 2015). These far-reaching changes to the refugee system sparked backlash across the country, including a national campaign against the Bill’s cuts to the Interim Federal Health Program (IFHP), a temporary health insurance program for refugees with a similar level of coverage to Canadian citizens on social assistance. Bill C-31 “resulted in the effective elimination of health care coverage for many refugees and refugee claimants and reduced access to health care services for most” and replaced it with a tiered system that offered “different health care services to various categories of refugees and claimants” (Barnes 2013, 1).

In response to these cuts, a group of healthcare providers—many of whom were already engaged in less formal ways to getting non-status migrants access to health services—formed the organization Sanctuary Health. Together with other organizations and coalitions across Canada, Sanctuary Health advocated for both a reversal of the IFHP cuts as well as provincial improvements to access to healthcare for precarious and non-status migrants in British Columbia. Bolstered by a surge of grassroots activities, the cuts to the IFHP were also subject to a legal challenge by the Canadian Association of Refugee Lawyers, Canadian Doctors for Refugee Care, Justice for Youth and Children, and two individually affected migrants. In 2014, the Federal Court released a scathing indictment of the cuts that threatened to strike down the law if the government did not amend it within four months, arguing in decision that the reform was “cruel and unusual” (Payton 2014). While this represented a legal victory for health advocates across the country, Sanctuary Health continued to work on improving access to services for undocumented migrants and advocating for access without fear in the city of Vancouver and beyond. Their work in the following years succeeded in ensuring that babies born in Canada with undocumented parents received access to provincial health insurance, and forced an end to patient information-sharing by hospitals like Fraser Health to the CBSA, a particularly insidious collaboration that saw migrants seeking medical treatment reported to border officials (Lupick 2015).

In December 2013, during the campaign to stop the IFHP cuts, Lucia Vega Jimenez, a Mexican migrant and hotel worker living in Vancouver, was stopped by two transit officers¹⁹ on the Skytrain for allegedly not paying fare. Instead of issuing Vega Jimenez a ticket, the transit officers called the CBSA to investigate her identity. Upon finding out she was undocumented, the officers arrested her and handed her over to the CBSA to be detained while her deportation order was set. Despite repeatedly vocalizing psychological distress caused by her detention and the imminent threat of deportation, officials took little heed of her pleas and limited mental health services were made available to her. A month later Vega Jimenez was found dead, hanging in the shower of the immigration holding centre under the Vancouver International Airport. The CBSA attempted to keep this tragedy hidden from the public, but word got out in January 2014 through the Mexican community, as women who were detained with Vega Jimenez shared her story. Working quickly, groups like No One Is Illegal-Vancouver (Coast Salish Territories), Sanctuary Health, and other organizations mobilized campaigns to both (1) to demand an inquest into Vega Jimenez's death and (2) to cease all collaboration between Vancouver transit police and the CBSA. The Transportation Not Deportation campaign operated within a similar framework to previous DADT and access without fear campaigns in Toronto. Eventually, an inquest was completed and released in October 2014, making 21 recommendations to the CBSA to change their immigration detention practices in the province (Janzen 2013).

While the inquest focused on immigration detention regulations, the Transportation not Deportation campaign specifically targeted the collaboration between Vancouver transit police and the CBSA. Access to information requests revealed that the transit police had a Memorandum of Understanding in place with the CBSA dating back to 2007, which directly contradicted public claims by the police that “no actual policy in place” (Transportation not Deportation 2014). Further, the Access to Information requests revealed that the Vancouver transit police had reported 328 people to the CBSA over the last year (Ball 2014). The campaign mobilized significant public pressure, capitalizing on wider negative public opinion of the Vancouver transit police to garner support from over 40 Vancouver-based organizations. Some organizations planned public rallies, events, and petitions to raise the profile of the issue, while others brought the campaign's demands into meetings with the transit police agency itself. In February 2015, after a year of sustained

¹⁹ Otherwise known as officers of the South Coast British Columbia Transportation Authority Police Service

mobilization, the campaign succeeded in pressuring Vancouver transit police to terminate their Memorandum of Understanding with the CBSA and enact new policies that required officers to get permission from their Watch Commander before initiating any contact with the CBSA, and to not detain individuals for immigration law violations.

The campaigns to stop Laibar Singh's deportation, to reverse the cuts to the healthcare for refugees, and to cease collaboration between the Vancouver transit police and the CBSA culminated in an acute city-wide awareness of the dangers faced by precarious and non-status migrants when trying access to services or in interactions with local law enforcement officers. In response, the Mayor's Working Group on Immigration (MWGI) began to explore the possibility of passing an access without fear commitment in Vancouver similar to the one in Toronto. In 2014 the MWGI—comprised of city councillors and representatives from various services sectors, including immigrant settlement, refugee, legal, employment, and academic services, as well as from Vancouver Coastal Health and the Vancouver School Board—convened a community consultation on the issues faced by undocumented residents (City of Vancouver 2016). As a result, a city councillor on the working group reached out to Sanctuary Health with an interest in passing a municipal access without fear policy. Sanctuary Health had reservations about the policy's potentially symbolic and limited scope, but decided to use the opportunity to push councillors to pass a more robust policy than they might have otherwise. In 2015, the MWGI invited the main service agencies—the Vancouver Public Library, the Vancouver Board of Parks and Recreation, the Vancouver Police Department, Vancouver Coastal Health, and the Vancouver School Board—to gather further information about current practices and policies concerning access to services for precarious and non-status migrants. In February 2016, the Working Group held a community forum, inviting over 60 participants to be involved in drafting principles for an access without fear policy to be presented to city council. Throughout this consultation process, groups like Sanctuary Health continued to advocate for a robust policy that would address the limits they had witnessed in Toronto: a commitment to training city staff, accountability for implementation, and ensuring that the Vancouver Police Department ceased cooperation with the CBSA.

The momentum culminated on April 6, 2016, when Vancouver city council voted to adopt the motion, *Access to City Services Without Fear for Residents With Uncertain or No Immigration Status*, in a vote with nine councillors voting in favour, none opposed, and two absent. The policy states that its purpose is to

support access to City services by Vancouver residents with uncertain or no immigration status and who fear detention, psychological and physical harm, or deportation, when accessing services. The policy enables these residents to use municipal services, and to do so without fear that the City of Vancouver will ask for and provide information about their immigration status to other institutions or orders of government unless required by law. This policy applies only to services provided by the City of Vancouver and is consistent with the City's core values of inclusion and safety for all residents.

Similar to Toronto's municipal policy, the Vancouver City Council committed to a communication strategy to raise awareness about the policy, to train city staff in collaboration with directly-affected communities, to implement a regular evaluation and complaint mechanism, to provide public reports on the City's progress, and to advocate for further access without fear policies at the provincial and federal level (Sanctuary Health 2018, 1).

The access without fear policy applies to fire and rescue services; community services (tenant assistance, street outreach, emergency shelters, non-market housing, and licensing and inspections); utilities and public works; permits and bylaw enforcement; and general government interactions (e.g. information and referrals). While a relatively robust policy on paper, city councillors and the mayor were quick to manage expectations. Vancouver's city council made sure to emphasize that the policy did not make Vancouver a "sanctuary city," which city councillors interpreted as violating federal immigration laws:

It is not within municipal government's jurisdictional authority to offer 'sanctuary' to people without status.... The Government of Canada has jurisdiction over immigration policies and regulations including law enforcement activities related to border management and immigration control. As these activities are under the jurisdiction of the federal government, this policy relates only to the areas of access to municipal services under the jurisdiction of the City. (City of Vancouver 2016)

There were additional limitations embedded within the policy, specifically exempting "Police, Parks and Library services" from the City's access without fear mandate. The City hoped to "encourage the three civic agencies and their boards to adopt a policy which supports the spirit and objectives of this policy" (City of Vancouver 2016). However, advocates had significant doubts about how effective this would be, especially given prior failures in Toronto to pressure the

TPS to cease collaboration with the CBSA and implement meaningful measures to protect non-status migrants.

Access without fear efforts were also underway outside of City Hall. The School for All-BC campaign emerged in 2015, a year before the municipal access without fear policy was passed, successfully pressuring the BC Teachers' Federation to pass a resolution to "encourage locals to work with school boards to adopt a 'Sanctuary School' policy" (School for All-BC 2015). However, Sanctuary Health was able to use the momentum of the municipal policy to push local school boards to implement their own access without fear policies. As a result, the Burnaby School Board passed a policy in January 2017 that, while not explicitly invoking the language of sanctuary, did establish "guidelines for addressing the access to services for residents with uncertain or no immigration status" where each situation would be "reviewed on a case-by-case basis with care and sensitivity" (Griffin 2017). Meanwhile, after a year of community consultations and advocacy work, on February 28th, 2017, the New Westminster School Board (2017) passed a more robust sanctuary schools policy, meaning that

all school age children ordinarily resident in the district, including those with precarious immigration status or no immigration status in Canada, are entitled to admission in school. It ensures protection of the personal information of enrolled students or their families. It also includes specific directives to ensure staff, teachers, volunteers, and stakeholders including immigrant communities are educated about the provisions of the policy to promote expertise, while also ensuring sensitivity regarding the needs of students without immigration status in Canada.

These campaigns named Toronto's Education Not Deportation campaign as their inspiration for creating sanctuary schools but cited differences in provincial education legislation. While Ontario's *Education Act* was amended to include the right to education for all children in 1993 to specifically to reflect the UN Declaration of the Rights of the Child, BC's *School Act* is silent on the issue. However, this absence presented enough of a grey area for local school boards to pass their own policies and justify them as consistent with Canada being a signature for the UN Declaration. While the commitments made by the New Westminster School Board are important steps toward accessible education for precarious and non-status youth, there remain significant concerns regarding the implementation of the policy as well as its lack of uptake in neighbouring jurisdictions like the Vancouver School Board (Hyslop, 2020).

On the heels of policy victories within the municipal government and the New Westminster School Board, Sanctuary Health worked with students at the University of British Columbia to conduct a city-wide audit of municipal services to determine what progress had been made in the two years following the City's declaration. The audit contacted 20 public libraries, 27 recreation centres, 22 shelters, and conducted a series of interviews with city councillors and city staff in order to paint a clear picture of the City of Vancouver's progress (Sanctuary Health 2018).

The report, titled *Still Waiting, Still Afraid*, contained four key findings revealing the City's failure to implement the access without fear policy. First, the audit clearly stated that, broadly, it "found no evidence that the policies have created change in how undocumented individuals can access municipal and city-funded services" (Sanctuary Health 2018, 14). Second, in specific instances where access was found to be improved, it was the direct result of personal relationships between grassroots advocates and individual staff members at different agencies. Third, it was revealed that the City inadequately communicated the policy directive and its implications for municipal service provision, and had failed to conduct widespread training for city staff to ensure services would be accessible. The result of these failures was the fourth key finding: there were real concerns about service providers potentially sharing client information with the CBSA. The combination of inconsistent communication, training, and application of the City's policy created a scenario where access to services was "arbitrarily and unsustainably dependent on the awareness of individual staff and ... risks serious violation of confidentiality" (Sanctuary Health 2018, 14). So, while advocates did find some individual champions within the Vancouver Public Library and the Vancouver Parks and Recreation Department, these positive advancements were overshadowed by an overall lack of training and implementation across the spectrum of municipal services. Most concerning, the report noted the dangerous gap between the City's access without fear commitment on paper, and the continued practice of collaboration between the Vancouver Police Department (VPD) and the CBSA.

The combination of intensified public pressure after the campaign targeting transit police, and a lingering commitment on behalf of the City to "encourage" municipal agencies to consider passing its own access without fear policy pushed the VPD to announce new guidelines to govern its practices with respect to precarious and non-status migrants. Specifically, the VPD committed to a similar "Don't Ask" policy to the Toronto Police Service—one that only applied to victims and witnesses of crime. The VPD added that "complainants," someone who requests police

assistance, would also be covered by these guidelines. Importantly, however, in both Toronto and Vancouver police retain the discretion to suspend these guidelines if an officer felt as though they have “bona fide reasons” to do so (Vancouver Police Department 2018, 7; Moffette and Gardner 2015 15). Despite the fact that the VPD was revealed to be in regular contact with the CBSA (Moffette and Gardner 2015, 38), the new guidelines approved by the Board encouraged victims and witnesses of crime and “complainants” to come forward and report to the police, regardless of immigration status. Sanctuary Health and allied advocacy organization argued forcefully that this exceptional discretion would “create a false sense of security” because “if you collaborate with Canada Border Services Agency, you’re not providing ‘access without fear’” (Lupick 2018). Despite the warnings and criticisms leveled against the Vancouver Police Department’s guidelines, they were passed by the Department. To date, there is little evidence to suggest undocumented migrants should feel any safer during interactions with the police in the city.

With the many limits and caveats admitted within the City of Vancouver’s access without fear policy, the process of creating sanctuary in Vancouver for migrants with uncertain or no immigration status has had disappointing results. While grassroots organizations and campaigns have periodically won institution- or sector-specific improvements, the City has not played an active role in translating their symbolic commitment into a city-wide culture of access without fear. As we will see in later chapters, despite the existence of a policy on paper, activists must still facilitate informal and “back-door” access to migrants in crisis, launch campaigns when migrants are unjustly turned away, and continue to advance access without fear from below.

Montréal

The history leading up to Montréal’s sanctuary city declaration in 2017 is something of an outlier amongst the four cities profiled in this dissertation. While there has been a strong presence of radical migrant justice organizing in the Montréal for decades, many campaigns consciously chose to keep their work focused on building grassroots networks and community power rather than become involved in lobbying the municipal government for policy changes. Indeed, it was in Montréal that the concept of a Solidarity City, an anti-authoritarian and community-based alternative to “sanctuary city,” initially emerged. SAB is an important network in Montréal comprised of a variety of sector- and issue-specific “committees.” SAB is committed to

prioritizing the involvement and leadership of precarious and non-status migrants and engages in direct action, support work, and campaigns to stop deportations, oppose detentions, secure access to services, and build networks of mutual aid outside of the reach of the state. For these reasons, while networks like SAB and allied organizations often oppose and clash with the state over various issues faced by the undocumented, there is less political and strategic focus placed in prolonged engagement with state bureaucrats and the policy-making process (McDonald 2012, 140).

A variety of collectives and campaigns within SAB were launched in 2011 targeting barriers to access in different sectors across Montréal. The Education Without Borders Collective (CESF)²⁰ formed to advocate for access to education for non-status residents of Montréal. They found that undocumented youth were either barred completely from registering, or charged a prohibitively high tuition to register.²¹ According to the Ministry of Education, over 1000 children were excluded from schools in Montréal (CESF 2019).²² After years of advocacy work and working with undocumented communities to challenge the barriers to education, the Collective won a significant victory. In 2017, the Quebec government passed Bill 144, which amended the *Education Act* for the 2018 school year to allow any undocumented child whose legal guardian is “ordinarily resident” in Quebec to register for primary and secondary education (CESF 2018).

Other campaigns include Food for All, launched in 2011, which works at the intersection of food justice and migrant justice. Part of the Food for All committee’s activities included working with food bank staff and volunteers to reduce identification and income requirements as barriers to access and secure commitments to non-cooperation with the CBSA (SAB 2013, 6). They also organized collective kitchens and community dinners for precarious and non-status migrants, building up a city-wide network that both provided meals as well as an opportunity to break the isolation of the undocumented community. The Committee also coordinated a food delivery service that redistributed food from food banks to undocumented households across Montréal—allowing migrants to avoid any potential danger in attempting to access food banks—and

²⁰ Collectif Éducation Sans Frontières

²¹ In 2018, it was reported that “At the Commission scolaire de Montréal, those fees were \$5,735 per year for a primary school student and \$7,172 at the secondary level during the last school year. For a student with a disability, the charge was \$20,323” (Marchenkova 2018)

²² The real number is likely much higher, as many undocumented families will avoid attempting to use services altogether, fearing discovery and deportation.

disseminated information about future events, services, and other resources to the community alongside the deliveries.

Healthcare workers in Montréal also self-organized to secure and expand access to health services for migrants with precarious or no immigration status. Doctors from *Medicins du Monde* started a health clinic for the uninsured specifically to provide access to migrants. While community clinics exist in major cities like Toronto, Vancouver, and Montréal, they are underfunded and often operate beyond capacity (SAB 2013, 23). In 2012, the Health Justice Collective was formed as part of the national opposition to the IFHP cuts mentioned above, and worked to educate doctors and healthcare workers on the need for access to health services for undocumented migrants. The Health Justice Collective balanced advocacy work with major health organizations and government institutions, direct support work through secure informal care and referrals, and organized workshops to get workers in hospitals and clinics to refuse cooperation with the IFHP cuts and provide services to non-status and refugee populations. The “We Refuse to Cooperate!” campaign mobilized doctors, nurses, and other health workers to publicly declare their opposition to the IFHP cuts and their intention to serve migrants and refugees unjustly denied legal access to healthcare.

Around the same time the City of Toronto was passing Canada’s first sanctuary city policy, organizations in Montréal were building a *solidarity city* campaign, and in doing so, presenting a political alternative to state- and policy-focused campaigns. Solidarity city is a political orientation that undergirds many different campaigns happening in Montréal. Rather than reproducing a political culture of dependence on slow and inadequate municipal government processes, a solidarity city seeks to build communities defined by mutual aid, anti-oppression, collective power. This campaign provides a framework through which to link together work happening in the realms of access to education, food security, healthcare, housing, employment protections, shelters, and anti-VAW services under a common banner. Furthermore, the solidarity city campaign explicitly connects the work around access to services to anti-deportation, anti-detention, and Indigenous solidarity work. SAB outlines five main organizing principles within the campaign in a bilingual community newspaper called “Building a Solidarity City”: breaking isolation by networking and unifying around common and straightforward demands (e.g. status for all); practicing tangible mutual aid and solidarity in opposition to charity or “service” approaches; organizing campaigns rooted in migrants’ on-the-ground realities; building the capacity of mutual aid networks over the

long-term; holding decision-makers accountable for their actions; and using direct action to achieve justice (SAB 2013, 1).

Therefore, rather than focusing on pressuring the municipal government for a sanctuary city policy, SAB sought to build a solidarity city from the ground up by “asking community organizations and centres, collectives, trade unions, healthcare providers, education institutions, food banks, shelters, housing co-ops, and everyone else to commit to providing services equally to all, regardless of immigration status” (SAB 2013, 3). SAB has worked with dozens of organizations and agencies across Montréal to shift their practices of service provision to include precarious and non-status migrants. A growing list of organization have signed on to the Solidarity City Declaration, which includes commitments to

- never ask for information regarding immigration status;
- treat all information regarding other people’s immigration status as strictly confidential and never share it with government agencies;
- do not charge fees based on immigration status;
- implement a policy of non-cooperation with the CBSA, including barring them from your premises;
- work to make sure that labour and other human rights standards are applied equally to all, without regard to immigration status, in our organizations, workplaces, and communities. (SAB 2013, 3)

Additionally, the declaration also commits organizations to “publicly supporting the Status for All campaign, meaning opposition to deportations and detentions as well as supporting regularization for all non-status migrants” (SAB 2013). In opposition to municipal policy based definitions of a sanctuary city, “Solidarity City”²³ operates as a framework through which to connect various struggles within the city of Montréal and offers a radical vision of a city defined by solidarity and mutual aid between people.

This generalized political orientation away from placing demands on the state, combined with an apparent lack of interest from within Montréal’s city council itself, resulted in no municipal consideration of a sanctuary city policy when cities like Toronto, Hamilton, Vancouver, and Edmonton were doing so. However, the inauguration of Donald Trump in January 2018—after a

²³ This concept is taken up more fulsomely in later chapters.

campaign punctuated by anti-immigrant sentiments, xenophobia, and vocal opposition to American sanctuary cities—sparked a renewed interest in the topic across Canada. While pre-existing municipal sanctuary policies had laid the discursive groundwork years prior, sanctuary city campaigns began to emerge across the country in response to Trump’s immigration policies and attempts to cease federal funding from going to sanctuary cities in the US.

It was in direct response to Trump’s controversial Executive Orders 13768 (which targeted sanctuary cities’ federal funding) and 13769 (widely known as the “Muslim Ban”) that Montréal’s mayor Denis Coderre declared, incorrectly, on Twitter that Montréal was a sanctuary city. Mayor Coderre soon after brought a policy to Montréal’s city council, which on February 20, 2017 was unanimously approved. The motion, *A Declaration Designating Montréal a Sanctuary City*, signaled good intentions. It was similar in many ways to the policies adopted in Toronto and Vancouver, as the City committed to: investigating opportunities for increased access to services across city agencies, training frontline staff to facilitate equal access, launching a public communication strategy, and implementing complaints protocol. Further, the policy instructed city staff to work with the Montréal police to explore access to public security services without fear of being reported to the CBSA, work with the Quebec government to increase access to provincial services, and encourage other municipalities to follow suit (City of Montréal 2017).

Though Mayor Coderre proudly claimed the move was “more than symbolic” (Shingler 2017), he cited his opposition to Trump’s political positions as a main motivating factor for the motion—rather than the safety of the city’s thousands of undocumented residents (Bannerjee 2017). Surprisingly, there was no apparent consultation with directly affected communities or grassroots organizations with years of experience working with non-status migrants, with the motion only noting a recommendation from the Montréal Intercultural Counsel²⁴ to make a sanctuary city declaration as an impetus (City of Montréal 2017). Despite the fact that the motion only signalled a commitment to exploring ways to make municipal services more accessible, the public declaration that Montréal was a sanctuary city risked giving the impression that the city was now safe for precarious and non-status migrants.

²⁴ Conseil Interculturel de Montréal

This concern turned out to be warranted, as a community advisory from SAB reported receiving an influx of calls and emails from undocumented migrants wondering if they were now safer in the City of Montréal. SAB responded quickly to the City's claims, arguing that "the motion is limited, it's symbolic, [and] it's not creating a real sanctuary city" (Banerjee 2017). Beyond citing the limits within policy itself (e.g. exempting the police), activists working with undocumented migrants remarked on the very real dangers caused by a motion that 'over-promised and under-delivered':

Honestly, in many ways, having a symbolic motion can be worse than having no motion at all.... What it does is creates a false sense of security and false sense of protection at the moment where the police are deporting people, you destroy any sense of trust. (in Banerjee 2017)

This is a strong contention: that the absence of a policy might have actually been better for migrants, insofar as the continued dangers of being non-status would be clearer than the confused messaging of a symbolic "sanctuary city" declaration. A community advisory released by SAB noted further that

Some individuals believe they will now be safe on the streets of Montréal or even that they can present themselves to immigration authorities to regularize their status, while others are hopeful to be able to access essential services like health care, education, work, and housing. But the idea that the City of Montréal has taken substantial measures to become a real sanctuary city is false. (SAB 2017).

In this sense, the City of Montréal's policy was more akin to the City of Toronto's 2013 commitment to reviewing its services and exploring opportunities for greater access than a sanctuary city policy *per se*. The false sense of security that SAB notes was especially dangerous at the time, as Quebec was receiving the majority of refugees fleeing the US in response to Donald Trump's presidency. Additionally, in 2017 the Montréal Police were revealed to have called the CBSA 3,608 times to perform "status checks" on individuals—the most of any enforcement agency in the country (Lau 2018). The Montréal police were therefore calling the CBSA nearly 10 times a day in the year following Montréal's sanctuary city declaration.

Under Mayor Coderre, the City of Montréal did not follow through on its lofty commitments to create a true sanctuary city for precarious and non-status migrants, losing his re-

election campaign by the end of 2017. Montréal's new mayor, Valerie Plante, was outspoken in her assessment that Montréal was in fact *not* a sanctuary city, and the City would stop referring to itself as such (Scott 2018). In doing so, Montréal became the first city in Canada to revoke an access without fear commitment. However, Plante argued that she was not abandoning the spirit of the policy, but was simply being honest about the City's limited jurisdictional reach and lack of implementation:

We have decided no longer to speak of Montréal as a sanctuary city, but rather to talk of a city that is responsible and engaged, that emphasizes concrete actions to protect the whole Montréal population, whatever their status, without fear.... It's actually to set things straight. It's about being very transparent and not to make false promises to people who are already vulnerable because of their status (Scott 2018).

The City's newcomer integration agency, BINAM,²⁵ was tasked with drafting a new set of policies and regulations to ensure that municipal services could be accessed without requiring proof of immigration status or any government documents that would require immigration status.

In 2019, the \$24 million was earmarked to implement an "action plan" for newcomer integration, part of which BINAM directed at a new access without fear policy for all municipal agencies (BINAM 2019). The plan, *Offering Our Services to All: a responsibility, a commitment*, would commit municipal services to be accessible to all residents of Montréal regardless of "social status, ethnic or religious associations" (Dunlevy 2019). However, a clear and repeated problem remains: BINAM's policy specifically excludes the Montréal police from this "commitment and responsibility" (BINAM 2019). Other features of the plan were more positive, including "loosening identification requirements to access such services as libraries, cultural institutions, Accès Montréal offices, sport and recreational centres, classes and day camps" (BINAM 2019). Proposed solutions included instructing municipal agencies to accept any proof of a Montréal address, or have a community organizations vouch for the individual. Beyond changes to identification requirements, the policy requires municipal agencies to educate their employees on immigration status issues and access without fear, and to adapt any additional interventions to ensure barrier-free access for undocumented migrants (BINAM 2019). Notably, special municipal identification cards were also created to allow precarious and non-status migrants to access

²⁵ Bureau d'Intégration des Nouveaux Arrivants à Montréal

municipal services (Dunlevy 2019; Mediciens du Monde 2020). Montréal's municipal identification cards are the first of their kind in the country, which city staff argue "shows the commitment of the administration to ensure safe, equitable access to municipal services in all boroughs, to all vulnerable persons, whatever their immigration status" (Dunlevy 2019). While certainly a laudable attempt to address a key barrier to accessing services for precarious and non-status migrants, it may also pose a major issue: if municipal identification is only made available to migrants without immigration status, then it effectively becomes synonymous with a lack of status. Rather than protecting migrants by ensuring that their status is either confidential or irrelevant in the process of accessing services, municipal identification may very well serve to "out" migrants without status.

Alongside, or in spite of, the City's plans, migrants and grassroots organizations remain focused on creating networks of sanctuary and solidarity in their communities. Under the banner of building a solidarity city, groups like SAB are ensuring that migrants can access the life-sustaining services they urgently need, while at the same time breaking the isolation often associated with being non-status and building an ethic of mutual aid and community defense. The results of Plante's commitment to be a "responsible city" are still unfolding. However, despite being the only Canadian city to rescind its "sanctuary city" status, the City seems to be making some material changes to identification requirements for municipal services and is striving to train city staff to better be able to serve all residents.

Ottawa

The process of considering a sanctuary city policy in Ottawa began in a similar way to Montréal. In February 2018, the Ottawa Sanctuary City Network (OSCN) was forced to quickly respond to a tweet from a city councillor, Catherine McKenney, who indicated that she would be proposing a sanctuary city motion at the next city council meeting. The OSCN, which had been active since 2014, was not actively campaigning for a municipal policy at this time, but largely engaged in research and outreach with front-line service providers. Councillor McKenney's unexpected proposal was part of the larger national wave of interest in sanctuary cities in response to President Trump's targeting of sanctuary jurisdictions in the US. Members of the OSCN moved quickly to connect with McKenney in order to seize the opportunity to ensure that any policy proposal made

to City Council would be more substantial than those that had been passed previously in cities like Toronto and Vancouver.

The OSCN deftly shifted its focus toward public mobilization to build a strong coalition of organizations to pressure the City to adopt the strongest possible sanctuary city motion. Over a period of a few weeks, the OCSN engaged in “public education activities aimed at developing an understanding of how people end up out of status, outreach to municipal politicians to build support for a policy, petitions, media engagement, and a host of large public meetings and smaller workshops with frontline service providers” (Jeffries and Ridgley 2020, 4). Two especially vocal and mobilized sectors were anti-VAW spaces (notably the Ottawa Coalition to End Violence Against Women [OCTEVAW]) and community health centres (CHCs). Mobilization efforts spanned the city and were quite effective: over 55 organizations signed an open letter advocating for a robust sanctuary city policy, hundreds attended public meetings and workshops explaining why Ottawa should pass a robust sanctuary city policy, and many more engaged in a variety of lobbying actions to pressure city councillors to support the incoming motion (Jeffries and Ridgley 2020, 5). Activists were facing an uphill battle, as the Mayor and a coalition of councillors publicly spoke against the proposal, arguing that Ottawa was already a “welcoming city.” Surprisingly, a councillor misguidedly claimed that advocating for a sanctuary policy was a “slap in the face” to the City’s efforts to resettle Syrian refugees the year prior (Willing 2017; Jeffries and Ridgley 2020, 5).

The grassroots mobilization came to a head in March 2017, when the proposal for sanctuary motion was to be debated by the Community and Protective Services Committee. The OCSN had organized over 20 deputations from representatives and front-line service providers from a variety of service sectors, lawyers, researchers, and advocates to present detailed accounts of why a sanctuary city policy would be beneficial to the city’s precarious and non-status residents, their own work, and the city as a whole. For eight hours, the committee heard from community members speaking overwhelmingly in favour of a sanctuary policy, while also being educated on the history of sanctuary city policies and lessons learned from other cities’ experiences. Despite possessing plenty of first-hand experience with the issues about which they spoke about, deputants were met with dismissive comments from councillors, skepticism about whether the issue of access to services for non-status migrants was even a problem, and a stubborn commitment to downplaying the need for a policy at all. An oppositional stance toward a sanctuary policy, coupled with a

generalized lack of knowledge about the issues faced by precarious status and undocumented migrants, was clear from the comments made by many councillors on the Committee. One opponent, Councillor Qaqish, displayed his ignorance to the danger caused by living without immigration status when he noted that no non-status migrants or refugees had “come forward complaining he or she didn’t receive city services” (Willing 2017). So, while the Committee did eventually agree to “receive for information” Councillor McKenney’s report advocating for a sanctuary city policy (Community and Protective Services Committee 2017), by April 2017 it was clear that the policy would not have enough votes to pass in City Council. The motion would therefore be put on hold and the possibility of a sanctuary city policy was halted.

The OSCN had, however, considered the process of intervening in the municipal policy process as a *means* to organize people across the city around migrant justice, rather than an *end* in itself. Organizers within the OSCN were keenly aware of the limits and issues experienced in other Canadian cities in relation to access without fear policies, and were generally skeptical of the tangible value of a similar policy in Ottawa. When considered in this light, the lack of municipal policy did not necessarily represent a failure of their efforts, but instead revealed the inherent and somewhat predictable limits of pursuing sanctuary through municipal government. Much like organizers in other cities in Canada *with* sanctuary policies, ultimately their goal was to work with migrants and in communities to build “sanctuary from the ground up.” In fact, the experience of being wantonly dismissed by city councillors emboldened many people in the city to think about what it would mean to build a sanctuary city themselves. In other words, if the City failed to take the issue seriously, organizations and front-line service providers would just have work together to implement sanctuary in their spaces. To this end, the campaign to pass a municipal sanctuary policy had provided a vehicle to build relationships with front-line service providers and engage in fruitful processes of public education. Following the City’s abandonment of a sanctuary policy, the OSCN held a community dinner to celebrate the movement they had built and discuss the future of building sanctuary in Ottawa. Since then, sanctuary city organizing in Ottawa has been focused on building sanctuary into the fabric of the city through organizing specific service sectors. OCTEVAW and OSCN held a gathering called *Moving Forward on Making Ottawa a Sanctuary City* in October 2017 and the OSCN held an additional two-day convergence titled *From the Ground Up: Building a Sanctuary City Together*. OSCN members have continued to work

specifically in the anti-VAW and CHC sectors to reduce barriers to accessing vital services in the city and build cultures of solidarity and mutual aid into service agencies.

Discussion

A side-by-side look at the process of sanctuary in Toronto, Vancouver, Montréal, and Ottawa reveals many cross-city similarities as well as local differences. Within each city, a unique political culture affected where, when, and how activists organized to reduce barriers to access and resist immigration enforcement within sites of service provision. In turn, this influenced activists' decisions about whether to intervene in the municipal policy making process. Scholarly work on social movements predicts that social movements emerge or respond to favourable shifts in "political opportunity structures" (Tarrow 2011), which consist of the balance between opportunities (recognized probabilities that contentious collective action will result in a desired outcome) and threats (costs a social group will incur from collective action or from inaction) (Kriesi 2007; McAdam et al. 1996; Goldstone and Tilly 2001). Social movement scholars use political opportunities as a key explanatory factor in analyses of when, how, and why social movements act.²⁶ Interestingly, in all four cities surveyed above it was elected city officials that either initiated the formal process of considering a sanctuary city policy, or signaled to grassroots organizations an opportunity to do so. These opportunities, of course, were at least partially caused by years of activist mobilization in each city. After weighing the potential benefits and costs of working with these "internal champions" (Mallou 2019), activists in Toronto, Vancouver, and Ottawa decided to engage in the municipal policy-making process, while in Montréal activists chose to continue to work to create access without fear and networks of mutual aid within migrant communities. This divergence can be explained partially by the fact that Mayor Coderre did not actively solicit any community feedback on his proposal to declare Montréal a sanctuary city, and partially by a prevalent anti-authoritarian culture of migrant justice organizing in the city. In cities where access without fear campaigns were mobilized with clear demands on public service

²⁶ Over time, the concept has been applied less as a rigid predictive model and more as an important set of contextual factors: "The term *political opportunity structure* should be understood not as an invariant model inevitably producing a social movement, but a set of clues for when contentious politics will emerge and will set in motion a chain of causation that may ultimately lead to sustained interaction with authorities and thence to social movements" (Tarrow 2011, 32-33).

institutions and local police forces (Toronto and Vancouver), sanctuary city policies contained robust commitments to access without fear and had high level of city council support. In Ottawa there was not a long history of public access without fear campaigns, which resulted in city councillors not understanding or supporting the need for such a policy.

What the four cases surveyed above also show is that, contrary to scholarly writing on the topic, sanctuary city policies in Canada are not “acts of defiance by municipal policymakers against exclusionary federal immigration laws and policies” (Bauder 2019, 34). While it is enticing to conceptualize sanctuary cities through their most radical potential to act as an institutional bulwark of resistance against federal immigration enforcement, such an argument ultimately obscures the complexity of sanctuary cities and the danger still experienced by non-status migrants residing within them. Take, for example, Bauder’s transnational summary of the character of sanctuary cities:

An aspect that is common to sanctuary city policies and practices in the USA, the UK, and Canada involves rejecting or challenging national approaches to migration and refugee admission. In fact, urban sanctuary initiatives can be interpreted as an attempt to rescale migration and refugee policies and practices from national to urban scales. Sanctuary cities in the USA and Canada especially illustrate how urban communities do not see themselves as bound by federal migration and refugee laws that illegalise some of their inhabitants.... In this way, urban sanctuary policies and practices challenge national sovereignty. (2019, 38-39)

It is true that sanctuary cities do advance an underlying commitment to ensuring that all residents of a city have access to municipal services. To varying degrees, this includes measures to withdraw a municipality’s active and voluntary participation in the enforcement of immigration law. Declining to go *beyond* municipal jurisdiction in order to police and exclude non-citizens from services, however, is not the same as rejecting the federal immigration law, nor does it challenge national sovereignty. Further, the fact that municipalities in Canada do not, or cannot, direct local police forces to adhere to sanctuary city commitments weakens the claim that sanctuary cities defying immigration law or challenging national sovereignty. While Bauder’s claims are

potentially more applicable to the US context, they do not accurately reflect the realities of sanctuary cities in Canada.²⁷

As Villazor and Gulasekaram (2019) argue, US sanctuary city scholarship often focuses on questions of federalism, jurisdiction, and scale. This focus extends to scholarship about Canadian sanctuary cities as well. Even a cursory look at the policies passed in Toronto, Vancouver, and Montréal shows that they are all careful to limit access without fear initiatives to areas solely within their jurisdictions. Provincially regulated public services like policing, health care, education, and income security benefits—while generally administered jointly with municipal governments—are all absent from sanctuary city policies. There is therefore little evidence that sanctuary city policies attempt to displace federal jurisdiction over immigration or immigration enforcement either. For example, the City of Vancouver’s access without fear policy specifically reaffirmed that “The Government of Canada has jurisdiction over immigration policies and regulations including law enforcement activities related to border management and immigration control,” in order to specify that “As these activities are under the jurisdiction of the federal government, this policy relates only to the area of access to municipal services under the jurisdiction of the City” (City of Vancouver 2016, 7). Furthermore, municipal governments have specifically *not* been willing to challenge local police forces’ consistent collaboration with CBSA and enforcement of immigration law (Hershkowitz et al. 2020; Moffette and Gardner 2015). Rather than defiant acts of protection for vulnerable residents and brave acts of resistance against the detention and deportation of migrants, sanctuary city policies in Canada can be more accurately understood as affirmations that precarious and non-status migrants are legitimate members of our communities, and as “symbolically ambitious but practically cautious” attempts to improve access to municipal services to all residents regardless of status (Hudson et al. 2017, 2).

By mapping the variety of municipal sanctuary campaigns and policies across Toronto, Vancouver, Montréal, and Ottawa, this chapter illuminated what Houston (2019) calls the “process” of sanctuary. Houston argues that “sanctuary is not static and prescribed, but rather a variegated and contextual process” (2019, 564). This perspective understands sanctuary as fraught

²⁷ In his work on sanctuary cities, Bauder often details the jurisdictional limits of sanctuary city policies in Canada, but often pairs these discussions with more abstract claims about the policies’ potentials to challenge national sovereignty, citizenship, and advance new conceptions of belonging (2016; 2019; 2020).

and contradictory. He concludes that “rather than debate whether or not... policies make places sanctuaries... attention can be paid to how sanctuary assumes materiality through the enactment of specific procedures” (2019, 571). Rather than accept the label of sanctuary cities at face value, or speculate on their theoretical potentials or jurisdictional limits, this chapter documented the variety of contingent and contested practices of sanctuary in each city. These are further expanded in the rest of the dissertation, which explores different approaches activists have used to contribute to the process of sanctuary.

Houston’s arguments offer an immensely helpful framework through which to explore the various public and private actors that, to varying degrees, seek to invoke sanctuary for precarious and non-status migrants—what Villazor and Gulasekaram (2019) call “sanctuary networks.” This chapter provided some historical context about the sanctuary networks that have emerged in each city, and offered an analysis of each municipal sanctuary process from the grassroots perspective of migrant justice organizers and migrant communities. In doing so, it presented a nuanced account of the various and contradictory ways in which sanctuary manifests, or not, within a given municipality. By conceptualizing sanctuary as a process, this chapter sought to weave multiple aspects and instances of sanctuary together: local and sector-specific sanctuary campaigns, variegated municipal policy developments, contingent and uneven implementation processes, and the ad-hoc attempts of grassroots organizations to continue “filling in the gaps” in the veneer of municipal sanctuary declarations.

Though an important insight, is not enough to simply argue that sanctuary is complex and contingent process in each city. For migrant justice activists and migrant communities, many questions remain. What is the value of sanctuary city policies? Are they worth the time and effort required by activists to pressure cities to adopt them, let alone continue to advocate for their implementation if a policy is passed? Is it useful for migrant communities to have a policy “on the books,” or is it just useful for politicians seeking a good media narrative? In other words, what are the potentials and limits of pursuing sanctuary “from above?” In the next chapter, I explore these questions from the perspective of migrant justice activists working in each municipal context.

Chapter 4

Pursuing Sanctuary from Above

People that were never involved, or would have never even talked about how all people deserve equal access to services, are now talking about it. We won something, and that needed to happen. And I'm sure that's better than to have lost it.

Karin Baqi, past member of NOII-TO

Introduction

The opportunity to “win” a sanctuary city policy, as Karin describes above, has been seized by activists in municipalities across the country. Activists I spoke with did not do so uncritically, however. On one hand, I found there was widespread skepticism from activists when we discussed the utility and limits of pursuing municipal policy change as a strategy of building sanctuary “from above.” Indeed, Karin’s quote above notes the outcome of Toronto’s sanctuary city policy was that people were talking about equal access to services, not that access to services had improved *per se*. On the other hand, many activists weighed this skepticism against a prospect of ‘scaling up’ community-based organizing by securing a city-wide commitment to access without fear, and decided to intervene in the municipal policymaking process and secure a sanctuary city policy.

The results were varied across the four cities that my dissertation focuses on. In Toronto and Vancouver, sanctuary city policies were passed in 2013 and 2016, respectively. These policies followed years of grassroots campaigns in support of precarious and non-status migrants. Activists worked tirelessly to secure access without fear commitments in various public service sectors, including in education, anti-VAW shelters, healthcare, food banks, public transportation, and policing. When presented with the opportunity, activists intervened in the municipal policy-making process in multiple ways in order to ensure sanctuary policies were adopted. Further, activists and community organizations in both cities had to sustain their advocacy for years after policies were passed due to slow and uneven implementation efforts by their respective municipal governments. In Montréal, the City’s self-designation as a sanctuary city in 2017 did not invite any involvement from community organizations. The municipal government made few tangible

changes to its public services, leading the subsequent mayor to rescind Montréal's sanctuary city status a year later, re-branding itself as a "Responsible City" instead. Activists in Montréal generally chose not to actively lobby the municipal government for policies, but did manage to secure some subsequent commitments to access without fear within the realms of health and education. In Ottawa, a city councillor Tweeted her intention of bringing a sanctuary city motion forward, much to the surprise of local migrant justice organizers in the city. Despite effectively bringing together a large coalition in support of a sanctuary city policy and working to strengthen the policy language, there was not enough support amongst city councillors to justify bringing it forward for a vote. Activists in the OSCN shifted their work away from municipal politics toward more sector-specific sanctuary organizing, which will be discussed further in the next chapter.

The various campaigns summarized above share a focus securing policy commitments from municipal governments and large public service institutions to improving access to services for precarious and non-status migrants. Considered together, these campaigns employ what I call a "sanctuary from above" approach. Within this approach, sanctuary is pursued as a policy commitment with the hope that it 'trickles down' to the day-to-day practices of service provision. To work toward sanctuary from above, activists intervene in municipal and institutional process of policy development, participate in consultations and meetings to justify the issues faced by non-status migrants, and engage in external advocacy efforts after a policy is passed ensure institutions are accountable to their commitments and reveal gaps in implementation. The results of this approach are often grand and symbolic commitments to sanctuary and access without fear that are followed by slow and inconsistent efforts to improve access to public services for all people, regardless of status.

Even though migrant justice activists and community organizations are often crucial actors in the process of pressuring institutions for sanctuary commitments and holding them accountable after the fact, we are often marginalized in scholarly accounts of sanctuary. When our work is acknowledged, it is often brief and ultimately fails to acknowledge the complex and strategic work that undergirds so many of the sanctuary and access without fear policies that exist in Canada today (Atak 2019; Bauder 2017; Hudson et al. 2017). This consistent sidelining of social movements and community organizations—both our work and our political analysis—has left most scholarly accounts of sanctuary lacking and incomplete (but see Jeffries and Ridgley 2020; Moffette and Ridgley, 2018; Gardner, 2017; Walia 2014). Throughout this chapter I respond to

this absence by considering two key questions. First, what roles have activists played in the process of passing and implementing local sanctuary policies? Second, how do activists evaluate both the process and outcome of creating sanctuary from above? To do this, I present findings from an analysis of interviews with activists across Toronto, Vancouver, Montréal, and Ottawa where activists were encouraged to reflect on these two questions.

Activists in each city identified common themes in their reflections on pursuing sanctuary from above. When speaking about the potentials of this approach, four themes emerged. First, activists remarked on the potential value for non-status migrants to gain positive institutional recognition of their presence, educating policymakers on the barriers they face, and changing the discourse on the right of all residents to be able to access services without fear. Second, activists saw strategic potential in proliferating sanctuary policies both in increasingly more cities but also using these policies to assert more pressure on provincial governments for access without fear commitments and the federal government for immigration reform. Third, while sanctuary policies were the public-facing goal of these campaigns, activists revealed that most often the concept of sanctuary city was also useful as a public education tool and a way to increase involvement in broader migrant justice campaigns. In other words, whether or not a policy was ultimately adopted, activists I spoke with noted the strategic potential of “sanctuary” as a concept to mobilize large sections of the public toward demanding access without fear in their own workplaces and communities. The final potential that activists identified was that, when campaigns were successful, sanctuary policies could operate as a mechanism to hold municipal governments or public service institutions accountable to access without fear in the future.

More often than speaking to the potentials of campaigns to create sanctuary from above, however, activists reflected on common limitations they encountered within this approach. First, activists often identified the challenges of changing the culture and practice of service provision within large institutions. Specifically, there were common frustrations about both the challenges of proving and justifying the need for access without fear to those in power, as well as a tendency of institutions to obstruct attempts to implement policies that had already been adopted. Second, the inherent limits of municipal jurisdiction presented a major obstacle for sanctuary city campaigns, as public services like healthcare, education, and social assistance are not municipally legislated. Activists emphasized that the lack of municipal control over the collaboration between local police forces and CBSA formed the most dangerous gap left by municipal jurisdiction. Third,

activists reflected on the challenges associated with the symbolic nature of sanctuary commitments, which they argued allowed municipalities and public service institutions to publicly seem like they were good but did nothing. Two concerning outcomes of symbolic sanctuary were noted: campaigns experienced demobilization and migrants were offered a false sense of security, putting them at risk.

There is significant skepticism about whether a sanctuary city policy can bring about the tangible changes that are required for precarious and non-status migrants to live and thrive in their communities without fear. However, the sanctuary from above approach does appear to offer an important framework through which to publicize the issues facing migrants without immigration status and can embed formal commitments to accessible services and non-cooperation with CBSA into municipal governments and large service providing institutions. The limits to this approach, as we will see, are not insignificant, but overall activists did not signal that sanctuary policies should be abandoned altogether. Instead, activists have evaluated their experience with this approach and reflected on how to navigate some of its challenges outlined below.

Potentials of Sanctuary from Above

Recognition and Changing the Discourse

“Sanctuary city” and “access without fear” campaigns targeting municipal governments are only a little more than a decade old in Canada. Yet, at the time of writing, most of the country’s major urban centres have considered or adopted sanctuary city policies. Sanctuary city policies often have limited legal effects, but do hold a rich symbolism in their ability to conjure localized conceptions of citizenship and belonging. Precarious and non-status migrants have, however, noted few and inconsistent improvements in the accessibility of city services. Migrant justice organizers have noted as well that they still consistently must advocate for the implementation of sanctuary city policies, and have to continue to “fill in the gaps” by training and educating service providers themselves. Despite these disappointments, organizers did remark that knowledge about the barriers faced by precarious and non-status migrants and a commitment to “access without fear” within municipal government were laudable outcomes.

The notion that all residents of a city should have equal access to municipal services, regardless of status, has become well-established in the major Canadian cities profiled in this study. Karin Baqi, former member of No One Is Illegal-Toronto (NOII-TO) and the Solidarity City Network (SCN), reflected on the shifts she recognized in municipal policy and legal circles:

I think where NOII-TO has been really, really strong is changing the discourse at this higher level. A lot more people are now using “access without fear” language and thinking about access in the ways that we as an organization have laid out. People are beginning to think about borders as being both ideological and physical.... So I think that's been really valuable because sanctuary city is this normalized thing now—even though it's not really implemented. But it's more normalized that everybody should be able to access services without fear.

Here Karin acknowledges a shift in the ways that municipal staff and service providers understand the barriers faced by non-status migrants, specifically that “borders” can be enforced ideologically through interactions with service providers just as they can with border guards. Importantly, she argues that “access without fear” has become more normalized within the City of Toronto as an effective policy framework to address barriers to access. However, Karin also identifies the contradiction between the normalization of “access without fear” language and the lack of tangible implementation by the City on the other. In spite of this, she retains that the policy itself and the ideological shifts it represents should not be lost in critiques of municipal sanctuary commitments:

I think it was still an amazing win because it really did change the trajectory how this is talked about, it changed the language at the city level. Like, now I hear people talk about sanctuary city all the time, just in regular conversations at my work, or at clinics, or wherever. People that were never involved or would have never even talking about how all people deserve equal access to services are now talking about it. We won something, and that needed to happen. And I'm sure that's better than to have lost it.

The ideological effects that Karin observed within the municipal government and its social services resonate with the “new social movement” literature’s argument that an under-studied feature of social movements is that they also pose symbolic challenges to the status quo that can overturn dominant cultural codes (Melucci 1996). This focus emerged as a corrective to traditional studies of social movements that focused largely on interactions with governments and policy-outcomes (for further discussion, see Goodwin and Jasper 2004). In this case, we can draw a parallel between the ideological position that only citizens should be able to access municipal services to a

“dominant cultural code,” and sanctuary city campaigns as “symbolic challenges” to this thinking. And while the outcomes of sanctuary city campaigns in Canada could generally be understood as grand public commitments with disappointing results, Karin points toward subtler and less publicly visible effects. For the uncritical enthusiast, Karin tempers expectations by pointed toward the lack of implementation. For the pessimist, Karin nuances the discussion by highlighting the importance of a municipal government declaring itself a sanctuary city.

For some activists I spoke to, symbolic or ideological challenges to nationalist, exclusionary discourses about precarious and non-status migrants were all sanctuary city campaigns ultimately *could* be. This sober and pragmatic perspective acknowledges both jurisdictional limits of municipal governments as well as the political pitfalls typically associated reformist campaigns. Tracey Jastinder Mann, a member of NOII-Vancouver (Coast Salish Territories) at the time, offered an interesting perspective on sanctuary city campaigns, conceptualizing them as a pedagogical tool rather than a vehicle for policy change. In other words, she understood the sanctuary city campaign in Vancouver as an effective tool to educate the public and the municipal government on the issues faced by precarious and non-status migrants:

I think it's an education tool. That's what I think a sanctuary city campaign is. That's what a lot of campaign work is. And we have to think about how do we change people's understanding—how do we change the discourses about these things? And if you're changing discourse, the how do we change people's action?

I think it's an opportunity to do some big tent organizing and an opportunity to bring people in through knowledge-building and awareness. It's an opportunity to really humanize the experience of being undocumented for the public and the social ramifications of non-status folks' lack of access to social services and spaces.

Here Tracey shows that through public education, campaigns for access to services for undocumented migrants can also humanize the issues of migration and citizenship, which are often understood as existential issues to be dealt with by the federal government. However, by localizing the politics of citizenship and immigration to the municipal level and educating people about the experiences of non-status migrants, a sanctuary city campaign can be an effective frame through which to build public support for access without fear.

Sanctuary city campaigns construct a pre-existing collective identity—city residents, community members, “Torontonians,” etc.—as the basis upon which to cultivate solidarity across the citizens and non-citizens. Speaking to the broader ideological effects of a local sanctuary city campaign Fariah Chowdhury, a past NOII-TO member and educator in Toronto, emphasized that

[Sanctuary city] challenges the notion that social provisions should only be entitlements to certain communities, i.e. those with citizenship status. If we can dismantle the everyday ideological borders that exclude people by allowing non-status people the same access to services as people with status, we can challenge the dominant discourses of migration and nationhood and work toward dismantling the larger borders that exclude people. (quoted in Nail 2010)

The presence of migrants who lack permanent status in major cities is usually either marginalized and ignored. However, here Fariah clearly identifies one of the potentials of sanctuary city campaigns consistently noted by activists and scholars alike: reframing public understandings of citizenship and belonging by creating localized expressions of collective solidarity. By re-framing debates about citizenship and access to services as issues that affect our neighbours, our co-workers, our caregivers, and so many others that are embedded in our communities, some activists did concede that sanctuary city campaigns could cultivate new idea about membership and belonging beyond the confines of national citizenship (cf. Bauder 2016; Vradi and Dayal 2016; Darling and Bauder 2019).

Scaling Vertically and Horizontally

While necessarily local in scale, activists did not conceptualize sanctuary city campaigns as jurisdictionally isolated nor insular. Activists in Toronto, Vancouver, Montréal, and Ottawa regularly communicate, share resources, and strategize about how best to bring about access without fear. As well, activists in each city also understand their jurisdictional context, and strategically engage other levels of government. For example, when I spoke with former NOII-TO member Craig Fortier, he recalled that the choice to pursue a sanctuary city policy was embedded within broader campaign goals that spanned multiple cities:

We saw the municipal level as the place where we could use the community power that we’d built up most readily.... the idea was to get the largest city in Canada became a hostile place to

enact the racist immigration policy. And then the idea was that if we spread this notion to other cities like Montréal and Vancouver; and if the largest cities in the country where the most undocumented people lived were becoming places that were hostile to immigration enforcement, then perhaps this was a way to win a victory on the ground for undocumented people without ever having to pass a federal regularization policy.

There are two key points within Craig's statement above. First, he reveals an important "vertical" connection between municipal campaigns for sanctuary and national campaigns for a federal regularization program. Activists in Toronto specifically understood the work of building a sanctuary city—in policy and in practice—as a strategy of creating "regularization from the ground up" (Mishra and Kamal 2006). In other words, in lieu of a federal program to regularize the status of the thousands of precarious and non-status migrants currently in the country, NOII-TO oriented their work toward rendering immigration status increasingly insignificant to daily life in the city. This framework undergirded the various campaigns to create "sanctuary zones" in schools, shelters, health centres, workplaces, food banks, and embed a culture of solidarity in our communities. While undoubtedly a "local" strategy, Craig reveals how activists conceptualize municipal-level campaigns as eventually contributing to national policy changes. Here municipalities are understood as mediating between the need for access on the ground and the broader goals of status for all. Second, Craig reveals how a sanctuary city policy in Toronto could spread horizontally to other cities and eventually create a critical mass of sanctuaries across the country.

This vision was partially realized as, in the years following the City of Toronto's 2014 commitment, similar campaigns in over a dozen cities across the country were launched. On this point, Karin Baqi revealed conversations within NOII-TO about the need to both "scale up" sanctuary policies to the provincial government as well as "scale horizontally" to other cities. Toronto's sanctuary city policy was therefore understood as a necessary first step toward securing a broad vision of access without fear. She later reflected on this point, expressing to me that "without the Toronto motion, there wouldn't be this precedent for sanctuary to be taken up in other cities." Expanding on this point, Nate Prier, a past member of NOII-TO and SCN, also noted how Toronto's policy opened the door for other jurisdictions to consider similar policies:

It was impressive actually, in terms of the benchmark that it set for sanctuary city policies—if you want to call them that—across Canada. We got some pretty impressive language out there in front of city council in a pretty huge city, and that matters....

In the year following Toronto's landmark policy, members of NOII-TO held a province-wide conference of activists, front-line service providers, and policymakers to explore the possibility of building a sanctuary province, which

would build on recent Sanctuary City victories ... and ensure that all Ontarians, regardless of immigration status, are able to access all provincial services without fear of being turned over to Immigration authorities for detention or deportation including health care, affordable housing, post-secondary education, full labour protections, and social assistance, among other services. (NOII-TO 2014a)

Over 50 participants attended a multi-day meeting, which included general discussions about strategy and sector-specific discussions about creating cross-province coordinating groups. While the campaign was unable to establish a strong foothold in the provincial political terrain, it is indicative of how NOII-TO activists understood a local sanctuary city policy as embedded in other scales of struggle.

During the surge of interest in sanctuary cities in Canada following the election of Donald Trump in 2018, local access without fear campaigns looked to previous experiences in Toronto, Hamilton, and Vancouver to orient their work. Nate recalled that

When sanctuary city movements and solidarity city movements were forming all over the country in 2016 and 2017, the Toronto model was something people were looking to. Not necessarily as an exact organizing model; but the language, the documents and reports, the persuasive arguments, the means for building a campaign around this had already been well established and affirmed in Toronto.

Members of NOII-TO connected with activists organizing for access without fear policies to be adopted in Ottawa, London, Saskatoon, Regina, Winnipeg, Edmonton, Calgary, Guelph, Kingston, Peterborough, Fredericton, Victoria, and New Westminster. Importantly, references to Toronto's policy are found in access without fear policies adopted in Hamilton, Vancouver, Montréal, and London. A combination of inadequate implementation, inherent jurisdictional limits, and an unwillingness of these municipalities to collectively advocate for access without fear at the

provincial level and for a federal regularization program has led activists to become more sceptical about the potential to ‘scale up’ sanctuary city efforts to provincial and federal levels. Instead, campaigns targeting specific sectors under provincial jurisdiction—including healthcare, education, social assistance, COVID-19 vaccine administration, and policing—have had more success. Taken together, activists made it clear that part of the potential of access without fear campaigns was their ability to expand “vertically” toward federal and provincial policy change and “horizontally” to other municipalities.

A Tool for Mobilization

Each person I interviewed understood that sanctuary city policies were limited, but important, pieces in the broader movement for access without fear and status for all. There is more nuance, however, to sanctuary city campaigns than a sole focus on sanctuary city *policies*. There was a wide consensus among those I spoke with that a sanctuary city campaign was an effective tool to mobilize large sections of the public as well as other social movements around the injustices faced by precarious and non-status migrants. While achieving a sanctuary city policy served as a clear public demand to mobilize toward, grassroots organizers were under no illusions that the adoption of a policy would result in the changes required to achieve justice for all migrants. Sanctuary city campaigns were therefore often strategically used as a framework through which to grow involvement in migrant justice movements and get service providers, organizations, and community members interested in strategizing how to build access without fear in their own spaces—with or without the presence of a municipal policy. While these community-based efforts to build “sanctuary from below” are the focus of the next two chapters, activists noted that strategies of pursuing “sanctuary from above” also resulted in the kinds of political education and mobilization that could move people to try to build sanctuary themselves.

This is an interesting and potentially perplexing point when considered from the perspective of social movement studies literature, which often assumes social movement goals as primarily focused on changes to government leadership, policies, and/or practices (Tarrow 2011). Pushing back against a considerable orthodoxy within this field of literature, Jasper and Goodwin ask “*must* the state be the target, audience, and ultimately the edge for a movement’s demands?” (2004, 11; emphasis added). Therefore, when considered from a distance, sanctuary city

campaigns understandably seem to have a singular focus on municipal policy change. And subsequently, these campaigns could be evaluated on the basis of their success or failure in achieving a municipal policy or not. However, a grounded, movement-relevant analysis reveals that the goals, strategies, and vision of a campaign are much more complex when considered from the perspective of activists actually involved in these campaigns.

The point here is that activists' strategies, targets, expectations, and goals can be multiple and typically exceed the boundaries of government policy. Municipal sanctuary policies formed a part of the goals set out by groups like NOII-TO, Sanctuary Health, and the Ottawa Sanctuary City Network (OSCN). But so too did building stronger relationships with front line service providers, community organizations, and precarious and non-status migrants themselves in order to expand the potential to create sanctuaries throughout a city with or without a sanctuary city policy "on the books." Harsha Walia, a past member of NOII-Vancouver (Coast Salish Territories), encapsulated the perspective held by many activists I interviewed when she said

I think a lot of people who do end up doing a lobbying-based sanctuary city campaign; most of them do ultimately see it as a tool. It's a tool to mobilize people; they don't actually believe that a policy is the end goal. I've yet to meet someone who actually believes that. Right? No one believes that. But people use it for the symbolism of being like, "well we're supposed to be a sanctuary city so why is this or that happening, etcetera." So I think when people are doing that work, it's to use it as a tool. A tool to mobilize people, or to demand accountability with respect to the state.

Harsha's contention that sanctuary city campaigns do not, in fact, hold sanctuary city *policies* as their only end goal is an important one. She acknowledges that having a sanctuary city policy "on the books" can become a symbolic to demand accountability and resources from the municipal government. However, she also emphasizes that the process of mobilizing for a sanctuary policy can take advantage of what Villazor and Gulasekaram (2019) call sanctuary's "normative heft" as a tool to educate and mobilize broad sections of the public around a conception of justice for migrants that expands far beyond simply the adoption of a municipal policy.

By holding two campaign goals together in tension—a sanctuary city policy and the education and mobilization of people toward building in the spaces in which they live and work—activists defy the kinds of academic evaluations ascribed to social movement campaigns as either successes or failures. In her study of No One Is Illegal movements in Canada, Walia argue that

when one takes the knowledge, strategies, and tactics of social movements seriously, “the dualism pitting reformist against revolutionary strategy is a false one, rooted more in theoretical abstractions than actual practice” (2013, 182). She notes how the sanctuary city campaign in Toronto skillfully and intentionally navigated both reformist and radical political aims. On one hand, the campaign in Toronto struggled to create sanctuary from above by attempting “reclaim public space and social services by holding increasingly bureaucratized institutions and service providers accountable to those they are supposed to serve” (2013, 116). On the other hand, these campaigns also contain efforts to mobilize people to collectively build “sanctuary everywhere” (Buff 2019), based not in tepid policy regulations but in people acting in solidarity and mutual aid with each other. In this way, sanctuary city campaigns attempt to both engage the state to commit to access without fear, while attempting to “take power away from the state because their very existence represents non-participation in and subversion of an exclusionary apartheid system of citizenship” (Walia 2013, 113).

Harsha’s perspective resonated strongly with activists in Ottawa who, having the benefit of observing similar campaigns in other cities across Canada, foresaw many of the limits of pursuing a sanctuary city policy. Activists within the OSCN saw an increased interest in sanctuary city as an opportunity to engage in public education and build relationships directly with service sectors in order to address issues of access and status. As such, they were clear that the process of mobilizing for a municipal policy was an instrument to ultimately grow the migrant justice movement in Ottawa and sow the seeds for more grassroots and community-based activism. Jennifer Ridgley, a member of OSCN, noted

I think it's fair to say that while the policy was the focus of a lot of energy, for some of us in the Network it was actually just a means to do the organizing. It was the sanctuary city campaign that brought people who were interested in building a sanctuary city from below together. And then when that failed, or didn't pass, it was very easy to transition toward doing more explicitly ‘sanctuary city from below’ work.

Jen’s reflections on the multiple features on OCSN’s campaign complicates the binary thinking found in studies of social movements as either successful in achieving institutional policy change, or not. A surface-level look at Ottawa’s sanctuary city campaign would likely see it as a failure: the OSCN mobilized for a policy to be considered and passed by the municipal government, but the motion failed to even be considered by the City Council. However, when perceived from the

perspective of activists themselves, there is a very different story. While the policy may have not been considered by the City, the real ‘victory’ was in how the sanctuary city campaign mobilized service providers in Ottawa around the issues of migrant justice and access to services, and galvanized new, more radical, forms of action.

Part of OSCN’s campaign was organizing over 25 representatives of various service sectors and fields across the city of Ottawa to depute in front of the Community and Protective Services Committee in favour of an access without fear policy. During the Committee meeting, deputants were met with dismissive and disrespectful comments from city councillors, some of whom seemed adamant in their opposition to adopting a policy. Activists noted that opposition came from multiple angles: claims that the campaign devalued the refugee resettlement work the City had already been doing, disagreement that services were not already accessible to all residents, concerns about the legality of a sanctuary city policy, and conservative arguments opposing any support for non-status migrants because their presence is deemed illegal. Within a matter of weeks, it had become clear that a motion would not be supported by a majority of city councillors. However, the work that the OSCN did to mobilize a wide range of service providers and agency staff around the need for a sanctuary city ended up forming important connections between otherwise separated people facing similar issues in their work. Jennifer Ridgley recounted:

It was a day-long series of deputations. I mean I’m sure it was very diverse how people experienced it. But I think folks got to hear from other people who were working or living in different parts of the city but who had similar experiences. And I think that were a lot of connections that were made between people there; they connected with each other and were part of this collective experience and were like “hey, we should work together on this” and are now doing their own work in some cases. And that was amazing.

The collaborative potential within sanctuary city campaigns were noticed in other cities as well. The Solidarity City Network in Toronto brought together over a dozen different organizations working at the intersection of migrant justice and service provision, covering sectors like labour, health, food security, shelters, anti-VAW services, legal advocacy, sex work, and education. In Vancouver too, it bears repeating that Tracey Jastinder Mann noted sanctuary city campaigns were “an opportunity to do some ‘big tent’ organizing and an opportunity to bring different people in through knowledge-building and awareness.” By organizing around the concept of city-wide justice for migrants, these campaigns are necessarily coalitional and collaborative projects that act

as the connective tissue between a range of different municipal sectors and workers. In doing so, they allow people to identify common issues across their diverse areas of work, collectively strategize around solutions, and connect their struggles in the future.

The process of joining a campaign and speaking truth to power can be a politicizing experience. All five activists that I interviewed in Ottawa noted that many people who worked in the public service sector were politicized by their experience of mobilizing for a sanctuary city policy and being rebuffed by city councillors. Consider these reflections from Fiona Jeffries, an OSCN member:

Seeing the indifference and the coldness of the city counsellors galvanized people to just keep doing their work without the city's permission. I think going to city council had that effect of exposing how power is distributed and how separated and how far we are from it. I think that it did definitely create some conversations that made people feel committed to the issue of unconditional access.... Again, the question is, how do you actually figure out ways of getting people to implement it in themselves? In their workplaces, in their communities and their neighbourhoods?

Fiona argues that the experience of joining the sanctuary city campaign exposed that, in matters of public policy, residents are “far” removed from democratic control. Therefore, because a sanctuary policy was unlikely, people could be convinced to create sanctuary without the City directing them too. Here lies the strength of the OSCN's approach that understood campaigning for a policy as a tool for mobilizing people on the front lines of service provision. Jennifer Ridgley expanded on this point, noting

For some of the folks who gave deputations that had less of a history with movement organizing and are more involved with frontline service provision, I think there was something important that happened.... I think that there was something politicizing about that for some people.... And I think that that increased the understanding of why sanctuary city from below work is really important; to understand that we can't leave it up to these politicians to ensure access and to build the city that we want.

Here Jennifer notes the process of people connecting with the OSCN, advocating to the city, and experiencing first-hand the fact that, in order to create sanctuary in Ottawa, people would need to build it themselves. Karen Cocq, another OSCN member, reflected that

It was a useful thing to be able to say, “Well, city council blocked this, and it’s shocking and it’s scandalous and it’s disappointing. Clearly we can't rely on politicians to effect real change. So it's going to have to be us. And that's the work that we still have left to do. So, stay with us.” The point that we were trying to make all along was that we can't afford to leave this to politicians, and all they did was prove us right.

Interestingly, Karen reveals how the OSCN transformed what could have been a *disempowering* moment into a galvanizing one. Without support from the City, service providers and community members were encouraged to express their agency, take personal and collective responsibility for the well-being of their community, and develop a political imagination beyond the confines of mainstream political processes.

Creating an Accountability Mechanism

The final potential that activists pointed out about pursuing sanctuary from above was that, after a policy was passed, it could serve as an accountability mechanism within the state in the future. In other words, advocates and movements would be able to use a municipal policy committing to access without fear, even symbolically, as a lever to advance further improvements to access for precarious and non-status migrants. Omar Chu, a migrant justice activist with Sanctuary Health, made the case that

We knew that the city didn’t have that much jurisdiction over some of the services that we were really concerned about, but we thought it’d be useful to be able to say to other service sectors “look, Vancouver passed a sanctuary city policy, why can't you?” Just having that out there as something to point to when you're talking to health authorities or you're talking to other sectors can be helpful.

Omar’s argument encapsulates one of the core tenets of campaigns seeking reforms: that initial changes, albeit small, can create political and institutional space in the future to seek further positive changes. Sanctuary Health’s (2018) audit of city services summarizes this approach in their choice to participate in the City’s public access without fear consultations:

We [are] also aware that while making Vancouver into a Sanctuary City will not immediately address the health, education and other needs of persons with precarious immigration status,

it is a poignant expression of solidarity, equity and a needed tool to support communities and service providers to open front doors of services for undocumented families.

Success in securing an access without fear policy can establish a benchmark from which to launch future campaigns. Even radical organizers with political visions beyond the state understand potential strategic uses of government reforms. David Moffette, an OSCN member, noted that “In Toronto, when [the policy] passed and was not implemented, at least you can use the fact that it’s not being implemented as a step to bring the issue back to life.” In a similar vein, Fiona Jeffries reflected on the win secured by the Transportation Not Deportation campaign in Vancouver—the ending of the Memorandum of Understanding between Transit Police and the CBSA—as useful: “I don’t know if people would say that if [the transit police] have fully stopped. But in terms of a victory.... at least it’s something that is on the books, and they can be then held accountable to it.” Securing even minor commitments or reforms means that social movements do not have to start from zero each time an issue related to access to services and local participation in immigration enforcement arises.

Ensuring governments and public services can be held accountable to their commitments to access without fear is undoubtedly an important aspect of the sanctuary from above approach. Additionally, by creating an institutionalized basis for accountability, access without fear commitments also effectively legitimize the issues themselves. On this point, Samir Shaheen-Hussain, a member of the Health Justice Collective in Montréal, told me about his experience advocating within *Médecins Québécois pour la Régime Public (MQRP)*, a large non-profit organization of doctors and physicians in Québec, to endorse an access without fear framework. He recounted the difficulties of working within a large and well-established institution to push for greater access to health for all people regardless of status, but also spoke to the benefits of succeeding in pressuring large institutions commit to access without fear. The culmination of his and others’ advocacy within MQRP was a 2018 annual report that took a firm and public stance on “health for all.” He reflected on the experience:

In 2018, the theme was “access to health care” and so within access to healthcare with different issues, and it was several of us involved in writing... basically recommendations and positions.... So in that sense it’s interesting because now, it can kind of be used as a lever. There’s always like that tension of like definitely working within the system.... But a group like MQRP that has a lot more credibility in the political mainstream than we would, has now

taken a public position in support of health for all. So, we can use that to say “Oh, well MQRP has taken this position...” It lends it more legitimacy. Which is annoying for so many reasons, but it does, you know?

Because the revolutionary transformation that many organizers desire will not occur tomorrow, the need to legitimize and embed campaign demands within powerful institutions is important work to address the immediate needs of the most vulnerable migrants. Securing access without fear commitments from municipal governments, school boards, healthcare agencies, food banks, workplaces, recreation centres, and beyond can create the necessary footholds across the city from which to continue to pursue radical shifts in service provision toward access for all.

Limits of Pursuing Sanctuary from Above

The Challenge of Institutional Change

At the core of the sanctuary from above approach is a focus on changing policies and practices within government and service providing institutions. By attempting to embed knowledge, changes to administrative processes, and practical solutions into all levels of public service provision, activists using this approach often find themselves working “within” large institutions to create change. Those I spoke with recalled two common limits in this aspect of a sanctuary from above approach, broadly related to the challenges of institutional change. The first was the challenge of shifting institutionalized cultures and practices of service provision. The second focused more on the challenge of justifying or proving the issues faced by precarious and non-status migrants despite the challenges associated with obtaining reliable statistics and public testimonies from this population. Each challenge will be addressed in turn, but a common theme runs across each: when migrants and advocates working outside institutions choose to try to work within them, energy spent on grassroots organizing is redirected into bureaucratic and administrative processes that may ultimately hinder and constrain social movement demands.

The first common challenge that activists noted was relatively predictable: that institutional cultures and practices—many of which uphold the status quo—are rigid and entrenched. Anna Pringle, a migrant justice organizer with SAB, described to me how her work doing food justice organizing in Montréal tried to balance grassroots and more institutionally-focused strategies. While she remarked that the collective kitchens, food deliveries to undocumented migrants, and

other mutual aid projects were effective, working within food banks and administrative organization to change identification requirements and intake policies had not been as successful. Anna noted that pursuing policy-based changes with high-level management and boards of directors left SAB's Food Committee "just kind of scrambling." She remarked that this aspect of the Food Committee's work "wasn't getting anywhere with the different lobbying efforts we were trying, and it felt really overwhelming to try and change the super entrenched systems."

Samir Shaheen-Hussain, a member of SAB and the Health Justice Collective in Montréal, framed this issue effectively as the impulse within government funded institutions to pursue change in an incremental or "stepwise" fashion. Consider his explanation below in relation to working within the *Médecins Québécois pour la Régime Publique* (MQRP) to advocate for access to healthcare for all:

That's the other thing I learned from the MQRP experience, the often-used approach of doing things in a "stepwise" fashion. I see it as pursuing the lowest common denominator politics. For example, in Quebec there's this push around access to healthcare for all kids that I've been involved with. The more liberal mainstream groups want to first push for healthcare for babies who were born here—which doesn't happen currently if the parents are not Canadian citizens or permanent residents. But several of us were arguing within MQRP that we should just argue that *all* kids living here should have healthcare insurance. But there's always that kind of tension of "no, we'll do this first. And then we'll expand the demands wider later." That second step may never actually happen however, the government may say, okay, "fine, we'll give babies who were born here coverage" and they'll feel so great about themselves that they made this change, but won't feel compelled to make that change for all the other kids who are living here without status. So why give them that ability to stop short, you know?

Samir identifies an important hindrance within what could also be called a "reformist" approach to political change: large, established institutions embedded within the status quo are naturally conservative, resulting in significant resistance to the scale of change that social movements often put forward and only small concessions when the pressure is great enough to force them. Furthermore, Samir points to a more subtle process embedded in this approach, where institutions dilute or break apart movement demands into smaller components with the express intention to obstruct further change in the future.

This sentiment was echoed by activists in Toronto who have worked within the Toronto District School Board (TDSB), for example. In March 2006, Kimberly and Gerald Lizano-Sossa were apprehended in their high school by CBSA agents because they were undocumented. The two Costa Rican children were forced into immigration detention in Rexdale, a north-western neighbourhood in Toronto. There they were joined by their parents and two-year old sister, who was a Canadian citizen. Quickly, students, teachers, and migrant justice advocates across the city rallied in support of the Lizano-Sossa family, starting the Education Not Deportation (END) campaign. The campaign was successful in forcing the CBSA to quickly release Gerald and Kimberly, but their parents and sister remained in detention. While the campaign received immense support across the city, the Lizano-Sossa family was ultimately deported on Canada Day that year.

As END continued to mobilize, they shifted their focus to the TDSB relationships to CBSA (F. Villegas 2018). In 2007, END was successful in pressuring the TDSB to approve *Students Without Legal Immigration Status* policy, colloquially known as the Board's "Don't Ask, Don't Tell" policy. The policy committed Canada's largest school board to "protect the rights of children and their families by not asking for, reporting or sharing information about any student's or a student's family's immigration status and ensure the availability of schooling for undocumented students" (TDSB 2007). Craig Fortier, who was involved with the END campaign, reflected on the shift in focus from grassroots mobilization to policy:

And I think what we ended up with is a situation where, as you become successful in pushing for legislative change and then, like a monster in a Stephen King novel, it comes in with its tentacles and it grabs you and it traps you into the bureaucracy of the state. And so we get tied up in that. I remember going to a significant amount of meetings at the Toronto District School Board, and sitting down with the head of the equity division and going through and helping him re-write policy. And then we would pass the policy, we would wait a year, and nothing would really change.

The experience of the END campaign encapsulates the limits inherent in intra-institutional, policy-focused work. There is a considerable amount of activists' time and energy diverted from their community-based work toward things like consultations, meetings, deputations, and policy briefs. And, as Craig mentions above, even when access without fear policies are eventually passed there is often little tangible change to the day-to-day practices of these institutions. Francisco Villegas,

a past member of NOII-TO involved in the END campaign, has written extensively on the intersections between schools, immigration enforcement, and social movements (2013; 2017; 2018), arguing that the END campaign has “become a lesson to local organizations regarding the disconnect between policy development and implementation” (2018, 1112).

The second issue activists identified was the issue of having to prove to those in power that there were in fact multiple barriers to access for precarious and non-status migrants. Activists in OSCN and NOII-TO specifically noted that the use of firsthand testimony from frontline service providers, immigration lawyers, executive directors of various service providing agencies, and advocates that work with precarious and non-status migrants were not taken as acceptable proof or evidence of barriers to access by city councillors and municipal staff. Aditya Rao, member of OSCN, recalled his experience mobilizing deputations at the Community and Protective Services Committee:

It was just an exercise in futility.... I mean these [councillors] were out to just to score political points. They were not interested in the real issues. They were willing to just outright ignore the real concerns that were brought to them by folks who work on the front lines, refugee lawyers, shelter workers, etcetera. We had a refugee lawyer who came, who clearly articulated both that this is a problem and that, in her view, there is no obligation on police officers to share information to CBSA. And it was just met with... crickets. Basically they said, “this is a lie, there's no evidence.” In their closing statements, they said, “we have heard no evidence...” and everybody was thinking, “What are you talking about? Literally 30 experts who work the front lines of this issue came and told you that this is a problem, and you’re saying that you've heard no evidence?” It was the clearest gaslighting ever.

The impulse on behalf of city councillors to not base policy decisions on individual testimonies may be warranted in some cases. But with respect to the issue of precarious and undocumented migrants, the kinds of statistics and evidence that governments demand often do not exist. Yogi Acharya, a past member of NOII-TO, recalled a similar barrier in his work with the Food for All campaign:

What we didn't have was somebody who wanted to go public, to really ground our campaign. Of course, this is always the challenge working on issues faced precarious status or undocumented people, because those in power can always stall and deny and say “prove it, prove that people are being denied, or having issues with access.”

It is impossible to measure the number of undocumented migrants who *cannot* and *do not* access services because of the barriers and risks that exist. Those migrants who *are* able to access services—either through luck, loopholes in agency policies, or with because of sustained public advocacy—are few and often not “counted” or recorded.

David Moffette, an OSCN member, emphasized this point when he recalled a specific back-and-forth between a city councillor and a long-time advocate who served undocumented migrants “off the side of her desk”:

First person to go forward had done for like 10 years or so of frontline service provision, often serving people without status. The deputation was very polite, very respectable. And councillors’ agenda was: dismiss any evidence that’s put forward because we’re not moving forward with this. So whatever people told them, it was met with scepticism, or just an outright “you’ve got no proof.” So, some councillors would say “you’ve said this is an issue several times (there’s been non-status people you’ve served and everything), but do you have any numbers?” And the response was often “well, we don’t keep statistics about this, but it happens regularly.” And the councillors would quickly say “well, that’s not a proof. If there’s no stats, there’s no proof.”

Aditya and David’s remarks reveal the clear gap between the forms of knowledge found acceptable by those within government, and those outside of it. Migrants, service providers, and advocates encounter barriers to access first-hand in their work and day-to-day lives. But city councillors encounter barriers “from a distance” that is, by reading technocratic reports, public policy analysis, and statistics. The expectation of city councillors and staff is that advocates present their grievances in a similar fashion. However, such evidence or “proof” is often unavailable when addressing the issues faced by precarious and non-status migrants. Indeed, this disjuncture forms the crux of the second challenge of institutional change: while collectivizing firsthand experiences of injustice within service provision is a powerful basis for a social movement campaign, it is often insufficient as the basis from which to pursue policy change in large institutions. This is evidenced by activists’ experiences trying to prove to city councillors, policymakers, and executive directors that public services are inaccessible for precarious and non-status migrants—even where a sanctuary policy should apply—only to be doubted and rebuffed.

The limits of pursuing sanctuary from above noted here resonate with a simple “truth” of pursuing reformist change: institutions that are funded and regulated by the government are

generally invested in maintaining the status quo and therefore require significant amounts of time and energy to produce even modest reform. Social movements are forced to continually prove, justify, and dilute their demands to fit into the confines of bureaucratic change. It is true that these institutions are beholden to the constraints associated with public funding, laws, and governmental process; but activists have also experienced those in power *using* these constraints to rebuff or dilute grassroots efforts to create substantial changes in the ways public services are accessed. Below, I detail two related limits of the sanctuary from above approach: the jurisdictional limits inherent within municipal policy change, and the challenges of addressing the gap between symbolic commitments and inadequate implementation.

Jurisdictional Limits: Policing Sanctuary Cities

Much of the academic literature on sanctuary city movements in Canada makes the argument that sanctuary cities are legally and jurisdictionally restricted in what they can accomplish. There are three reasons that a municipal sanctuary policies are inherently limited. First, laws, regulations, and policies related to immigration and citizenship status lie primarily within federal jurisdiction. Second, many important services in Canada—healthcare, education, unemployment insurance, welfare and disability benefits, and law enforcement—are provincially regulated. And third, municipalities in Canada are legally “creatures of the provinces,” and therefore have circumscribed legal powers to regulate and administer only certain social services to city residents. As such, while the sanctuary city policies adopted in Toronto, Vancouver, and Montréal all contained formal requests to the federal government to consider immigration reform, such one-time requests ultimately hold little legal or political power.

The activists I interviewed in each city were well aware of the inherent jurisdictional limits that came with a municipal policy. In fact, the activists’ focus on connecting sanctuary city organizing “vertically” to the provincial and federal campaigns and “horizontally” to other cities can be understood as a recognition of, and response to, these limits. Furthermore, activists in Toronto were also assessing the likelihood of winning major victories towards their goal of “status for all” around the time a municipal sanctuary policy became a possibility. And it was in fact the perceived difficulties of achieving national immigration reform under Conservative Prime

Minister Stephen Harper's federal government that led activists in Toronto to pivot their focus to the municipal government. Macdonald Scott, a member of NOII-TO told me

The general understanding was that we weren't passing any kind of progressive immigration policy under Harper, so we thought let's break it down and focus on somewhere we can win, which we thought was the city. And we did win; we won a lot.

The goals of NOII-TO remained "Status for All," but they decided that building "regularization from the ground up" was an achievable goal that could both address the immediate needs of precarious and non-status migrants while also building toward a federal campaign. Craig Fortier put it this way:

I don't think [the city] was always chosen as a focus. The idea was that we would struggle at all levels of government, but that the municipal level was seen as directly connected to our neighbourhoods and communities.... So I think that focusing at the city level was a really important part of what we were attempting to do, but we never abandoned the federal level. I think it was always on our minds. And that came through our anti-deportation campaigns, in direct actions and campaigns around detention centers, and the May Days of action—which all really focused in on federal policies.

Craig's remarks point to the fact that social movements understand the need to struggle at multiple scales simultaneously. Precisely because of these jurisdictional limits, municipal campaigns like access without fear and sanctuary city are not expected to be *the* panacea for precarious and non-status migrants. Instead, they are an important piece in the broader struggle for migrant justice. As Craig noted above, activists were aware of the power of pushing Canada's largest cities to voice their support for precarious and non-status residents and their opposition to participating in immigration enforcement activities. Proliferating sanctuary cities across the country, limited as they might be, could be used to send a powerful message to provincial and federal governments that major changes to their citizenship and immigration enforcement regimes are necessary.

Migrant justice organizers in Toronto, Vancouver, Montréal, and Ottawa all emphasized that, sanctuary city or not, local police forces remain one of the greatest threats to precarious and non-status migrants. Fiona Jeffries, a member of OSCN, identified reigning in the police as a major aspect of creating a "true" sanctuary city, but noted the difficulties of doing so:

An important pillar of a sanctuary city is de-fanging the police, and to try as much as possible to limit the state's capacity for violence. And that's a harder thing. That part is what we're finding more challenging, in terms of figuring out how would we actually concretely do this.

The challenge that Fiona alludes to is a largely a jurisdictional one: local police forces are municipally funded institutions but are provincially regulated and typically accountable to a civilian oversight board that operates at arms-length from municipal government. So, because local police forces sit in the middle of a jurisdictional and regulatory bird's nest, sanctuary city policies often do not, or cannot, stop a municipal police force carrying out immigration enforcement.

Anna Pringle, a member of SAB, put it very simply when she remarked “politicians can declare sanctuary, but people still get deported in these cities every day.” In fact, in 2017—the year that the City of Montréal designated itself a sanctuary city—SPVM²⁸ made 3,608 calls to the CBSA to inquire about an individual's immigration status. Anna's remark about this contradiction within so-called sanctuary cities—which allow local police forces to simultaneously be portrayed as a “public service” but continue to perform immigration enforcement—consistently resonated with those I interviewed in other cities. As Hershkowitz et al. show in their comprehensive review of police services' relationship to immigration enforcement, the tension between sanctuary cities and police services

is at [its] root a claim about jurisdiction: who gets to govern what events, relationships and people. While police claim the authority over non-status migrants, they also claim immunity from the authority of municipal governments. (2020, 10)

It is between police forces' simultaneous extension into federal immigration enforcement and avoidance of local accountability that sanctuary city campaigns operate. Understanding jurisdictions or “scales” in this case as functionally separate spheres, however, risks obscuring how power and authority operate across them.

Take, for example, an immigration raid in northern Toronto in 2014 that was coordinated between the CBSA, the Ministry of Transportation of Ontario, the Ontario Provincial Police, and the Toronto Police Service. On the morning of August 14th, more than 50 non-status migrants were arrested on their way to work as part of a “vehicular safety blitz” that target a racialized and working class neighbourhood. NOII-TO and allied groups responded by issuing a community alert,

²⁸ Service de Police de la Ville de Montréal.

providing legal support to those moved to the Toronto Immigration Holding Centre, and publicized this raid as contradicting the spirit of the City's sanctuary policy passed just months before (NOII-TO 2014b). Recognizing that ultimately the City would—or could—do little to respond, NOII-TO targeted the provincial Minister of Transportation, Steven Del Duca, to cut all ties between his ministry and the CBSA. Two months later, the Ministry announced it would permanently cut all ties with the CBSA (Brennan 2014), which partially inspired the “sanctuary province” convergence held in Toronto a year later in 2015. Through their campaigns against police involvement in immigration enforcement, activists have gained an intimate knowledge of the legal complexities and ‘grey areas’ that exist between municipal, provincial, and federal jurisdiction.

The dangerous disconnect between sanctuary city policies and police collaboration with CBSA was also noted by activists in Montréal and Vancouver. In both cities, local police services were explicitly excluded from the municipal policies. While the policies did acknowledge that police services ought to consider how to make themselves more accessible to victims and witnesses of crime without immigration status, there was a clear line drawn between municipal access without fear and police operations.

The City of Vancouver was most explicit in its acknowledgement of the jurisdictional limits of the *Access to City Services Without Fear for Residents with Uncertain or No Immigration Status* policy. In the policy, the City emphasizes that

The Government of Canada has jurisdiction over immigration policies and regulations including law enforcement activities related to border management and immigration control. As these activities are under the jurisdiction of the federal government, this policy relates only to the areas of access to municipal services under the jurisdiction of the City. (City of Vancouver 2016)

The Vancouver Police Department, however, *could* be subject to municipal pressure to change its guidelines, despite being ultimately subject to the *BC Police Act*. Sanctuary Health members consistently pressed the Mayor on the fact that given local police forces routinely cooperate with the CBSA, if the police were not clearly included in the policy, it would effectively mean nothing to precarious and non-status migrants. The Transportation Not Deportation campaign, which two years prior had responded to the collaboration between transit police and CBSA, only emphasized

the deadly consequences of local participation in immigration enforcement. Despite these warnings, City of Vancouver's Access Without Fear policy states:

This policy does not apply to Police, Parks or Library services. However, these agencies will be asked to adopt a policy which supports, within their respective mandates, the spirit and objectives of this policy. (City of Vancouver 2016).

While the 2018 Sanctuary Health audit of municipal progress on its access without fear commitment noted that Library services and the Parks and Recreation Agency took initiative to integrate access without fear into their policies and practices, the Vancouver Police Department (VPD) passed a misleading "access without fear policy" that simultaneously encouraged undocumented victims and witnesses of crime to work with police and maintained that they have "bona fide reasons" to work with the CBSA and investigate an individual's immigration status (Lupick 2018; Sanctuary Health 2018). The implications of the VPD's continued relationship with CBSA undermine the City's commitment to access without fear and put precarious and non-status migrants in danger of deportation.

Similarly, the City of Montréal's *Declaration Designating Montréal a Sanctuary City* encouraged SPVM to develop protocols around issues of access but offered no timeline or accountability mechanism. It also delineated acceptable circumstances for migrants to be reported to immigration enforcement:

That the Executive Committee mandate the Public Security Commission to develop, in concert with the Montréal Police Service (SPVM), an approach to ensure that a person without legal status in a vulnerable situation can have access to municipal public security services without the risk of being reported to immigration authorities or deported, unless this person is specifically targeted by an enforceable order made by a jurisdictional body, particularly in criminal and security matters. (City of Montréal 2017)²⁹

On the surface, this clause could be read as a good-faith commitment to safer access to municipal security services. However, the caveat is that an individual interacting with the police must not be

²⁹ "Que le comité exécutif mandate la Commission de la sécurité publique afin d'élaborer, de concert avec le Service de police de Montréal (SPVM), une approche pour s'assurer qu'une personne sans statut légal dans une situation de vulnérabilité puisse avoir accès aux services de sécurité publique municipaux sans risque d'être dénoncée aux autorités d'immigration ou déportée, sauf si cette personne est spécifiquement visée par une ordonnance exécutoire rendue par une instance juridictionnelle, notamment en matière criminelle et de sécurité."

the “target of an enforceable order,” which would seem to allow the police to *check* if this is the case or not. If there is an immigration warrant out for an individual, the City authorizes the SPVM to carry out immigration enforcement work. If there is *not* a warrant, there still remains the discretionary power of local police services to detain and report the individual to the CBSA under the *Immigration and Refugee Protection Act*. So, contrary to appearances Montréal’s initial sanctuary city designation did little to alter the SPVM’s day-to-day practices in relation to precarious and non-status migrants.

This passage was removed when Mayor Valerie Plante traded Montréal’s designation as a sanctuary city for a “Responsible City.” While Mayor Plante committed to reducing identification barriers and increasing access to services for all residents, regardless of status, the new access without fear commitment explicitly stated that it “applies to all administrative units of the City of Montréal, excluding the Service de police de la Ville de Montréal”³⁰ (City of Montréal 2019). Both iterations of access without fear in Montréal, therefore, achieved little in relation to keeping undocumented residents safe. To publicize this fact and counter the City’s misleading messaging, SAB sent out a community advisory, clarifying to non-status residents of Montréal that

The “Declaration Designating Montréal a Sanctuary City” does NOT stop the Montréal Police (SPVM) or metro agents from handing undocumented people over to the CBSA.

Every week, the SPVM arrests undocumented people for small infractions or demands ID in situations of racial profiling, discovers that they have stayed past a deportation order, and hands them over to CBSA for detention and deportation. The City of Montréal’s declaration will not change this. (SAB 2017)

So, scholars of sanctuary cities in Canada are certainly correct to point out the jurisdictional limitations of a municipal policy commitments to access without fear. However, activists are well aware of the inherent limits within a sanctuary from above approach and strategically with within and around these limits. A closer look from the perspective migrants and migrant justice advocates reveals far more complexity and contradiction within sanctuary city policies, specifically in relation to local police forces. The combination of municipal inability and unwillingness to meaningfully include local police in their access without fear policies was universally emphasized

³⁰ “S’applique à l’ensemble des unités administratives de la Ville de Montréal, à l’exclusion du Service de police de la Ville de Montréal (SPVM).”

as a major limit in the sanctuary from above approach. The disjuncture between a municipality's public image as a sanctuary and the realities of continued police collaboration with CBSA is related to final limit noted by activists reflecting on trying to build sanctuary from above: the lack of tangible implementation after municipal sanctuary policies are passed.

Symbolism and a Lack of Implementation

The third limit that most activists I interviewed identified was the lack of implementation after access without fear policies were adopted and accompanied with symbolic proclamations. This was not a product of the jurisdictional limits of municipal policy, as this was also the case in areas firmly *within* a municipality's limited jurisdiction. Once the much-publicized designation of a city as a sanctuary had finished its media cycle, activists consistently noted that city staff and public service agencies failed to translate their commitment into tangible improvements to access. This tendency was not only noted in relation to municipal policies, but by those who worked on campaigns targeting specific public services. This trend was also later echoed by academic scholarship studying the progress of sanctuary policies in Canada as well (Hudson 2019; Atak 2019; Moffette and Ridgley 2018; Hudson et al. 2017).

The tendency for a municipality or service organization to publicly commit to access without fear, but take very few meaningful steps toward implementing their commitment, is not so much a "limit" to the sanctuary from above approach as much as it is a challenge. Activists did note, however, that there were two outcomes of this tendency toward symbolic gestures that do arguably form important limits of this approach. First, many of those I interviewed reflected on the demobilizing effect of redirecting campaigns away from mobilizing service providers, advocates, and migrant communities to demand access without fear, toward bureaucratic processes of proving the legitimacy of our grievances and demanding better policy implementation. Second, activists were also acutely aware of the hidden dangers of symbolic sanctuary designations, which could create a false sense of safety and security for precarious and non-status migrants living in so-called sanctuary cities. Taken together, when met with symbolic appeasement from powerful institutions, the sanctuary from above approach often results in social movement demobilization and false promises with potentially dangerous consequences. Below I take up the tendency toward

symbolism and its resultant demobilizing effects, and the creation of a false sense of security, in turn.

From conjuring images of a refuge from injustice to forming an municipal network of resistance against Trump's intensification of immigration enforcement, "sanctuary cities" undoubtedly carry immense symbolic power. The City of Toronto has repeatedly drawn upon the symbol of sanctuary, publicly declaring its sanctuary status in 2013 and re-affirming it in 2014 and again in 2017. Nate Prier, a past-member of NOII-TO, reflected on this tendency in Toronto:

Progressive counsellors very much saw it as a branding exercise, to be able to promote their left-wing credentials and be able to kind of have an impact with specific voters. I think it's used very cynically at City Hall now; it's talked about publicly without taking any extra steps to actually implement the sanctuary city policy. Even after Donald Trump got elected, politicians who weren't even around in 2013-2014 were glad to publicly declare Toronto a sanctuary city again in 2017, while taking no actual steps to be able to concretize some of the gains that were promised in that policy.

Here Nate clearly identifies the gap between sanctuary as a "public branding exercise" and the "actual steps" required to "concretize" access without fear in the city. He also conveys a scepticism held by many activists I interviewed about how access without fear operates within city government: though the concept is now more ubiquitous than in the halls of municipal government, it is more often rolled out as a media spectacle than a commitment to changing policies and practices within the City's public services.

In her experience in Vancouver, Tracey Jastinder Mann had a similar view of how access without fear was taken up by the City. She emphasized how the access without fear policy was largely reduced to a one-time acknowledgement of the issues faced by precarious and non-status migrants:

Yes, it's symbolic, but it's also a victory for local politicians to get street credit at the end of the day. That's what it becomes. And then it becomes meaningless, and it's treated like a box to check off. It's like doing a two-hour diversity workshop, you know? Like in the same way people might say "we talked about diversity for two hours. Now we've done all of our work." I feel like a sanctuary city policy runs the risk of doing the same: "Oh, we had this moment, it was a campaign, and now the campaign is over, so we can stop talking about this."

Nate's and Tracey's perspectives lend a sobering peek behind the media spectacle that immediately follows bold sanctuary declarations. However, a lack of commitment to ensuring access without fear ultimately leaves activists and community organizations to take on the work of continuing to advocate within public service systems and fill in the gaps of partial and uneven access. Many of those I interviewed remarked on the frustrating process of, following a public sanctuary city designation, having to return to the informal tactics of individual advocacy, public education and training with front line service providers, and "backdoor" approaches to ensure migrants could access the services they required—the very things a sanctuary policy would supposedly render unnecessary.

Diana da Silva shared with me a wealth of experiences she had navigating different social services with precarious and non-status migrants in the Greater Toronto Area. As a community organizer and a founder of Vivimos Juntos, Comemos Juntos,³¹ Diana relayed numerous stories of having to advocate for a precarious status migrant trying to access a service that is formally covered by an access without fear policy. Reflecting on the outcome of successfully pressuring the TDSB Board of Trustees to make the school registration process easier for precarious and non-status migrants, Diana told me

It was a big win for us. But then yeah, nothing came from it... there was no weight to it. And we still had to use our backdoor approaches to get youth into school. So, we had key settlement workers in key schools that we knew would take these youth regardless of where they were living. Because a lot of these youth were homeless, in the sense that they were couch surfing, in shelters, didn't have an exact address, etcetera. So, we still had to make the personal calls to the allies that we knew that could get them into school. We were still getting cases where families would go to schools that would not let them register... so the policy clearly was not working. And I don't even know how it's supposed to trickle down to each school. After trustee announcement, what happens? Like do we have to bring a copy of the meeting minutes of every time we try to register a student?

Diana's experience is not an isolated phenomenon. In my own experience working with No One Is Illegal–Toronto and the Solidarity City Network, we received regular requests for support and advocacy from migrants being denied access to services—like schools, shelters, food banks,

³¹ "We Live Together, We Eat Together"

childcare subsidies, and other services—that were supposedly accessible to all residents of Toronto. Similar to the Solidarity City Network’s (2014) audit results, the cause of these barriers was sometimes found to be a lack of knowledge of access without fear policy, lack of training for frontline staff, job turnover, or sometimes an individual belief that services are only for citizens.

These frustrations resonated with activists in other cities as well. In Vancouver, members of Sanctuary Health used the momentum gained by the City’s access without fear policy to pressure a local school board to commit to ensuring access to education for all city residents, regardless of immigration status. The result, however, was similar to Diana’s above. Omar Chu told me that

We got a sanctuary policy passed at the New Westminster School Board.... But the staff have been super resistant to implementing it.... You can pass a policy, but there needs to be buy-in from staff or nothing’s going to change. Luckily, in Vancouver we have connections to staff that we know will register people without status and know the policies. But as soon as someone leaves, it’s like we’re starting the process all over again, right?

Omar isolates a key limit within the sanctuary from above approach when he remarks on the difference between a policy commitment and “buy-in” from the staff that are responsible for interpreting and implementing the policy on the ground. Diana and Omar both importantly argue that we should not assume that a policy commitment automatically and uniformly “trickles down” to public service organizations and frontline service providers. The reality is that policy implementation is far more contingent and uneven, as the various studies of sanctuary cities in Canada have confirmed (Sanctuary Health 2018; FCJ 2015; Hudson et al. 2017).

Activists with the Collectif Éducation Sans Frontières (CESF) in Montréal fear a similar fate awaits them in the wake of their recent victory securing access to education for all youth deemed “ordinarily resident” in the province of Quebec. In response to the passage of Bill 144, which came into effect July 1st 2018,

the Education Across Borders Collective was reassured to learn that a proof of address will be sufficient to demonstrate that a family lives in Quebec, [but] is nonetheless concerned that some families don’t have access to the forms of proof normally required by school boards, and asks whether school boards will show sufficient flexibility in this regard. (CESF 2018)

In all each of these cases, there is a frustrating gap between the process of translating policy into the day-to-day practices of service provision. The result is uneven and inconsistent access to services, which can have the effect of dissuading migrants from attempting to access them in the first place. In other words, inconsistent access to services can have the same result as services being uniformly inaccessible.

Beyond reaping the public image benefits of symbolic gestures, large public institutions also succeed in slowing social movement momentum by partially accommodating our demands. Scholars who study social movements have developed frameworks to describe and analyze this process. Beyond studying how social movements mobilize people around collective demands and take collective action, Tarrow argues that there are also five “mechanisms of demobilization” that can occur over the course of a social movement struggle:

[1] *Repression* or, more generally, control of contention, but also its opposite [2] *Facilitation* which satisfies at least some claims of contenders, who may also retreat from struggle because of [3] *Exhaustion*, the simple weariness of being in the streets....

In addition to three, he also notes two opposing processes that may unfold:

[4] *Radicalization*, the shift of social movement organizations, or parts of them, toward increased assertiveness, and [5] *Institutionalization*, the incorporation of some other organization or parts of them into the routines of organized politics. (2011, 190)

Three of these mechanisms were indirectly referenced throughout my interviews: facilitation, institutionalization, and exhaustion. They found that, in response to grassroots mobilization and public pressure, large institutions would resort to facilitation (symbolic declarations with little implementation) and implementation (redirecting movement momentum away from public pressure toward internal bureaucratic processes). The result of these processes was burnout and exhaustion.

Activists that I interviewed reflected on the tendency of institutions like municipal governments, school boards, or police boards, to publicly commit to access without fear due to social movement pressure and then bog down implementation through long processes of consultation, board meetings, and studies. The process would demand continued participation from social movements and community organizations and the result would often be a partial and lackluster attempt at implementing the policy commitment. This was a limit that consistently came

up in conversations I had with people about the sanctuary from above approach. For example, when AccessTO developed and promoted public outreach materials that incorrectly and misleadingly presented services that were accessible to all residents, but failed to adequately train frontline staff or audit the accessibility of its services. The gaps in implementation pushed community groups to respond and ensure that precarious and non-status migrants could secure safe access to services. Mac Scott, a member of NOII-TO, encapsulated the “cycle” of social movement campaigns this way:

But that's also a typical cycle for social movements, right? There's that hill of social movements where you have to build up to when the actual policy change happens, the movement's often burnt out or not that active.... It's demobilizing for sure. Because it's a different kind of organizing.

Here Mac both acknowledges the shift in the “kind of organizing” activists must pursue after a policy is passed, as well as the demobilization and burnout that follows. I interpret the different kind of organizing that Mac alludes to as more engagement in bureaucratic political processes, and less mobilization of migrants and services providers. Nate Prier, a past NOII-TO member, seemed to agree with this:

I would say that, the policy process that ended in declaring Toronto was sanctuary city in 2013 did not involve a ton of base-building. It did not involve using the model of having a lot of workers and directly affected people take control of community spaces. So that's a pretty big drift from the City is a Sweatshop atmosphere of 2009.

Here Nate reflects on the fact that NOII-TO focused less on “base-building” and democratic “control of community spaces,” in the process of pursuing sanctuary from above. The decision to seek a municipal policy created a different set of priorities for activists and demanded different targets than past grassroots access without fear campaigns. For a municipal policy to pass, activists would have to play by the rules of slow and cumbersome bureaucracies and put energy into steering policy development, rather than deepening connections within migrant communities and mobilizing the public to support access without fear.

While the process of pursuing sanctuary from above can be demobilizing, so can the period after a minor policy victory. This is what Tarrow described as state “facilitation”: which involves a partial state accommodation of movement demands, resulting in a loss of momentum. Those

involved in the Education Not Deportation campaign in Toronto noted a similar experience. Farrah Miranda, a past member of NOII-TO, remarked:

We were able to get a vote on access without fear policy, and then the board voted unanimously in favour of it... But the campaign went from mobilizing consistent pressure through actions and deputations to the nitty gritty policy meetings, which effectively demobilized people who aren't interested in or couldn't commit to that kind of work.

Put differently, small institutional accommodations put pressure on social movement groups to move from organizing people and building community-based power, toward lobbying those in power in boardrooms. This shift effectively drains the energy of grassroots campaigns by redirecting movement energy off of the streets and into constraining bureaucratic processes.

Interestingly, despite a sanctuary city policy being ultimately *rejected* in their city, activists in Ottawa resonated with this process. Fiona Jeffries described how their campaign shifted after they decided to stop pursuing a policy:

Because we lost [the policy], then there's no momentum. And it just becomes more about consulting, and talking, and workshops. Which is good, but it doesn't it doesn't have the same meaning to what you're doing... "come to this 200,000th meeting or talk about intake policies," you know? It doesn't have the same feeling. So yeah we've found it difficult to keep the momentum going. Because then people are like, if it's not happening, it's not a policy, it's going to be so hard to implement it ourselves.

Fiona describes how even without state facilitation or institutionalization, social movement campaigns that employed a "sanctuary from above" approach ultimately fell into the "cycles" that Mac noted above. The shift in "feeling" that Fiona describes seems to emerge from the change in organizing strategy away from mobilizing people to construct collective demands and take collective action, toward individually tweaking the minutiae of policy implementation.

However, while facilitation and institutionalization may slow a campaign's momentum, in the specific case of sanctuary city or access without fear commitments, they also have the effect of creating a false sense of security for undocumented migrants. Symbolic declarations of sanctuary in Toronto, Vancouver, and Montréal were sometimes mistaken by migrants without status as signs of increased safety and security. Sanctuary Health and NOII-Vancouver (Coast Salish Territories) experienced a similar response to Vancouver's access without fear policy.

Despite intentionally avoiding use of the term “sanctuary” in their policy so as to *not* mislead undocumented residents, Omar Chu noted that organizations in Vancouver “were getting calls from people saying ‘I’m going to Vancouver because they are a sanctuary now; so if I move there, I can stay right?’” Similarly, the day that the City of Montréal misleadingly designated itself a sanctuary city, members of SAB began receiving calls from precarious and non-status migrants, asking if they were now safe to access services, gain formal employment, or able to regularize their status.

SAB member Samir Shaheen-Hussain reiterated this point when speaking about Mayor Coderre’s tweet that Montréal was a sanctuary city:

...he just declared it. It was kind of ridiculous. And it was even dangerous because it would give a false sense of security for people... we already know the Montréal police are one of the most trigger happy.... on many different fronts, including performing immigration checks with CBSA for people they pick up based on profiling.

Even in the current iteration of Montréal as a so-called “responsible city,” there has been little substantial shift in the practice of police collaboration with the CBSA. Anna Pringle, another member of SAB, spoke to me about trying to engage with the Mayor’s Office on this issue. The result was a devastating loss to the community:

We ended up meeting with the Mayor’s Office with the Non-Status Women’s Collective as well. People were pushing them to not have the police involved in immigration enforcement. And this is actually really sad. Because we had this meeting with the mayor’s office, they wouldn’t make any promises. They said that they couldn’t do it, that because of the laws in Canada.... And then a couple months later, one of the members of the refugee committee that was meeting with the City was arrested by the police and deported.

The scenario that Anna recounts is a clear and tragic example of danger embedded within symbolic declarations of sanctuary. If politicians stand to gain by drawing upon the rich history and normative power associated with sanctuary, it is the safety of precarious and non-status migrants that stands to lose.

Interestingly, the knowledge that a sanctuary city declaration with little implementation could create such dangerous conditions motivated the OSCN to actually discourage city councillors from advancing a policy that was symbolic. Having observed the lackluster policy

outcomes in Montréal, Vancouver, and Toronto, the OSCN argued that it was better for the City not to have a policy at all than to adopt a symbolic one. Aditya Rao recalled having to speak with Catherine McKenney, the initial councillor who was interested in presenting the motion, to have her “try to understand what our perspective was... that there was actual harm that could happen if you just passed a symbolic motion.” Fiona Jeffries echoed this sentiment,

We all know the problems with just having a sanctuary declaration that doesn't mean anything. We didn't want a resolution that wouldn't rein in the cops, that didn't provide money or training or resources or anything toward implementing it.

Here Fiona points to the police as, once again, a serious gap to be accounted for in Canadian sanctuary cities. Indeed, while precarious and non-status migrants face discovery, detention, and deportation accessing most public services, interactions with police have been consistently proven to be the most dangerous (Moffette 2021; Hershkowitz et al. 2020; Moffette and Gardner 2015).

Misleading undocumented residents and potentially putting them in dangerous situation was also the fear that NOII-TO had in response to the release of public Access T.O. materials that included the Toronto Police Services on its list of accessible services to all Toronto residents. In the report brought to City Council and the TPSB, the risks of including the police as an accessible service are clearly laid out:

The TPS currently does not adhere to the City's Access Without Fear directives and therefore should be immediately removed from all City outreach materials. Not only does this mislead people who are undocumented or have precarious status into a false sense of safety in accessing the police, it in fact calls the accessible character of all other services on the list into question for those fearing for their lives and the lives of their families. (Moffette and Gardner 2015, 31)

In a context where local police forces are routinely carrying out immigration raids, status checks, and actively collaborating with the CBSA, activists almost unanimously emphasized that sanctuary from above approaches are liable to result in symbolic declarations of sanctuary that can have dangerous and potentially life-threatening consequences for precarious and non-status migrants.

Discussion

Building sanctuary from above contains many contradictions that activists must navigate. We are constantly experimenting, reflecting, and evaluating campaign strategy as we continue to struggle for access without fear and status for all. With this in mind, when I spoke to activists about building sanctuary from above, many noted that this approach was effective in some limited and unanticipated ways. First, securing municipal sanctuary policies in Canada's largest cities was found to be successful in bringing greater recognition of the presence of precarious and non-status migrants in our communities. By localizing and humanizing debates about so-called "illegal" migrants, sanctuary city campaigns were able to debunk some racist myths that circulate in these discussions and highlighted the key issues faced by migrants without status. For a population whose presence is illegalized by the nation status, recognition and symbolic support from the largest municipal governments in the country is not inconsequential. Second, activists involved in pressuring the City of Toronto to adopt Canada's first sanctuary city policy remarked on their success "scaling" their efforts "horizontally" to other cities and, to a lesser degree, using sanctuary city policies "vertically" to contribute to provincial and federal campaign demands. Third, beyond campaigning for a policy, the concept of "sanctuary city" proved to be an effective tool through which to mobilize large sections of service providers, advocates, and the general public to learn more and get involved in migrant justice in their communities. Finally, some of those I spoke to believed that a municipal policy commitment, even a symbolic one, could be a useful accountability mechanism to be used by future campaigns to further improve access to services for migrants.

In the years preceding the adoption of an access without fear policy in Vancouver, Harsha Walia (2014) argues that there are four consistent lessons to be learned from the history of sanctuary city campaigns across Canada and the US. She argues that

[1] declarations of sanctuary by municipal governments are only meaningful if they are accompanied by clear implementation strategies and accountability mechanisms; [2] victories must be defended by our communities to prevent them from being rolled back; [3] our political power lies in challenging, not appealing to, power; and [4] zones of sanctuary are actively constituted not by politicians but by us—as service providers, educators, healthcare professionals, and neighbours—on the basis of solidarity and mutual aid. (2014)

In this passage, Harsha skillfully summarizes both the potentials of sanctuary from above as well as the need for other strategies that continue to challenge those in power and direct our efforts not

toward appealing to politicians but to building collective power in our communities. While the latter strategies are the focus of the next chapter, Harsha's four reflections provide a useful framework to conclude our discussion on the potentials and limits of the sanctuary from above approach.

First, the activists I interviewed routinely framed sanctuary city policies as symbolic precisely because, while the policies contained grand commitments to access without fear, there was slow implementation and little accountability in the years following. Over the past two decades, activist experiences in Toronto reveal a pattern of public commitments and little follow through. This was particularly striking in campaigns focusing on the Toronto Police Services Board, the Toronto District School Board, anti-VAW shelters, food banks, and most recently the municipal government itself. Experiences in Vancouver were similar, where campaign victories in areas of healthcare, policing, education and in the adoption of a municipal access without fear policy resulted in only minor improvements to access and a dangerously misleading commitment by the Vancouver Police Department. Interestingly, the insistence by activists in Ottawa that a municipal policy must contain clear plans for implementation and apply to major institutions like the police was precisely the reason a majority of city councillors would not support the motion. In Montréal—the only city to publicly admit its sanctuary city designation was misleading—a few initial steps have been taken to ease identification requirements, allow undocumented youth to enrol in school, and to begin providing municipal identification cards for migrants who otherwise could not obtain formal identification. Unfortunately, however, progress has been slow, municipal identification cards might act as clear signals that an individual does not have status, and the SVPM continues to collaborate with CBSA. Beyond inadequate implementation, in all three cities activists described their experiences navigating the challenges of shifting cultures of service provision and the limits of municipal jurisdiction. There was ultimately widespread agreement that these limits combined to constrain the overall immediate efficacy and future potentials of institutional commitments to access without fear.

Second, activists I interviewed resonated with Harsha's remark that, without sustained effort, campaign victories do not remain victories for long. While it is rare that policy commitments are rescinded, activists frustratingly remarked that continual pressure had to be applied to institutions to "make good" on their own policies. For example, despite the adoption of a clear access without fear policy within the Toronto District School Board in 2007, to this day community

organizations still have to accompany precarious and non-status youth to insist on their registration and remind school administrators of the policy. This constant need for communities to continually advocate for their needs *after* a policy is adopted to address them is a direct outcome of the symbolic nature of sanctuary declarations discussed above. The result, activists noted, was that social movements experienced periods of demobilization, as efforts to empower migrants, cultivate solidarity, and take collective action were diverted into attending community consultations, justifying their concerns, and engaging in slow and disempowering bureaucratic processes. Therefore, after the fact, institutional accommodation and policy victories were understood as what Tarrow (2011) describes as “mechanisms of demobilization,” which presents clear limit to the sanctuary from above approach.

Relatedly, the third limit noted by those I interviewed refers to sanctuary from above campaigns often necessitated a shift in what Mac Scott referred to earlier as the “kinds of organizing” activists engaged in. Access without fear campaigns usually started with specific issues faced by precarious and non-status migrants and mobilized broad coalitions to collectively build solidarity and challenge those in power. The success of access without fear campaigns can largely be attributed to how effective organizers in each of the cities were in this aspect of their work. However, once campaigns had established themselves as participants in the policy making and implementation process, their orientation felt pressure to shift from challenging those in power toward appealing to them in order to secure the policy change. Activists also reflected on the fact that the incrementalism necessitated by this approach, what Samir Shaheen-Hussain referred to as proceeding in a “stepwise fashion,” not only delivered partial reforms and in some cases could operate in ways that precluded further changes in the future.

Finally, because this approach focuses on sanctuary as a policy—rather than collective practice of community defense and radical welcome—the power to cultivate spaces of access and solidarity is incorrectly attributed to city councillors, staff, and policymakers. This perspective can be profoundly disempowering and ultimately obscures the consistent work that community organizations and activists do to build sanctuary and solidarity within this communities. Put another way, the sanctuary from above approach is based on a theory of change that depends on appeals to those in power. This is arguably why, on a fundamental level, a focus on sanctuary city and access without fear policies will always be fraught with contradictions and ultimately limited

in their ability to effect meaningful improvements to the lives of precarious and non-status migrants.

Fortunately, sanctuary from above is not the only approach employed by migrant justice activists working in Toronto, Vancouver, Montréal, and Ottawa to build safer and more just cities for precarious and non-status migrants. Before, during, and after campaigns for sanctuary city policies emerged in these four cities, activists were busy cultivating “sanctuary from below.” This grassroots strategy conceptualizes sanctuary not as a policy, but a collective practice of community solidarity and radical welcome that operates against and beyond the state. The sanctuary from below approach not only seeks to transcend some of the limits of sanctuary from above noted earlier in this chapter, but also holds the potential to develop an abolitionist approach to sanctuary. It is to this collection of grassroots strategies that we now turn.

Chapter 5

Building Sanctuary from Below I: transforming sites of service provision

The fight to reclaim public spaces—community centre by community centre, school by school, and neighbourhood by neighbourhood—is only beginning, but the victories achieved so far are all steps in the larger fight for Status for All. We know that these victories are meaningless if they are not based on broad community involvement and support to hold those who make the policies accountable. This point is a key part of building the Don't Ask, Don't Tell campaign, and we will continue to build, based on the recognition that we have the power in our communities to create a regularization program from the ground up. (Mishra and Kamal 2006)

Introduction

This quote from two NOII-TO activists eloquently summarizes some of the key political commitments embedded in community-based sanctuary activism, what I call a “sanctuary from below” approach. Rather than lobbying politicians and demanding policy changes, this approach seeks to create sanctuary by working directly with service providers, advocates, and migrant communities to create spaces of unconditional access, solidarity, and mutual aid.

There is a common impulse that drives both sanctuary from above and below: to remove the barriers and risks that exist for precarious and non-status migrants when trying to access basic social services. Where these approaches differ, however, is the theory of change that undergirds them. Sanctuary from below recognizes that the power to create sanctuary does not only exist in the halls of government, but also comes from the everyday actions of ordinary people in the spaces in which we live and work. This approach intervenes in a variety of settings, and therefore contains a range of strategies, including political education, facilitating workshops, public campaigns, direct actions, mutual aid networks, and practical and context-specific changes to service provision. Altogether, the sanctuary from below approach is committed to empowering migrants and service providers to resist participating in immigration enforcement and take collective action within, against, and beyond the boundaries of official policies.

There is considerable overlap between the sanctuary from below approach and the concept of “solidarity city” developed by activists in Montréal and Toronto. Conceptualized as a community-based alternative to “sanctuary city,” solidarity city similarly emphasizes building power in our workplaces and communities as an effective strategy to ensure that precarious and non-status migrants can live safe and healthy lives in the cities within which they reside. Consider this quote from Fariah Chowdhury, a past NOII-TO member:

Solidarity city is a way to get access to services for non-status people right now, and to involve people in the control and organization of the places they work, live, and receive education, healthcare, and basic services. It is a way to reorganize and politicize spaces where power has historically been taken away from communities and people. At its core, it is about building a city where marginalized voices with precarious status reclaim power, where we reclaim different sites for our communities to access, control, develop, and engage. We know that this is only possible when all grassroots movements in the city collaborate, connect, and commit to a politic based on autonomous power that is separate from state power. (quoted in Nail 2010)

Fariah points toward a series of important political commitments at the heart of the sanctuary from below approach, all of which orbit around reclaiming democratic control over the spaces and services that are supposed to serve our communities. The intended result is to render immigration status irrelevant to a living safe, healthy, and dignified life. In the process, this approach divests from activism that relies on elites to create the changes we need, and invests in empowering migrants, workers, and community members to take collective action to resist immigration enforcement and ensure that public services are accessible to all. This is, of course, easier said than done, but as the cases and testimonies in this chapter show, organizers across the country are committed to working toward the vision laid out by Fariah above.

The focus of this chapter is to explore the ways in which migrant justice activists have worked to create sanctuary from below within and across sites of service provision. I separate the work of creating sanctuary within sites of service provision from the focus of the next chapter, which attends to how activists have worked directly with precarious and non-status migrants. Both areas of focus can be housed under the sanctuary from the below approach, but contain their own distinct successes and challenges.

Four common themes emerged when activists reflected on the benefits of this approach. First, sanctuary from below was found to be effective because it targeted sites of policing and immigration enforcement directly. Rather than trying to curtail cooperation with CBSA by governmental decree, activists discussed the importance of exposing the ways in which sites of service provision can cooperate with CBSA and moving people toward resisting participating in immigration enforcement. Second, activists shared the ways in which they worked to implement change at the level of values within service providing organizations. By trying to shift the ways in which service providers situated themselves politically in relation to struggles for access without fear and migrant justice, activists spoke to the importance of cultivating a culture of “unconditional access” that, simply put, attempts to remove all “conditions” that may mediate access to services. Third, activists remarked that by targeting sites of enforcement through shifting the political culture within service providing agencies, they were able to implement tangible and durable changes to the everyday practices of service provision. These sometimes took the form of more technical and administrative shifts to how organizations conduct intake, delivery, and the collection, storage, and sharing of sensitive information. Other times, activists shared the importance of working with service providers to become more confident in acting collectively to “break bad rules” in instances where they could secure access for someone. Finally, the fourth theme that emerged emphasized the ways that sanctuary from below made securing informal, “backdoor” access to services for migrants more available. While this work is less focused on working within organizations, it instead works directly with progressive service providers to create crucial networks of access and hidden “corridors of care.”

Activists did face some common challenges, however, when adopting this approach. First were the constraints associated with service organizations’ reliance on government funding to continue their much-needed work. Activists noted that a dependence on government produces an “advocacy chill” within many organizations. Staff fear that taking public and political stances critical of the government or in favour of serving non-status migrants could jeopardize their future funding. Second, activists reflected on the difficulties of embedding a culture of access without fear in an organization by working directly with groups of service providers. The combination of a lack of organization-wide commitments and high turnover create a microcosm of municipal sanctuary attempts: an uneven implementation of access without fear policies.

Potentials of Sanctuary from Below

Targeting Policing and Sites of Immigration Enforcement

One particularly salient feature that activists identified within the sanctuary from below approach was its focus on directly targeting and transforming the various sites of in which immigration enforcement can take place. Activists remarked on the strategic value this approach, which opts to cultivate a culture and practice of access without fear specifically within the spaces the border is liable appear in the daily lives of precarious and non-status migrants. To build sanctuary from below, then, requires a perspective that grasps the numerous formal and informal ways in which immigration enforcement works to “fish” for precarious and non-status migrants (P. Villegas 2015). Critical border studies scholarship reveals that borders appear beyond and within the lines demarcating national territories. Rumford argues that “ordinary people (citizens, non-citizens) are increasingly active in constructing, shifting, and even erasing borders,” a process he refers to a “borderwork” (2012, 897). He notes that a key insight of this understanding of borders “is that it causes us to rethink the issue of who is responsible for making, dismantling, and shifting borders, rather than rely on the assumption that this is exclusively the business of the state” (2012, 897). Importantly, then, borderwork can be carried out, or not, by a variety of different actors, meaning that there is no guarantee borders *will* be constituted where they *could* be. This uneven patchwork of potential borders is woven into the everyday lives of non-status migrants and even just the looming potential of borderwork ultimately has the effect of deterring migrants from trying to access the services they require.

Specifically, scholars have shown that front line service providers and can become “gatekeepers of citizenship” through their power to “select, reject, and restrict” access to services based on status (Stasiulis and Bakan 2003, 63). In other words, while service providers are not responsible for *creating* borders around citizenship and access to services, they do have the power to engage in “borderwork” by choosing to apply or negotiate these boundaries in their day-to-day work (Bhuyan 2012). Speaking to the importance of sub-municipal actors in creating sanctuary, Villazor and Gulasekaram (2019, 1255) argue

Given this explicit or implicit incorporation into the immigration enforcement regime, it is apparent that a variety of public and private actors possess the opportunity to leverage their sphere of influence over the unlawfully present population who might inhabit, use, depend

upon, or be members of, each of those atomized institutions and groups. By serving as physical shelter and protection, disseminating vital information, asserting constitutional rights on behalf of immigrants, and using media to present competing visions of the rule of law and human interest, these institutions too, are points of governance, with some authority over, and responsibility for, the relevant population.

Recognizing this fact, the sanctuary from below approach involves working directly with service providers and their organizations to identify how their work might intersect with immigration enforcement, and strategize with them about how to transform their work in ways that obstruct, rather than facilitate, enforcement. Consider this passage from Nyers:

Within sanctuary cities, the claims of ‘no border’ and ‘freedom of movement’ are not directed at the expected sites—the territorial borderline of the state—but at cities, towns, and municipalities. The aim of these campaigns is to import an ethos of sanctuary into municipal policy.... Instead of a spatially fixed claim of ‘sanctuary’ made from within a ‘sacred’ space of a church, temple, or mosque, sanctuary cities consist of a proliferating number of ‘secular’ spaces of sanctuary, such as schools and anti-violence against women shelters. As a result, the freedom to move between these sites—indeed, to move unfettered in the city—becomes the key political stake. (2018, 147)

Here we see how the proliferation of borderwork to various sites within a city is met with a parallel expansion of the spatial and temporal elements of sanctuary. Sanctuary transcends the four walls of a church and is woven into the fabric of the city itself, becoming an ethos and a set of practices that aim to render immigration status irrelevant to urban life. Indeed, Nyers notes that sanctuary campaigns aim “to re-take the city as a site of *no* borders,” and therefore, no border enforcement (2018, 148; emphasis added). The politics of no borders and its intersections with sanctuary organizing are taken up further in Chapter 7.

Sites of immigration enforcement, however, are not always obvious or easily discerned. The Canadian Border Services Agency relies on a “surveillant assemblage” of various actors to carry out its mandate of identifying, detaining, and deporting illegalized migrants (P. Villegas 2015). The breadth of this assemblage is significant:

Actors include immigration, officials, politicians, workers in the social service sector, workers in the private sector, migrants, and non-migrants. Institutions involve those where pertinent actors actively engage. They include, immigration agencies, the police, the health-care sector,

banks, and employment agencies. Furthermore, actors and institutions can garner information about migrants through surveillance and profiling tools (fingerprinting, databases, and so on) as well as through the identification of markers (bodily or otherwise) that we associate with illegalized migrants, often a racialized practice. Markers include accents, clothing, location, bodily inscriptions, one's companions, and identification papers. It also includes discussions about who 'looks illegal' in media discourses, police discussions, community events, and informal conversations. (P. Villegas 2015, 233)

This perspective reveals that the identification of precarious and non-status migrants for removal is not solely the work of immigration authorities and local police forces but—formally or informally—includes a range of local actors and institutions. Paloma Villegas (2015, 252) concludes with the assertion that migrant justice organizers must widen their focus beyond solely immigration policy and enforcement authorities to include “sites less directly associated” with the CBSA. In this way, sites of potential enforcement can be transformed into sites of sanctuary, and service-client relationships can be moved toward relationships of solidarity and mutual aid. This is precisely the approach taken by organizers working toward building sanctuary from below.

Importantly, as discussed in Chapter 2, many NOII-TO activists recounted that early “Don’t Ask, Don’t Tell” campaigns emerged from activists working with migrants in detention. Specifically, many migrant detainees revealed that they were discovered and apprehended in the process of trying to access public services. NOII-TO therefore developed campaigns to directly target any connections public services had with CBSA and sought to transform spaces of service provision into sanctuary zones. Speaking to her experiences in Vancouver organizing for migrant justice, Harsha Walia also emphasized the importance of targeting the connections between CBSA, local police forces, and public services, noting “the only access without fear campaigns that make sense are the ones that target relationships to enforcement—because that’s the funnel to CBSA.” Here Harsha argues that connections to law enforcement, even indirectly, must always be the focus of the sanctuary from below approach.

While sanctuary from above approaches are constrained by local jurisdictions or policies that may sanction relationships between local institutions and CBSA, building sanctuary from below seeks to transcend these constraints by working within sites of service provision. David Moffette, a member of OSCN, spoke to me about the importance of separating the realm of service provision from immigration enforcement:

And while we might not fight CBSA directly, we will not tolerate their presence. Like, if an abusive partner shows up at a shelter, the workers won't tolerate their presence. They'll say you're not welcome and not share any information. How hard is it to imagine the same response to CBSA? So, I want to make it radical, but also how do we make it not radical? How do we make it normal to say "no, get the fuck out of here" to CBSA or cops doing immigration enforcement in our places of work and service provision?

David draws a compelling link between, on the one hand, shelter workers refusing to welcome or assist an abuser, and refusing to welcome or assist a CBSA agent or police officer on the other. Activists therefore work to frame the need for sanctuary in a similar way: the abuser and law enforcement officer both represent the potential for serious harm to a person seeking shelter, and therefore should not be assisted in any way.

In a similar vein, Fiona Jeffries spoke to the work she has done with OSCN to shift the ways health care and ant-VAW workers understand their jobs. She remarked on the importance of encouraging workers to focus on facilitating service provision, rather than policing access:

It's about changing people's attitudes towards these issues and getting them to think about "what is it that you're providing?" It's about understanding that *you are not a cop*, you are an intake person, for example, at a health center. You don't need to know someone's status. This has been a really good way to begin conversations [with service providers]. (emphasis added)

Pushing back against the broader political context of austerity and the dismantling of the welfare state, Fiona describes the importance of challenging the impulse to police who can access services based on scarcity and deservingness. In doing so, activists were able to begin building an awareness among service providers about the issues non-status migrants face in Canada. And more importantly, service providing organizations began to grasp their agency to be in solidarity with migrants and to see their work as antithetical to the mandate of the police and CBSA.

Multiple access without fear campaigns in Toronto similarly exposed public services as sites of immigration enforcement and worked directly with service providers and organizations to establish zones of sanctuary. The Food for All campaign, which focused in on issues of food justice and access to food banks for precarious and non-status migrants, is one such example. Yogi Acharya, a migrant justice and anti-poverty organizer in Toronto, recalled that in 2009 a non-status migrant was 'picked up' at a community garden, which launched the campaign. He remarked that

food services was a sector that needed to be organized and where access without fear was especially crucial, because a lot of people who are undocumented or have precarious status are also poor and therefore need to be able to access food banks without fear.

The Food for All campaign identified multiple intersecting issues that compounded food injustice, including immigration status, race, and class. Two activists involved in the campaign wrote about the key issues they intended to address:

Many with precarious status are either deterred or actively turned away from food banks that ask for identification. Additionally, the monitoring and infiltration of food banks and community gardens by immigration enforcement and police officers presents the food movement with a significant challenge and responsibility: how do we make these spaces safe for the most marginalized among us while also building an effective resistance to the systems that create and perpetuate food injustice? (Adrangi and Lepper 2011)

Here Adrangi and Lepper clearly lay out that, in addition to identification requirements creating barriers to access, a key reason why food banks are inaccessible is because CBSA monitors and infiltrates them.

The campaign recognized the immediate need for food banks to be accessible to migrants with precarious or no legal immigration status. Instead of lobbying multiple levels of government for increased funding, more training, or changes to access rules, organizers within Food for All argued that building community power was necessary to achieve food justice for all people regardless of status:

While foodies throughout Canadian cities harness innovative ideas to create alternative food systems through urban and rooftop gardens, food share programs, community-supported agriculture and more, the food movement rarely considers the radical political organizing necessary to make food justice possible for marginalized populations such as undocumented migrants in Canada.... Political organizing must therefore build the community power needed to resist these systems. (Adrangi and Lepper 2011)

Accordingly, activists began reaching out to food bank workers across the city and organized a series of open meetings for people working in the sector. The goal was to work directly with workers in these sectors to collaborate on strategies to create cultures and practices of access in their respective food banks and challenge the underlying structures of food insecurity across the city.

The Food for All campaign developed an especially productive relationship with The Stop Community Food Centre in Toronto, which today serves many undocumented migrants in the city and had at that time already developed internal policies to facilitate access. The campaign had learned that identification and other sociodemographic requirements were a barrier to accessing food banks, as precarious and non-status migrants—but also other groups systematically marginalized by the state and society—often lacked the necessary forms documentation that were asked for. In response to this, The Stop issued agency-specific identification cards in place of asking for government-issued identification each visit. The campaign attempted to spread this practice and others that reduced the requirements to accessing food to other food banks throughout the city by connecting with various staff and managers from different organizations, distributing concrete proposals and resources, and conducting a series of workshops that were designed to build analysis by connecting the struggles for migrant justice and food justice and to build capacity through discussing how to increase access in their day-to-day operations. Regular meetings with food bank workers gradually expanded in size, and culminated in members of Food for All presenting on access without fear at the Daily Bread Food Bank, which oversees 125 “member agencies” and over 10,000 staff across Toronto.

As the above examples show, a sanctuary from below approach begins by exposing the diffused presence of the border in the everyday life of precarious and non-status migrants. Specifically, public services are revealed to be sites of policing and immigration enforcement that migrant justice organizers believe must be transformed into spaces of sanctuary and solidarity. The last chapter discussed how activists attempted to limit instances of immigration enforcement by decree: that is, through sanctuary policies from the municipal government. Alongside this approach, activists also attempt to build sanctuary from below by working directly with public service institutions and front-line service providers to combat the impulse to “police” the boundaries of service provision and sometimes even participate in the enforcement of immigration law. In doing so, activists noted two related ways in which access without fear was cultivated in these spaces: by shifting the values and culture within service provision, and subsequently ensuring that these shifts resulted in tangible improvements to practices of service provision.

Shifting Values and Culture

An important aspect of targeting sites of enforcement is changing ‘hearts and minds’ within service provision. This is not to say that all service providers and organizations operate in ways that undermine access without fear—migrant justice activists have a deep appreciation for and often rely on workers on ‘the inside’ that go beyond the limits of their employment to support precarious and non-status migrants. However, service providers who believe in access without fear and therefore see their work as a site of social change are a minority, and may not know the full extent to which their work uniquely affects non-status migrants. Therefore, activists identified benefits of engaging in political education with service providers to shift the ways in which service provision, citizenship, and immigration enforcement were understood in their workplaces.

Access without fear is based in a radical political position that affirms the right of anyone to be able to receive the services they need, regardless of status. Therefore, shifting the cultural landscape is an important aspect sanctuary from below, as organizers recognize the need to fundamentally shift how citizenship, borders, and social entitlements are understood away from the neoliberal and white supremacist trappings of the nation state. Fariah Chowdhury, a past organizer with NOII-TO, stated that building sanctuary from below

challenges the notion that social provisions should only be entitlements to certain communities, i.e. those with citizenship status. If we can dismantle the everyday ideological borders that exclude people by allowing non-status people the same access to services as people with status, we can challenge the dominant discourses of migration and nationhood and work toward dismantling the larger borders that exclude people. (quoted in Nail 2010)

The “ideological borders” Fariah references are the assumptions about who can and cannot access services based on citizenship status. The dominant discourse that people without immigration status should be denied the same basic entitlements as citizens becomes a material barrier to access when it appears within sites of service provision. The solution is building a political commitment to access without fear and “unconditional access,” a concept used by the OSCN.

When members of OSCN spoke to me about access without fear and sanctuary from below, they often used the term “unconditional access” as a key “driving ethos” of their approach. Fiona Jeffries put it this way:

We were approaching this work being like, how we can organize around a culture of anti-racism in the city? How do we think concretely about a no borders type of politics at the

level of services, where the driving ethos would be “unconditional access? Which is a concept that we’ve started working with more.

The concept of unconditional access is useful in addressing the barriers and risks associated with trying to access services while undocumented. It reminds us that social services exist to, simply put, serve people in need, rather than emphasizing who is and is not eligible for such support. Put another way, unconditional access is the framework that ought to be at the root of service provision. As Fiona continued, she nuanced the terminology to specifically address citizenship, a central concept in migrant justice organizing:

It's different from the idea of universal access, which tends to be more hitched to ideas about citizenship and ideas of the universal subject and so on. But unconditional access, I think, poses an ethical demand to people who are working in the service sector: it is not the objective of a health centre to deny people... I mean, a health centre is supposed to provide help right?”

The ethical demand Fiona speaks to here is a demand for solidarity with those who have been excluded by a racist citizenship regime that creates tiers of exclusions and entitlements. To deny someone services based on their citizenship would be to carry out the mandate of the CBSA and the state, but to enact a culture of unconditional access would be to carry out a core value of social service provision.

In Ottawa, Jennifer Ridgley remarked on how the City’s failure to consider a sanctuary city policy provided an opening for the OSCN to begin addressing barriers to access and developing a culture of unconditional access within service provision. She noted that shifting the dominant political culture in Ottawa was an important aspect of this work:

From my perspective, I think we want to change the culture in Ottawa and the practices on the ground. And that's the priority. We want to change the way that people think about status, and ensure access. My priority is to change the culture and the political landscape and Ottawa.... We're building a migrant justice movement in the city slowly... And for me, right now, I don't see a municipal policy be a big part of that.

Here Jennifer emphasizes the need to shift how immigration status is understood by service providers in Ottawa as a basis upon which to build sanctuary from below. Karen Cocq, another member of OSCN, said that immediately after the sanctuary city policy failed, they held a

community dinner with all the allied organizations and individual supporters that had been mobilized to support the motion. The intent was to quickly shift the strategic vision of sanctuary away from a municipal policy towards building sanctuary from below. She noted that

We were building that analysis of “the work is not finished, and now it's up to us.” And in a sense, we were sort of liberated now to start doing the real work of building sanctuary city from below to make our city a safe, inclusive, and anti-racist place where we're all welcome.... So, the most concrete thing we had to offer afterwards was saying that “this isn't just about getting the city to do this, this is about you doing this internally in your places of work. All of the organizations in your sectors should be actually changing the way you operate. And adjust the political culture internally in your organization.”

Here Karen makes clear the difference in approach between sanctuary from above and below: instead of lobbying politicians and shoring up public support for a municipal policy, the OSCN was interested in empowering service providers and advocates across the city to build sanctuary themselves. In an article analyzing some of OSCN's work, Jeffries and Ridgley note that though they do not wish to “overestimate the impact” of their “smallscale” efforts to create sanctuary from below, their work exemplifies “a non-state centric vision of sanctuary that prioritizes grassroots transformative practices over municipal policy” (2020, 3).

The OSCN's work coalesced around the anti-VAW and healthcare (specifically Community Health Centres [CHCs]) sectors. Fiona Jeffries, a member of OSCN, echoed the importance shifting the culture and values of service provision within these sectors:

Like how do you actually implement change at the level of values? Because change is not going to be sustainable otherwise. You can have a million policies in the world and that is meaningless unless people actually change their way of thinking. Again, the question is how do you actually figure out ways of getting people to implement it in themselves, not just in their workplaces, but in their communities and their neighbourhoods too?

Here Fiona helpfully distinguishes between the value of “a million policies” and shifting the way service providers understand their work and the issues facing precarious and non-status migrants. The OSCN has worked closely with anti-VAW organizations like OCTEVAW to begin to shift understandings of sanctuary away from a focus on municipal policy and toward a focus on practices of solidarity and unconditional access. A great example of this is the large gather co-hosted by OSCN and OCTEVAW entitled *Moving Forward to Make Ottawa a Sanctuary City*,

which brought frontline anti-violence workers together to discuss how best to embed a culture of sanctuary and solidarity with migrants in their intake, outreach, and counselling activities (Jeffries and Ridgley 2020, 6).

A similar approach was taken by activists in Toronto nearly a decade earlier. In 2009, members of NOII-TO started the Shelter|Sanctuary|Status (SSS) campaign emerged in response to the scheduled deportation of Isabel Garcia and her family. A mother of two, Garcia had fled gender-based violence in Mexico but had been denied refugee status by the Canadian government. The SSS campaign framed the Canadian government's deportation of women fleeing gender-based violence as violence against women and, within a matter of days, garnered public support from over 120 anti-VAW and women's organizations across the country.³² Though the campaign operated on many levels—pressuring the CBSA, mobilizing shelter directors and management, and organizing directly with agency staff, women, and trans people—a key component was working directly within sites of service provision with agency workers and directly affected migrants. Farrah Miranda, a past member of NOII-TO, noted that the campaign was an opportunity to solidarity across the divides of service providers, non-status women, and the broader community:

we were organizing this campaign with the idea that these organizations are sites with the potential to collectively organize people who are directly affected, people who work there, people who are barred from accessing the services, as well as other members of the community who care about what happens there.

Farrah captures how sanctuary from below reconceptualizes sites of service provision as community spaces of collective organizing, rather than hierarchical spaces of service providers and clients. Karin Baqi, another member of NOII-TO, emphasized that the goals of the campaign were about shifting the values and cultures of service provision in anti-VAW spaces. Specifically, the SSS campaign worked to cultivate an ethic of radical welcome, except for law enforcement:

³² The campaign demands were: (1) Status for the Garcia family; (2) a moratorium on the deportations of survivors of gender-based violence; (3) that all organizations serving women and trans people in need be considered sanctuaries and therefore off-limits to CBSA; and (4) status for all temporary foreign workers and other precarious or non-status migrants.

It was about building spaces of solidarity. It was about trying to get all these organizations to declare themselves as zones where anyone is welcomed, publicly. To build a politic of refusing cops and immigration enforcement if they tried to come into these spaces.

Here we can see the dual features of access without fear: access for all people regardless of status, and a commitment to refusing to participate in immigration enforcement. The SSS campaign exemplifies the importance of promoting an ideological opposition to enforcement (cf. Fiona Jeffries above: “you are not a cop”) when doing building sanctuary from within service organizations.

The OSCN has engaged in similar work with local CHCs as well. Understanding that migrants could not simply wait for the City of Ottawa to change its mind on the importance of a sanctuary city policy, OSCN connected with CHCs across the city to discuss how community health services could be made more accessible to precarious and non-status migrants. Jennifer Ridgley and Karen Cocq, two OSCN members that took the lead on the health-based work, both commended CHC management and staff for their interest in building sanctuary from below. The OSCN focused both on the technical and administrative barriers to access (discussed further below) as well as political education about the issues faced by non-status migrants and the role of service providers in the struggle for migrant justice. Karen reflected on the trajectory of some of her conversations with CHC staff:

We were trying to encourage people to think of it more politically, to see the power that they actually had to make change.... I think that we’ve made quite a bit of headway on that front, which we were very surprised by. We were always surprised at how open people were in the CHCs to thinking outside the box; thinking more politically and critically about what they could do.

Here Karen speaks to the success that OSCN had encouraging service providers to situate their work politically and think ‘outside of the box’ in terms of how they could make CHCs more accessible to migrants. I interpret Karen’s comments above as working with service providers to unpack the ways in which healthcare is included in the CBSA’s “surveillant assemblage” (Villegas, 2015) of immigration enforcement discussed above. Further, there is clearly a connection between shifting the values within service provision and the process of encouraging service providers to recognize and exercise political agency within their jobs.

By exposing the ways in which the border manifest during the course of accessing services, the sanctuary from below approach creates an opportunity to cultivate a political commitment of non-cooperation with CBSA. Similar to Karin's comment above about creating an "ethic of refusing," David Moffette reflected:

For me the question is, how do we have people see their job as being in conflict with restrictive immigration policies and border controls? And to clearly say, "I cannot be a service provider, and *not* oppose the CBSA, or immigration detention, or deportation, and so on." Like, an anti-violence worker seeing immigration detention, deportation, and the other work that CBSA does is violence against women. It is doing harm. It's contrary to the principle of care.

Here David reiterates the importance of developing a political perspective within service providers that sees the values within service provision as antithetical to the work of immigration enforcement. In this way, the political culture with service providing agencies can be oriented toward removing barriers to access and ensuring safety for precarious and non-status migrants. The examples detailed above clearly demonstrate the value and efficacy of using political education to build a political commitment to sanctuary from below.

Changing Practices, Creating Access

So far, I've shown how activists have reflected on how sanctuary from below organizing can increase access without fear at the level of service provision: by (1) targeting sites of enforcement and transforming them into sites of sanctuary through (2) creating change at the level of values and culture within service providing agencies. The results of shifting the culture within sites of enforcement toward an ethic of non-cooperation with enforcement and solidarity with migrants produce a third benefit of sanctuary from below: producing tangible shifts in the day-to-day practices and interactions during the course of service provision. Campaigns across all four cities surveyed in this dissertation have been effective in shifting the practices of service provision in different sectors and expanding access for migrants. The focus of this section is to survey some of the ways in which activists have worked within service providing agencies and alongside service providers to develop tangible and practical improvements to access for precarious and non-status migrants.

It is instructive to return to the SSS campaign momentarily to highlight the work that was done to work “with front line service providers, shelter residents and managers to develop policies and protocols to ensure that undocumented women and transpeople have the services they need... includ[ing] trainings and policy development and individual sites” (NOII-TO 2010a). The SSS campaign held workshops and developed resources with “strategies for social service providers to raise awareness in developing a realistic Don’t Ask, Don’t Tell policy within their respective organizations.” This included encouraging workers to “to resist the repressive arm of the state, to mobilize women to defend each other, and to re-establish a feminist vision of the future that includes the human right to a life free from violence” (Shelter|Sanctuary|Status 2009). The workshops that activists conducted included political education components, as noted above, but also involved strategy sessions where activists and shelter workers would strategize about ways to transform specific spaces into sanctuaries. The campaign strove to create a multi-agency coalition and referral network to support migrant women seeking shelter and sanctuary, and developed a series of organizational guidelines to help organizations remove various barriers to access. These guidelines included limiting the collection of immigration information,³³ non-disclosure of the names of women attending the shelter to anyone, developing an updated and comprehensive referral guide for other safe services to access, and for each organization’s Board member to be trained and designated as the point of contact for any CBSA or TPS investigations, rather than frontline service providers (Shelter|Sanctuary|Status 2009).

After a year, the SSS campaign experienced a major success: the Greater Toronto Enforcement Centre (GTEC), which was responsible for CBSA enforcement activity in the region, committed to stop any operations within any spaces designated as a women’s service and to stop monitoring these spaces for potential non-status migrants. While this policy was unfortunately overturned less than two months later, the campaign was always dedicated to building sanctuary from below. Consider this caveat found in an SSS media release after the GTEC’s fleeting commitment: “While this directive has improved access for undocumented women, we wish to reiterate that our work and organizing has never been about gaining concessions from Immigration Enforcement” (Shelter|Sanctuary|Status 2010). The SSS campaign focused on creating tangible

³³ Justified under “the *Municipal Freedom of Information and Protection of Privacy Act* R.S.O. 1990, Chapter M.56 section 28 (2) where a shelter receives municipal funding, and under the *Personal Information Protection and Electronic Documents Act* (200, c.5) particularly schedule 1 section 4.3 where a shelter, agency etc... is privately funded” (Shelter|Sanctuary|Status 2009).

and lasting changes at the grassroots level by engaging in popular education and mobilization of both service providers and those who access services. Even as the SSS campaign waned after this setback, Farrah noted

What we did see on the ground was that the trainings and workshops we did really helped. In Toronto, there were cases of the CBSA trying to enter [anti-VAW shelters and services] and getting stopped. Not always in the most confrontational way, like “no, you can't come in here; we don't believe in borders.” But in other ways, like stalling authorities, getting women support, and providing safety that were being enacted in those spaces. So, it was like, though the policy on paper wasn't strong, the practices seem to have changed on the ground more so than with we saw with, for example, the TDSB.

We can gather from Farrah's remarks that the approach of building sanctuary from below can ultimately be a more durable organizing strategy. The gains won by this approach are less sensitive to the cycles of policy development and the fickle commitment of politicians. This is because building sanctuary from below involves embedding changes at the level of values, culture, and day-to-day practices at sites of enforcement that produce tangible improvements to access and have lasting effects on the political context of different organizations and service sectors. Farrah notes that this is a fundamental reason why the SSS campaign saw different results than the Education Not Deportation campaign within the TDSB, which ended up focusing more on changing enrolment policies than it did educating and training administrators and teachers about how create access without fear in their schools.

The OCSN also had success in shifting intake and data-related practices within the CHCs it had built relationships with. Workshops were held with both management and frontline workers, and a research project was undertaken to determine how “barriers and risks [to accessing services] may be exacerbated or reduced in the everyday interactions between clients and frontline staff” (Ridgley 2018, 4). With the input of healthcare workers themselves, the project sought to develop “concrete steps the CHCs can take to help build a culture of ‘Access Without Fear’ in Ottawa.” Jennifer Ridgley told me that in addition to daily interactions and practices of service providers, the practices associated with data collection, storage, and sharing were especially important aspects of CHCs' work from the perspective of access without fear:

We looked the collection of immigration of information and how it was being stored and shared between different agencies and, the Ottawa Sanctuary City Network gave

recommendations to the CHCs about their internal practices, and developed a tip sheet called *Guiding Principles for Reducing Barriers and Risk For People With Precarious Immigration Status*, which was directed at frontline staff. It basically shared what frontline staff that talked about, what they were seeing, and what they were doing, and giving them questions to ask themselves.... It also showed, in an ideal situation, how data should be handled, and then left it up to folks and who are working in different areas to adopt those principles for what made sense in their organizations.

The *Guiding Principles* resource that OSCN developed lists common barriers and risks confronted by precarious and non-status migrants and sets out six broad principles to increase access: (1) do not ask about immigration status, (2) reduce the storage of information, (3) treat all sociodemographic and personal information as immigration information, (4) immigration enforcement is the job of the federal government, (5) check with community partners about their data practices, and (6) increase public awareness of available supports (OSCN 2017).

A notable outcome of engaging with service providing agencies was what activists framed as a willingness to “break bad rules.” By pairing more technical or administrative discussions about intake, outreach, and data-related practices with political discussions about the issues faced by precarious and non-status migrants, frontline service providers were encouraged to brainstorm ways of creatively circumventing rules or laws that would otherwise prevent them from serving someone with precarious or no legal immigration status. Craig Fortier summarized the approach taken by NOII-TO activists this way:

We were doing workshops based on this idea that workers have a responsibility to migrant justice. And so if you’re a worker in housing, if you’re a worker in shelters, if you’re a worker in food banks, how are you responding to this notion, this call for “access, not fear”.... And so we began thinking “how do we begin to shift how you see your relationship with the people you work with?”

Here Craig is speaking to the need to shift the culture of service provision from client-based relationships to relationships of solidarity. The shifting of the service provider-client relationship that Craig notes resonates with the work that Karen Cocq recalled doing with OSCN. She told me that CHC workers would begin conversations about unconditional access with “we ask about status because of our funding,” but OSCN members would shift the discussion to ask “but do we need to make that the problem of your clients, or can we just deal with it ourselves, in other ways?” She

summarized this work as “trying to educate folks about how much power they actually had to break bad laws.” The recognition that service providers can collectively assert considerable power and discretion through their work is a key feature of the sanctuary from below approach.

Fiona Jeffries said OSCN had similar experiences in discussions with workers in anti-VAW shelters. In particular, workers were encouraged to act collectively and to build a culture of confidence around the idea that they have power over their workplaces. Fiona summarized some of her experiences doing this work this way:

And one of the main things that we tried to do in those workshops and we’ve been building on, especially around the anti-violence sector, is the question of “how do we break bad rules?” It’s just trying to also build a culture of confidence around doing that. I don’t mean it in a condescending way, but we are talking about trying to return to those radical roots of when women starting shelters were just starting and doing all this anti-violence work. They were like “fuck the state, we’re just going to do it, because it’s not going to happen otherwise.” And so we were encouraging people to think “well, what are they going to do if we all start breaking bad rules? Close down all of these shelters and anti-VAW spaces?”

As we can see from Fiona’s passage above, an important aspect of sanctuary from below is cultivating feelings of collective power and encouraging workers to take action together in support of precarious and non-status migrants. In the absence of municipal policies or organizational procedures that will guarantee the safety of migrants seeking to access services, front line service providers can find ways to remove barriers by refusing to police the boundaries of service provision. The power of this approach is rooted in the fact that it targets sites of potential immigration enforcement and organizes the people providing the services.

Securing Informal Access

While most activists I interviewed had much to say about working within social service organizations to improve access, some also remarked on their ability to secure access to specific services in spite of barriers that existed. Activists spoke about informal or “backdoor” channels that they could use to arrange medical care, housing, financial aid, and other supports for precarious and non-status migrants. Though this work generally does not publicly advance wider campaign goals, it does ensure that migrant justice organizers remain responsive to the day-to-day

issues faced by migrants and builds relationships of trust between migrant communities and activists campaigns.

In Montréal, SAB is continually involved in ensuring that non-status migrants have access to housing, employment, and financial supports. Samir Shaheen-Hussain, a member of SAB and the Health Justice Collective, spoke to his experiences doing this kind of migrant support work:

We do have a network that is more ‘below ground’.... So, you're right about the informal structures and it's definitely more grassroots.... For those of us who are in healthcare but also organizing, if there was an issue that would come up, we would get contacted and try to figure it out from there. Through developing network including like more liberal healthcare providers who, on a humanitarian level, would see people even if they wouldn't necessarily agree with our politics like no borders, no one is illegal, etcetera. But at least for like individuals getting seen, we have been able to manage that.

Here Samir reflects on the development of a network of healthcare workers that, though not necessarily aligned with social movement campaigns for status for all, would be willing to provide care to migrants who would otherwise be excluded and remain untreated. As a stopgap measure, these informal networks can provide much needed support to migrants who often cannot afford to wait for the success of an access without fear campaign. Because it is rooted in a commitment to meeting the needs of and building power within migrant communities, the sanctuary from below approach therefore includes balancing public campaigns with forms of support work that, while less publicly visible, are just as crucial to building an inclusive and effective movement for migrant justice.

Samir also mentioned the emergence of an “Clinic for Migrants with Precarious Status” run by Médecins du Monde (MDM) in 2011 as important space that served non-status migrants. One of only a handful of such clinics that serves people who are uninsured—including precarious and non-status migrants—the Clinic “treats, refers and redirects, where possible, vulnerable people who are not covered by the Quebec Health Insurance or IFHP, and who do not have private insurance, nor the financial means to access healthcare” (Médecins du Monde 2020). The clinic claims to have served over 10,000 precarious status or otherwise-uninsured migrants since opening in 2011. As a pediatric consultant at the clinic, Samir noted that while MDM was necessarily involved in grassroots campaigns for access, its existence did “take the stress off of us within the more informal network to find the right people.”

Samir remarked that beyond offering primary care to migrants, MDM had also been able to develop relationships more specialized services that were previously out of reach:

For adults, MDM has been able to make certain agreements with a few healthcare institutions that are be willing to provide specialized care. Like in one case, there's an institution that will now provide care for like 10 people over the course of a year with heart problems. We call them “corridors of care.” And I've been working on developing corridors of care for children's hospitals too. But again, it's all a patchwork.

The work that Samir describes here is not often associated with the kinds of public advocacy and confrontation that social movements and campaigns usually engage in. However, many activists that I spoke with had experience connecting with informal networks of service providers to meeting the immediate needs of migrants alongside public campaigns for access without fear.

Diana de Silva, a past NOII-TO member of co-founder of Vivemos Juntxs, Comemos Juntxs, spoke to her experience creating an uninsured health clinic for undocumented migrants in the basement of FCJ Refugee Centre in 2013. Doctors would do irregular clinics at FCJ Refugee Centre before then, but Diana saw a growing need for accessible health services for migrants and thought “we should make this bigger.” She told me

We started the uninsured clinic from scratch, and it literally just involved us just providing what support we could at a table, just a doctor and myself. From there it turned into a fully funded clinic in only two years. This was an example of us actually coming up with a response to one of the gaps that we encountered in the health system and putting it into practice.

The clinic initially relied on a single doctor who donated his time and income to providing health services and paying for blood tests, diagnostic tests, and other prohibitively expensive specialized services. The clinic opened during the Harper government's cuts to the Interim Federal Health Program, which resulted in many migrants being denied access to public health services. Diana noted that part of her work was developing “corridors of care” as well, through establishing “good relationships with pharmacies and labs” to access the drugs and tests they needed. Diana noted that by the time she left the clinic in 2015, there was a fully-funded part-time administrative position, more doctors had joined, and it was running multiple days a week. She concluded by acknowledging “the need is obviously still there” but affirmed that “other uninsured clinics have popped up in Scarborough and Mississauga, and from our experiences [at FCJ Refugee Centre]

we helped other clinics open up.” Diana and Samir’s experiences reveal the value of service providers who, though not necessarily part of migrant justice movements, see their work as a potential site of social change. As an approach, sanctuary from below is interested in building this kind of grassroots and community-based commitment to solidarity with non-status migrants. It is about recognizing that we have the power in the spaces we live and work to reject a politics of division and exclusion and build communities based in equity and mutual aid.

Organizing informal corridors of care and networks of mutual aid has also been a key aspect of organizing in Vancouver. In response to the City’s largely symbolic commitment to creating tangible improvements to access within municipal services, Bagelman and Kovalchuk (2019, 8) argue that organizers and service providers are enacting “a generative politics of making and taking spaces.” Many of these spaces are found in Vancouver’s Downtown Eastside (DTES), a neighbourhood that has consistently responded to a century and a half of dispossession and marginalization with community-based organizing and collective survival strategies. Migrant just organizer Harsha Walia argued that while these alternative spaces of service provision—like Pomegranate Community Midwives, the Vancouver Women’s Centre, safe injection sites and harm reduction services, community health and acupuncture clinics that serve undocumented migrants, underground birthing networks, etc.—do not form “capital-S sanctuary” efforts, they are an invaluable infrastructure of care and accessible service provision in the neighbourhood. The spaces and cultures of sanctuary in the DTES have not emerged primarily in relation to the struggles of non-status migrants, but through efforts to create community-based services for people who have historically faced discrimination or denial of care at typical sites of service provision. Harsha noted how the Vancouver Women’s Centre’s policy barring entrance to all Vancouver Police and CBSA is often assumed to be in connection with NOII-Vancouver (Coast Salish Territories) but is “actually though histories of Indigenous feminist histories in the neighbourhood.” In this way, Harsha described sanctuary as more of a ubiquitous and malleable term in the DTES:

In this neighbourhood, sanctuary is a constant concept—not a “Sanctuary” but you know, safe injection sites for example. So there’s a disjuncture between capital-P political work [around sanctuary] and the work in this neighbourhood. Like, the Downtown Eastside work is often separate from migrant justice work, even though they are such overlapping communities. I’ve struggled with that for 20 years: how do we in a larger political way, bring this work together?

So we can see how, in a community that has experienced the dual process of state abandonment and criminalization, “sanctuary” takes on an expansive meaning in the DTES—one that resonates with the more sanctuary from below work happening in other cities specifically in relation with precarious and non-status migrants. Indeed, the kinds of mutual aid networks and acts of solidarity that come to define sanctuary from below have a rich history in this neighbourhood, and activists are working through connecting migrant justice to other work being taken up in support of Indigenous justice, sex workers, housing, harm reduction, and street outreach.

As a grassroots approach to building relationships of solidarity and networks of mutual aid, sanctuary from below can therefore be an effective framework through which to organize multi-issue and intersectional movements for justice. As activists I interviewed made clear, the work of building sanctuary from below requires a commitment to navigating and advocating within public services alongside public campaigns for access without fear. While the examples I gathered in my research of building of alternative organizations dedicated to migrants was often limited to the provision of health-related services, activists find many ways to informally navigate and negotiate access to a wide variety of services. These day-to-day tasks of navigating access, direct support, and advocacy can often go unnoticed and underappreciated in relation to larger public campaigns, but ultimately ground these campaigns in the everyday struggles of migrants. In short, they form the foundations of meaningful movement work.

Challenges of Sanctuary from Below

Government Funding and Precarity

Locally administered services receive funding governments, which has the effect of curtailing activities that might be critical of—or disobey—the rules and regulations of the state that police and exclude migrants from accessing services. This can result in what scholars call an “advocacy chill,” or “the inhibitory effect that government laws and funding regimes have had on Not-for-Profit Organizations” (DeSantis 2010, 26; Bhuyan 2012, 2013). This has become an important issue in the US, as the Trump administration has continually fought to withhold federal funds from sanctuary jurisdictions, but as of yet has failed (Paik 2020). In Canada, however, there is not an official stance by any province or the federal government on the sanctuary city declarations that have occurred across the country. Nevertheless, activists have encountered reluctance from service

providing agencies to take more public and political stances in favour of access without fear on the basis of possibly losing government funding.

Specifically, activists noticed a tensions among service providers between the desire to retain what little state funding they were receiving and the desire to advocate on behalf of migrants and “break bad rules.” Speaking to his experience mobilizing service providers to given deputations at City Hall during the sanctuary city campaign in Ottawa, Aditya Rao remarked

I think some people that work in service provision can be averse to change... to no fault of their own. It's just the nature of funding agreements, and the nature of: if you say something today, then tomorrow real people who are receiving real services may not get the services because you decided to go and advocate. It's just as petty as that. So service providers are worried about how funding might play out if they speak out.

This was the challenge faced by the OSCN when they were mobilizing service providers to give deputations in front of city council in favour of a sanctuary city policy. To what extent there is documented founding to this fear of losing funding is beyond the scope of this research, but there is a lack of public indications, at least, that provincial and federal governments would punish service providing organizations for extending who can access their services.

In her research on service delivery to migrant women in Ontario, Bhuyan (2013, 256) noted a similar reluctance toward advocacy, observing that “violence against women organizations make a strategic choice to avoid direct conflict with the politics of immigration in order to maintain public support and funding.” Unfortunately, this results in organizations pitting the economic costs of access without fear against the human cost of migrants either being discovered by the CBSA in the course of service provision, or being excluded from access altogether. Activists I spoke with were sympathetic to the funding constrains felt by service organizations. To this point, the municipal sanctuary from above campaigns in Toronto, Vancouver, and Ottawa all demanded increased funding for municipal services. This would not only account for the need for additional training and resources needed to implement access without fear, but also to combat decades of neoliberal austerity that have forced agencies to have to choose between their mandates and their funding.

This, however, only a partial solution. At the root of the issue is the deterrence embedded within the funding relationship to the government itself, as Diana da Silva noted:

So all these organizations that rely on government funding.... Like some of these organizations wouldn't be able to do work if they didn't have government funding. But by having government funding more and more of them are suppressed and they cannot even do simple advocacy. They can't say anything. They're seeing what their communities are going through, and they can't do anything about it. They need their voices back.

The funding relationships that service providing organizations have with the government is complex and often very contextual. That said, funding is most often required to serve those with permanent residence or citizenship. As well, exactly how funding was used and to whom services were administered is often required in annual reports to display measurable impact and justify future funding. Therefore, progressive service organizations are often forced to serve precarious and non-status migrants “off the side of their desk,” or find ways to include them in other funding categories. Altogether, while the struggle for access without fear is undoubtedly linked to the struggle against neoliberal austerity, it also gestures beyond the demand for adequate funding and questions the role of the state in service provision altogether.

To combat fears over funding cuts or other repercussions for advocacy work, activists strove to cultivate feelings of collective power and solidarity amongst the service providers they worked with. In a 2010 roundtable on building a sanctuary city in Toronto, one past-NOII-TO member remarked:

A concern that people in the social services sector have with joining this work is the constant threat of funding cuts. The Harper government has shown that it will cut funding to progressive organizations. This happened to Palestine House, the Canadian Council for International Cooperation, and KAIROS. At the same time, the government cannot cut everyone's funding—if all the shelters, or all the food banks, or all the housing institutions struggle collectively, there would simply be too many of us. And by all these places, I mean all the people that gather at them and work at them. Once we decide to block immigration enforcement from our spaces, once we decide that we will make these places safe and accessible for all people, once we establish alternatives to public funds that come with strings attached – then funding cuts will not be a concern in the same way. (Syed Hussan, quoted in Nail 2010)

Despite the clear political and ideological value of this framing, activists doing workshops with service providers found their discussions to challenge the status of service provision as a politically neutral field. Instead, activists attempted balance the importance of advocacy and access for

precarious and non-status migrants, and recognizing the very real constraints inherent in their existence as state-funded and monitored institutions. Multiple activists remarked on encountering some pushback in discussions about finding ways to provide unconditional access to all people, regardless of immigration status. The constraints could appear in formal ways (e.g. federal or provincial requirements of proof of citizenship, a SIN number, etc.) or informal ways (e.g. serving undocumented migrants or not cooperating with CBSA or local police forces).

In our discussion about doing political work with service providers, Fiona Jeffries described her experience this way:

And so we were encouraging people to think “well, what are they going to do if we *all* start breaking bad rules? Close down *all* of these shelters and anti-VAW spaces?” But I mean, of course what they're going to do instead is more micro forms of coercion. Like issues of funding. That's the central thing. Especially during the Harper years, there was just a lot of anxiety about getting or losing your funding; because if you lose it then you can't serve anyone. So these are real constraints.

What this shows is feelings of precarity *within* service providing agencies. Given the choice of serving some people or serving none at all, obviously service providers would choose the former. But it is the very terms of the choice itself that the migrant justice organizers want workers to identify, critique, and ultimately reject. The challenge, however, is that front line service providers are often in precarious positions themselves from an employment standpoint: their salaries and livelihoods often rely on the very government funding they are encouraged to be critical of.

Decades of neoliberal austerity can condition agencies to begin to see clients as the source of their issues rather than chronic under-funding and a systemic failure to defend or expand the social safety net. So, a key part of organizing in service-providing agencies is navigating conversations away from feelings of helplessness and scarcity and toward recognizing that non-status migrants are not, in fact, a “problem.” Activists spoke to the need to add political education components to their workshops with service providers in order to discuss the intersecting issues of citizenship, neoliberalism, and enforcement, and subsequently build a stronger basis of solidarity with migrants and undocumented folks. Karen Cocq gave an example of how these conversations were going in her work with CHCs in Ottawa:

And we were trying to flip this on its head politically and say “If you think about punching up instead of punching down and recognize that the real issue here is the funding crisis in our sector [rather than migrants requiring services]. That we need better and more funding that actually accounts for the work that we are doing. That we need more funding for these kinds of services, that we need more staff training, that we need more people on the ground doing this work, that we need to be able to provide people with better, more accessible services.” And this means going back to their funders, and going back to the province, and pushing for those things rather than kind of throwing their hands up and saying, “it's too much and there's not enough time and money.”

Despite these promising beginnings, activists are still working through the process of organizing with service providers to find ways to both protect current funding while expanding access as well as increasing their funding itself to be better resourced to implement access without fear. The basis of doing so rests on a relationship of solidarity with migrants themselves and a relationship united against the common enemy of a neoliberal state that uses the tools of austerity and citizenship to divide the population into those that deserve services and those that do not. On the surface this kind organizing may seem trivial or insignificant when compared to flashier public campaigns and direct actions. However, it forms an important part of the dual process taken up by social movements: working within and against the flawed and oppressive systems that currently structure our world, while remaining focused on our commitments to building a better world as we do so.

Building “Residual Institutional Power”

A second constraint noted by a organizers I interviewed was the difficulty of creating an “institutional memory” into the agencies they worked with. Because strategies of building sanctuary from below often involve working directly with service providers and clients to shift values and practices within service provision, “successes” may not be formally embedded into an agency in the same way a shift in policy might. Instead, the strides made by organizers to collaborate with agency workers and migrants toward creating a culture and practice of unconditional access are contingent on those very individuals remaining involved/employed with the agency and spreading these shifts to others. Nate Prier, a past member of NOII-TO, reflected on this difficulty:

Like if and when progressive service providers leave a given shelter, they don't necessarily leave a legacy at that shelter—they don't leave a broader culture of access without fear or Don't Ask, Don't Tell. Culture is very contingent on specific people still being involved in the space that they're in. And that is an eternal challenge, right? How do you build residual institutional power?

Here Nate reflects on the difficulties of embedding a “legacy” of access without fear in service organizations. Facilitating workshops and developing resources with service providers was often found to be effective, but fleeting. Drawing from her experiences organizing in Toronto, Diana da Silva came to similar conclusions and speculated as to why building enduring institutional power was a challenge:

So what we found in these organizations, even though that there were key people that were on side... or maybe they even had a policy. Was everyone in the organization informed to that policy? No. So we went out and did a workshop, but with non-profit organizations there's high staff turnover. Unless it's coming from the top down, there isn't really much opportunity for this knowledge to be passed on by individual workers who really care about this issue; it gets lost in the turnover.

Diana observed that a combination of a lack of communication about access without fear and turnover were likely significant reasons that activists were finding it difficult to generalize practices of access without fear across an organization. As discussed above, in some cases organizers would collaborate with service providers to create resources, guides, and policy proposals that had the potential to combat the effects of turnover in these spaces. Though it is difficult to measure the effects they had on embedding an institutional memory of access without fear in each agency, activists nevertheless felt that staff turnover and a loss of what Nate called “residual institutional power” was a real concern.

The challenges that organizers noted about working within service-providing institutions, even at the grassroots level, reflect the challenges of working within a neoliberal system of social support. Even if strategies of building sanctuary from below do not operate at the level of government policies and regulations, the constraints felt by agencies and their staff continues to be a hurdle that organizers must overcome in the journey toward access without fear. Activists keep the hope that working with service providers to identify that government funding relationships are the problem and not migrants who have been denied access to permanent

immigration status will yield more concerted advocacy efforts in the future. However, the challenge of precarity and austerity *within* service providing organizations, and the effects they have on advocacy, turnover, and capacity are liable to erode some of the tangible, durable changes activists contributed to in their work.

Discussion

This chapter explored common themes noted by activists in Toronto, Vancouver, Montréal, and Ottawa about the potentials and challenges of building sanctuary from below. While formal sanctuary commitments won by activists from municipal governments and major public service institutions garner the majority of scholarly and media attention, activists remarked that tangible and durable changes to access were more often the result of grassroots efforts to connect with service providers and migrant communities.

Specifically, this chapter surveyed the different ways that activists worked directly with service providers to create access without fear. Four main themes emerged from the interviews I conducted. First, sanctuary from below is effective whenever and wherever it exposes and resists sites of immigration enforcement. Second, activists remarked that a key part of their work was shifting the culture of service provision and values held by service providers in relation to non-status migrants. Third, it was shown that the outcome of targeting sites of enforcement and shifting political culture was tangible improvement in practices of access without fear. Finally, activists also remarked on their ability to draw on informal networks of service providers to arrange “backdoor” access to services in times of need. Activists also reflected on the challenges of building sanctuary from below, specifically pointing to the constraining effects of government funding and neoliberal austerity, and the difficulties building “residual institutional power” in specific service organizations.

It should be noted that the sanctuary from below approach sometimes had similar outcomes to the sanctuary from above approach, such as changes to policies relating to identification requirements, proof of residency documentation, or other ‘best practices’ for access without fear. However, sanctuary from below is different in its theory of change and therefore how and where it intervenes. Activists that use the sanctuary from below approach contend that meaningful change occurs through organizing with ordinary people to take control of their workplaces and

communities, rather than mobilizing people to ask politicians for policy changes. As OSCN member Fiona Jeffries mentioned in the previous chapter, a city could pass “a million policies” committing to access without fear, but there is little value to them if the people who are responsible for interpreting and implementing not engaged and given the knowledge and confidence to offer unconditional access. Accordingly, activists argued that targeting sites of enforcement and shifting culture and practices from below, they could affect more durable and substantial improvements to service provision for precarious and non-status migrants.

As I noted in the introduction to the chapter, the sanctuary from below approach strongly resonates with the concept of building a “solidarity city” used by activist primarily in Montréal and Toronto. The concept emerged around 2009, on the heels of a series of prominent local and national campaign victories for the migrant justice movement in Canada. Around this time, the concept of a sanctuary city/solidarity city began appearing activist coalitions and conferences in relation to local campaigns for Status for All. In 2011, a conference was held in Montréal called “Building a Solidarity City,” which facilitated a day of workshops among community organizers, service providers, and critical researchers to discuss what the concept meant and to develop grassroots, sector-specific organizing strategies. The conference described itself in this way:

We are not waiting for this government to give us presents: we choose instead to organize on our own basis, according to principles that have guided migrant justice struggles in Montréal: mutual aid, building networks of support that break isolation and fear, solidarity between different social justice struggles, direct action and the organization of campaigns based on the lived realities of migrants. (SAB 2011)

Another such convergence of activists and progressive service providers was held in Toronto, called “The City is a Sweatshop.” Here, organizers from different cities and organizations came together to discuss and connect various city-based campaigns for fighting against poverty, racism, gendered violence, and discrimination based on status. However, The City is a Sweatshop also put forward a new vision of the city, one defined by solidarity and social justice. Organizers reflected on the sustained wave of campaigns to stop deportations; fight austerity; support migrants in immigration detention; take action in support of Indigenous struggles for sovereignty; oppose police violence; and organize communities to secure safer access to schools, shelters, food banks, health centres, and employment. Taken together, organizers understood these campaigns as collectively “creating the city we want to live in” (The City is a Sweatshop 2010).

In response to the growing popularity of sanctuary cities in Canada following the City of Toronto's 2013 and 2014 declarations—and then the term's meteoric rise in use following the election of President Trump—the term “solidarity city” started to be invoked as distinct from mainstream, largely American conceptions of sanctuary. In fact, it partially emerges as a critique of some features of US-based conceptions of sanctuary, which No One Is Illegal-Toronto activists saw as potentially reproducing a charity-based relationship and too rooted in religious spaces. Karin Baqi recalled:

I think one of the critiques that kept coming up was that the sanctuary term was too connected to churches. But it was also that sanctuary was all about protection, about a migrant or refugee being provided space safe space and by someone else—like the concept relies on someone else giving you sanctuary. So we tried framing it as, “this is actually about us building and creating spaces where not only people can access services freely, but there is an analytical shift about how we want to democratize spaces. It's not just about getting services, but we have to make ideological shifts about who is and isn't assumed to be allowed to get services.”

As the name suggests, a solidarity city by contrast emphasizes collective solidarity and non-enforcement rather than a unidirectional concept of protection or sanctuary. Pivoting away from the church as the sole space of sanctuary, organizers in Canadian cities sought to embed sanctuary and migrant solidarity in the spaces in which we live, work, and socialize. A solidarity city would be one where everyone felt safe and welcomed. Sanctuary, within this understanding, is something that is produced and experienced collectively: it's less of a reassurance that “we'll protect you,” and more of an assertion that “we'll work together and defend each other as a community.”

Another reason activists choose to distinguish their work from sanctuary city organizing in the US was that municipalities in Canada are considerably more limited in their jurisdiction. As shown in Chapter 3, while Canadian municipalities do have control over a handful of necessary social services, many of the main service sectors—like local law enforcement, healthcare, schools, and most welfare programs—are provincially mandated. Therefore, while sanctuary city was still conceivably a workable concept in US municipal jurisdictions, organizers in Canadian cities understood that their goals had to lie beyond municipal policy changes. Therefore, the distinction is useful insofar as it both identifies the limits of contemporary sanctuary policies and puts forward a more robust vision. As Anne Pringle, a member of SAB's Food Committee, put it:

I think the one thing that I do find really useful is it does clearly call a spade a spade. I would say that you know, for us, we don't want a sanctuary city if means that the cops are still going to call the CBSA on our friends and send our friends to prison. I guess solidarity city gives a radical meaning back to the concept. The term sanctuary city has been so watered down now. At least for me, solidarity city has meaning because this term means that the cops aren't going to arrest my friends.

Of course, there is cultural value and legitimacy associated with strategically using the terminology of “sanctuary city,” but organizers understood that meaningful change would result from grassroots organizing efforts rather than symbolic municipal commitments. Karen Cocq noted that the OSCN’s sanctuary city campaign used the term “tactically” for its pre-existing popularity and legitimacy:

And we knew that we were using it tactically, that we were using the concept tactically to change something and to create something that was going to be more long-term, more fundamental, and more of a more about a shift in the political culture of the city.... it was a means to an end: we were using the sanctuary city approach tactically, to build something more long term and more profound than a symbolic policy.

This explains the dual existence of formal “sanctuary cities” in Canada, but the continued commitment of migrant justice organizations to broader concepts of “access without fear,” “unconditional access,” and “solidarity cities.” It is also important to note that while the framing of “solidarity city” is relatively more prominent in Toronto and Montréal, the commitment to this vision was shared by organizers in Vancouver and Ottawa as well, just under the terminology of “building sanctuary from the ground up.” The usage of different framings in different cities has more to do with local political cultures of organizing than it does with divergent political positions on sanctuary. Different labels are used “tactically,” as Karen notes above, in specific circumstances. For example, while the Solidarity City Network was committed to a vision of access without fear that exceeded far beyond the bounds of a municipal policy, their submissions to Toronto City Council couched their demands in the language of building a *sanctuary* city, specifically citing US sanctuary cities as precedents to pressure the City to take tangible action to support its undocumented residents. Taken together, the sanctuary from below approach forms the basis from which to pursue alternative and radical iterations of sanctuary/solidarity city.

By focusing on building sanctuary from below, this and the following chapter also provide important nuance to the academic literature on sanctuary in Canada. Returning to recent insightful arguments made in the US context, contemporary sanctuary scholarship often focuses too much on the formal, legal status of sanctuary, relying on the concept as heuristic label rather than a “process” (Houston 2019). This produces a “myopic” view of sanctuary, and “elides the multiple ways that public and private actors have offered sanctuary today, exerting governance and authority over noncitizens and competing with the federal government’s enforcement scheme” (Villazor and Gulasekaram 2019, 1213). The Canadian scholarship on sanctuary in Canadian cities can often be subject to similar critique (but see Jeffries and Ridgley 2020; Moffette and Jeffries 2018; Walia 2013). While offering valuable explorations of legal- and policy-related questions as they apply to sanctuary in Canada, the nuance and complexity of activists’ efforts to build sanctuary from below often remain unexplored.

For example, Atak’s (2019) piece offers a “distinct focus on Toronto’s sanctuary experience,” arguing Toronto’s sanctuary city policy espouses a “politics of justice” before providing a detailed account of the various reasons why the City of Toronto has not properly implemented their sanctuary commitment. Atak concludes that

Undocumented migrants in Toronto are, in principle, eligible to access and use select municipal services. Access T.O. is in line with progressive international and domestic case-law that ties in the enjoyment of basic human rights to residence, rather than to legal status. In addition to the promotion of the general welfare and safety of all residents as well as social justice in the city, Toronto’s sanctuary policy conveys a powerful political message about the city’s inclusive nature. (2019 124)

Here we can see that a high-level policy analysis of Toronto’s sanctuary city policy can produce broad arguments about how the City of Toronto provides access to services “in principle” and promotes “general welfare” and “social justice” in the city. This obscures the myriad issues with the policy’s implementation and dangers still faced by precarious and non-status migrants living in the city. Atak continues, however, by also noting that:

Today, undocumented migrants in Toronto still experience significant barriers in accessing municipal services for which they are eligible. Access T.O. is notably underfunded and relies heavily on the hard work of a small group of dedicated City of Toronto staff. Migrants, most city staff, and agencies are not well informed about the policy. The lack of clear guidelines

impedes the consistent delivery of the policy as well as its independent systematic overview and accountability. These issues are exacerbated by the unwillingness of the provincial government and the Toronto police to cooperate with the city on sanctuary measures. (2019, 124-125)

The dual character of Atak's analysis—a celebration of sanctuary commitments with an acknowledgement of the policies limits and lack of implementation—is indicative of a general tendency within sanctuary scholarship. Unfortunately, what is missed is the variety of strategies and tactics that are being used by activists in Toronto and beyond to create access without fear with or without the existence of an overarching policy. An analysis of efforts to build sanctuary from below reveals that, despite the limits Atak correctly identifies, access is being negotiated and embedded within service providing agencies through the collective efforts of migrants, service providers, and activists. And as the previous chapter showed, grassroots campaigns employing sanctuary from below work can lay the groundwork for municipal and institutional sanctuary policies.

And so, it is true that precarious and non-status migrants continue to face significant barriers to accessing services in the cities within which they live. The activists I interviewed, however, do not believe it is solely up to municipal governments to ensure access without fear, nor do they assume that governments are truly committed to doing so. A considerable amount of work to create sanctuary from below operates in the shadow of municipal policy and legal debates, and therefore is often beyond the scope of academic analysis. This chapter offered a snapshot of some of the ways in which activists have used the sanctuary from below approach in their cities, and explored some of the key reflections activists had on the potentials and challenges of this approach. Here I isolated activist attempts to work with service providers to create access without fear. While this forms an important feature of the sanctuary from below approach, so too does its commitment to working directly with precarious and non-status migrants themselves.

Chapter 6

Building Sanctuary from Below II: community organizing and mutual aid

Introduction

Working directly with front line service providers to transform potential sites of immigration enforcement into sites of sanctuary is not the only way activists employed a sanctuary from below approach. Activists affirmed that sanctuary from below is also effective because it contributes to building supportive communities that are willing to defend each other from the risks of illegalization and deportability. In this way, sanctuary is no longer confined to the four walls of a church or the jurisdictional limits of a municipality, but is enacted through a collective practice of solidarity and mutual aid. For activists with stable immigration status, a sanctuary from below approach requires a balancing of immediate goals to secure safe access to services and prevent deportations, with the broader need to sustain effective campaigns and build a growing movement for migrant justice. Activists reflected on both the opportunities and challenges of the task of connecting these two important aspects of their work. For activists and community members with precarious or no immigration status, a sanctuary from below approach complements their own organizing within migrant communities to build networks of support and collectivize responses to individualized state violence.

The sanctuary from below approach is rooted within the tradition of mutual aid, a concept and practice developed within social movements and egalitarian communities. At its base, mutual aid is “collective coordination to meet each other’s needs, usually from an awareness that the systems we have in place are not going to meet them” (Spade 2020, “What is Mutual Aid?”). So, mutual aid is committed to ensuring that individuals can survive and thrive within a world that is stratified by multiple unequal power structures. The primary focus of mutual aid is not just responding to individual needs, however important these may be, but the systems that produce and entrench differential access to the things we all need to flourish. It identifies and challenges the unequal foundations of society and seeks to transform them through collective action. In other words, mutual aid does not only try to collectively secure access to the things people need to thrive

within and against capitalist society, but to transform society itself by organizing ourselves around values of equity, solidarity, and collective liberation.

The practice of mutual aid can be understood as prefigurative, meaning that it seeks to cultivate the social relations and build the social institutions that we desire in the future, in our work here and now. It therefore necessarily proceeds as a patchwork or piecemeal approach to social change—instead of waiting for the revolution to change everything at once, prefiguration attempts to transform society in the present, wherever and whenever possible. Insofar as sanctuary from below cultivates collective practices of mutual aid, enacts a prefigurative politics in a variety of ways. It is an approach that builds collective power by increasing people’s capacity to identify and critique oppressive systems of power; learning and sharing the skills to take action and create meaningful change; and enacts a politics of radical welcome and anti-oppression. Even some of the work outlined in the previous chapter—networks of informal access, commitments to “breaking bad laws,” and collective refusals to participate in or aid immigration enforcement activities—is prefigurative. Put another way, sanctuary from below can be prefigurative when it reconfigures social relations only between those struggling together, and between individuals and society in ways that are profoundly empowering and committed to freedom and equity. What this approach ultimately reveals is that, when we take collective action, we have the power to create positive change for everyone—including those whose very presence is rendered illegal by the nation state.

Ultimately, this approach to building sanctuary is rooted in a commitment to *building solidarity* with precarious and non-status migrants, rather than *giving charity* to them. Charity, aid, and social welfare often refer to an unequal relationship where one person (the provider) possesses and controls the distribution of a resource that another person (the client) requires. The former person has the power to decide who is deserving of their resources, and who is not. As we saw in the previous chapter social service provision is a process that currently hinges on frameworks of in/eligibility and can therefore become a site of immigration enforcement. Additionally, there is nothing within a charity framework that either identifies or challenge the root causes of the issues it is seeking to address. In other words, charity is an approach that attempts to marginally reduce or mollify instances of injustice, rather than identifying its root causes and addressing them.

In contradistinction to charity, solidarity is based on a recognition that “no one is free until we are all free”; that we have a mutual responsibility to support each other, defend each other, and work to create a just world for everyone (and not just ourselves). Solidarity is therefore a core concept within mutual aid. Dean Spade offers this summarization:

Mutual aid projects, in many ways, are defined in opposition to the charity model and its current iteration in the non-profit sector. Mutual aid projects mobilize lots of people rather than a few experts; resist the use of eligibility criteria that cut out more stigmatized people; are an integrated part of our lives rather than a pet cause; and cultivate a shared analysis of the root causes of the problem and connect people to social movements that can address these causes.” (2020, “Solidarity! Not Charity!”)

To act in solidarity is to therefore be self-determining in our own actions while also being respectful of the wants and needs of those who are the most marginalized have the most at stake, and are directly affected by the structural issues we are collectively working to address. Building sanctuary from below focuses on connecting and organizing people who have a direct stake in creating spaces of sanctuary and unconditional access: front line service providers, precarious and non-status migrants, and all those who are committed to resisting immigration enforcement and building toward status for all. This approach is therefore agnostic about the presence of a sanctuary city policy.

This chapter documents and analyzes how activists have worked to create sanctuary from below at the community-level, specifically by working alongside precarious and non-status migrants to practice mutual aid, collectivize their struggles, and challenge the conditions of their illegalization. Combined with activists’ strategies of working directly with service providers to improve cultures and practices of access without fear in their respective organizations, activists remarked that organizing alongside precarious and non-status migrants had its own set of potentials and challenges. Activists noted that the sanctuary from below approach was effective in challenging the feelings of isolation and invisibility that many migrants with precarious or no immigration status face. By collectively and publicly challenging state policies, migrants and activists remarked on the value of making themselves and their resistance known to the public. Second, the sanctuary from below approach was celebrated as an effective means of building community, and in doing so, empowering migrants to take action and manifesting the positive relationships of solidarity and mutual aid. Third, activists reflected on the efficacy of two tactics,

“direct action casework” and “Know Your Rights,” in their ability to (a) defend and empower migrants with precarious or no immigration status, as well as (b) collectivize their unjust conditions and build community awareness and support to challenge these conditions.

Activists did note two challenges within this approach, too. First, activists remarked on the difficulty of balancing their commitment to providing individual support for precarious and non-status migrants with building and sustaining the campaigns and movements required to expose and challenge the roots causes of the issues faced by migrants. Relatedly, the second challenge was the task of building a movement with, on the one hand, a population for whom public actions and exposure are dangerous, and a service providers whose employment is often precarious, overburdened, and reliant on funding from the very governments that migrant justice movements are critiquing.

Potentials of Sanctuary from Below

Breaking Silence, Becoming Visible

It ought to go without saying that any successful migrant justice campaign, organization, or movement must be led by, or at least centrally informed by, the direct experiences of those who have been excluded from citizenship and whose presence within the nation state is illegalized. Therefore, while working to expand access within and outside of the formal avenues of service provision undoubtedly forms an important feature of access without fear campaigns, building sanctuary from below may also serve as a framework to empower illegalized migrants through the process of collective action. To this point, strategies of building sanctuary from below have been able to break the isolation and invisibility often associated with having precarious or no immigration status.

It is estimated that as many as 500,000 people without immigration status living in Canada (Tilson 2009), with many more whose legal presence is tied to temporary permits. According to the Migrant Rights Network (2019), over 700,000 people are denied permanent residence each year. While this is a sizeable “base” to mobilize and build a migrant justice movement, organizing public and confrontational action against the government is a risky endeavor for precarious and non-status migrants. For this reason, non-status migrants are often forced to keep their presence—

—or at least their lack of status—hidden from the public eye. It might even be considered counter-intuitive to campaign publicly against government policies when one’s very presence inside a country has been made illegal. In our discussion about how to respond to this tension between the need for one’s lack of status to remain hidden and the need for the injustices faced by non-status migrant to be visible, Diana da Silva posed the problem in two related questions:

How do you organize with this population, with a group that's invisibilized in so many different ways by the media, by organizations, by the government, by our own people? How do we do the work *and* maintain their safety?

Diana brings up the important point that the invisibilization experienced by non-status migrants is perpetuated by multiple actors, including immigrants who may try to distance themselves from the illegalized presence of those without status. She also emphasizes the importance of ensuring migrants’ safety while doing “the work” of migrant justice. The activists I interviewed pointed toward some inspiring examples of campaigns and collectives that successfully navigated these questions.

One example (introduced in Chapter 3) is the Comité des Algériens Sans-Statut (CASS). Primarily a group of non-status Algerian refugees in Montréal, CASS organized against the pending deportation of nearly 2000 Algerian refugees and connected their situation to that of all non-migrants in Canada. Nyers (2003) discusses how CASS challenged their deportations through acts of “taking speech” and “taking space.” Despite the dangers associated with public visibility and public action, while non-status members of CASS, along with their supporters, held weekly pickets, press conferences, and sit-ins at immigration offices in Montréal. CASS “[brought] their own personal ‘states’ of emergency directly to the state apparatus” (Nyers 2003 1084) to demand that the Canadian government cease their deportation and extend permanent status to all migrants in the country who are denied access to citizenship. Nyers also points to the Bourouisa family entering sanctuary in the Union United Church in Montréal in an attempt to “take space” and use sanctuary as a political platform through which to further the demand for an end to deportations and status for all.

A more recent example is the Collectif des Femmes Sans Statuts (Non-Status Women’s Collective) in Montréal. As the name suggests, it is a group of non-status women who have bravely chosen to publicly resist their—and all non-status migrants’—exclusion from Canadian society

and demand status for all. One non-status woman in Montréal likened her situation to ghost, a being defined by a simultaneous presence-absence:

I would have liked to have taken training to become a beautician, but we, people without status, do not have access to education. Nor to health for that matter. *Somos fantasmas, no existimos. We are ghosts, we don't exist.* (Rivera 2018)

A public statement from the Collective further frames the tensions of living in Canada without immigration status through references to their status as workers, feelings of fear, and notions of home and stability:

We are women and mothers who live and work in the shadows, invisible and excluded. We live in precarity because of our immigration status. Our precarious status threatens our security, our liberty as women, our rights as workers, our families. We live here; we will remain here. This is our home and our children's home. We want to live in dignity, peace and stability; we want an end to the fear that constantly tortures us. (SAB 2015)

In order to fight for the dignity they deserve, the Collective regularly organizes public demonstrations and press conferences at prominent government buildings and public spaces to challenge the injustices they face because they have been denied immigration status. They do so wearing white masks and using pseudonyms. The masks serve the dual purpose of keeping their identities hidden, while also representing the anonymity forced upon non-status migrants living in Canada. The Non-Status Women's collective is an inspiring example of how migrants have used anonymous and collective action to navigate the tensions Diana mentioned above between the need to "do the work" in ways that "maintain their safety."

At a demonstration in 2016 that "haunted"³⁴ Justin Trudeau's office in Montréal, the Collective dressed up as ghosts to signify the duality of their presence in Canada yet absence from public entitlements and consideration. At the action, non-status women exclaimed "You don't see us, you don't hear our voices, but we are here: we will stay here, we live here, it's a fact!" (SAB 2016) While publicly declaring one's lack of status, especially in the course of disruptive political action, would be very dangerous for an individual to do, the Non-Status Women's Collective's

³⁴ This was how the Non-Status Women's Collective framed their action. But also, Gordon's insightful work on "haunting" uses this term to "describe how that which appears to be not there is often a seething presence, acting on and often meddling with taken-for-granted realities" (2008, 8) and "tracking... that which makes its mark by being there and not there at the same time" (2008, 6).

bold actions are strengthened through appearing and organizing collectively. Importantly, the Collective has also held actions at Montréal City Hall demanding the government take meaningful steps toward becoming a “real sanctuary city” and has been an active member in the Montréal Solidarity City campaign.

Through collective action, the Collective “takes speech” as Nyers (2003) puts it, and engages in what scholars deem “acts of citizenship” (Isin and Nielson 2008; Nyers 2010). That is, by taking public action challenging government policies, the non-status women engage in public debate and intervene in the democratic process—which is the “stuff” of citizenship—even though they are not formally recognized as part of the political community. In doing so, the Non-Status Women’s Collective displays some important lessons for sanctuary from below, not least of which is the power of challenging migrant il/legality through public, collective action that centres the demands and experiences of non-status migrants themselves.

Building Community

The act of breaking the isolation and invisibility of being non-status through collective struggle also gives rise to a process of building community. In Montréal, for example, SAB pairs its public campaign work with a monthly “Mutual Aid Night for Migrants.” Each month, SAB provides free space and food for migrants to connect with others in similar situations, share their stories, circulate resources, and collaborate on future work and collective actions to support and defend each other. A similar project has emerged in Toronto under the name *Vivemos Juntos, Comemos Juntos* (We Live Together, We Eat Together). This group is

a grassroots collective that aims to provide material and social support to undocumented communities, while simultaneously creating a migrant-led, migrant-decided space where our communities can imagine and work towards building a city where we have power over the services and resources we need to live a dignified life. We understand this as part of the broad imperative to build a “sanctuary city” from below. Our work is not to engage in endless dialogues with law-makers and tweak symbolic municipal policies, but to cultivate migrant-led spaces to empower folk with the information and collective tools we need to create sanctuary from the ground up.

The group's description clearly identifies with core themes of a sanctuary city, but differentiates itself from campaigns for sanctuary city policies that rely on politicians and policy-makers. Instead, the group commits to working toward asserting community control over public services and resources, which they expressly argue is aligned with building sanctuary from below. As their name suggests, *Vivimos Juntos*, *Comemos Juntos* seeks to build community amongst precarious and non-status migrants by creating a barrier-free and safe(r) environment to connect with each other over a meal, learn and share skills and resources, and strategize with each other about how to collectively act to create sanctuary from below.

Activists also noted that other campaigns to build sanctuary from below that worked within service-providing institutions also contained elements of community-building and mutual aid. For example, speaking to the work of SAB's Food Committee, Anna Pringle noted that the "we didn't need a policy to pass to start making our own network together." The "network" that Anna references refers to the development of a food delivery network that involved an agreement with the Concordia University food bank and Food Committee members, who would pick up food and deliver it to non-status migrants across the city. The Food Committee also conducted a city-wide research project on the intake requirements and access policies of food banks in Montréal, hosted collective kitchens where migrants and community members could cook and eat together, and created a series of political education workshops for food bank workers.

Anna noted that, over time, the few attempts made to work with management at food banks were unsuccessful and were dropped. The most popular and effective aspect of their work was the food delivery network, which continued to operate. However, the Food Committee was conscious of perpetuating a dynamic of charity-based redistribution. A written rationale for the Food Committee noted that "charity models of food service create and perpetuate a dichotomous and disempowering relationship of service-user and service-provider" (SAB 2013). Anna remarked that the food delivery network, while certainly containing aspects of a charity or "band-aid" model, ultimately attempted to transcend these models as well. For instance, she noted that in the process of delivering food to precarious and non-status migrants, members of the Committee would form relationships, discuss issues, pass on information about upcoming campaigns and events, and ultimately strengthen migrants' ties to community. She continued,

We would deliver to migrants that might not have known SAB that much, but then we'd see them at events once a month. I think about the Black Panther model of hosting community dinners and the Breakfast Program and stuff, and I really do believe food is such an important part of building community.

The importance of building a community of precarious and non-status migrants, refugees, and advocates in the process of fighting for migrant justice cannot be understated. This process can be profoundly empowering for migrants who may otherwise be isolated. Dean Spade (2020, "What is Mutual Aid?") argues that this is one of the effects of engaging in mutual aid within social movements:

Under capitalism, social problems resulting from exploitation and the maldistribution of resources are understood as individual moral failings, not systemic problems. Getting support at a place that sees the systems, not the people suffering in them, as the problem can help people move from shame to anger and defiance. Mutual aid exposes the failures of the current system and shows an alternative.

Integrating the work of building community and networks of mutual aid not only breaks the isolation and fear endemic to living without full immigration status, but also provides the necessary foundation upon which to build an expansive and durable migrant justice movement that is firmly rooted in the demands of non-status migrants themselves.

A few activists I interviewed in Montréal also mentioned that a more traditional sanctuary incident—Abdelkader Belaouni's nearly 4 years in church sanctuary in Pointe Sainte Charles between 2006 and 2009—as containing important traces of the kinds of community-based organizing that characterize sanctuary from below. Over Belaouni's time in sanctuary, more than 250 organizations had publicly endorsed the campaign against his deportation, but it was local organizing and Belaouni himself that formed the strong, day-to-day support network and kept the campaign alive over the years. Belaouni's claim to sanctuary was both a public act of defiance and a process rooted in building community and solidarity in his neighbourhood of Pointe Sainte Charles, as his statement to the press suggests:

I am not hiding from Immigration Canada, but I want to tell them very clearly: I will not present myself for the deportation. I have succeeded in attaining autonomy and dignity in Montréal, and I do not want to lose that. My friends and my family here. I am here to defend myself, I am here to defend justice." (in Watt 2006, 137 fn. 132)

Similar to the Non-Status Women's Collective, Belaouni was able to publicly defy his deportation order and "defend justice" because of the public and collective nature of sanctuary. The act of taking sanctuary, he asserts, is not just about himself, but about justice in a broader sense—justice for all those without immigration status, all those facing deportation. He is emboldened by the community he has built around him in Montréal, which only grew as the campaign gained momentum.

In Lippert's (2005) historical study of Canadian sanctuary incidents between 1983 and 2003, he remarks that one of the ways they were distinct from US sanctuary incidents were that they more involvement from a wide array of secular, community-based groups. Nora Butler Burke, a long-time community organizer in Montréal, reflected on the fact that Belaouni's sanctuary campaign in ways that resonated with Lippert's past observations:

was an important politicizing moment for a number of different community organizations and services in the neighbourhood. A big part of it was, if people or organizations want to support the campaign, they had to come into the church; they had to come into sanctuary....

Here Nora alludes to the power that face-to-face interactions and relationships had in building a community of solidarity around this case. While in sanctuary, Belaouni, an undocumented migrant who has diabetes and lost his vision, required access to multiple health services. Nora noted how Belaouni's campaign brought together advocates within the migrant, health, and disability justice movements:

We were also making alliances with other disability justice groups, for example. And this was at a time when that work wasn't particularly intersectional or politicized in certain respects, but at the same time for us, I think as a group that was a politicizing factor for us as well. It forced us to reach out and make more connections with organizations and invite them into the space at the sanctuary and work together.

Nora speaks to how physical space of sanctuary acted as a catalyst for community- and alliance-building. By necessitating that people build relationships within a space defined by solidarity and defending a community member from deportation, Belaouni's sanctuary incident highlights some of the most effective aspects of the sanctuary from below approach.

Samir Shaheen-Hussain, a member of SAB and the Health Justice collective, was also an active member of Belaouni's support committee. Reflecting on this sanctuary incident, he told me that

I feel like the campaign was one of the first times when, for me... it really felt like the whole neighbourhood supported the campaign in different ways, including having contingency plans if the CBSA came, etc. But also in terms of different kinds of services and like different community organizations kind of being "okay, yeah, no problem. We can do this, we can offer this, we can offer that, we can offer this." And so, for me anyway, I was thinking that "this is what a solidarity city could potentially look like."

Here Samir articulates some interesting details about what is involved in building sanctuary from below. It is true that this approach involves working directly with service providers to arrange informal access and volunteer labour, but Samir also speaks to a variety of actors offering what they can in solidarity with Belaouni, and the development of contingency plans in the face of potential escalation by CBSA. What Belaouni's sanctuary incident reveals about sanctuary from below is that, at its core, it is about people coming together, forming alliances across struggles, and acting collectively in ways that defend their community through mutual aid. Across the handful of examples discussed above, activists emphasized the importance of building meaningful and committed community relationships as a key aspect of sanctuary from below.

Taking Action: Direct Action Casework and Know Your Rights

It is hopefully clear by now that the sanctuary from below approach is informed by a pragmatic scepticism toward working with(in) the state can produce the kinds of safety, equity, and human flourishing that all people, regardless of status, deserve. Collective, disruptive, and public acts—or "direct action"—is often required to expose injustice, resist state violence, and demonstrate community power. Graeber (2002, 62) defines direct action as "rejection of a politics which appeals to governments to modify their behaviour, in favour of physical intervention against state power in a form that prefigures an alternative." This can look like many things: hundreds of people stopping immigration enforcement officers from carrying out a deportation order, disrupting legislative or bureaucratic processes when they are considering policies that will harm us, public marches snaking through a city demanding status for all, noise demonstrations at immigration

holding centres, coordinated actions with organizing by detainees, and more. Direct action therefore organizes political opposition outside of regularly established political processes (e.g. participating in community consultations, speaking with a member of parliament, or mobilizing during an election).

However, many of us committed to migrant justice understand that precarious and non-status migrants also require immediate and direct support in their engagements with formal state procedures. Migrants facing deportation need community support during a Humanitarian and Compassionate claim, migrants in immigration detention need adequate legal representation, non-status migrants require safe places to live and work, migrant families need access to schools, healthcare, and recreational programs. This work, sometimes referred to as “casework,” is far less flashy than direct action and public campaigns, and is sometimes critiqued as reformist or simply accepting the unjust systems by working within them. “There’s just not much point decrying the racism of the state,” argues Montréal migrant justice organizer Andrea Maria, “if you’re not going to support someone in their fight against deportation, and that inevitably means you have to acknowledge that there’s a state and there’s a bureaucracy, and you’re going to have to talk to them” (quoted in Dixon 2013, 130). Therefore, while direct action is a necessary tactic within the sanctuary from below approach, so too is direct support work that attempts to ensure that migrants have access the resources and services they need to survive in a country that illegalizes their very presence.

To navigate the tensions between this manifestation of the “reform or revolution” debate, organizers I interviewed cited a hybrid model of “direct action casework” as one that has been employed to great effect. In Canada, direct action casework is widely understood as a concept and a practice developed by the Ontario Coalition Against Poverty (OCAP). Direct action casework is the practice of asserting collective pressure on individualizing state processes in order to defend individuals and assert community power. OCAP, an organization that actively involves and fights for justice for low-income people, uses direct action casework to support individuals facing evictions, termination of social assistance, experiencing police harassment, etc. by mobilizing a community response. In other words, it is a collective response to an individual(ized) injustice. All of the migrant justice organizations and campaigns that have been discussed in this project have utilized direct action casework in some form to organize against deportations, immigration detention, exclusion from services, and police violence.

Walia (2013, 103-104) summarizes five tenets of direct action casework as it has been used by NOII collectives across Canada: (1) it recognizes that supporting people in meeting their basic needs for survival is a necessary part of collective struggle; (2) it is an anti-oppressive approach insofar as people (migrants, refugees, immigrants, settlers) work to offer resources and take on tangible responsibilities for those without full immigration status; (3) mobilization is grounded in the need and demands of the migrant(s) themselves, and is therefore rooted in solidarity, not charity; (4) it identifies and challenges the systemic roots of migrant injustice in Canada and breaks the isolation of precarious immigration status through collective struggle; and (5) it is expressly *not* casework, but a political “process of empowerment, consciousness-raising, and movement building.” There are several important points here that resonated with activists I spoke with, including the emphasis on acting with migrants in solidarity, not charity, and the dual aspect of this work as both *defending* individuals and *affirming* community power. Take, for example, Nate Prier’s comment when I asked him about what building sanctuary from below meant to him: “It’s about both defending each other against attacks, but also uplifting each other to be able to produce a different way of life.”

Because it is a tactic used to collectively respond to specific individual circumstances, direct action casework can take many different forms. It can look like “the organization of thousands of migrants joining forces,” or can manifest as “patiently organizing alongside migrants and offering support—ranging from emotional to legal support—to break isolation and shame” (Walia 2013, 107-108). In Montréal, the examples of migrants seeking sanctuary in religious spaces to resist their deportations discussed in Chapter 4 (the Bourassa family, Mohammed Cherfi, Abdelkader Belaouni) all employed direct action casework approach, as did organizations like Committee of Non-Status Algerians, the Coalition to Stop the Deportations of Palestinian Refugees, and the Pakistani Action Committee Against Racial Profiling. In all these cases, it was directly affected migrants and refugees collectively addressing their immediate circumstances while generalizing their struggle by connecting it with other migrants, refugees, and undocumented people (Walia 2013; Nyers and Lowry 2003; Wright 2003). Additionally, a much of SAB’s day-to-day work and campaigns revolve around specific individual and family cases—but all consistently remain committed to a systemic analysis and critique of borders, citizenship, and white supremacy.

There are many other examples of NOII groups working alongside migrants in detention and facing deportations (often triggered in the process of accessing services or interactions with the police) that employ direct action casework. While an exhaustive list is not necessary to prove this point, a handful of examples directly connected to sanctuary and accessing services can shed some light on how this model has been used in recent years. In Toronto, the Education Not Deportation Campaign started in 2006 as a response to Kimberly and Gerald Lizano-Sossa being dragged out of their high school by CBSA officers and detained. The campaign connected migrants, students, and teachers to have the Lizano-Sossa family released from detention and their deportation stayed. When the family was released from the detention centre, Kimberly boldly asserted: “What happened to us was not fair. We deserve the right to stay here. Our home is here. Our friends are here. Our life is here. But this isn’t just about us. No one should be treated this way” (Education Not Deportation, n.d.). Craig Fortier, a past member of NOII-TO, noted “once we were able to get the rest of the family out of detention, they were very active in that campaign, and they brought in a lot of the Latin American community.” NOII-TO organized multiple actions to pressure the Toronto District School Board (TDSB) to pass the first “Don’t Ask, Don’t Tell” policy of its kind in the country in an attempt to ensure that what happened to Kimberly and Gerald would not happen again. In response to the TDSB commitment, Kimberly remarked “It will be impossible for immigration to come into schools and have students taken out the way we were taken out. It’s a great thing to see that we’re helping many other students in our situation to be safe in school” (CBC 2006). In both of her comments, we can see the bridging of her family’s situation with the circumstances faced by all other precarious- and non-status migrants. This instance laid the groundwork for a handful of future education-based campaigns that simultaneously fought alongside individual students while demanding access to education and status for all (for more information, see: P. Villegas and Aberman 2019; F. Villegas 2018, Education Not Deportation, n.d.).

Harsha Walia spoke to me about the public campaign by NOII-Vancouver (Coast Salish Territories) to stop Laibar Singh’s deportation as he took sanctuary in a gurudwara as an example of direct action casework. She remarked on the difficulty of navigating various community and activist responses to Singh’s case, from anti-religion stances in relation to working with the gurudwara, to an aversion to working with politicians looking to score political points with the South Asian community, to immigrant community members who weren’t necessarily supportive

of any extra-legal efforts to stop Singh's deportation. Despite these tensions, NOII-Vancouver (Coast Salish Territories) built a public campaign through

speaking daily on Punjabi radio shows, writing commentaries in multilingual newspapers, building alliances at campus and union meetings, leafletting at gurudwaras to connect with other immigrants, coordinating national days of action, facilitating community meetings and debates, and lobbying. We did all of this while navigating complicated dynamics of gender, caste, class, and community protocols within the South Asian community. (Walia 2013, 108)

As Singh was paralyzed and required dialysis, the work of finding and arranging healthcare services for him in the gurudwara was therefore inseparable from the campaign-building work that Harsha describes. It is this fundamental inseparability of campaign work and day-to-day support work that forms the core of this tactic. NOII-Vancouver's (Coast Salish Territories) campaign resulted in stunning displays of solidarity. In December 2007, approximately 2000 people blockaded the Vancouver International Airport to stop an attempt to deport Singh.³⁵ A second attempt made in early 2008 resulted in more than 300 people surrounding the gurudwara to protect Singh from CBSA authorities. Evidently, the direct action casework approach derives its power from the fact that it is grounded in the daily realities of migrants and refugees and builds a base of support in communities of "ordinary people"—those not already "on side" or actively supportive or involved in migrant justice campaigns. This is done through navigating the various dynamics that emerge through specific cases and communities, which requires the patient and intentional work of building relationships, taking direction, and building an expansive sense of solidarity and mutual aid. In doing so, a durable base of community support for future migrant justice campaigns is built—in this case, we can see that Singh's case was a "building block" in the broader campaign to create safe access to city services in Vancouver (Mallou 2019).

These examples show that direct action casework empowers migrants through the course of building relationships and collective struggle. Harsha Walia spoke to the potentials of this approach as a "framework of empowerment" that emerges "when people who are directly experiencing or impacted by systemic oppressions are able to overcome their marginalization... and come together to create their own self-determined culture of resistance.... In that sense, individual casework is a concrete means of broadening the base of resistance" (in Dixon 2013,

³⁵ Walia notes that is the only time in recent North American history that a deportation in progress was stopped through mass mobilization and direct action (2013, 110).

136). As a strategy that brings precarious and non-status migrants together to connect their specific circumstances to a broader critique of systems of exclusion and exploitation, direct action casework effectively empowers migrants through the course of collective struggle. As a strategy that involves immigrants and supporters with relatively secure immigration status, it provides an approach that connects our responsibility to respond to the day-to-day survival needs of precarious or non-status migrants while remaining committed to building a movement that identifies and addresses the root of these issues.

Another way that migrant justice organizations have worked to empower precarious and non-status migrants in the struggle for access and safety is through developing and circulating informational and legal resources. Organizations have developed a variety of resource guides, referral lists, legal information, community workshops, and videos to share valuable information about strategies and safety protocols to be mindful of when living with precarious or immigration status. They circulate up-to-date lists of accessible services and identification requirements, and develop accessible resources that provided a deeper understanding of migrants' rights under immigration law in Canada. Examples include a guide for migrants crossing the border into Canada irregularly, which was translated into 17 different languages and disseminated across North America (NOII-Vancouver [Coast Salish Territories] 2017), videos to "help undocumented migrants survive encounters with SPVM" (SAB 2018), and "DIY kits" for Humanitarian and Compassionate claims, among other resources for migrants looking to mobilize community support around their cases (SAB 2014).

NOII-TO also developed a comprehensive "Migrants: Know Your Rights!" guide and educational video. As activists were responding to an increasing number of targeted CBSA raids on workplaces and popular public areas across the city, which revealed the urgent need for an increased awareness how to respond to instances of immigration enforcement. In response to these raids, Parkdale Community Legal Services, CASA de Maryland, the National Immigration Project, and NOII-TO released a document titled "Know Your Rights During Workplace Raids" to be circulated to community members and organization that work with migrant and undocumented workers (Parkdale Community Legal Services 2009). About a year later in May 2010, the CBSA raided the Dufferin Mall in Toronto's West End, locking people in the building, conducting identification checks on shoppers, and arresting over a dozen people found to be without "adequate documentation" (NOII-TO 2010b). Those arrested were quickly moved to immigration detention

and given inadequate access to legal resources or counsel. These high-profile raids occurred alongside many other individual, targeted deportations in the city that NOII-TO fought against.

Yogi Acharya, a past member of NOII-TO and OCAP, noted that in response to the notable increase in inland immigration enforcement and raids, “there were conversations happening about needing to do a video, similar to ones we’d seen that existed in the United States, about ‘Know Your Rights.’ So we had decided that maybe that’s something we should try.” The idea was to take what might otherwise be dry and highly-technical legal information and display it visually in specific scenarios. The result was a 25-minute video and accompanying guide that became a major public education tool for NOII-TO’s work with precarious and non-status migrants. The resource covered basic information about the CBSA; how to navigate specific situations involving immigration warrants, being stopped while driving, and being stopped on the street; and ends with a section on building collective power (NOII-TO 2014). The video and guide were circulated to a wide array of community organizations, settlement services, ethnic and cultural hubs, and other spaces where precarious and non-status migrants could easily access them.

Yogi recalled NOII-TO’s efforts to distribute the information as a resource for undocumented migrants and organizations that work with migrants:

We organized community screenings, we tried to spread information about it through immigrant-serving agencies, settlement agencies, and also some agencies that specifically did work with undocumented youth. And then we organized neighbourhood screenings.... We were able to get it into the papers too. So the Toronto Star did a front page story in the GTA section, you know, foregrounding migrant rights. And so we got it out there... we also made a newspaper to distribute that included a summary of the legal information. And they were made in different languages. And now it’s online, translated into French, Spanish, English, and Farsi.

During community screenings, interactive workshops would accompany the film based on a facilitation method called Theatre of the Oppressed—a method influenced by Paulo Freire that uses theatre to engage participants in issues of social justice and allows them to collectively enact and brainstorm creative ways of confronting injustice. This allowed migrants to practice responding to situations involving CBSA officers or Toronto Police Services, share past experiences in these situations, and strategize together on how best to respond to such threats in the future.

The final part of the video highlights the importance of building collective power. Consider this dialogue in the video, between two friends as they are putting up Know Your Rights posters in their neighbourhood:

“I was thinking the other day about how 18,000 people were deported last year. What does this [Know Your Rights] even mean to them?”

“Yeah, I know what you’re saying. The law itself is designed to remove non-status people. So these rights on their own aren’t going to stop deportations. I think if we actually want to stop deportations, *we need to bring out communities together and organize ourselves and build our collective power.*” (NOII-TO 2014c; emphasis added)

Importantly, this passage represents how NOII-TO tries to blend legal information about individual rights with an acknowledgement of the limits of a legalistic, rights-based approach to migrant justice. Therefore, we can see that both direct action casework and the development of Know Your Rights materials extend beyond offering individual strategies for surviving encounters with the police or CBSA, and instead reveal that only through collective struggle are current rights respected, and or rights won. At its core, this is the most potent aspect of the sanctuary from below approach: showing increasing numbers of people that justice is achieved not through legislative or legalistic decrees from politicians or elites, but is realized in the course of community defense, collective struggle, and mutual aid.

Challenges of Sanctuary from Below

For all the benefits activists noted within the sanctuary from below approach, there were also some common challenges that were experienced across the four cities. I say challenges instead of limits because the efficacy of this approach is dependent on organizing strategies rather than appeals to powerful institutions. Rather than the inherent limits within municipal jurisdiction, legal statuses, bureaucratic processes, and politicians’ own motivations, the challenges of sanctuary from below represent the tensions and complexities of building meaningful and substantial change. Two broad challenges stood out. Those I interviewed remarked on the tensions of balancing the perennial need to engage in direct support work with the need to sustain public campaigns. Relatedly, the second challenge referred to the difficulties of building a radical and grassroots movement. Particularly, activists mentioned the challenge of building a movement alongside non-

status migrants whose very presence is illegalized, the tendency of sanctuary work in general to focus more on adjusting the cultures and practices of access than on organizing for radical change.

Balancing Direct Support with Direct Action

Activists that I interviewed reflected on the challenges of balancing direct support work with migrants and their families with building and sustaining public campaigns. It is not that organizers have no interest in supporting those we struggle alongside with meeting their more immediate needs, but that direct support work can entail a host of engagements within state bureaucracies and processes that force us to participate within the very systems we seek to critique and resist. “In an ideal situation,” notes a NOII-Halifax member, “support work helps build support for more systemic change work, and vice versa.” She continues, however, that “you’re dealing with people whose lives are at stake,” and “when in contradiction... support work and the immediate needs of people fighting the worst excesses of the immigration system are always going to be prioritized over working toward bigger goals” (quoted in Walia 2013, 226).

A primary feature of NOII and SAB groups’ work is working with migrants to stop their deportations—something these groups have had some historic success doing. The process of stopping a deportation is necessarily contingent on the specific case, but almost always requires the effective use of legal and processual systems within government. Such engagement can, understandably, take precedence over campaigns about access to services. Harsha Walia, a migrant justice organizer in Vancouver, put it this way:

A deportation is a thing that’s immanent in your life—it’s the thing that gives you anxiety every day. But access, not that it’s secondary, but it’s just different. So, when we do case work, the primary concern is “how can we regularize this person’s status?” Are we going to court, are we filing an H and C [Humanitarian and Compassionate claim], are we doing an action...? And it’s then that person might tell us “Oh, I also have a medical bill” or something. And so then we know that it’s an issue. But at the same time, we also all know that we can call this or that person and get a medical bill cancelled. And you know, we can call them and ream them out about issues of access. But are we now going to have a whole campaign around that too? I mean, just doesn’t happen.

Here Harsha clearly encapsulates some of the key tensions that activists are forced to navigate. In discussing NOII-Vancouver (Coast-Salish Territories), Harsha did specify

...there's a very strong anti-campaign trend. We do a lot of support work. We never say no to anybody, ever. And so, there's a deep sense of: fuck the state and campaigns that fuck with the state. We focus on anti-deportation work, with less of an interest in crafting "winnable campaigns."

Even so, Harsha points to some of the important challenges embedded within grassroots approaches to building sanctuary from the ground up. Obviously there looms the task of prioritizing where organizers' time and energy are directed. Harsha and others note that stopping a deportation and regularizing a person's status is necessarily a high priority. From a capacity perspective, it also is difficult for organizers already engaged in an anti-deportation campaign to also launch campaigns targeting barriers to access—especially when access can potentially be acquired for an individual through informal networks (as discussed above). Further, small, volunteer-run organizations without consistent funding are simply not equipped to be able to fill in the gaps of care and safety left by the Canadian government for hundreds of thousands precarious and non-status migrants. This is only compounded when groups like NOII-Vancouver (Coast Salish Territories) strive to "never say no to anybody"; a praiseworthy principle that potentially leads to the challenges Harsha mentions.

More specifically to the point about the ability of organizers to navigate informal or "backdoor" access—instead of feeding these issues into broader campaigns—Samir Shaheen-Hussain, based on his experience in Montréal, spoke about the use of these informal connections as "...a patchwork. It's all a patchwork. And, I mean, I feel like I need to reflect on this further, but effectively it often de-politicizes the work." It is easy to see how constantly navigating informal "corridors of care" to get migrants access to the services they need could present a cul-de-sac for the broader goals of building movement momentum. It can be depoliticizing insofar as access is achieved less through struggle and more through informal connections. While this may work in the short term for migrants who are already connected to different movement organizations, it is not a viable solution for the hundreds of thousands of precarious status migrants across Canada. Consider this reflection from Jaggi Singh, a past member of SAB,

You can do casework: you go all out for a given case, you do all the things that you need to do (lobbying, direct action), and you can win. But you know, you're not really winning because, for all that effort, there's all the all the other things that you can't do, like all the other people you don't hear from or can't respond to. So, the system still functions: it still churns people out, and it will give you a couple of crumbs in order to give the impression of responding when it's not really responding to fundamental injustices.... (in Dixon 2013, 134).

Jaggi points to two important points here. First, that direct support work can be effective and win stays on removals and status for migrants facing deportations. And second, that no matter how many times this model is repeated, if it doesn't build a movement to address the underlying systems of citizenship and borders, then "the system still functions."

The concern about the de-politicizing aspects that can emerge when engaging in direct support work is not lost on organizers, as we often reflect on and question the political content of the work that we are doing (though sometimes to a fault). Anna Pringle, a member of SAB, reflected on the tensions between understandings of the Food Committee's projects as building a community network of mutual aid, or potentially becoming de-politicized or enacting charity rather than solidarity:

I think it's complicated... you could say that the delivery project looks like charity, but then you could really see it as a way to keep non-status people in the network and connected in the community. I think because it was tied to so many other activities and campaigns, it helped also not make it a kind of transactional service, but more of a relationship-building, community-building moment. But, a more critical perspective on it is that it was a food delivery project... and, I don't know if this would have been better, but we didn't have a way just to give money so folks could choose what they wanted. Also, because it's band aid solution, it's not necessarily giving people autonomy either.... We were trying to create our own network of mutual aid, but it didn't necessarily solve food and security or all of the bigger problems.

What we can see in Anna's discussion of the political potentials and limits of the Food Committee is that, on the surface, a food delivery project may appear to be "charity" or "transactional." However, the deliveries also constituted a network that kept precarious and non-status migrants connected to their community, informed them about upcoming events, and built relationships that stretched beyond the limits of a mere transaction. The content and value of mutual aid is therefore

not only found in the actions of people supporting each other and filling in the gaps where the state failed; but also in the ensuing recognition that we have the power to support each other, we have a community we can rely on, and that we will struggle in solidarity with each other.

Activist scholar Chris Dixon (2013, 135), describing NOII groups' balancing of direct support and broader campaigns, put it this way: "In the face of systemic logics that encourage us to act as isolated individuals and view our circumstances as ours alone, we can organize in ways that bring people together, demonstrate commonalities, and develop collectivity and mutual support." This is more than simply a description of migrant just organizers' intended strategy. It is an invitation and a roadmap to orient our future work.

Movement Building

The sanctuary from below approach is very much iterative. It is a dynamic and contextual process and works to empower migrants and service providers alike to reimagine social service provision and build new relationships of solidarity. While it is a useful political framework through which to connect and analyze a variety of grassroots sanctuary work happening across Canada, organizers remarked on the difficulties of moving beyond the patchwork approach of sector- or organization-specific work and growing the "base" of the movement. Jennifer Ridgley reflected on her and the OSCN's relationship with local CHCs in Ottawa with these difficulties in mind:

It's been a really positive experience working with the CHCs. But it's also complicated from an organizer perspective, because it's all behind the scenes, right? So there isn't a public campaign associated with it. Basically, we're doing the micro-work of talking to folks about the barriers and risks and how status can be a problem when accessing services, all that stuff. But it's really hard to translate that into some kind of broader, public, flashy campaign.... I think the public outreach stuff has been really useful... those meetings and workshops. I think a problem is that it's very slow work, and it takes a lot of energy and resources to do that careful grassroots political education. And we just don't have enough people to do it.

What Jennifer points out is that, while strategies of building sanctuary from below have produced many tangible increases to access to services for migrants, it is challenging to translate this "micro-work" into broader campaigns and movements for systemic change. This is not to mention the perennial issue with limited and uneven capacity to continually engage in this work. Migrant

precarity is a national issue that is structurally embedded into Canada's immigration framework itself. And unfortunately it is often small groups of volunteers with very limited resources that take on the bulk of the work advocating with and supporting the most vulnerable, marginalized, and invisibilized migrants.

Part of the reason for this stems from the tendency to focus on service providers themselves. Specifically, sanctuary from below approach can often focus on altering cultures and practices of service provision, both at the detriment of building deeper connections across services sectors as well as within precarious and non-status migrant communities. While we've seen that approaches to sanctuary from below have a political education component, organizers seemed to often slide into focusing on changing intake forms, identification requirements, information storage and sharing, and barriers to access for precarious and non-status migrants. While the result is organization- or sector- specific shifts in everyday practices (which are crucial), these gains are seldom announced or advanced publicly in an effort to build a strong coalition of sanctuary zones—for reasons like government funding relationships discussed in the previous chapter. Additionally, this approach can prioritize organizing with service providers rather than with precarious and non-status migrants themselves (save for those who are members of the various grassroots migrant justice organizations).

Organizers see potential in leveraging workers' power within their agencies as a way to make tangible improvements to the safety of migrants in their respective cities by embedding cultures and practices of unconditional access. Farrah Miranda, a past NOII-TO organizer, put it this way:

But I think in that sense we are really focused on undocumented people in the struggles facing undocumented people. And I think the limitations of this approach is that you don't have a base necessarily.... It's challenging to build power on the basis being undocumented. But we have power where we work.... I mean, policies can be part of the work, but a huge part of it is political education and creating a sense of solidarity across working class communities.

Here Farrah acknowledges the barriers that non-status migrants face in relation to organizing public campaigns due to their precarious status, but also emphasizes the power that service providers have *as workers*. Front line workers have a fair amount of discretionary power in their day-to-day work, and those who see their work as a site of social justice and social change have historically found ways to support people in informal and covert ways.

While service providers and their organizations are undoubtedly crucial actors with whom to build sanctuary from below, without forging relationships between them and precarious status migrants, advocates, and grassroots social movements, this approach risks being limited to a patchwork strategy of jumping from organization to organization, from sector to sector. Nate Prier reflected on the different approaches that have been, and ought to be, taken in the work of building sanctuary:

Like we're really only talking about building a coalition of visible service providers, well-placed activist organizations, and community leaders to be able to mobilize and whip up the will to pass a policy. I'm using that distinction here between *advocacy*, where skilled activists just work behind the scenes; *mobilization*, where you get rallies and such, but it's still skilled activists driving a lot of the work; and then *organizing*, which is building resilient community power. And that's still a place that I don't think migrant justice organizing in Canada has gone as far as it could. (emphasis added)

Here Nate is referring specifically to Jane McAlevey's framework of different approaches to creating social change: advocacy, mobilization, and organizing.³⁶ When the primary focus of working with service providers is mobilizing them toward a specific and quantifiable end goal (e.g. municipal sanctuary city declaration) then the organizing process can afford to be "thin" in some cases—such as a good turnout at some key meetings and press conferences. However, at the conclusion—either a concession from those in power or a loss—there is not a lasting or durable basis of strong relationships or community power. While sanctuary from below is a strategy built on the theory of 'organizing', in Toronto, organizers noted that it sometimes took a 'mobilizing' approach to fulfill short-term goals, which meant that service providers and activists could run effective public campaigns but were less effective in growing a migrant "base" to grow the movement's strength in the long term.

³⁶ Author and labour organizer Jane McAlevey (2016, 38-39) helpfully distinguishes between three approaches to creating social change. Advocacy, which "doesn't involve ordinary people in any real way; lawyers, pollsters, researchers, and communications firms are engaged to wage the battle," and therefore "fails to use the only concrete advantage ordinary people have over elites: large numbers." Mobilization, which "is a substantial improvement over advocacy, because it brings large numbers of people to the fight. However, too often they are the same people: dedicated activists who show up over and over at every meeting and rally for all good causes, but without the full mass of their coworkers or community behind them." And third is organizing, which "places the agency for success with a continually expanding base of ordinary people, a mass of people never previously involved, who don't consider themselves activists at all—that's the point of organizing.... Individual campaigns matter in themselves, but they are primarily a mechanism for bringing new people into the change process and keeping them involved."

Two members of SAB noted that shifting toward working more with service providers “brought new challenges and priorities to SAB’s organizing,” but remained optimistic that this could “expand” their organizing in important ways (in Scott and Thorpe 2014, 125). In Toronto, however, Yogi Acharya told me he thought this uneven organizing strategy was a contributing factor to Toronto’s Food for All campaign losing momentum:

Overall, I think our weakness was that we were getting far too heavily invested in working with food bank workers and had, frankly, fewer connections with migrants who were using them. Which meant that in many ways didn't have the connections to show that access was a consistent problem. Like we knew it ideologically, and we knew it concretely based on a few instances, but again, we didn't make those consistent connections so we couldn't create a sense of public pressure or accountability.

Yogi’s comment suggests that a more concerted commitment to organizing (in McAlevey’s framework) and bringing more directly affected people into the campaign around access to food banks could have built a more enduring or durable base from which to continue the work. Instead, Yogi noted that the campaign simply “hit a boundary beyond which [the Daily Bread Food Bank] was not willing to be pushed and they started cutting off our access to member agencies.” Part of the balancing act that organizers are working through, then, is between making practical changes at sites of service provision and building a movement base that goes beyond organizers and service providers to include more and more migrants and community members.

However, organizing as/with migrants with precarious or no immigration status in Canada presents unique challenges. When sanctuary movements and undocumented migrants’ struggles are discussed, there is often comparison between Canada and the US. However, while there are an estimated 500,000 migrants without immigration status in Canada, political culture is much different in Canada with respect to being non-status. Harsha Walia pushed back against the narrative that this is either similar to Canada or that somehow Canada is safer for non-status migrants to take public action:

There are various parts of the US where people live undocumented, and are so much more free than here, relatively speaking. You can go to school, you can drive, people can openly say they're undocumented there. If you say you're undocumented here... you can't, you just can't. Which is strange, right? Because everyone thinks it's worse in the United States.

Undocumented migrants have become a ubiquitous feature of the US population, and as such occupy a unique position within the public and political spheres of American society. The same cannot be said in the Canadian context, as Harsha continues:

Like, it's weird if meet an undocumented person who's been undocumented in Canada for a decade; whereas you have lots of folks in the States who are undocumented for 20 or 30 years. So I've always felt that the idea of creating zones of access is so important, but it's missing the fact that enforcement works in a particular way here. People aren't undocumented for long periods of time in Canada. The economy doesn't work that way. I think it's important from a political campaign perspective.

One implication of this differentiation is that it is inherently more difficult to locate, connect, and organize precarious and non-status migrants in Canada compared to the US. This does not mean it is impossible nor that this organizing is not taking place—some of these efforts have been documented above, and plenty more exist. However, this does provide some context for the tendency of access without fear work to coalesce more around sites of service provision rather than broader, community-based organizing. Building power in the spaces that we work—and especially within service providing agencies—is a necessary component of building access without fear, but it is clear that without cultivating more links across the service provider-client divide and integrating this work into larger campaigns for migrant justice, approaches to building sanctuary from below will continue to struggle to build momentum.

Discussion

The reflections of organizers throughout this chapter addressed many aspects of the day-to-day work of embedding practices of mutual aid and solidarity into the struggle for sanctuary and access to services for all migrants, regardless of immigration status. Instead of waiting patiently—or lobbying impatiently—for their respective governments to make good on municipal sanctuary commitment and implement access without fear, the organizers I interviewed are all working to mobilize a broad base of people to create unconditional access whenever they can, wherever they can. The work of sanctuary from below involves empowering people to recognize that while we might be individually discarded or targeted by the state, together we can support each other and create the kinds of communities we desire. It involves collaborating with service providers to

change intake forms and identification requirements and mobilizing to stop an undocumented family's deportation. It often involves discreet communication, careful relationship building, and redistributing resources. It takes place within spaces of service provision and without them—in workshops at community centres, meetings in people's homes, conversations at work, and defending each other in the streets. The kinds of work and approaches to creating change often do not neatly fit into academic definitions of social movement activity. Indeed, in his research about everyday forms of resistance, anthropologist James C. Scott observes that acts like “passive noncompliance, sabotage, subtle evasion, and deception” comprise important everyday forms of resistance for those excluded from formal political processes (1985, 31). And it is the diversity of tactics within this approach that is the source of its strength: sanctuary from below is necessarily grounded in the unique realities and contexts within which it seeks to create change.

There are similarities that tie organizers in Toronto, Vancouver, Montréal, and Ottawa together, yet there are also municipal specificities or political cultures of organizing that arise. Fiona Jeffries, a member of the OSCN, posed a series of questions about how to approach the work of building sanctuary:

Again, the question is how you actually figure out ways of getting people to implement it themselves, not just in their workplaces, but in their communities and their neighbourhoods. You know, people are asking me “how do I get involved” and it's like “you live here, so you are already involved, so you should just do it.” I think we also have to figure out what we mean by political organizing and activism. Do we only understand it in terms of these big splashy events? Or are we trying to get people to organize in their neighbourhoods, organize with their friends, and figure out different ways of how actually implement sanctuary as an ethos of the city? And then how do you do this if you have no formal political power or, you know, or “actual authority” over the city?

While common answers to Fiona's quandaries do not fall neatly within municipal boundaries, some broad trends do emerge. Organizers in Toronto and Ottawa seem much more focused on working within service providing agencies and service providers in various sectors than those in Montréal or Vancouver, who focused more on support work and direct action casework approaches.

While there are, of course, exceptions to this broad categorization, organizers did briefly mention these characteristics in passing. As the city with the lowest estimated population of

precarious and non-status migrants and in the absence of many public cases of denied access, detention, and deportation, organizers in Ottawa noted that their efforts were better focused on working within spaces of service provision. In Toronto, there has historically been a mixture of direct action casework approaches and municipal campaign focused work with a consistent commitment to working within spaces of service provision if the opportunity arises. Importantly, there seems to be a shift in the strategies used by NOII-TO over time, beginning with much more direct action casework and large-scale, disruptive campaigns in its first decade of existence. However, since repressive state crackdown after the G20 protests in 2010 and the municipal sanctuary commitment in 2013-2014, NOII-TO's work has shifted more toward coalitional work with other movements, public education, and sector-specific campaigns to implement the City's access without fear commitment. NOII-Vancouver (Coast Salish Territories), as Harsha noted above, is generally "anti-campaign" and mostly focused on direct support and direct action casework. Sanctuary Health took on more campaign- and policy-based work, and also operates as a network to get precarious and non-status migrants informal or backdoor access to services. The political terrain in Montréal has led organizers there to be more committed to direct action casework and building networks of mutual aid that actively involve and empower precarious and non-status migrants. There is a strong anarchist history and movement in Montréal that may partially explain the increased commitment to direct action and mutual aid. Altogether, organizers in each city have employed various approaches of building sanctuary—from above and below—which signals a commitment to acting strategically depending on the situation, rather than adhering rigidly to a certain set of political principles.

This chapter presented activists' reflections on the sanctuary from below approach as it applies to grassroots organizing with and by precarious and non-status migrants. Alongside working within service providing organizations, activists discussed some important potentials of this approach. First, the sanctuary from below approach afforded opportunities to break feelings of isolation and powerlessness often associated with one's presence being illegalized due to a lack of immigration status. Second, this approach also proved effective in building a sense of community amongst precarious and non-status migrants in the process of taking collective action. Third, activists remarked on the success they had using a "direct action casework" and "Know Your Rights" as tactics to both defend an individual from state violence, while also advancing the fight for access without fear for all. Taken together, these aspects of the sanctuary from below

approach complement those discussed in the previous chapter and produce a model of building sanctuary that transcends many of the limits of pursuing sanctuary from above. Even so, some of those I interviewed did note some challenges within this work, specifically focusing on difficulties of balancing the need for direct support work with the need to build and sustain effective campaigns for access and status for all. As well, there were reflections on the challenges of building a movement alongside, on the one hand, a population whose very presence in a country is illegalized, and a group of frontline service providers whose own jobs were precarious and often tied to government funding.

Activists have used approaches to building sanctuary from both “above” and “below” to win some major victories in the fight for access without fear in Toronto, Vancouver, Montréal, and Ottawa. My focus thus far has been to explore these two broad approaches to sanctuary, unpack the potentials and limits that activists have experienced using each approach, and ultimately reflect on the most effective ways in which to create the changes that precarious and non-status migrants urgently need to live safe and equitable lives. The next chapter shifts away from a descriptive and evaluative approach to studying sanctuary in Canada toward a normative exploration of sanctuary’s radical potential as a tactic in a broader movement for collective liberation.

Chapter 7

Toward an Abolitionist Approach to Sanctuary

Introduction

So far, this dissertation has presented an analysis of strategies and tactics used by migrant justice organizers across Canada to create sanctuary and build solidarity alongside precarious and non-status migrants. Common themes emerged from activists' reflections, revealing various potentials and limits within two broad orientations toward sanctuary: government-focused lobbying for policy changes (sanctuary from above), and service provider- and community- focused organizing toward mutual aid and solidarity (sanctuary from below). In this chapter, I move beyond a descriptive and practical analysis of sanctuary organizing efforts across Canada to offer a more normative discussion of sanctuary itself. Here I explore and elaborate on "abolition sanctuary," a useful framework introduced by Naomi Paik (2020) in her study of the contemporary US sanctuary movement. Paik (2020) develops abolition sanctuary as a radical and timely reinvigoration of mainstream invocations of sanctuary, which have become increasingly symbolic and ineffective (also see Mancina 2019).

The rise in sanctuary declarations across the globe has occurred alongside a rise in anti-immigrant legislation, deportations, and detentions. While it is impossible to measure how many migrants have fortunately avoided state capture and deportation because of sanctuary policies, we can observe that sanctuary jurisdictions often co-exist with continued immigration enforcement, policing, and surveillance in low income, racialized, and migrant communities. What is the value, then, of sanctuary, then, if it is declared by governments and institutions that in turn do little to honour its primary commitment to protecting the vulnerable from immanent harm?

It is precisely at a time when sanctuary is solidifying its place in mainstream discourse that I argue we must reclaim sanctuary's history as an affirmation of indispensability and collective practice of protection from state violence. To do so requires us to reject expressions of sanctuary that rely on the same systems of citizenship and borders that mark some as deserving of rights and dignity while marking others as therefore undeserving, unwelcome, and deportable. By drawing on the rich histories of migrant justice and abolitionist movements, abolition sanctuary offers a

framework through which to critique the increasingly symbolic invocations of sanctuary and develop an approach to sanctuary that re-asserts its radical potential and expand it toward abolitionist horizons.

Abolition sanctuary is not necessarily a distinct approach from building sanctuary from “above” and “below.” Instead, it can be understood as a framework through which to orient our conceptions, strategies, and tactics of sanctuary in our work. Paik explains that abolition sanctuary seeks to highlight “contemporary movements already in motion,” and “takes what already exists on the ground and moves these groups and strategies in synchrony with each other” (2020, 128). As we will see below, abolition sanctuary offers a way to incorporate the central commitments of sanctuary from below with selective and critical efforts to pursue sanctuary from above.

To develop and expand on Paik’s concept of abolition sanctuary, this chapter proceeds in four sections. First, I explore why abolition is a particularly useful concept to combine with sanctuary. Drawing from the rich lineage of abolitionist writing and movement work within the Black Radical Tradition (Robinson 2000), I argue that abolition pushes the concept and practice of sanctuary to both be more attentive to the systemic roots of migrant *injustice* as well as emphasize the ways in which sanctuary work can also build alternatives amid its resistance to state violence.

Second, given the increasingly symbolic and institutionalized nature of “sanctuary” today, I consider why activists should retain sanctuary as a movement practice at all. Here I re-assert the most radical tendencies within sanctuary organizing, specifically when it is approached from a “no borders” political position (Anderson et al. 2009; King 2016), to justify its continued use by activists. No borders shares much in common with abolition, and when conceptualized and practiced from a no borders approach, I argue that sanctuary remains a useful and effective tactic within migrant justice movements and beyond.

Third, I unpack two tensions that arise within sanctuary organizing, and discuss how an abolitionist approach can help us navigate these challenges. The first is tendency of sanctuary or access without fear policies to be conditional: that is, only applied to some migrants and not to others. Abolitionist approaches, in contrast, organize in ways that reject divisions between “innocent” and “guilty,” “deserving” and “undeserving” and toward unconditional forms of justice and access. The second tension is between pursuing (and differentiating between) reformist

reforms and non-reformist reforms. This distinction within activist engagements with the state is important to unpack because, as will be expanded upon further below, reformist reforms are ultimately dead-end strategies that increase the legitimacy of governmental policies and institutions that cause harm. Alternatively, non-reformist reforms are changes that, while constrained when considered in isolation, mitigate state violence in the present while finding ways to divest resources and legitimacy from harmful institutions and can open up possibilities for transformative change in the future.

Finally, I emphasize that an abolitionist approach to sanctuary requires building alliances beyond strictly migrant justice struggles. Activists recognize that struggles against policing, prisons, hetero-patriarchy, and settler colonialism are inseparable from struggles for migrant justice. Accordingly, abolition sanctuary resonates with campaigns and practices that attend to the overlapping issues faced by poor, racialized, LGBTQ+ migrants and the responsibilities we all have within settler colonial contexts to attend to the literal ground upon which we organize. An abolitionist approach to sanctuary is necessarily expansive and coalition-seeking, and resonates strongly with decolonial movements against the settler state. Overall, this chapter develops abolition sanctuary as a framework that both emphasizes the best aspects of historical and contemporary sanctuary work, as well as offers a approach that activists can use to navigate the challenges and tensions inherent in organizing for sanctuary from above and below.

Why Abolition? Building as We Dismantle

In her critical assessment of contemporary US sanctuary movements, Paik argues that the gradual attachment of sanctuary “to government structures and to liberal democratic principles of inclusion have thwarted its potential” as a radical concept and practice of social justice (2020, 112). To combat this process, Paik proposes an abolitionist approach to sanctuary to reinvigorate sanctuary movements and campaigns. Abolition sanctuary combines the history of sanctuary as an act of community defense and radical welcome against the state with the framework of abolition, a political orientation that focuses on identifying the structural causes of oppression, divesting from institutions and practices that increase harm, and building just institutions, relationships, and ways of living in their place. It therefore tethers two concepts that might focus their critique and energy in different areas, but are ultimately complementary:

Abolitionist sanctuary combines the community defense that is needed right now with the deep envisioning and building a new society where we welcome all our neighbours. It is guided less by creating a space of safety for a select few; instead, it seeks to build communities that not only fight system oppression but also advance shared liberation. . . . Sanctuary operates through a defensive logic of protecting people from (imminent) harm under current conditions, while abolition seeks to transform those conditions entirely. (Paik 2020, 113)

Without a commitment to transforming society and the systems of oppression currently embedded in it, sanctuary exists a never-ending cycle of responding to the worst of the state's injustices. The sheer number of precarious and non-status migrants facing deportation, detention, and exclusion from public services means that sanctuary can only ever provide support to *some* of the migrants who need it. Abolition provides a framework that situates and evaluates political work in relation to its potential to bring about radical social transformation, rather than temporary relief. Similarly, without a commitment to providing immediate and direct support to those targeted by the state—which can sometimes require flexible political principles around lobbying and engagement with the state, reform-driven campaigns, and coalitions with mainstream liberal NGOs—the radical futures envisioned within abolition risk remaining just that: in the future.

Abolition is both a conceptual framework and a political practice committed to transforming the very foundations of modern society. Rooted in a praxis of Black liberation, abolition emerged as a form of critique and resistance to the enslavement and trafficking of Black people from Africa. It continues to be a central framework today to expose and divest from the structures and institutions of violence, oppression, and exclusion that uphold what Hartman (2007) terms the “afterlives” of slavery.³⁷ A main “afterlife” of slavery is the Prison Industrial Complex, a classist, racialized, gendered, and ableist system of ideologies, institutions, and practices that relies on punitive and carceral methods to address so-called social problems and reinforce deeply unjust power relations within society. Accordingly, Ruth Wilson Gilmore argues that

³⁷ Hartman writes: “I wanted to engage the past, knowing that its perils and dangers still threatened and that even now lives hung in the balance. Slavery had established a measure of man and a ranking of life and worth that has yet to be undone. If slavery persists as an issue in the political life of black America, it is not because of an antiquarian obsession with bygone days or the burden of a too-long memory, but because black lives are still imperiled and devalued by a racial calculus and a political arithmetic that were entrenched centuries ago. This is the afterlife of slavery—skewed life chances, limited access to health and education, premature death, incarceration, and impoverishment” (2007, 6).

The purpose of abolition is to expose and defeat all the relationships and policies that make the United States the world's top cop, warmonger, and jailer. Practicalities rather than metaphors determine the focus and drive the analysis, because the scope of prison touches every aspect of ordinary life. Thus, it is possible and necessary to identify all those points of contact and work from the ground up to change them. This ambition makes some people impatient, as well it should. Abolition is a movement to end systemic violence, including the interpersonal vulnerabilities and displacements that keep the system going. In other words, the goal is to change how we interact with each other and the planet by putting people before profits, welfare before warfare, and life over death. (2014, "Foreword")

Of course, abolition is not only a relevant approach to social justice in the US, but everywhere that incarceration, policing, and exclusion are proposed as catch-all solutions to the social problems produced by capitalism, colonialism, white supremacy, and hetero-patriarchy. Gilmore's quote identifies the sheer scale of transformation that abolition requires. She notes that the prison, for example, "touches every aspect of ordinary life" and abolition seeks an end to our reliance on all systems and individual practices that use harm to respond to harm—even when these systems and practices seem fixed, natural, or impossible to change (Dilts 2019). "Changing everything might sound daunting," Mariame Kaba admits, "but it also means that there are many places to start, infinite opportunities to collaborate, and endless imaginative interventions and experiments to create" (2021, 5; see also Maher 2021).

While abolition is undoubtedly committed to divesting and dismantling systems of oppression and the institutions that uphold them, it would be a mistake to assume it is only a negative project. Abolition signals not only the absence of systemic violence against target people and populations, but the imagining and creation of new systems that centre justice, care, and collective well-being (Rodriguez 2019, 1576). In response to the question "what is the object, so to speak, of abolition?" Moten and Harney answer:

Not so much the abolition of the prison, but the abolition of a society that could have prisons, that could have slavery, that could have the wage, and therefore not the abolition of anything but abolition as the founding of a new society. (2013, 42)

Therefore, abolition is also a positive force, a desire to create a way of life that radically exceeds the limits of the present and the boundaries of the possible (Maher 2021). Abolition therefore requires us to engage in a process of "radical imagination," or the ability to "imagine the world,

life, and social institutions not as they are but as they might otherwise be.... [and] bringing those possible futures ‘back’ to work on the present, to inspire action and new forms of solidarity today” (Haivan and Khasnabish 2014, 3). Following Mariame Kaba, abolition therefore presents “a vision of a restructured society in a world where we have everything we need: food, shelter, education, health, art, beauty, clean water, and more things that are foundational to our personal and community safety” (2021, 2). At its core, then, abolition is both a refusal and an affirmation, a critique and an alternative; an indictment of the present and a horizon for the future.

Here we can make strong connections to the concept and practice of sanctuary as a refusal of immigration enforcement and an affirmation of solidarity with precarious and non-status migrants. Through a framework of unconditional access, sanctuary also embodies a critique of state policy, while enacting an alternative understanding of citizenship and belonging. Ultimately, sanctuary is a radical act of protection in the present that signals a commitment to building an expansive concept of community in the future.

Abolition is a foundational concept within the rich political lineage of the Black Radical Tradition.³⁸ A key figure within this intellectual tradition was WEB Du Bois. In his indispensable work, *Black Reconstruction in America* (1998), Du Bois offered a new, materialist history of the era of Reconstruction in the US. Du Bois offered a “rewriting” of the hegemonic “Western racial historiography” about Reconstruction, centring the political agency of the Black community and their ideas about freedom, democracy, and societal transformation (Bogues 2014). To do so, Du Bois engaged in a dual operation of (1) recovering Black histories and experiences that had been erased or hidden away in dominant accounts of the era, and (2) developing conceptual tools to re-interpret this “new” history and gain new insights into the political activity of Black communities during that time (Bogues 2014; Lipsitz 2004). The end-product of such analysis was the concept of “abolition democracy,” which Du Bois used to both to describe (1) the specific historical moment of Black abolitionist organizing in the South, as well as (2) a framework or theoretical

³⁸ A concept developed by Cedric Robinson (2000) in his work *Black Marxism: The Making of the Black Radical Tradition*, it is defined as “the continuing development of a collective consciousness informed by the historical struggles for liberation and motivated by the shared sense of obligation to preserve the collective being, the ontological totality.” The Black Radical Tradition encompasses the totality of Black critical thought and activism that continues to resist racial capitalism and develop a critical analysis of the past, a framework through which to understand the present, and revolutionary vision for the future.

approach through which to understand the momentary transformational potential within the Era of Reconstruction (Du Bois 1998; Dilts 2019).

As a historical moment, abolition democracy described a political context ripe for societal transformation that emerged during and following the American Civil War (known generally as the era of Reconstruction). Johnson and Lubin (2017, “Introduction”) note that “Du Bois saw abolition democracy during the era of Reconstruction as a political struggle for collective liberation; it brought freedom to Black and white workers in the form of redistributed wealth (jubilee), free public education across poor working communities in the South, and the franchise to many.” Du Bois recounted the history of Black resistance to enslavement in the fields, on the battlefield, and through organized political activity, which ultimately achieved foundational shifts within society, not least through the 13th, 14th, and 15th Amendments to the US Constitution. However, he argued that while these victories represented monumental victories securing *formal* equality under the law, simply the *absence* of legal enslavement³⁹ did not equate substantive Black freedom in America. Indeed, Angela Davis has reminds us that Du Bois argued that freedom requires the *creation* of a new society, not just a crude removal of certain legislated inequalities:

Du Bois argued that the abolition of slavery was accomplished only in the negative sense. In order to achieve the comprehensive abolition of slavery—after the institution was rendered illegal and black people were released from their chains—new institutions should have been created to incorporate black people into the social order. (2005 “Abolition Democracy”)

In the absence of new institutions and social relations, abolition could only be achieved in name, leaving the afterlife of slavery and white supremacy firmly in place.⁴⁰ Indeed, Du Bois argued that “racial slavery and oppression were not peripheral to the world system, they were an *organic part*

³⁹ Except as punishment for a crime, the infamous caveat within the 13th Amendment.

⁴⁰ On this point, Lipsitz (2004, 273) argues “Between 1865 and 1877 they fashioned alliances with poor whites to elect progressive majorities to office, and their successes led to the first universal public education systems in the South, to governments that subsidized the general economic infrastructure rather than just the privileges and property of the elite. Although betrayed by the Compromise of 1877, by the removal of federal troops from the South, by the legal consolidation of the combination of sharecropping and Jim Crow Segregation, and by Supreme Court decisions that took protections away from black people and extended them to corporations, abolition democracy and the 14th Amendment successfully challenged the hegemony of white male Protestant propertied power.” Lipsitz concludes, however, that “by betraying the Negro, Du Bois noted, white Americans betrayed themselves as well, because they destroyed the most democratic and egalitarian force in their national politics, while strengthening the power of the most elitist, plutocratic and undemocratic elements in their country” (2004, 277).

of it with enormous political and social consequences” (Bogues 2014, 164). Therefore, in a society defined by colonial and racial oppression, Black activists understood that *freedom from* enslavement must be accompanied by *freedom to* live a life free from the oppressive social relations and institutions that upheld racial capitalism.

Picking up on Du Bois’ analysis of the era of Reconstruction, Rinaldo Walcott (2021a) argues that emancipation must not be conflated with freedom for Black people. Emancipation, Walcott argues, is “always embedded in the juridical and thus as always orienting and delimiting freedom” (2021a, 2). Indeed, this resonates with Du Bois’ observation that emancipation was simply the legislative absence of the legal enslavement of Black people, which is ultimately an impoverished and anemic definition of freedom. Walcott therefore argues that so-called “post slavery” societies have remained in a time of emancipation, which has “interdicted” Black freedom. He notes that

The use of the term emancipation as a synonym for freedom can only continue to make sense because it is through legislative and juridical practices and regimes that Black people come into a status that is other than that of being the enslaved. In other words, this logic can only hold if freedom, as far as the Black is concerned, is legislative and conferred. What emancipation does not do is to make a sharp and necessary break with the social relations that underpin slavery. That this break has not yet happened is why we are still in the period of emancipation. (2021a, 3)

Drawing from the impressive corpus of work by Black scholars such as Sylvia Wynter, Dionne Brand, Christina Sharpe, and Katherine McKittrick, Walcott incisively reveals the need to break from confinement within the “administrative jurisdiction of emancipation” and pursue freedom through collective acts of Black freedom. Though he does not draw upon the framework of “abolition democracy” directly, Walcott’s work resonates with it deeply. By revealing the trickery of a “legislative and conferred” freedom and tracing fleeting moments and glimpses of a freedom that defies the limits of the present, Walcott makes a crucial contribution to our understanding of abolition (see also Walcott 2021b).

Du Bois’ work does not remain confined to an analysis of a specific historical event locked away in the past. His work also “takes *Black Reconstruction* out of the realm of history and into that of political theory” (Bogues 2014, 167). The concept of abolition democracy, rooted in the coalitional and transformative politics that emerged in the Reconstruction, continues to be an

important abolitionist concept today. Davis' use of the concept of abolition democracy noted above is not just historical. She uses it as a guiding framework in her lifelong work to abolish the prison industrial complex and for Black liberation:

In thinking specifically about the abolition of prisons using the approach of abolition democracy, we would propose the creation of an array of social institutions that would begin to solve the social problems that set people on the track to prison, thereby helping to render the prison obsolete. There is a direct connection with slavery: when slavery was abolished, black people were set free, but they lacked access to the material resources that would enable them to fashion new, free lives. Prisons have thrived over the last century precisely because of the absence of those resources and the persistence of some of the deep structures of slavery. They cannot, therefore, be eliminated unless new institutions and resources are made available to those communities that provide, in large part, the human beings that make up the prison population. (2005 "Abolition Democracy")

Here Davis echoes a foundational truth at the root of abolition democracy, and all abolitionist struggles for liberation: that dismantling the systems of oppression that have embedded themselves into society is not, on its own, enough to transform society. Abolition democracy emphasizes the careful and intentional creation of new institutions, new relationships, and new ways of being to replace the toxic and broken hierarchies that currently structure our lives.

An abolitionist approach to sanctuary, then, must challenge declarations of sanctuary by the very institutions that uphold, or are deeply complicit in, racist and exclusionary immigration and citizenship policies. It is not placated by municipal policy reforms or press conferences that proclaim a vague opposition to federal immigration enforcement practices—all while migrants continue to be surveilled, detained, and deported in so-called sanctuary cities. Nor would an abolitionist approach be satisfied with the legislative absence of discrimination against undocumented migrants within social service provision; it demands a commitment to building social institutions and communities that are profoundly democratic, safe, and based in mutual aid and unconditional access. Abolition demands that sanctuary return to its historical roots as a defiant and collective practice of defending those facing immanent state violence and, just as importantly, creating alternative practices, networks, and institutions that challenge national citizenship and borders. This can look like surrounding a gurudwara to stop the deportation of someone inside, starting an uninsured health clinic in the basement of an advocacy organization, removing

citizenship and residency requirements from social services, challenging or delaying immigration enforcement in our communities, or campaigns to defund the police, end immigration detention, and cease all collaboration between local law enforcement and CBSA. An abolitionist approach therefore stretches sanctuary to identify and challenge the systemic roots of migrant illegalization and exclusion, while also building up political cultures and social institutions that resist immigration enforcement and commit to building radically inclusive communities.

However, at a time when sanctuary is increasingly associated with governmental policy, why retain the concept at all? Indeed, the same mayors that proudly assert their support for access without fear commitments also refuse to be critical of police collaboration with CBSA, refuse to adequately fund municipal services or train city staff, and stay silent as residents without immigration status continue to be rounded up and deported. While it is clear what abolition has to offer sanctuary, what does sanctuary offer in the struggle for abolition?

Why Sanctuary? Radical Practice Against Symbolic Policies

As sanctuary has become a more mainstream concept, it has become more narrowly associated with a municipal government or local enforcement agency declaring a degree of acceptance of precarious or non-status migrants and/or limitation on cooperation with immigration enforcement activities (Collingwood and Gonzalez O'Brien 2019). Such gestures are often premised solely on a commitment to a tenuous tolerance and inclusion, and generally do not entrench real changes to the operation of immigration enforcement in these spaces, nor to the safety of precarious and non-status migrants. Therefore, municipalities that designate themselves as “sanctuary cities” can be said to betray their names. Instead of stopping border enforcement from operating within their jurisdictions, sanctuary cities simply limit their participation in this specific aspect of state violence. Consider some prominent sanctuary cities in North America, like San Francisco, Toronto, New York, Montréal,⁴¹ Chicago, Vancouver, Boston, Philadelphia, Los Angeles: these cities may decline to actively participate in the discovery, detention, and deportation of non-status migrants, but they do not stop federal border enforcement from operating within their jurisdictions

⁴¹ As discussed in Chapter 5, while Montréal's city council replaced its formal “sanctuary city” designation with the title of a “Responsible City,” the broad municipal commitment to expanding access to some social services resonates with municipal sanctuary policies.

(Hershkowitz, Hudson, and Bauder 2020; Mancina 2019). Worse still, sanctuary city policies often implicitly “carve out” acceptable circumstances around “when, where, and to whom deportation can legitimately apply” (Mancina 2019, 257). In other words, sanctuary city policies can actually reinscribe and strengthen the border in certain ways by engaging in more subtle forms of inclusion in/exclusion from the municipal polity (Roy 2020). Examples include police forces in Toronto and Vancouver agencies passing “Don’t Ask” policies, but retaining the right to “status check” migrants and report them to the CBSA if there are “bona fide reasons to do so” (Moffette 2021; Moffette and Gardner 2015); major Canadian school boards differentiating between immigrants, international students, and “ordinarily resident” youths; or the setting of national enforcement priorities to target specific migrants (e.g. those with criminal records) over others (e.g. those with families). It could therefore be argued that sanctuary, when hollowed out of its historical meaning and symbolically claimed by the very institutions it ought to be challenging, may no longer be an effective tactic for social movements.

Fortunately, sanctuary is an expansive concept and practice that defies the physical confines of a building and the practical limits of a policy commitment. Indeed, as Buff notes, “sanctuary can denote both a broad aspiration and a specific set of practices” (2019, 33). As previous chapters have shown, sanctuary is tied to campaigns for regularization, access to services, and mutual aid. It is invoked when a migrant seeks refuge in a religious building, when organizing service providers to reduce barriers to access, or when resisting immigration enforcement. It can also be drawn upon by municipalities interested in “welcoming immigrants,” just as it can when developing a mutual aid networks and immigration raid rapid-response groups. Enacting sanctuary can be stopping a deportation, or facilitating neighbourhood “Know Your Rights” trainings, or starting an uninsured health clinic. It can be provided in secret, or used as a public platform from which to challenge injustice and demand change. Sanctuary can therefore be understood as a capacious concept, one with a deep history that inspires a diverse array of practices, actions, and social movements (Paik 2020, 102).

As the previous chapters have shown, the limits within in the contemporary, mainstream invocations of sanctuary have not required activists to abandon the concept altogether. Instead, sanctuary continues to be invoked in ways that challenge government policies, resist policing and immigration enforcement, and build relationships of solidarity and mutual aid. While organizers have reflected on the various potentials and limits of sanctuary as an organizing practice, over the

past three decades we can observe a marked shift away from sanctuary as a last-resort response to an individual's deportation toward more durable and expansive attempts to limit the collection of immigration information, stop collaboration between local and federal institutions on immigration enforcement, and build cultures of solidarity between all migrants, refugees, and citizens in pursuit of migrant justice. The answer to "why sanctuary?" can therefore be found in the wide array of campaigns, organizations, and activists that continue its radical tradition.

An abolitionist approach similarly encourages activists to expand the practice of sanctuary beyond a last-resort survival strategy and toward pursuing sanctuary in ways that both resist immigration enforcement and enact alternatives to state defined categories of il/legality. Jeffries and Ridgley (2020, 554) pose the question of an abolitionist approach to sanctuary in this way:

How can sanctuary create or facilitate immediate access to material forms of support, solidarity, and care, while at the same time nurturing the capacity to challenge both the violence of the border regime and state-centric conceptions of citizenship?

An abolitionist approach to sanctuary therefore provides a critical, if sceptical, framework through which to appraise mainstream manifestations of sanctuary. The connection between abolitionism and the migrant justice organizers I interviewed comes through their commitment to a "no borders" politics in their work.

That is, migrant justice activists displayed an analysis in their work that expanded beyond more liberal frameworks of immigrant rights, inclusion, and diversity to target the roots of the injustices faced by precarious and non-status migrants: borders, and consequently the nation states and citizenship regimes that rely on them. A no borders politics begins with the simple position that borders are an inherently exclusionary and violent method of constituting and governing political communities. Far from just a tool of exclusion at the edge of national territory, borders are diffused within and beyond the nation state, regulating the "differential inclusion" of migrants through various permanent and temporary citizenship schemes (Mezzadra and Nielson 2013; Walia 2021). As Chapter 5 detailed, sites of service provision, local police forces, and other local institutions can engage in "borderwork" (Rumford 2012) and become sites of immigration enforcement. And so, the popular assumption that borders exist to *prevent* violence or ensure public safety is rejected by a no borders politics, which inversely contends that borders in fact *produce* the violence and precarity experienced by low income, racialized, elderly, LGBTQ+, and

disabled migrants. As Walia contends, “migrant illegality is not an objective fact; people become illegalized—are *made* illegal—because of the state restrictions on entering or remaining without legal authorization” (2021, 79). Put another way, to reject borders is to reject any categorization of a human being as legal or illegal: “Illegal migration is a product of migration law. Without legal prohibition, there is no illegality” (Dauvergne 2016, 135).

While sanctuary is often an act of protection and mutual aid for migrants vulnerable to state violence and deportation, it also represents a collective challenge to state-defined categories of migrant “il/legality,” enacting a politics of radical welcome and solidarity instead. By extending sanctuary, making accessible life-sustaining services, and building relationships of solidarity with those marked by the nation state as deportable and disposable “Others” undeserving of membership in the polity, we can see how radical acts of sanctuary (and not municipal sanctuary policies) advance a no borders politic which, in turn, is deeply resonant with an abolitionist approach to sanctuary.

Like abolitionist perspectives, theories and movements that advocate for no borders are often considered to be utopian in their goals. They envision a world defined by the freedom to move, stay, and return; where we would no longer have use for categories like citizen and migrant, good or bad immigrants, deserving or ‘bogus’ refugees, ‘legal’ or ‘illegal’ immigrants. To achieve the conditions proposed by no borders undoubtedly requires “revolutionary change,” as it would be “part of a global reshaping of economies and societies in a way that is not compatible with capitalism, nationalism, or the mode of state-controlled belonging that is citizenship” (Anderson, Sharma, and Wright 2009, 11). A world without borders is difficult to imagine for many, because—as the previous chapters have shown—borders are integrated into so many aspects of our lives. Today, schools, hospitals, emergency shelters, and food banks can all be sites of border enforcement for precarious and non-status migrants. In response, activists have developed expanded understandings of sanctuary to demand access without fear for all people, an end to immigration enforcement, and status for all.

However, also like abolition, a no borders agenda is also immensely practical. The praxis of no borders is grounded in the everyday struggles against borders and immigration enforcement. Indeed, as Anderson et al. rightfully remind us, “no set of border controls has ever worked to fully contain people’s desire and need to move. In this sense, it can be argued that an *everyday practice*

of refusing the border has existed as long as borders have (2009, 11; original emphasis). While on a global scale no borders movements are often associated with direct action, and disruptive mass mobilization, as King reminds us, “a no borders politics is the politics of the no borders movement, but it is a politics that reflects numerous political perspectives, and gives rise to numerous forms of action” (2016, 21). A deeper look reveals that, in the same way that borders are increasingly embedded into our communities and our daily lives, no borders movements also engage in resistance through everyday acts of solidarity and mutual aid. Campaigns for sanctuary and access without fear expose the bordered reality that migrants face and work to dismantle the border as it appears in the spaces that we live, work, and be in community with each other. As Karin Baqi, a past member of NOII-TO, noted

we used the language of: “space by space, school by school, hospital by hospital.” There was this understanding that, if we made it politically noxious to disentitle people of the rights that they should have just as a human being, then that is effectively status for all.... It’s not just about getting services, but we have to make ideological shifts about who is and isn’t assumed to be allowed to get services.

The desire to create zones of sanctuary block by block, sector by sector, then, is a practical strategy that underpins the utopian vision of no borders: borderless communities defined by solidarity and mutual aid rather than hierarchical categories of belonging and deservingness.

An abolitionist approach to sanctuary therefore has considerable overlap with a no borders approach to migrant justice. Lloyd (2019) argues that, as complementary concepts, abolition and no borders share a critique of the nation-state and its reliance on divisive categories of citizen vs. non-citizen, model citizen/ or minority vs. criminal, and the like, to function. In response to this, sanctuary and abolitionist movements have organized to reject and dismantle these categories, putting forward new and resonant visions of community and solidarity in their place. Generally, abolitionist movements primarily focus on “the role of the state in criminalization, social ordering, and social control through racialization and heterogendering,” while no borders movements are more focused “on the role of the nation-state in managing sovereign territory, labor, mobility, and belonging through racialized, classed, gendered, and sexualized registers” (Lloyd 2019, 93). Put another way, while abolition and no borders may isolate different aspects of state violence, it is ultimately strategies of control through immobility/incarceration, criminalization, and legal exclusion that form a common target between them. The fundamental violence of citizenship and

non-citizenship parallels that of citizen and criminal within the nation-state. At their foundations, then, there is much in common between abolition and no borders movements.

Abolition sanctuary, as a tethering of these two concepts and movements, therefore seeks to develop a comprehensive political framework through which to resist contemporary institutions of citizenship, borders, policing, and incarceration and build new political communities in their place. This tethering, however, is not without its tensions. Below, I turn toward two key tensions within contemporary sanctuary work that an abolitionist approach proves helpful in navigating.

Abolition Sanctuary: two emergent tensions

Un/conditionality

As mentioned above, sanctuary policies usually include specific conditions, exceptions, or provisions that deem certain subjects or scenarios acceptable for detention and deportation. Such “conditional” forms of sanctuary are expressly *not* abolitionist, as they continue to rely on the very hierarchical divisions of the population that make sanctuary necessary in the first place. Bridget Anderson (2013) discusses how nation states construct “communities of value,” which is to say that they both exhibit value as a community (productive, law-abiding, etc.) but also in that they share common values as a community. Communities of value are constituted by “Good Citizens” and exclude “Failed Citizens” who fail to live up to liberal ideals of independence, rationality, and morality and “includes a wide range of people, folk devils like the Benefit Scrounger with too many children, the paedophile, the rioter, the Criminal, and others” (Anderson 2013, 4). Migrants are constructed by racialized immigration systems as outsiders, and therefore face an uphill battle to prove their worth to a community of value that often only conditionally and temporarily accepts them. Conditional forms of sanctuary play into this framework, provisionally including or tolerating certain migrants with a community of value while marking the rest as disposable and deportable.

Mancina (2019) notes that there is a strong concern within sanctuary cities that their well-intentioned policies to “protect” “vulnerable” migrants may be unintentionally “shielding” “criminals” from discovery and deportation. By categorizing precarious and non-status migrants into those deserving of sanctuary and not, conditional sanctuary policies only oppose deportations

in certain circumstances—meaning they also “circumscribe where, when, and to whom” deportation can be legitimately carried out (Mancina 2019, 254). In other words, sanctuary cities base their claim to provide safety for both “deserving” migrants and the citizen-community upon an overt exclusion of poor, criminalized, and otherwise “undeserving” migrants (Wences and Gomburg-Munoz 2020). This “conditional” form of sanctuary normalizes the idea that undocumented and precarious status migrants *may* deserve to be included, or at least tolerated, within a community—but only insofar as they prove themselves as otherwise good, productive, law-abiding subjects.

Jurisdictions that enact such conditional forms of sanctuary therefore operate within the broader neoliberal logic of criminalization. To speak about criminalization is to grasp the legal structures and practices that *create* categories of criminality and *construct* the “criminal” in opposition to the innocent, law-abiding citizen. Criminalization therefore operates in a similar fashion to illegalization: laws and policies (and those that enforce and implement them) produce these categories in ways that specifically target poor, racialized, LGBTQ+, disabled, and other people who are marginalized. Because what is considered and prosecuted as criminal is not fixed or objective, and the line between innocence and guilt is ever-shifting. Under neoliberalism, there is significant profit to be made from criminalization (ballooning budgets for police, prisons, security corporations, biometric and predictive technology, etc.).

In Canada, Robyn Maynard (2017) meticulously documents the equation of Blackness and criminality as a key feature of a long history of anti-Blackness in Canadian institutions and society. She traces how the practice of slavery in Canada “set the stage for the subsequent centuries of dehumanization of Black life,” noting specifically the ways in which crime, policing, and incarceration are deeply rooted in anti-Black racism. Prison abolitionist Ruth Wilson Gilmore affirms that criminalization is therefore driven to constantly expand because of underlying motives of profit and the diffusion of existential threats into the community: “The way the system works is to move the line of what counts as criminal to encompass and engulf more and more people into the territory of prison eligibility.” She continues that, consequently, “What has happened over the last twenty years is that different kinds of people have found themselves confronted with suddenly having to prove or assert innocence or non-guilt in the face of criminalizing machinery....” (2014, 42-43). This is a deeply racialized process. Maynard notes that “Canada is in the midst of an explosion of Black incarceration,” with the Black federal prisoner population rising 69 percent

between 2005 and 2015 (2017, 109). There has been massive public investment in prison construction and renovation in Canada, despite crime rates declining since 1990. Notably, in 2016 the federal government earmarked \$138 million to invest in immigration detention, including the expansion of immigration detention centres in Toronto and Surrey and the construction of a new centre in Laval. Migrants in detention are not charged with crimes, however, but “administrative offenses,” resulting in their incarceration without trial or charges. Migrants are held in immigration detention due to amorphous concerns around “public safety,” inadequate identification, and/or a belief that they may fail to appear for their scheduled deportation (Cleveland 2015). In each of these cases, the onus is on migrants themselves to prove to a member of the Immigration and Refugee Board that they should be released—a dangerous reversal of the fundamental right of *habeus corpus* (Chowdhury 2020; Silverman 2019).

This expansion of criminalization creates what Gilmore (2017) refers to as the “problem of innocence”: the impulse to insist on the innocence of some inherently constructs and solidifies the “guilt” of others. Within some parts of anti-prison organizing people work to either assert the innocence of some incarcerated people, or the unsuitability of incarceration for certain kinds of crimes, such as those incarcerated for simple possession or drug use, the wrongfully convicted, non-violent offenders, or detained migrants who, beyond lacking status, are otherwise law-abiding. Such arguments inherently rely on construction some people as *deserving* of incarceration, however. Abolitionists forcefully reject such approaches to anti-prison organizing, as the work of abolition opposes all forms of incarceration, state-sanctioned punishment, and all processes and institutions that are designed to create what Gilmore calls a “group-differentiated vulnerability to premature death” (Gilmore 2017, “Abolition Geography”).

A campaign launched by No One Is Illegal-Toronto against the Toronto Police Service performing “status checks” on Toronto residents is an illustrative example of how discourses or conditions of “innocence” can be used to maintain or increase the legitimacy of oppressive institutions. NOII-TO found that, despite a municipal sanctuary city policy and a TPS-specific “Don’t Ask” policy in relation to immigration status, the TPS was performing “status checks” on over 100 people a week, 80% of which were initiated because of an “officer suspicion that an individual may not have status” (Moffette and Gardner 2015). The TPS was able to perform these status checks precisely because their “Don’t Ask” policy only applies to “victims and witnesses of crime.” By relying on an exception made for victims and witnesses of crime (the innocent), the

TPS was able to claim that it was an accessible service for precarious and non-status migrants in emergency situations, despite the fact that the *Police Services Act* allows police officers to inquire about any individual's immigration status if they feel as though there are "bona fide reasons to do so." Because citizenship status is not a human trait, such an allowance within the *Police Service Act* opens the door for racial profiling and discriminatory treatment.

In her discussion of an abolitionist approach to sanctuary, Paik (2020, 109) specifically identifies these forms of collaboration between federal immigration enforcement and local law enforcement agencies as a crucial focus for sanctuary campaigns:

Most importantly, as criminalization has expanded, regular policing practices create the contact with law enforcement, court cases, and bond lists that can lead to an immigrant's deportation—whether the city commits to sanctuary or not. Law enforcement's central role in targeting immigrants also means that criminalization and policing in general must be central to the fight for sanctuary.

Here Paik clearly lays out how resisting criminalization (abolition) and illegalization (sanctuary) are overlapping struggles. In my interview with Harsha Walia, she noted a similar convergence of criminal and immigration law enforcement in Vancouver, especially in the Downtown Eastside. She noted that "the CBSA actually roams with the Vancouver Police Department," and when they stop someone they "just run each of their [own] databases." The dual presence of both CBSA and local law enforcement officers, a phenomenon also observed in workplace raids and "fishing" operations (P. Villegas 2015) disguised "vehicle safety blitzes" in Toronto, allows the two agencies to circumvent accountability for their collaboration because the number of calls or interactions between them would seem to decrease.

What becomes clear is that sanctuary and migrant justice campaigns that rely on constructing some people as "innocent" or "deserving" of inclusion necessarily abandon those who are racialized, criminalized, or otherwise deemed undeserving. An abolitionist approach to sanctuary, then, necessitates an *unconditional* approach to migrant justice and sanctuary work. Migrant justice organizers often find ourselves reflecting on the ways in which we work to create change and work toward ensuring that their calls and actions for justice do not implicitly exclude people or hinder the movement's overall goals. Craig Fortier recalled a discussion within NOII-

TO about a popular chant used across migrant and labour justice movements: “Good enough to work! Good enough to stay!”:

Our worry with that chant, for instance, was that it created an ethos that one needs to be “good enough to work.” And that shifts away from asking important questions about “what do we consider work,” right? Take sex work, for example. Or what about people who have to leave their work because of a toxic environment? Or because of their immigration status, someone cannot work? Other things to think about are the way in which we feminize and invisibilize certain kinds of labour. Or what about people who have disabilities that create challenges to get into the workplace? And people with criminal records? There are all these questions to be asked when reflecting on a chant like “good enough to work, good enough to stay.” Though it has its purpose in a strategic sense, it needs to also be embedded in a broader politics that says, even if you're not deemed good enough to work by the system, you're good enough to stay.

Here Craig reflects on another popular instance of establishing “conditions” on who ought to be included into a community: employment. On one hand, Craig notes the strategic value of presenting a movement demand in this way. The chant exposes a fundamental contradiction: if nation states accept the crucial contributions of precarious and non-status migrants’ labour, why do they not accept their very presence? On the other hand, however, Craig identifies the underlying conditionality embedded in such a chant: that, by valuing migrants on their capacity to be productive subjects within a capitalist system of work, movements in turn devalue migrants who do not or cannot work.

A similar tension arose in discussions I had with activists about the use of “familialism” in anti-deportation and access without fear campaigns. Jeffries and Ridgley note that, understandably, campaigns strategically deploy sympathetic representations and arguments related to a migrants’ familial ties and children to “draw out people’s feelings of empathy and solidarity” (2020, 11). Craig Fortier, a past member of NOII-TO, noted a similar emphasis in NOII’s Education Not Deportation campaign. In coalition with students from Dante Alighieri Academy, the Ontario Secondary School Teachers Federation, and other community groups, NOII-TO led a campaign to have the Lizano-Sossa family released from the Toronto Immigration Holding Centre and their deportation stayed. Looking back on the campaign, Fortier reflected on the strategic presentation of the family to the media:

There was a big media campaign for the family, and it really gets framed around them being the “model immigrant family.” You know, father who worked in the construction industry, mother who does childcare work, two children who are very bright, excel in sports, good grades, a little baby daughter who is Canadian born. We used these types of tropes to pull at the heartstrings of people who fall into the binary thinking about “good” immigrants and “bad” immigrants. And we really played into that good immigrant trope to try to fight this campaign.

In the moment, emphasizing the “good immigrant” aspects of an anti-deportation case is an understandable decision made with the immediate needs of the migrant(s) in question. However, from an abolitionist perspective, relying on a good/bad immigrant binary ultimately abandons some migrants to the position of legitimately deportable or undeserving of public support. Activists I interviewed within NOII chapters, SAB, Sanctuary Health, and OSCN try to ensure that their campaigns resist moves to emphasizing familialism or exceptionality by foregrounding their underlying demands for access for all, status for all, and an end to deportations and immigration detention. Even in campaigns where specific tropes are strategically used in the media, these groups make concerted efforts to take “a more transformative (or abolitionist) approach that recognizes it is deportation and control over movement themselves that are the problem, not just who those practices are directed at” (Jeffries and Ridgley 2020, 11).

Fundamentally, abolition sanctuary seeks to undermine the very distinctions that the processes of criminalization and illegalization rely upon. In doing so, an abolitionist approach to sanctuary necessarily expands the concepts beyond solely precarious and non-status migrants. While I have noted some tensions within this work above, there are also instructive cases of organizers effectively navigating such challenges. An excellent example of this is in Chicago, where there has been exemplary work to advance “The Campaign to Defy, Defend, and Expand Sanctuary” (Hamaji et al. 2017).⁴² In a recent report documenting organizing efforts across 12

⁴² Similar to the campaigns for sanctuary across Canada discussed in earlier chapters, the Campaign to Defy, Defend, and Expand Sanctuary pursues its goals in three major areas: pressuring the municipal government for meaningful policy change; building spaces and practices of sanctuary at the grassroots, community level; and facilitating public education to build the movement and better understand the intersecting systemics of criminalization and immigration enforcement (Hamaji et al. 2017; see also Ritchie and Morris 2017). This campaign explicitly identifies the ways in which the purview of sanctuary must be expanded in order to truly create safety for those most vulnerable to deportation, police violence, and incarceration. Organizers have pushed the City of Chicago to amend its sanctuary policy, which provides protections for some migrants, to (1) remove the exceptions that deny sanctuary protection to

different US cities against criminalization and policing entitled “Freedom to Thrive,” the expressly abolitionist campaign is described as working toward “imagining a world without police” while seeking to “expand and redefine what sanctuary means to marginalized communities” (Hamaji et al. 2017, 24). At its core, the campaign works to stretch sanctuary beyond its focus on immigrants and relationships of trust between immigrant communities and police, “towards one that addresses the criminalization of Black people and other communities of color as part of the minimum standard of defining a ‘sanctuary’ city, while recognizing the link between the criminal justice and immigration systems” (Hamaji et al. 2017). In this way, sanctuary is used as a tactic to resist criminalization and illegalization, as well as an imaginative concept through which to re-imagine a city in ways that centre freedom and equity.

A further example of an abolitionist approach to sanctuary is the OSCN’s commitment to creating “unconditional access” to the City of Ottawa’s social services, as discussed in Chapter 5. The concept of unconditional access encourages campaigns to look beyond barriers specifically attached to immigration status. It challenges the logics and practices of criminalization, anti-Black and anti-Indigenous racism, and stigma attached to poverty, drug-use, or mental illness that also limit access to services. As Fiona Jeffries, a member of OSCN, explained to me, beyond securing access without fear for precarious and non-status migrants, the framework of organizing for “unconditional access”

...presents a point of solidarity, among many different people who are similarly excluded from accessing services or stigmatized in trying to access services. So, the idea that flows from this is creating a general culture of unconditionality in the city, rather than upholding the ideas that you have to be designated as a “deserving person” to access the services. Because the different ways that people are profiled or excluded when trying to access services is often a means of creating divisions among us. And that this is a way of thinking about the city in a way that crosses different experiences of oppression and exclusion, and actually expands the concept of a sanctuary city.

those with criminal records; (2) reject federal funds that fund additional policing efforts in the city; (3) eliminate the discriminatory gang database used to target and criminalize people; and (4) reduce the City’s policing budget and reallocate the funds to much needed services, including alternatives to 9-1-1 (Hamaji et al. 2017).

In practice, organizers have noted that by removing residency requirements, services become accessible not only for precarious status migrants, but for people experiencing homelessness or who may otherwise not have a fixed address or adequate documentation of where they currently reside (Jeffries and Ridgley 2020). More generally, organizing under the banner of “unconditional access” opens up spaces for many different types of campaigns to converge and work toward creating cities that resist state violence and exclusion, fight for justice and equity, and do so in ways that leave no one behind. This work resonates with the framework of abolition democracy in that it not only seeks to dismantle the barriers to service provision faced by precarious and non-status migrants, but puts forward an approach to service provision that gestures toward new cultures, practices, and institutions.

Abolition sanctuary therefore necessitates an expansive and unconditional approach to extending welcome, fighting for access, and ultimately creating new forms of citizenships and belonging beyond state-defined categories of il/legal migrant. Sanctuary, as Paik (2020) notes, therefore becomes less focused on creating spaces or campaigns to protect a select few migrants, instead opting to build intersectional movements that have the capacity to fight state-sanctioned violence, create new ways of conceiving of citizenship and belonging, and ultimately advance a truly collective vision of shared liberation. While unconditionality provides a framework through which to approach social change, the question then becomes how do activists choose to create change? Previous chapters have explored various attempts to create sanctuary from “above” and “below,” from within state institutions and outside of them, through formal and informal commitments. An abolitionist approach to sanctuary would have us evaluate both sanctuary from “above” and “below” in terms of their ability to distinguish between “reformist reforms” and “non-reformist reforms,” and pursue the latter whenever possible.

Reformist Reforms vs. Non-Reformist Reforms

As a concept grounded in political struggle, an abolitionist approach to sanctuary requires a pragmatic orientation toward the tired and theoretical debate between reform and revolution. The opposition between these two theories of change is far starker in the halls of academia and the pages of political theory than it is in activist meetings and direct actions. Within the radical left, there is less of a discussion between “reform or revolution” and more discussion about how to

pursue reforms in ways that build toward revolutionary change rather than act as obstacles to it. Being rooted in the lives and struggles of those experiencing and resisting injustice does not allow for the kind of ideological purity that such a “debate” often enforces. Instead, there exists a fundamental recognition within sanctuary and migrant justice movements that thousands of migrants face imminent deportation, are locked up in immigration detention, or live in daily fear of being apprehended when trying to access basic services and the necessities of life. In a world structured by overlapping systemic oppressions, there is an understanding that people require immediate and direct forms of support, advocacy, and collective action—much of which requires engagement with state institutions as much as it requires opposition to them. Even though activist organizations and the individuals that constitute them may oppose all immigration controls and refugee determination procedures in principle, there also exists a fundamental responsibility to support people caught within these systems, part of which often require engaging in institutional processes and pursuing reforms. This is an approach taken by both abolitionists and sanctuary activists (cf. Jeffries and Ridgley 2020), who understand that a world with prisons, policing, or borders cannot be achieved tomorrow. These institutions are just as entrenched in the material organization of the globe as they are engrained in our individual imaginations that might allow us to conceive of new ways of addressing harm and building community. Therefore, I found widespread agreement amongst the activists I interviewed that we must develop strategies to mitigate instances of immediate or imminent harm in ways that resonate with and build toward a radically transformed society.

Andre Gorz (1967) offers a helpful way to conceptualize two approaches to the often-necessary task of engaging with the state and other powerful institutions in service of more revolutionary goals. In his work, *A Strategy for Labor*, Gorz distinguishes between “reformist reforms” and “non-reformist reforms.” The former approach rests on the perspective that, while injustice and inequalities do exist, they are not the inherent product of the social order and its institutions. Instead, they are seen as exceptional mistakes or genuine errors in judgement within a system that can be tweaked and improved in a piecemeal fashion. This approach to reforms recognizes that the imperfections in society’s functioning and sees progress as a linear process of gradual and measured improvement. The outcomes of reformist reforms, then, are alterations to the system that make it slightly more palatable and accountable, while ultimately strengthening its legitimacy and longevity.

Those that pursue non-reformist reforms perceive injustice and inequality to be inherent within the structures that undergird society, and the institutions that uphold them. Activists with this perspective identify capitalism, colonialism, white supremacy, hetero-patriarchy, etc. as fundamentally unjust system that structure the ideological and material organization of global society. Further, it is institutions like governments, police, prisons, corporations, and the military—and the laws designed to protect and benefit them—that uphold and enforce these systems and discourage major changes to them. What flows from this perspective is the argument that for meaningful and lasting change to occur, the very foundations of society must be completely transformed. Prison abolitionist Ruth Wilson Gilmore describes reformist reforms as attempts to “tweak Armageddon,” while non-reformist reforms work toward revolutionary change by pursuing “deliberate change that does not create more obstacles in the larger struggle” (2017, “Abolition Geography”). Put another way, while both approaches obviously seek reform, it is the form and content of the reform that differentiates them. While reformist reforms often result in adjustments that seek to improve the status quo, non-reformist reforms seek changes that ultimately undercut its legitimacy, shrink its reach, divert its resources, and ultimately open up possibilities for more impactful changes in the future.

Broadly speaking, all reforms seek to break big problems down into smaller, manageable components in order to solve them. However, as Gilmore helpfully points out, the strategic goals of reforms can differ in how they relate to the fundamental issues they oppose:

dividing a problem into pieces in order to solve the whole thing is altogether different from defining a problem solely in terms of the bits that seem easiest to fix. In the first instance, the remedy for each piece must develop in relation to its effect on actual or possible remedies for the other pieces. The other way is to solve a small part without considering whether the outcome strengthens or weakens the big problem’s hold on the world. (2014, “Foreword”)

The embedding of incremental change within a broader commitment to structural transformation is therefore what distinguishes a “non-reformist” approach to reform. While this strategic position of non-reformist reform can be constructed in our intentions and commitments as organizers, it is often much more difficult for activists to discern as they are being sought after. Whether or not a reform will actually help challenge the legitimacy of the state or the underlying principles of violent institutions can sometimes only be discerned in hindsight. Therefore, for radical organizers the debate therefore becomes not about whether or not social movements ought to pursue reforms

at all. Instead, non-reformist reforms are those that increase people's freedom and capacity to collectively act; divest resources from punitive and carceral institutions and re-invest them in the programs and services our communities require; and ultimately to reclaim democratic control over society's institutions and ensure they operate in service of justice and equity.

In a similar vein, abolitionist intellectual Mariame Kaba (2017) summarizes this approach by asking "How do we think about reforms that don't make it harder for us to dismantle the systems we are trying to abolish? That don't make it harder to create new things? What are the reforms that are "non-reformist" that will help us keep moving towards the horizon of abolition?" An example of a reformist reform that would make it harder for us to dismantle an oppressive system would be to demand the status for migrants who are currently employed. While this might be framed by some as "more realistic" or easier to attain than "status for all," what this framing does is legitimize a fundamentally exploitative system of work (capitalism) and a fundamentally exclusionary system of citizenship and belonging (the nation state), and therefore assigns value only to migrants who are able to work. Reformist reforms might also advocate for increased access to services and social inclusion for precarious and non-status migrants who have families, or do not have a criminal record. By relying on problematic boundaries that construct some migrants as deserving of basic human dignity, reformist-reforms are therefore likely to become dead-end strategies, as they often rely on the very logics of exclusion and marginalization that they intend to challenge

Non-reformist reforms like defunding the police, status for all, unconditional, and transformative justice programs all advocate for changes to institutions that have benefits in the short-term while exposing the inherent violence and contradictions within the institutions themselves, opening up new opportunities to transform them altogether. For example, winning "status for all" would not abolish borders or citizenship. However, by undermining one of the fundamental features of citizenship—its exclusivity—status for all would open crucial conversations about why we need citizenship at all. Defunding the police would not abolish the police, but it would divert resources toward community supports and eventually decrease the need for police altogether, setting the stage for abolition in the future. Here we see the potential within non-reformist reforms: while reformist reforms are meant to tweak and repair current systems to ensure their continued existence, non-reformist reforms make it easier to pursue radical change in the future while increasing freedom, autonomy, and safety in the present.

“It is evident that we are not going to see borders abolished tomorrow,” Jeffries and Ridgley (2020, 7) remind us, so we must “build towards a world free from violent border policies in the long term while in the immediate term fighting to protect the rights of migrants at risk of criminalization, deportation and exclusion from access to the essential means of life.” The work of migrant justice is more urgent than ever, and reforms can be potentially lifesaving for those in detention, avoiding medical services, or facing imminent deportation. Campaigns advocating for increased access to services, non-cooperation between local agencies and federal immigration enforcement, and sanctuary policies may appear to be reformist reforms insofar as they engage state institutions. However, as Walia points out,

Yet these campaigns have furthered the involvement of non-status migrants, women’s centres, students, and labour unions within the migrant justice movement. Also the strategies employed in these campaigns have pushed forward the systemic demand for status for all people, and been visionary in prefiguring safe spaces in which non-status migrants can access critical services. (2013, 184)

In these ways, many of the campaigns discussed in this dissertation can in fact be understood as struggles for reforms that are intentionally pursued for their ability to secure safer access to services, mobilize people to oppose enforcement, and work toward migrant justice and collective liberation. However, much of this work can be understood as pursuing non-reformist reforms. Sanctuary and access without fear campaigns strategically include reformist demands, yes, but they are intentionally framed and enacted in ways that target and dismantle immigration enforcement and create spaces and relationships of mutual aid. And in the course of doing so, they center the involvement and leadership of directly affected people, build coalitions and alliances across struggles, engage in public education and consciousness raising, and take collective action to defend and advance the struggle of precarious and non-status migrants.

An important site of examining the tensions within reformist reforms and the importance of non-reformist reforms is campaigns against police conducting immigration enforcement and collaborating with the CBSA. In response to various municipal campaigns to stop police “status checks” and prohibit cooperation with the CBSA, law enforcement agencies in Toronto, Vancouver, and Montréal have all passed policies that seek to limit the investigation of immigration status (“Don’t Ask”) of victims and witnesses of crime, as well as complainants. Police forces have framed these policies as a way to build trust with vulnerable populations and,

as a result, more effectively address instances of crime. Consider this framing by the TPS, which emphasizes strategies of encouraging engagement from non-status migrants who are victims and witnesses of crime:

The Service relies on members of the community to report crimes in order to help keep Toronto the best and safest place to be. To that end, the Service uses Governance, Communications Services policies, training initiatives, social media engagement, and Crime Stoppers Toronto to encourage victims and witnesses of crime to come forward without fear of exposing their immigration status. (TPSB 2017, 233)

As we can see, the reformist reform of a “Don’t Ask” policy has two outcomes that are expressly not abolitionist. First, it relies on a division between subjects deserving of police protection (victims and witnesses), and those deserving of enforcement and deportation. Second, by positioning the TPS as “safe,” a partial “Don’t Ask” policy has the effect of strengthening the TPS’ legitimacy as an institution dedicated to public safety when the reality for so many populations is quite the opposite.

The VPD offers a similar justification to the TPS for its own partial “Don’t Ask” policy, noting that community trust is essential to ensuring that the police continue to be “effective”:

The VPD acknowledges that the relationship between the VPD and CBSA is of concern to those with uncertain or no immigration status. Specifically, victims, witnesses, and complainants desire access to police services without fear of repercussions due to their immigration status in Canada. The VPD recognizes that community trust and cooperation are essential components of effective policing and public safety. Victims, witnesses, and complainants are encouraged to cooperate in the reporting and investigation of crime and are essential in the maintenance of public safety. (VPD 2018, 20)

The VPD clarifies precisely how such reformist reforms reinforce the institution of policing: through community trust and cooperation. Put another way, reformist reforms are designed to *increase* public investment in harmful institutions, rather than divest and divert resources and legitimacy away from them. It is a similar story in Montréal, where the SPVM has been consistently exempted from all municipal access without fear policies. However, the City does encourage non-status migrants who are victims or witnesses of crime to report these instances

through the Centre for Assisting Victims of Crime (CAVAC),⁴³ a third-party organization that ensures the anonymity of such communication (Robichaud 2019).

Taken altogether, police forces adopting “Don’t Ask” policies extend precious few protections to migrants at risk of arrest, detention, and deportation. Instead, these policies serve to legitimize the police as a safe and trustworthy institution for precarious and non-status migrants, and do so through separating migrants that are deserving of safety (victims, witnesses, complainants) from those who are not. Partial “Don’t Ask” policies also obscure the ongoing, active relationship between local law enforcement agencies and the CBSA. Therefore, for any migrant who is not a victim or witness of a crime, municipal police forces have aggressively defended their right to investigate individuals’ immigration status and collaborate with the CBSA in their arrest and removal. For this reason, partial “Don’t Ask” policies must therefore be critiqued for their limited ability to protect migrants and their tendency to frame police forces as benevolent institutions—even as campaigns continue to push to further expand protections for migrants through more fulsome DADT policies.

Within the Canadian constitutional landscape, there are various overlapping municipal, provincial, and federal policies regarding information-sharing, privacy, and institutional collaboration. Therefore, while “Don’t Ask” policies that are only selectively and inconsistently applied do little to protect precarious and non-status migrants, “Don’t Tell” components contain the potential to target and sever relationships between local law enforcement and the CBSA. In doing so, campaigns that target instances and relationships of enforcement constitute non-reformist reforms. These include isolating and divesting support from federal immigration enforcement activities while creating real improvements to migrants’ safety when accessing services and in engagements with police. Campaigns like “Stop the Raids” by NOII-TO, which culminated in 2016 when the Ministry of Transportation severed all ties and cooperation with the CBSA, after a “vehicle safety blitz” that resulted dozens of non-status migrants being detained or deported, do just this. Similarly, NOII-Vancouver (Coast Salish Territories) and Sanctuary Health’s “Transportation Not Deportation” campaign successfully targeted and severed the relationship between the Vancouver Transit Police and the CBSA after Lucia Vega Jimenez died by suicide in immigration detention because she was detained for alleged fare evasion. As discussed in the

⁴³ Centre d’aide aux Victimes d’actes Criminels

previous two chapters, plenty of less public campaigns to create sanctuary from below, which operate “sector by sector, block by block” to expose and challenge enforcement in our communities, also successfully work toward non-reformist reforms. These campaigns all include definitively reformist demands around the policies and practices of state institutions. However, there is also long-term strategic value of such campaigns that focus on exposing and ending the CBSA’s reliance on local institutions to conduct immigration enforcement.

The value of separating reformist and non-reformist reforms is how these concepts encourage social movements to think strategically when contemplating certain reforms while also thinking *beyond* individual reforms and situating them within their broader vision for social transformation. In their work, the radical migrant justice groups discussed in this dissertation clearly pursued both reformist and non-reformist reforms—though the results sometimes are interpreted and diluted by those in power. Even so, this perspective on reforms allows us to see how radical migrant justice groups work to situate short-term goals like creating spaces of sanctuary and pushing strategic reforms in the present within longer term strategies of empowering precarious and non-status migrants, building a broad movement for collective justice, and prefiguring alternative futures beyond the confines of citizenship and borders. By exposing the integration of immigration enforcement into our communities and working to eliminate it, sanctuary and access without fear campaigns pursue must focus future efforts on reforms that open up (even if provisionally) spaces and times and safety for precarious and non-status migrants. By continuing to do this work and expand its scope, these campaigns shift cultural values and institutional practices away from a mentality of enforcement, and build up networks of mutual aid that provide real safety and access to migrants while also exemplifying alternative ways of organizing our communities. Reforms that target enforcement can be “non-reformist” insofar as they erode the state’s power to determine who can and cannot access life-sustaining services, divert or sever enforcement relationships as they exist in our communities, and ultimately begin to transform the ways in which we understand the role of the state in shaping the spaces in which we live, work, and socialize.

Everything worthwhile is done with other people: Building Alliances⁴⁴

Much has been said thus far about building relationships and alliances between migrants, service providers, policymakers, and advocates within sanctuary and access without fear campaigns. An abolitionist approach to sanctuary, however, necessitates the building of alliances across other social movements and areas of struggle in order to advance a truly shared struggle for collective liberation. While recent academic writing on contemporary sanctuary movements has begun making connections between sanctuary and abolitionist theories and movements (Paik 2020; Roy 2020; Jeffries and Ridgley 2020), historically activists have consistently understood the need to build broad coalitions of support and relationships of solidarity across struggles. An abolitionist approach to sanctuary recognizes how multiple forms of violence may overlap and operate in complex and insidious ways but nevertheless works to find bases of solidarity and common ground within them to build diverse, intersectional movements committed to the notion that “none of us are free until all of us are free.” It is a fundamental recognition that to achieve a truly liberated society, our struggles must be bound together. As Paik notes, this notion is as true now as it has ever been:

The targeting of migrants has spread to people who help migrants, foretelling what’s coming for more and more of us. This means that sanctuary is not an act of charity for others, but the establishment of a reciprocal relationship with each other, with the original inhabitants of this place, and the land on which we all live, in pursuit of our collective future. (2020, 141).

We must therefore look toward crucial points of solidarity that can, and must be formed through struggles for sanctuary. Below, I provide a non-exhaustive list of examples of where and when sanctuary operates to create change within the intersection of multiple systemic issues and how it can deepen its connection to movements against (1) prisons and policing, (2) hetero-patriarchy, and (3) settler colonialism.

Sanctuary Against Incarceration, Policing, and Enforcement

⁴⁴ Notable abolitionist Mariame Kaba remarked in an interview that her father told her “You are interconnected to everyone, because the world doesn’t work without everyone. You may think that you’re alone, but you’re never actually alone. This was really important because at a very young age that made me understand the importance of collectivity, and that we can’t do anything alone that’s worth it. Everything worthwhile is done with other people.” (2021, 178)

As a tactic that protects precarious and non-status migrants from exposure to immigration enforcement and detention, sanctuary is intimately tied to struggles against incarceration and the Prison Industrial Complex. An expansion of the distinct concept of “military industrial complex,” the PIC is a concept that emerged from incarcerated people and anti-prison advocates but was popularized in the 1990s to describe the massive assemblage of political, economic, and social institutions and logics that circulate around incarceration as a solution many of society’s problems. It has since been massively taken up and developed by scholars and activists working within Black, feminist, and abolitionist fields as a framework through which to understand just how truly expansive the social-political economies of incarceration have become and therefore how to begin to divest from and dismantle them. Ruth Wilson Gilmore notes that the Prison Industrial Complex has become an “entire way of life” and stretches beyond carceral institutions to include: surveillance, policing, immigration enforcement, education, and the countless public and private businesses that transact with jails, prisons, and detention centres.

The Prison Industrial Complex is therefore intimately entwined with the process of surveillance, racialization, and criminalization faced by precarious and non-status migrants. Given that the nation-state’s “solution” to the “problem” of non-citizenship is stricter enforcement, increased immigration detention, and faster deportations, the struggle for sanctuary and migrant justice is therefore intimately connected with anti-racist and abolitionist struggles against the Prison Industrial Complex. For example, Movement for Black Lives exposed that Black immigrants were more likely to be detained and deported and less likely to receive deportation relief, pointing to the importance of an abolitionist approach to sanctuary that explicitly challenges racialization and criminalization (Paik 2020 124). In a similar vein, groups like the Black Youth Project 100, Mijente, and Black Alliance for Justice Immigration have been pushing the contemporary sanctuary city discourse in abolitionist directions. A report by the National Black Women’s Justice Institute has showed growing support for cities to “go beyond existing frameworks to call for sanctuary for all communities experiencing aggressive criminalization, policing, and incarceration, including and especially Black communities, both immigrant and US born” (Ritchie and Morris 2017, i). The report goes on to detail national campaigns for “expanded sanctuary” and “freedom cities,” which encompass calls to defund and abolish the police and immigration enforcement while also pushing us to “envision and build the communities we want through reinvestment of resource away from surveillance, punishment, and exclusion and toward

addressing communities' needs." These campaigns operate on the fundamental recognition that, just as migrants are entitled to sanctuary, "non-immigrant Black communities are entitled to protections from police profiling, discriminatory and abusive policing, and as well collaboration between police and other public institutions such as schools and hospitals that contribute to criminalization and mass incarceration" (Ritchie and Morris 2017, ii). It is clear that demands for "expanded sanctuaries" and "freedom cities" emerge from the similar patterns of criminalization, racialization, and state violence experienced by non-immigrant Black communities and racialized migrant communities and are therefore rooted in building solidarity and mutual aid across race, gender, status, sexuality, and class.

Similar work to expand sanctuary and build solidarity across migrant justice and abolitionist struggles has also been a regular part of campaigns in Canada as well. For example, migrant justice groups like NOII-TO and anti-racist organizations like the Urban Alliance on Race Relations, Black Lives Matter-Toronto, the Network for the Elimination of Police Violence, and Education Not Incarceration have consistently been part of joint efforts to expose the violence caused by TPS. Specifically, they target the TPS' collaboration with CBSA by performing "status checks" on individuals, cooperating on joint operations, and placing police officers in schools. Research conducted on behalf of NOII-TO found that police officers in Toronto were conducting approximately 100 "status checks" every week in 2014-2015 (Moffette and Gardner 2015). Status checks were argued to be intimately connected to well-documented patterns of anti-Black racism and racial profiling within the Toronto Police Service (TPS). Given that (1) there is obviously no identifiable way to ascertain an individual's immigration status based on appearance, and (2) a "status check" was defined by the CBSA as "a suspicion a subject may not have legal status in Canada," there was significant evidence that racialized migrants faced increased discrimination at the hand of the police *both* as people of colour and, if they were not citizens, as precarious or non-status migrants (Moffette and Gardner 2015). The campaign to end status checks in Toronto, a "sanctuary city," brought together various migrant justice, anti-racist, and abolitionist groups to call out the TPS and demand an end to racial profiling and status checks. One of the key framings of the campaign was that this pattern of racialized enforcement was occurring despite a municipal sanctuary city commitment, and was therefore undermining the very foundations of the policy (Da Silva 2016). These ongoing efforts are engaging Toronto's municipal government to expand its

sanctuary protections to include Toronto Police practices and publicizing the TPS's continued collaboration with the CBSA.

Another example is the intersection of issues related to policing, schools, and precarious status youth. Gita Rao Madan's ground-breaking research on the insidious nature of the School Resource Officer (SRO) program in Toronto public high schools skillfully shows how the targeted deployment of SROs in schools adversely affects Black and racialized youth by increasing their exposure to the criminal justice system and therefore the school-to-prison pipeline (Madan 2016). Importantly, Madan notes that SROs were included as

a member of a police Tactical Intelligence Strategy team that meets weekly to share information specifically about youth. Other members of this team include front-line enforcement, intelligence, TAVIS street policing teams, and Canada Border Services Agency (CBSA) or immigration officials.... [T]hrough the SRO program, CBSA is effectively able to access personal information about students and their families that could lead to apprehension, detention, and deportation. (Madan 2016, 66-67)

Here we see how SROs are both uniquely positioned to extract personal information from young people, and integrated into a broader system of criminalization and immigration enforcement, which poses a risk for students (or their families) that have precarious, uncertain, or no immigration status. A campaign to abolish the SRO program was launched in 2017 by Education Not Incarceration, similarly bringing together a broad coalition of anti-policing, anti-racist, and migrant justice organizations alongside teachers' unions and students themselves. One of the arguments made in favour of abolishing the SRO program was that it undermined Toronto's commitment to being a sanctuary city and contravened the TDSB's own policy of barring the collection and sharing of students' immigration status with immigration authorities (TSDB 2007). In 2018 the SRO program was suspended across the TDSB, marking a major victory in challenging the expansive policing apparatus in Toronto, and making schools safer for Black, racialized, and precarious status youth.

As campaigns for expanded sanctuary seek to expose and eliminate sites of criminalization and policing, they are therefore also intimately connected to struggles against incarceration and immigration detention. As discussed in Chapter 3, NOII-TO activists took up access without fear campaigns in direct response to working with incarcerated migrants, who revealed that many of

them were detained after their lack of status was discovered in the course of accessing services or interactions with the police. NOII groups across the country as well as SAB have consistently opposed all forms of immigration detention, connecting with detainees to offer legal support as well as to help coordinate and amplify detainee actions happening within detention centres and prisons. Abolition sanctuary is therefore a concept that can connect various campaigns working to limit the collection and sharing of immigration information, reducing interaction with the police, and working in solidarity with detained migrants.

Queer Intersections Within and Beyond Inclusion

In the excellent queer abolitionist text, *Captive Genders*, Lamble begins their contribution on why abolitionists should use a queer/trans analysis from the position that there is an “ongoing need to make stronger connections between struggles for gender and sexual justice, the growing incarceration, over-policing, and cultures of control” (2011, 235). Lamble makes the argument that abolitionist work ought to be approached from a queer/trans perspective, noting that “queer, trans, and gender non-conforming people, particularly those from low-income communities and communities of color, are directly targeted by criminalization, punishment, and imprisonment” (2011, 240). Pushing back against the myth that prisons and police keep marginalized communities safe, Lamble argues the work of abolition must expose the PIC in all its insidious, invisibilized functions and de-normalize policing and incarceration as solutions to social issues. Therefore, Lamble clarifies that

When using the term “queer/trans politics,” I’m referring less to “queer” and ‘trans” as umbrella identity terms and more to a political approach that questions, disrupts, and transforms dominant ideas about what is normal. Questioning the normalcy of the prison, a queer/trans politics not only helps identify the role of imprisonment in perpetuating gender, racial, and sexual violence, but also provides tools for developing alternative community responses that better address problems of harm. (2011, 237)

Here Lamble highlights how a queer/trans politics critiques the normalization of structures like hetero-patriarchy and institutions like prisons, but also how it opens up space to for the affirmation of alternatives that may challenge what is considered normal—or question the value of norms altogether. In this way, a queer/trans politic is similar to abolition in its commitment to building

toward alternative futures while struggling against violence in the present. In her piece titled “Queer Liberation is an Abolitionist Affair,” Verghese (2020) echoes this sentiment:

Queerness, like abolition, is a project of imagination: of moving beyond the constraints of our society to seek out alternative forms of kinship, life, and futurity. In fact, queerness is already a form of abolition—abolition of the colonial gender binary, of patriarchal gender norms, of the heteronormative reproductive imperative.

How, then, can sanctuary work account for the ways in which hetero-patriarchy operates in society generally, and in migrant justice work specifically? How can sanctuary “queer” immigration enforcement; that is, question and disrupt the normalization of enforcement and develop new forms of solidarity and mutual aid to displace/replace it?

The Shelter|Sanctuary|Status (SSS) campaign in Toronto operated at the nexus of migrant and gender justice. It explicitly challenged the discourse that the state provides safety for women, trans, and gender non-conforming people, arguing that “deportation is violence against women” and therefore the state was a perpetrator of violence (Abji 2016, 496). This framing resonates with both no borders and abolitionist politics. By positioning the nation-state and its borders as the perpetrator of violence (as opposed to the protector) toward migrants, the SSS campaign revealed the contradictory and harmful presence of border enforcement within and nearby anti-VAW shelters for women, trans, and gender non-conforming people. While ideologically committed to a future without borders, the SSS campaign also worked to develop “realistic” shifts to shelters’ policies and workers’ practices that would “resist the repressive arm of the state,” “mobilize women to defend each other,” and ultimately “re-establish a feminist vision of the future” (Shelter|Sanctuary|Status 2009, 1). By tying the work of dismantling the border as it operates in these spaces and cultivating an ethic of radical sanctuary and solidarity in its place, the SSS campaign also enacted an abolitionist politics, particularly in its commitment to finding ways to build new collective relations and institutional practices within the confines of neoliberal government and service provision. In this way, the SSS campaign worked toward invoking safety for women, trans, and gender non-conforming people in ways that were “in this world, but not of it” (Dixon 2013). Therefore, by working at the grassroots to disrupt enforcement and creating spaces of sanctuary for a particularly vulnerable group within the broad population of precarious and non-status migrants, the SSS campaign effectively combined abolition, migrant justice, and elements of transformative justice in its work.

NOII groups as well as SAB have also launched campaigns that expose the violence of hetero-normativity as it operates through the Canadian immigration system. From border security agents questioning queer relationships in sponsorship applications to the erasure of trans, queer, and gender non-conforming people in the immigration and refugee application processes in Canada (Hodge et al. 2019), LGBTQ+ migrants face a unique set of barriers and challenges as they navigate the process of seeking citizenship. In 2011 Alvaro Orozco, an undocumented artist living in Toronto, was “randomly” stopped by the TPS near a subway station and was asked about his immigration status. Upon discovering he was the subject of a removal order since 2007, the TPS worked with the CBSA to detain him at the Toronto Immigration Holding Centre to await his deportation. In response, NOII-TO connected with Orozco and coordinated the Let Alvaro Stay, Status for All campaign, which brought together queer, artist, and migrant communities in Toronto. It was revealed that during the hearing for his refugee claim, an Immigration and Refugee Board judge claimed

It is not that I don’t believe you are gay because you are. It is not that I don’t believe that gay people are persecuted in Nicaragua, because they are. It’s just that when I look at you, you don’t look gay enough, and so I think no one will catch you.

Orozco’s experience echoes emerging research on the effects of new biometric border technologies, outdated legislative frameworks, and LGBTQ+ migrants applying for refuge or to immigrate to Canada (Hodge et al. 2019). They note:

Effectively, the Canadian refugee system’s current practice erases transgender and gender-nonconforming claimants’ identities by relying on outdated and incorrect assessments of what their identities ‘ought’ to look like under Canadian law.... the resultant legislative landscape remains fractured and unfair to claimants whose identities—and therefore the foundations for their claims of persecution—remain ill-defined by the very systems on which their petitions for asylum rest (2019, 3).

Within this flawed framework, the Let Alvaro Stay campaign strategically framed Orozco as a self-reliant, productive, deserving migrant that contributes to the vibrant queer and artists scenes in Toronto and is therefore worthy of the Canadian state’s protection. Contrary to the SSS campaign, public testimonials and materials developed by the Let Alvaro Stay campaign intentionally played into the mythology that the Canadian nation-state is a “space of sanctuary and

protection, a place in which the rights and freedoms of vulnerable persons are not only respected but also embraced with the unconditional love of a (good) parent for her child” (White 2014, 984).

The careful construction of Orozco as an exemplary migrant deserving of status was ultimately successful: he was granted permanent residence the day before his scheduled deportation. However, the strategies used by the campaign to achieve victory relied on some problematic discursive framings. Orozco’s productivity and contributions as an artist were emphasized alongside the (queer) familial ties he had formed over his years living in Toronto undocumented. In a flash-mob style action organized by LGBTQ+ organizations in the heart of Toronto’s queer neighbourhood, advocates danced to the song “We Are Family” to demonstrate Orozco’s importance to the queer community. Despite the fact that the Let Alvaro Stay campaign clearly challenged Canada’s citizenship regime that discriminated against Orozco based on his queer identity, the campaign ultimately relied upon the un/deserving migrant binary discussed earlier. These decisions are often the most difficult, as activists often consider if a campaign’s success may depend on occasional less-than-perfect framings. While certainly not always the case, there is sometimes a process of deciding whether recycling sympathetic tropes about migrants as hard workers with families etc. may be enough to actually prevent a deportation or regularize someone’s status.

Thus, campaigns can often be faced with what Cook (2010) describes as “the advocate’s dilemma”: conflicting desires to render an individual’s or group’s claims in ways that are “legible” to the nation state, while trying to challenge the legitimacy of the nation state and its categories altogether. This is a common dilemma faced by trans peoples who must repeat essentializing narratives about “being trapped in the wrong body” to access medical care and employment, or the pressure to “achieve” gender norms through medical intervention (White 2014). As White notes, “In working to expand the sphere of inclusion, queer anti-deportation activists do not only unwittingly reproduce methodological nationalisms, they do so strategically in order to make their claims hearable by the state” (2014, 992). The strategic use of tactics that render the pain and exclusion of individuals or groups legible while also challenging the system of legibility itself is what Butler calls a “performative contradiction,” which “must be relied on, exposed, and worked on to move toward something new” (Butler and Spivak 2007). This dilemma extends to struggles for status and migrant justice as well, as radical organizers seek to balance the need to stop

deportations, ensure access to life-sustaining services, regularize migrants' status with their underlying rejection of borders, citizenship, and the nation-state.

In an attempt to connect Orozco's individual struggle to the struggle of all migrants denied access to citizenship, the Let Alvaro Stay campaign did consistently foreground the demand for "status for all." While it is a progressive demand that specifically transcends the deserving/undeserving binary that envisions status for all migrants, "status for all" remains fundamentally tied to the nation-state and, perhaps ironically, citizenship itself. As scholars have convincingly argued, citizenship is inherently exclusionary insofar as it is a tool for separating people inside/outside a political community and is therefore the demand to extend citizenship to everyone is "designed to fail" (Tyler 2010). However, while the demand for "status for all" does raise some interesting theoretical considerations in relation to citizenship, in practice it puts forward a contradictory demand that both legitimizes the citizenship but also potentially empties it of its value as a tool for excluding or differentiating people based on immigration status. In the same way that extending sanctuary represents a community-based decision about a migrant's belonging and value against the opinion of the state, the demand for status for all demands a conceptualization of membership and belonging that goes beyond that of national citizenship. Demands for status for all, unconditional access, or abolition sanctuary are practices that resonate with a "queer/trans" politics (Lamble 2011) insofar as they disrupt and dismantle the status quo and open up the possibilities for abolitionist futures.

No Ban on Stolen Land: migrant-Indigenous solidarity

Historically, sanctuary represented a fundamental challenge to state sovereignty by claiming to serve a higher purpose—that of God. Though it has increasingly become a political practice of resistance rooted in the material realities of imminent deportation and access to life-sustaining services, when sanctuary is utilized to *challenge* the legitimacy and practices of the state (rather than be *adopted* by the state) it retains its potential to be an abolitionist practice of radical welcome and solidarity. An abolitionist approach to sanctuary not only seeks to reinvigorate this articulation of sanctuary but pushes the practice beyond a defensive tactic *against* the state and further emphasizes the positive, alternative-building features that gesture *beyond* the limits of the present. For example, while stopping someone's deportation or securing unconditional access to services

protects precarious and non-status migrants from immigration enforcement, they are also tangible moments of solidarity that construct alternative relations and institutions rooted in a commitment to justice. To offer sanctuary, unconditional access, and safety from immigration enforcement is therefore to also challenge state defined categories of i/legality and belonging from below. Such deeds actively democratize the sovereign decision of who is allowed to be here and who does not. By transcending the limits of national citizenship, Paik notes, sanctuary “enacts a notion of membership that is not beholden to sovereign power and the notion that the state is the only authority that matters” (2020, 133). As Chapter 2 examines, this point has been thoroughly explored by scholars in the form of urban or local citizenship. However, as a practice that contests sovereign authority and demonstrates new ways of relating to each other in ways that are not mediated by the state, sanctuary also opens up a space to build connections between migrant justice and anti-colonial Indigenous movements.

There is historical precedent for such connections. Indigenous nations in Canada and the US have extended sanctuary and solidarity to precarious status migrants and refugees in need throughout history. In the early 1980s, multiple Mohawk nations near the Canada-US border declared their reserves and traditional lands sanctuaries for displaced migrants from Central America (Golden and McConnell 1985, 60). The transnational journal publication called *Akwesasne Notes*, published by the Akwesasne Nation whose lands are on both sides of the Canada-US border, regularly published interviews with displaced migrants, anti-imperial and anti-colonial analyses of the political context in Central America, and essays on the need to connect the struggles of Indigenous peoples across North, Central, and South America. Around the same time, the Seminole Nation in Florida offered sanctuary to hundreds of displaced Indigenous migrants from Guatemala in an effort to protect them from deportation. There were raids conducted by the Immigration and Naturalization Service to apprehend the Guatemalans, nine of whom who were arrested (Golden and McConnell 1985, 61). In response, Indigenous lawyers, publications, and supporters rallied to support the migrants’ release and aided with their political asylum applications.

There are important histories of Indigenous nations offering sanctuary to enslaved Blacks who had escaped in the US (Golden and McConnell 1985, 61), Black and Indigenous solidarity in Mik’maq territory (Madden 2009), migrant-Indigenous solidarity between Chinese railroad workers and the Musqueam in British Columbia, and oral histories of Indigenous peoples bringing

food and water to the 376 Indian migrants stranded on the Komogata Maru (Kazimi 2019). Such acts of solidarity are enacted in ways that directly contradict the sovereign state's claim to be the sole arbiter of who is 'out of place', so to speak. These kinds of relationships reach further back to before the existence of settler colonial states on these lands today, and extend into the present, where they continue to proliferate. For instance, Indigenous elders publicly welcomed the 492 Tamil refugees aboard the MV Sun Sea in 2010, which was part of a broader day of action in support of the stranded refugees. Also, as part of the national day of action, Pierre Beaulieu-Blais, who is an Anishinaabe member of NOII-Ottawa, declared "From one community of resistance to another, we welcome you. As people who have also lost our land and been displaced because of colonialism and racism, we say Open All the Borders! Status for All!" (Walia 2013, 136). There are further examples, such as when Tyendinaga activists welcomed members of the Action Committee for Non-Status Algerians on the steps of the Citizenship and Immigration office in Montréal, or the mutual support between Black Lives Matter-Toronto's "Tent City" occupying the entrance to the TPS station and Idle No More's occupation of the Department of Indigenous and Northern Affairs office. These show that alliances between Indigenous, Black, and racialized peoples are still a potent force for resisting the state and challenging its legitimacy. Most recently, the impressive wave of popular opposition to President Trump's racist "travel bans" called attention to the colonial roots of the US by proclaiming that there must be "No Ban on Stolen Land." If an abolition invites us to "grasp things at their root," as Angela Davis notes, then an abolitionist approach to sanctuary must therefore grapple with settler colonial⁴⁵ roots of current

⁴⁵ There has been a considerable effort made to distinguish *settler* colonialism as an analytically distinct form of imperial and colonial expansion, therefore warranting a distinct field for its study. What is at stake in doing so is the recognition that the ongoing process of colonization in settler societies implicates—albeit differently—all those living on stolen and settled Indigenous lands. As such, rather than other modes of colonization that prioritize resource extraction and/or geopolitical control of lands external to the boundaries of the metropole, settler colonial societies are designed to permanently settle a territory. Historically, settler colonial societies emerge through the dispossession and elimination of Indigenous populations, the enslavement and trafficking of Black people from the continent of Africa, and the subjection of immigrant-Others to xenophobic racial hierarchies (Garba and Sorentino 2020; Tuck and Yang 2012; Byrd 2011). Therefore, Thobani (2007, 16) argues that "the immigrant is a much more complex and ambiguous figure in settler societies," because while they are "propelled into the circuit of migration by structural conditions within the global economy... migrants have been party to the ongoing colonization of Aboriginal peoples." This point does not collapse all non-Indigenous people into a uniform position of "settler," however (Snelgrove et al. 2015). Lawrence and Dua (2006, 134) recognize that "broad differences exist between those brought as slaves, currently work as migrant labourers, are refugees without legal documentation, or émigrés who have obtained citizenship." They continue, however, noting that "people of colour live on land that is appropriated and contested, where Aboriginal

immigration and borders regimes and navigate the unique tensions of struggling for migrant justice on stolen lands.

Borders have always been a tool of colonialism. Across North America, borders are used as an instrument to divide and control Indigenous and migrant communities: whether it be through relegating migrants to various forms of non-citizenship or imposing nation states upon Indigenous territories and demarcating isolated reserves to spatially contain Indigenous claims to sovereignty and self-determination. In settler colonial societies like Canada today, there is the unique responsibility to attend to the (literal) ground upon which movements for social justice struggle. In their call to “decolonize anti-racism,” Lawrence and Dua (2005) agree that colonial borders are “fictions” that restrict and control the lives of Indigenous peoples and peoples of colour, but note

to speak of opening borders without addressing Indigenous land loss and ongoing struggles to reclaim territories is to divide communities that are already marginalized from one another.

The question that must be asked is how opening borders would affect Indigenous struggles aimed at reclaiming land and nationhood. (136)

Therefore, struggles for inclusion within the nation state (citizenship, human rights) and struggles against the nation state (mutual aid, non-cooperation, no borders) must consider how they might bolster, or hinder, ongoing Indigenous struggles for land and sovereignty. Their argument is that racialized people, despite being “marginalized by a white settler nationalist project, as *citizens* are nonetheless invited to take part in ongoing colonialism” (133; emphasis added). There is an important conversation, then, to be had about the political position of migrants with precarious or no status as “citizens” within a settler state. This poses a key question for radical migrant justice organizers: how do we organize around issues of temporary migrant work, access to state services, and precarious and non-citizenship in ways that remain critical of the settler national state and its ongoing abrogation of Indigenous claims to land and self-determination (Lawrence and Dua 2005; Amadahy and Lawrence 2009)? How do we respond to structures and histories of dispossession is

peoples are denied nationhood and access to their own lands,” and therefore people of colour “participate in, or are complicit in, the ongoing colonization of Aboriginal peoples.” This dual positionality of being marginalized by the settler state while structurally being complicit in the ongoing project of dispossession and settlement poses a unique challenge, and opportunity, for radical migrant justice movements. There are, however, Black Studies scholars who have offered incisive critiques and correctives to the position of anti-Blackness, enslavement, and abolition in accounts of settler colonialism and decolonization (Garba and Sorentino 2020; King 2019; Kelley 2017; Sexton 2014).

ways that do not assert an alternate mode of possession—but radically transform our relationships with each other, non-human beings, and the land (Nichols 2020; Simpson 2017; Morten-Robinson 2015)?

This question has been taken up by radical migrant justice organizers in Canada, who explore the various contradictions and opportunities to integrate anti-colonial analysis and action into migrant justice work. In his comprehensive analysis of how anti-authoritarian organizers across North America have navigated this question, Fortier quotes former NOII-TO member Syed Hussan as he reflects on the tensions encountered in migrant justice work:

Sometimes the only way to stop a deportation... requires pitching the person as, in some ways, a good citizen, a valuable contributing member of society. Which is fine. You can be a valuable, contributing member of society, but what we are actually saying is “*we want this person to have membership in the state.*” This might be the only way to keep this family together, but our actions might go against the notion that we should be organizing against colonization. So that’s a conflict and contradiction that comes up all the time. (in Fortier 2017, 71; original emphasis)

In response to this, NOII groups as well as SAB have committed considerable time and resources to both educate ourselves and the communities we organize alongside on the histories and ongoing processes of colonial violence and dispossession on these lands, as well as toward building deep relationships with Indigenous nations and materially support their struggles for land, sovereignty, and self-determination (Walia 2013; Fortier 2013). Radical migrant justice organizers have built strong alliances with the Indigenous peoples struggling against colonialism across the country, not only in land-based struggles against pipelines, clearcutting, mining, mercury poisoning, and environmental devastation, but also with Indigenous peoples in urban areas waging struggles against the continued violence of Murdered and Missing Indigenous Women and Girls (MMIWG), surveillance and police violence against Indigenous peoples, and efforts to protect and grow cultural traditions and traditional languages (Walia 2013).

Specifically, radical migrant justice organizers have attempted to integrate an anti-colonial politic into their sanctuary work is through solidarity city campaigns. Solidarity city campaigns differ from municipal sanctuary campaigns in a fundamental way: while a sanctuary city is represented by municipal and institutional policy commitment, a solidarity city reimagines the city itself in ways that are profoundly democratic, anti-authoritarian, and based in mutual aid. While

mainstream understandings of a sanctuary city are firmly “reformist reforms,” as discussed above, campaigns to create solidarity cities are interested in non-reformist reforms: a radical transformation of how we live, work, and relate to each other and the places we inhabit.

However, Dene scholar and activist Glen Coulthard warns against campaigns that oppose “the neoliberal city’s further enclosures” by proposing a “decontextualized and ahistorical notion of ‘the commons’” (2014, 176). That is, in the fight for “unconditional access” to public services and entitlements, activists must be careful to not construct alternative institutions or conceptions of community that erase ongoing Indigenous presence and claims to land. Coulthard notes that struggles for increased control over specific areas—to “occupy” or “reclaim” certain spaces, or for “the right to the city”—may actually “inadvertently treat settler colonial cities as *urbs nullius*: urban space void of Indigenous sovereign presence” (2014, 176). This presents a major challenge for sanctuary organizing, as it is a practice of protection and solidarity that relies on (re)claiming a space by people to challenge immanent state violence or exclusion. It is therefore crucial to ensure that sanctuary organizing does not simply assert another unilateral, settler claim to Indigenous land. Strategies of building sanctuary from below do offer some theoretical and literal spaces within which to attend to Coulthard’s warning. The answer is not to abandon attempts to carve out spaces and relationships that challenge the state in service of building alternatives, but to build grounded and informed alliances between migrants and Indigenous peoples. This way, an abolitionist approach to sanctuary can attend to the ways in which it operates within ongoing settler colonial states such as Canada.

When I asked migrant justice activists about what a Solidarity City would look like, many spoke to both the possibility to connect with each other in ways that are not mediated by the settler nation state as well as the opportunity to forge new, decolonial relationships with Indigenous peoples. As Craig Fortier explained to me,

The notion that people ought to have mutual solidarity, mutual aid, and reciprocity for each other, creates a living environment that works for everyone. It says that we want to create a city that is responsive to Indigenous sovereignty, that acknowledges the settler colonial history and current context of the land, and tries to dislocate it.

Under the banner of creating a solidarity city, campaigns that sought to create access without fear and instill the ethics of non-cooperation with immigration enforcement could therefore serve as a

politicizing vehicle for people to imagine and enact radical forms of solidarity. By building the confidence and capacity of people to act collectively in ways that are self-determining—and therefore not directed by the state—Samir Shaheen-Hussain said that a solidarity city goes beyond ensuring access without fear. He shared that

It would be a place where people are free... And certainly without any fear of being detained, coerced, or imprisoned. And so, in that sense, it goes beyond my migrant justice issues. I think a Solidarity City obviously applies to everyone. Ultimately—and this is something that came up when we organized with the Indigenous people’s solidarity movement years ago—we would talk about it in terms of reformulating our relationships, as different kinds of settlers, with Indigenous peoples in the sense of cutting out the state from our relationship. So, a Solidarity City is a city where people’s relationships to each other are not defined by the state.

Building on this point, Fortier writes that solidarity city campaigns may in fact be “an entry point for discussion with Indigenous communities on how to build anti-colonial campaigns in urban contexts” by “seeking to imagine decolonial relations of autonomy that exist outside of the settler state’s regulation of Indigenous and migrant bodies” (Fortier 2017, 74). This focus on “cutting the state” out from our relationships and working to build toward collective freedom and autonomy strongly resonates with the complementary elements of abolition sanctuary detailed above. It does not, however, negate the importance of continued struggles to respect existing treaties between Indigenous nations and the Crown vis-à-vis the Canadian state. In fact, Indigenous scholars have expanded the notion of the treaty as an ethical framework that can inform relationships between human and non-human beings without the presence of the state (for example: Simpson 2017; 2011). Starblanket and Hunt argue that “treaties cannot be implemented as they were intended by Indigenous people within, or without dismantling, the current settler colonial structure” (2020, 108). In a similar way, abolition cannot be realized within the confines of racial capitalism and its gendered and ableist effects. As an ethical framework, then, treaties could be a useful way to guide an abolitionist approach to sanctuary when applied in contexts of ongoing settler colonialism. An attention to treaty might guide sanctuary organizing beyond a sole focus on dismantling the violent borders and citizenship relied upon by nation states, toward also repairing treaty relations—old and new—with Indigenous peoples.

The “decolonial relations of autonomy,” as Fortier puts it, that can be forged through an abolitionist approach sanctuary can be integral to building a migrant justice movement that is

committed to decolonization. As Nate Prier, a past member of NOII-TO, reflected, the relationships built between radical migrant justice organizers and Indigenous peoples produced new bonds of solidarity across for both communities:

[We] had done a lot of work to build substantial solidarity with Indigenous people—and I don't just mean show up to Indigenous rallies, I mean build analysis and build a sense of why it is important. And in specific communities there were really important new political formations that came out of Indigenous people seriously thinking about deportation and the immigration regime in Canada as a tool of capitalist, colonial power in Canada. And there have been some really substantial relationships that have been built from that.

Here Nate notes how building substantial relationships of solidarity across struggles resulted in new conceptions of the different ways in which the settler nation state operated to marginalize migrant and Indigenous communities. When sanctuary opens up spaces for people to cultivate new relationships and political bonds outside of the state, it also facilitates the enactment of new ethical frameworks of immigration and its relationship to the ongoing colonial settlement on Turtle Island.

One such framework that has been engaged with by members of NOII-TO and Six Nations⁴⁶ is the Two Row Wampum or Teioháte Kaswenta (meaning “Two Paths Wampum Belt” in Mohawk).⁴⁷ The Two Row Wampum is one of the oldest known treaties between European settlers and Indigenous nations on Turtle Island, made as early as 1613 between early Dutch settlers and the Haudenosaunee near what is now Albany, New York (Hill and Coleman 2019). Wampum belts have historically been integral to Haudenosaunee treaty making. As a physical manifestation of a treaty, the Two Row Wampum depicts two purple paths separated by three white rows of shells. Each purple row denotes two paths or vessels moving along the same river. One row is travelled by canoe, representing the Haudenosaunee peoples and their laws and customs, while the other representing European settlers, and their laws and customs. The two paths travelling the same river are equal in size and parallel: there is no overlap and they do not meet or obstruct each other (Borrows 2010). The three white rows separating the two paths represent peace, friendship, and co-existence. Far more than a simple representation of an agreement, the Two Row Wampum

⁴⁶ Comprised of Cayuga, Mohawk, Oneida, Onondaga, Seneca, and Tuscarora nations.

⁴⁷ This interpretation is derived from teachings and oral histories given to me by Mohawk and Anishinaabe teachers, primarily from Richard Peters (Giibwanisi), as well as through my work with CUPE 3903's First Nations Solidarity Working Group (cf. Gardner and Giibwanisi 2013).

offered an ethical framework to guide present and future relationships between settlers and Indigenous peoples. As a treaty that binds future generations to ways of life defined by these three principles, the Two Row Wampum presents a conceptually rich framework through which settlers can recentre and reimagine our relationship to Indigenous peoples and the lands they have stewarded for generations.

The Canadian state and settler citizens have failed to uphold the commitment of non-interference between the two paths down the river, nor the principles of peace, friendship, and co-existence that ought to govern the relationships between Indigenous and non-Indigenous peoples. However, the Two Row Wampum not only offers a broad framework through which to guide relationships of solidarity, but also a way in which to reconceptualize an ethical approach to immigration on stolen land. Far from a mass exodus of non-Indigenous peoples, decolonization has been conceptualized by Indigenous scholars as a radical re-organization of society in ways that oppose the settler state and dominant institutions uphold the ongoing structure of colonialism, affirm the resurgence of Indigenous self-determination, and base our relations to the land and each other in principles of reparation, justice, and mutual aid. Decolonization also operates at the level of the interpersonal, demanding we work toward right relations with the land, each others, and non-human beings. Treaties like the Two Row Wampum offer historical precedents that might guide our attempts at fostering decolonial relationships and inform a distinctly decolonial *and* abolitionist approach to sanctuary.

The continued importance of the Two Row Wampum today presents an opportunity for everyone on Haudenosaunee territories to begin the process of decolonizing their relationships to Indigenous peoples and the land by upholding the treaties.⁴⁸ For example, NOII-TO and the Solidarity City Network's public materials in the campaign to push Toronto's municipal sanctuary policy beyond symbolism depicted a masked activist flying a flag with the Two Row Wampum over a march. The text read: "Build a Solidarity City that Knows its Past." NOII-TO consistently engaged in Indigenous solidarity work alongside its access without fear campaigns, integrating anti-colonial analysis into their campaigns, workshops, and public materials. Further, Fortier argues that by "questioning the state's monopoly over access, status, and belonging, these campaigns open up the possibility of imagining immigration policy through relationship building

with Indigenous nations” (2017, 75). Part of this work was developing an understanding of the Two Row Wampum as an “ongoing immigration framework,” as noted above. Indeed, as Starblanket and Hunt remind us, “many Indigenous people understand treaties as a means of bringing settlers into existing kinship relations, and to teach them about their responsibilities as newcomers to this land.” They argue that treaties “are not frozen in time,” but were “meant to provide a framework to which future generations could turn” in times of conflict or changing circumstances (2020, 107), such as the current intensification border imperialism (Walia 2013; 2021).

Furthermore, the Two Row Wampum might guide an approach to sanctuary that addresses some of the critiques that have emerged in relation to its tendency to become an act of charity, to embed a relationship of paternalism, and to sometimes contribute to nationalist discourses of settlement and citizenship. By organizing sanctuary along the lines of peace, respect, and co-existence with Indigenous peoples, sanctuary can position itself structurally in opposition to the settler state, as well as an affirmation of our responsibilities as settlers to build new relationships with each other based in a shared commitment to our collective liberation from colonial, racial, and gendered violence.

Abolition sanctuary resonates with some key aspects of solidarity city and sanctuary from below that collectively open up opportunities for new political formations to emerge within, against, and beyond the settler nation state. In other words, an abolitionist approach to sanctuary must necessarily be a decolonial approach to sanctuary, and it is strategies of building sanctuary from below that offer some important examples of what this looks like in practice. Consider this passage from Fariah Choudhury, a past member of NOII-TO, who reminds us that radical approaches to sanctuary both reject the settler colonial state and affirm new ways of building community:

On the question of municipal politics, no, we don’t think it has a role to play in winning these changes. In fact, that’s the very notion we are trying to fight against... If we expect that politicians and governments can change and pass desirable policies when we push them to, we not only reinforce the idea of a benevolent nation-state as a supreme entity in control, but we also disempower ordinary people, who should be the true decision- making body... In a Sanctuary/Solidarity City, ideas don’t have to get passed at the “top” in order for them to manifest themselves in our day-to-day lives. [It] is about building ways of living that

allow us to horizontally make decisions with collective communities, on the ground, every day, with or without the approval of a colonial state that we believe is an illegitimate occupying force.

A solidarity city therefore requires both a dismantling of “the city” as we know it: as a profoundly individualizing, colonial, and racialized space of capitalist exploitation. Instead, it is produced through the process of collective interdependence, forging relationships with the Indigenous people’s whose land our cities occupy, and working toward freedom for all residents, regardless of immigration status or any other differentiating category (Walia 2014).

Solidarity city is the product of struggle and does not—and must not—wait for permission from any level of government to do so. To this effect, OSCN member Karen Cocq told me that the work to build a solidarity city must occur “irrespective of government policies, municipal policies, or policies of service providers,” and “build an investment in creating the kinds of communities that we want to live in.” This commitment echoes Paik’s (2020) argument that, insofar as sanctuary work operates *within* the logic of the state, it loses its transformative potential. Therefore, both abolition sanctuary and “solidarity city” are approaches to migrant justice that attempt to reinvigorate the potential of sanctuary to be a potent and revolutionary tactic for social transformation. These approaches must therefore attend to the added complexity of fighting for justice upon stolen land in societies built upon enslavement and stolen life, which embeds new commitments and invites new relationships that orient our work in ways that also break from the ongoing structures of violence parasitically persisting on Turtle Island.

This work is expressly abolitionist because it does not merely struggle for more Indigenous inclusion into a colonial system of rule, nor does it seek as its ultimate goal migrant inclusion into the settler nation state. Instead, abolition sanctuary seeks to protect and advance the struggles of precarious and non-status migrants in ways that do not inherently legitimize the state and instead question its capitalist, imperial, and colonial roots. At radical migrant justice demonstrations across the country, the chant “No One Is Illegal! Canada is Illegal!” can be heard as migrant justice activists, with and without status, humbly engage in the work of connecting our work with other struggles for liberation on stolen land. Migrant justice can, and must, resonate with Indigenous movements for land, culture, and self-determination; with Black liberation movements for abolition; with working class movements against capitalism; with queer and feminist movements against hetero-patriarchy; and more. There are a multiplicity of histories of violence and resistance

on Turtle Island, and abolitionist and decolonial approaches to sanctuary offer some tools for activists to attend to these multiple histories in the struggle for migrant justice.

Building a “City That Fights”

An abolitionist approach to sanctuary pushes activists to not be placated by more accessible services and to imagine a future without borders, citizenship, and a colonial nation state. As noted above, the “radical imagination” inherent within abolition sanctuary also challenges activists to connect utopian visions of the future to the form and content of our work in the present. At its core, NOII-TO member Mac Scott told me that building a “solidarity city” means building “a city that fights.” He mentioned that the work of creating real sanctuary was a dual process of “fostering the idea that CBSA isn’t welcome in our city” while also “building communities throughout the city that say ‘anyone can come into our community; we will find you services, we will keep you safe.’” In a similar vein, Farrah Miranda noted the relationship between resisting border enforcement and fostering relationships of solidarity across struggles:

in which ordinary people in the places that we live and work come to see how the border is enacted in those places, how it's implemented to draw these lines that divide people from each other and to interrupt and undo those divisions in those places. A place where airport workers don't cooperate [with CBSA], because they see their struggles for decent work and the conditions they want in their lives as being intrinsically bound with the people who they're loading onto flights to be deported. I think that's the most crucial and the most difficult work of solidarity city: it's not about implementing city policies; it's about creating that relationship of solidarity. I mean, policies can be part of the work, but a huge part of it is political education and creating a sense of solidarity across working class communities.

Here both Mac and Farrah affirm the complementary aspects of abolition sanctuary discussed at the beginning of this chapter. They show how sanctuary’s radical welcome and impulse to defend migrants against imminent border enforcement must be linked to an abolitionist approach to organizing that prioritizes structural transformation, prefiguring alternatives, and building relationships of solidarity that form the basis of collective action.

Sanctuary remains a crucial tool for migrant justice movements. As a tactic that ranges from community defense against an individual’s imminent deportation to cultivating a collective

ethos of non-cooperation with immigration enforcement and mutual aid, sanctuary is an effective piece in the broader struggle for migrant justice, abolition, and decolonization. While this might seem radically different than the mainstream demonstrations of sanctuary cities across North America today, that is precisely the point. An abolitionist approach to sanctuary is skeptical of, and ultimately seeks to transcend, symbolic sanctuary declarations made by mayors and police chiefs. Drawing from the rich lineage of abolitionist organizing and emphasizing the best aspects of historical and contemporary sanctuary organizing, abolition sanctuary provides a welcome framework through which to pursue migrant justice and collective liberation. The challenges of un/conditionality and navigating reformist and non-reformist reforms within sanctuary work are being worked out by activists on the ground. Further, explicitly forging alliances across various different axes of struggles—including anti-PIC, queer/trans, and anti-colonial organizing—has resulted in activists building more responsible and intersectional movements toward shared liberation. By continuing to reflect on past practices, experimenting with new tactics, and finding ways to retain sanctuary’s radical potential, activists continue to develop and hone the framework of abolition sanctuary. In their reported entitled “Expanding Sanctuary,” Mijente declared “the only community of sanctuary is an organized one” (Unzueta 2017). Abolition sanctuary provides a practical framework through which to organize our communities in ways that avoid the pitfalls of dead-end reforms and state co-optation and move toward abolitionist futures.

Chapter 8

Conclusion

At a time when “sanctuary city” policies have become the focus of much public and scholarly debate, in this dissertation I have offered the first comprehensive account of activist interpretations and invocations of sanctuary in major cities across Canada. I conducted this research both as a political scientist and a migrant justice activist who has been directly or indirectly involved in many of the campaigns discussed in the previous chapters. My research questions, objectives, and outcomes centred the perspectives activists with extensive experience working within migrant justice organizations and campaigns, specifically focusing on issues related to access without fear. In doing so, my analysis of the politics and practices of sanctuary in Toronto, Vancouver, Montréal, and Ottawa provided a theoretically and empirically rich contribution to understanding potentials and limits of different approaches to building sanctuary cities. Most importantly, I hope this dissertation will promote and participate in future campaigns to produce tangible and durable improvements for the lives of precarious and non-status migrants, and a strong migrant justice movement to stop deportations, end immigration detention, and win status for all—therefore eliminating the need for sanctuary altogether.

I approached this dissertation as an activist scholar with direct experience working within many of the campaigns I discussed. My experience informed the initial framing of my research project and the resulting analysis that I produced. I drew on 19 interviews with migrant justice activists, municipal government and public service policies and reports, news media, community audits, published studies, and social movement archives to generate a comprehensive account of the variegated and complex processes and networks of sanctuary that operate beneath the veneer of formal sanctuary city discourse. After providing a social movement history of sanctuary campaigns in each city, I used multi-cycle coding (Saldaña, 2013) and reflexive thematic analysis (Braun and Clarke, 2019) to build a grounded theory (Bryant, 2015) of sanctuary organizing in Canada. Specifically, I presented a detailed study of two broad approaches that migrant justice activists have used in their work: sanctuary “from above” and “from below” before, following Paik (2020), elaborating on an abolitionist approach to sanctuary. As activists reflected on their past and present organizing strategies, they had much to say about the potentials and limits of these

approaches, which ended up forming the structure of the dissertation itself. With the goal of producing “movement-relevant” theory, my research and analysis has explored these approaches to sanctuary with a view to both attaining tangible improvements to access and service provision for precarious and non-status migrants, as well as building stronger support networks and social movements committed to migrant justice and collective liberation.

Below, I summarize the key findings and contributions contained within each chapter. I then consider the implications of these findings across three audiences interested in thinking and enacting sanctuary: scholars, policymakers, and migrant justice activists. Finally, I conclude this dissertation with a discussion of the limits of this research project, and what they reveal about future directions for research.

Key Findings and Contributions

Chapter 2, *Out of the Churches and Into the Streets*, presented a review of the scholarly literature on sanctuary’s use within social movements in North America. I found that sanctuary’s historical trajectory had largely been studied from a overwhelmingly American perspective. As such, this chapter contributed to scholarship on sanctuary by tracing the interconnected, yet unique, character of sanctuary in Canada. Additionally, contemporary scholarship on sanctuary in the US and Canada has largely focused on analyzing formal, institutional politics of sanctuary—local policies, government practices, legal consequences—and the theoretical implications of sanctuary city policies on frameworks of (neo)liberal inclusion, local government, and urban citizenship. The primary focus of this dissertation, however, was to highlight and analyze the role of activists, migrant justice organizations, and migrant communities in the process of building sanctuary and solidarity in their respective cities. Therefore, the second contribution of this chapter is to spotlight and advance the crucial, yet consistently under-acknowledged, sanctuary organizing that operates within, against, and beyond the confines of the nation state. The theoretical frameworks developed by Houston (2019) and Villazor and Gulasekaram (2020), I argue, co-construct an emergent research approach that facilitates this much-needed addition to contemporary sanctuary scholarship. In essence, I argue in this chapter that sanctuary must be grasped not at as simply a spatially or temporally defined space, a municipal policy, or a static label to be applied to a specific legal jurisdiction. Villazor and Gulasekaram (2020) suggest that scholarship on sanctuary has

produced a “myopic” perspective, and argue that we must strive to capture the rich and complex “sanctuary networks” of diverse webs of public and private actors that produce sanctuary in a variety of locally contingent ways. Accordingly, Houston (2019) argues that sanctuary must therefore be understood as a dynamic “process” within each city it is studied in, inviting scholars to investigate the multiple spaces and times of interpretation, invocation, and contradiction that emerge within so-called sanctuary cities. These two crucial contributions to the study of sanctuary provide the theoretical structure for the rest of the dissertation, which offered several contributions to our understanding the “process” of sanctuary and “sanctuary networks” across Canada.

In Chapter 3, *Mapping the Process of Sanctuary*, I offered a narrative account of the political contexts and campaigns that preceded, informed, and followed the municipal consideration of sanctuary city policies in Toronto, Vancouver, Montréal, and Ottawa. I presented these historical accounts from a social movement perspective, focusing on the roles of activists, advocates, and migrant communities in the process of building sanctuary in each city. I found that activists in Toronto, Vancouver, and Ottawa had high levels of engagement in the municipal policy process and were crucial in the development, consideration, and adoption of sanctuary city policies in each city. This was in no small part due to contingent political opportunities that were recognized and seized by activists in these three cities. Similar opportunities did not coalesce in Montréal, which at least partially explains the lack of activist engagement in the policy process there alongside a more generalized activist culture of scepticism toward state engagement. While policies were adopted in Toronto, Vancouver, and Montréal, Ottawa City Council resolved not to consider the proposed policy. Importantly, the City of Montréal later became the first city in Canada to formally rescind its sanctuary city status in 2019, citing the misleading nature of the label and opting for a similarly ambiguous designation of a “responsible city.”

This chapter contributed three key points to the scholarship on sanctuary cities in Canada. First, it highlighted the diverse and sustained roles that activists play in the development and implementation of sanctuary city policies—which are often only briefly acknowledged in the literature. This suggests that municipal governments that adopt sanctuary city policies quietly rely on migrant justice activists and non-profit organizations to do a considerable amount of crucial work that is unpaid and goes largely unacknowledged: mobilizing public support, steering policy development, conducting research and audits on city services, facilitate informal and ad hoc trainings to service providers, and media framing—all of which is required to adopt and effectively

implement a municipal policy. The implication here is that without an analysis of how the “process” of sanctuary is produced in large part by “sanctuary networks,” crucial aspects of the “sanctuary city” are obscured.

Second, this chapter challenged the often-assumed contention that sanctuary city policies are explicit and intentional acts of defiance by municipal governments and politicians against unjust federal immigration laws and immigration enforcement. This is clearly not the case when considered from the perspective of activists who are, in reality, the ones committed to sweeping immigration reform and resisting immigration enforcement. In each city, it was shown that politicians and city staff were careful *not* to overstep the limited jurisdiction afforded to municipalities, refused to take action to pressure local police forces respected the policy, and maintained vocal commitments to the federal government’s sovereignty over immigration matters. This chapter contributes a pragmatic analysis of sanctuary cities in Canada and pushes back against idealistic and abstracted theorizations of the political potentials of municipal sanctuary commitments.

Finally, this chapter offered a nuanced perspective on the complex and uneven “process” of sanctuary in major Canadian cities, refusing the binary distinction between sanctuary and non-sanctuary cities that much contemporary scholarship often rests upon. This chapter therefore reveals the rich theoretical and empirical insights that can be gained by understanding sanctuary as a process produced by various public and private actors, rather than a static legal designation by a municipal government.

In Chapter 4, I developed the concept of “sanctuary from above” as the first of three frameworks through which this dissertation analyzed sanctuary organizing in Canada. When reflecting on this approach, activists I interviewed in Toronto, Vancouver, Montréal, and Ottawa produced a series of common potentials, and limitations, within this approach. Activists’ reflections broadly contributed not only to a better understand of the strategic value of this approach, but also offered several insights and correctives to scholarship on sanctuary cities in Canada.

The adoption of a sanctuary or access without fear policy by a municipal government or large public service institution had the effect of gaining a degree of institutional recognition of precarious and non-status migrants’ presence and value as city residents. Landmark commitments

by municipal governments could also be used to both proliferate sanctuary commitments in other municipalities, as well as “scale up” sanctuary commitments to the provincial level. This finding suggests that sanctuary city campaigns are not insularly focused on local policy changes but are consistently pushing to expand sanctuary across multiple localities and scales. The third potential I discerned was that sanctuary from above campaigns were used as tools for mobilizing people toward ends that exceeded a sanctuary city policy. This novel finding reveals that activists see the value of sanctuary from above campaigns as extending beyond the publicly stated goals of municipal policies and commitments. In other words, it shows that state policy was not the sole objective of sanctuary city campaigns, but that these campaigns were also effectively used as tools to educate and mobilize broad sections of the public toward taking further actions in support of precarious and non-status migrants. Formal sanctuary policies also embedded an accountability mechanism into powerful institutions, which could be used to bolster future campaigns. Put another way, once sanctuary policies were passed, activists recognized that they were valuable insofar as they could both legitimize future sanctuary campaigns and serve as a target to demand further actions in support of precarious and non-status migrants. This clearly shows that activists are not naïve about the inherent limits of sanctuary policies, but recognized their utility in more subtle and pragmatic ways.

Activists also remarked on some significant limits of this approach based in their experiences in each city. First, activists noted that they were met with the predictable challenges of trying to change the policies and practices of powerful institutions as outsiders working within them. Activists reflected on the disempowering and restrictive nature of being drawn into internal meetings, public consultations, and bureaucratic processes, and the challenges of making the experiences of invisibilized migrants visible and legible to politicians and policymakers. Second, activists acknowledged the inherent jurisdictional limits of municipal policy, which were most glaringly apparent in relation to collaboration between local police forces and the CBSA. My research also showed that local police forces are uninterested in operating in concert with municipal sanctuary commitments, that there is a lack of political will among city councillors in each city to explore or push these jurisdictional boundaries, and that that municipal governments ultimately exercise little control over policing as well as major areas of social services such as healthcare and education.

A final limit that I found was the tendency of sanctuary policies to be symbolic—and therefore not producing the meaningful and tangible changes they often set out to achieve—produced two negative outcomes for migrant justice movements. First, activists noted that challenging the symbolic nature policy commitments and having to repeatedly demand further implementation demobilized activist and community efforts by directing grassroots organizing into a quagmire of bureaucracy rather than toward organizing migrant communities and growing movement organizations. The second outcome of symbolic sanctuary commitments was that they produced a “false sense of security” for precarious and non-status migrants in self-proclaimed sanctuary cities, who may believe that it is safe to access a range of public services and therefore put themselves at risk of discovery, detention, and deportation. Contrary to the popular assumption that sanctuary city policies are inherently good and valuable goals for social movements, this finding raises a serious concern about the value of pursuing and adopting a sanctuary city policy that is largely symbolic and produces few tangible results.

Chapter 5 turned toward the second, complementary framework developed in my dissertation: “sanctuary from below.” Whereas a sanctuary from above approach pursues sanctuary by mobilizing support for demands on municipal governments and public services, sanctuary from below focuses on a range of activist approaches to building sanctuary “from the ground up” by working directly with service providers and migrant communities to engage in political education, foster practices of community defense, and develop networks of mutual aid.

My research identified four potentials of building sanctuary from below by working directly with service providers to transform their places of work. First, activists made it clear that the efficacy this approach flows from the fact that it directly targets sites of immigration enforcement. Rather than demanding that sanctuary be provided by a governmental or organizational directive, activists spoke to the value of engaging in political education and organizing with service providers to refuse the ideological and material borders that criss-cross sites of service provision. Relatedly, the second and third potentials of the sanctuary from below approach were its effectiveness in shifting both the cultures and practices of service provision. A final potential was this approach’s ability to facilitate informal access to migrants through activist networks and “backdoor” mechanisms. In this way, sanctuary from below approach was found to create tangible improvements to access for precarious and non-status migrants.

There were two common challenges of this approach noted by activists in each city. The first is the constraining nature of government funding relationships, creates conditions of precarity for organizations and individual service providers and produces as “advocacy chill” within spaces of service provision. The second was the challenge of building “residual institutional power” in spaces of service provision. Specifically, a lack of support from organizational management and high rates of turnover made it difficult for cultures of access without fear to “stick” over time in some organizations. It is important to note, however, that this work was repeatedly proven to be necessary and impactful in the struggle for sanctuary—with or without the presence of a formal sanctuary city policy. This offers an important invitation to widen scholarly perspectives on the ways in which sanctuary is produced within a city. This chapter and the next make a strong case for the importance of accounting for the crucial work done by activists and migrants in the shadow of self-congratulatory municipal sanctuary commitments.

In Chapter 6, I focused on how activists used a “sanctuary from below” approach to organize with and alongside precarious and non-status migrants. In this case, sanctuary from below shifts its focus from removing barriers to access within sites of service provision, toward cultivating sanctuary through community-based education and organizing, developing networks of mutual aid, and taking direct action. This orientation with activists’ work reclaims sanctuary’s radical roots by *reducing* dependence on the state by organizing communities to respond to injustice and collectively address the needs of precarious and non-status migrants.

This chapter argued that community-based organizing around issues of access to services, safety, and precarious immigration status have two crucial, interrelated effects. It both combatted the experience of invisibilization felt by many migrants who are illegalized because of their precarious or lack of immigration status, as well as forged community of migrants and allies committed to mutual aid, solidarity, and community defense. While the positive effects of migrant-led activism have been discussed in further detail elsewhere (for example, see Walia 2013; Goldring and Landolt 2013; Nyers 2003; 2010), in this chapter I drew attention to how precarious and non-status migrants, whose very presence is illegalized by the state, become hyper-visible and take collective action as political subjects through organized opposition to the state. This approach to sanctuary organizing stands in opposition to what Fortier (2013) describes as “nationalist” or “assimilationist” approaches to immigration campaigns, which operate under a theoretical framework based a politics of multicultural inclusion within the nation state. Pushing back against

these models, this chapter offers a glimpse into the ways in which activists with and without status enact a more radical politics of migrant justice and mutual aid through the sanctuary from below approach. An emphasis on taking collective action, specifically using a model of direct action casework, was emphasized by activists as an important aspect of building sanctuary from below. Importantly, collective actions taken by the various groups included in this dissertation were shown to achieve success on many registers: including stopping deportations, reducing barriers to access to services, and operating as a “framework of empowerment” (Walia, 2013) for precarious and non-status migrants who live in systematically dis-empowering conditions.

I found that two challenges that activists noted about this specific thread within the sanctuary from below approach point toward deeper, strategic questions faced by migrant justice movements. First, activists remarked on challenges of perpetually balancing direct support work and broader campaign development. While these are both necessary and complementary aspects of migrant justice work, activists reflected that the work of supporting migrants and organizing to meet their immediate material needs can sometimes become de-politicized. Relatedly, the second challenge focused on the difficulties of movement-building. I found that there were hurdles to be overcome when organizing alongside both service providers as well as precarious and non-status migrants. On one hand, consistently working to tweak organizational practices, policies, and cultures of access within sites of service provision was noted as difficult to translate into strengthening broader movements for migrant justice and systemic change. On the other hand, activists acknowledged the challenge inherent in organizing public campaigns alongside precarious and non-status migrants, whose very presence within the nation state is illegalized. Taken together, my research on these aspects of the sanctuary from below approach represent a crucial addition to current understandings of the potentials of sanctuary organizing, which are so often assumed to be solely focused on changes to government or institutional policies and practices.

In Chapter 7, I shifted away from highlighting and analyzing the practical, empirical contributions of migrant justice movements to building sanctuary in the city toward developing a normative framework through which to evaluate sanctuary activism and orient future work. Following Paik (2017; 2020), I argued that abolitionism has much to offer sanctuary organizing and use my research on sanctuary in Canada to further develop her concept of “abolition sanctuary.” After laying out the theoretical foundations for an abolitionist approach to sanctuary,

I elucidated two tensions and a challenge that must be accounted for when taking an abolitionist approach to sanctuary. The first tension was navigating the politics of “un/conditionality.” Following Mancina (2019), Paik (2020), and others, I argued that sanctuary city policies and sanctuary campaigns can (and have) reproduced discourses, tropes, and categories that create conditions about who is deserving of sanctuary and who is not. Mainstream sanctuary politics can often—intentionally or not—differentiate “good” and “bad” migrants in a variety of ways, therefore excluding some from sanctuary’s protection. I argue that an abolitionist and no borders approach to sanctuary cannot put conditions around its protection, and the most effective approach to sanctuary is a resolutely unconditional one. The second tension I explore involved the importance of discerning and evaluating sanctuary policies as “reformist reforms” or “non-reformist reforms.” Here I argued that sanctuary campaigns must be careful in their engagements with the state and powerful institutions and stay vigilant in their pursuit of non-reformist reforms. Indeed, an understanding of this distinction shows that not all reforms are created equal—and that some reforms can actually hinder future attempts to advance migrant justice. Finally, following Paik (2020), I offer a challenge or provocation for an abolitionist approach to sanctuary to be expansive and innovative in building alliances with other movements for social justice. Indeed, abolitionism demands it. I highlight some crucial and inspiring connections that migrant justice activists in Canada and the US are already making, specifically with movements to abolish policing and incarceration, LGBTQ+ rights movements, and anti-colonial Indigenous struggles for sovereignty. Such alliances are necessary for migrant justice activists interested in sanctuary to make in order to realize sanctuary’s radical potential and continue to advance the struggles of precarious and non-status migrants.

Implications of Research for Scholars, Policymakers, and Activists

Scholars

My findings offer several important implications for scholarly work on sanctuary within Canada and internationally. First, an exploration of various historical and context-specific invocations of sanctuary by a range of actors reveals a need to further nuance our understanding of what sanctuary is, and is not. Following the insightful arguments of Peter Mancina (2016; 2019), Naomi Paik (2017; 2020), and Ananya Roy (2019), it is crucial that we are increasingly sceptical of the ways

in which sanctuary has been coopted and invoked by the state. Historically, sanctuary was exclusively a practice of communal protection *from* immanent state violence. But beginning in the 1960s, municipal governments began to adapt and adopt the practice to signal a local government's solidarity with the oppressed against the federal government. We must be clear, however, that sanctuary policies have not produced sanctuaries for the subjects it claims to protect. As Mancina lucidly argues, in the US context

sanctuary policies and sanctuary practices neither create a true sanctuary or safe zone from deportations nor make a city where everyone is safe from immigration authorities.... Furthermore, they do not challenge sovereignty, citizenship, borders, nationhood, legality, or immigration enforcement that is, they don't mount the social revolution needed globally to create true sanctuary for all people, for ending the violence of bordering practices everywhere, and for creating a world of free movement. Sanctuary cities have been part of a deportation-filled and border-filled world for over three decades, allowing for federal immigration enforcement activities to occur within their jurisdictions unimpeded. (2019, 250).

At a time when sanctuary is often celebrated in mainstream discourse and scholarly literature, Mancina offers a necessary reminder that sanctuary cannot be achieved through the state. Indeed, following Mancina's work, Roy argues that contemporary proponents of sanctuary city policies have also been "fierce advocates of the expansion of police power" and that sanctuary jurisdictions have actually "consolidated the police power of the state" (2019, 768-769; see also, Paik 2017). My dissertation contributes to this indictment of sanctuary cities from a specifically Canadian perspective, showing how sanctuary city commitments in Toronto, Vancouver, Montréal, and Ottawa have done little to curb police practices of immigration enforcement. The implications of this emergent critical perspective for scholars interested in sanctuary are to be clearer on what sanctuary is *not*: municipal policies may gradually and unevenly shift municipal service provision toward greater accessibility for precarious and non-status migrants, but ultimately belie their titles as sanctuaries.

The limits of a co-opted and neoliberal version of sanctuary as it appears within municipal policy is not reason to abandon the concept altogether, however. Indeed, as a tactic of radical social movements committed to migrant justice, anti-racism, and abolition, sanctuary remains an effective avenue through which to protect those facing immanent state harm and challenges state categories of il/legality. As this dissertation has shown, activists using a sanctuary from below

approach have found multiple ways to mobilize and expand the concept and practice of sanctuary to take direct action in support of precarious and non-status migrants, produce tangible improvements to access to services, develop empowering networks of mutual aid and migrant solidarity, and have ultimately grown the movement for migrant justice. Following Paik, for sanctuary to continue to be effective, it must be “expansive” and work “on multiple, simultaneous fronts to struggle against capitalist exploitation, border, policing, caging, and patriarchal power, among others whose connections may not always be so obvious” (2020, 103). This is a clarion call for scholars interested in developing a relevant and necessary analysis of the past, present, and future of sanctuary: we must move beyond celebrating the theoretical implications of ineffective municipal policies and focus our efforts on developing an understanding of sanctuary that is capacious, expansive, and radical. As my dissertation shows, sanctuary can take many forms and operate at many levels, and therefore so too must the scope of scholarly research on sanctuary.

Another implication of my research is the need to further distinguish a specifically Canadian experience of sanctuary activism and sanctuary city policies. In a field largely dominated by theories, histories, and analyses of sanctuary in the US, the Canadian experience has much to contribute to future scholarship. As my dissertation has shown, there have been distinct histories and trajectories of sanctuary activism in Canada, ranging from Canadian activists’ involvement in the sanctuary movement in the 1980s, to the rejection of its religious roots in the 2000s and a turn to “access without fear,” to the development of “solidarity city” as a radical re-framing of sanctuary city. Of course, there are also important political and jurisdictional contexts that resist the easy application of American models of sanctuary, not least the distinctly Canadian political context of multiculturalism and the limits of municipal jurisdiction. Despite the existence of sanctuary city campaigns across Canada, success has largely been achieved through sector-specific campaigns to create access without fear. Ultimately, a closer examination of Canadian sanctuary city policies reveals that they are not the acts of municipal defiance that they are sometimes celebrated as, which offers a sobering perspective on the potentials and limits of pursuing municipal sanctuary policies in the future. There are, of course, important transnational connections to be made when analyzing sanctuary movements (for example, see Maira 2019; Perla and Coutin 2013; Young, 2012; García, 2006), but research developing our understanding of the specific features of sanctuary politics in Canada is urgently needed.

In terms of theoretical approaches to the study of sanctuary, my research demonstrates the importance of a pair of complementary approaches to the study of sanctuary that have recently emerged. Houston (2019) argues that we must understand sanctuary not as a static or binary state, but an uneven and at times contradictory *process*. A closer examination of Toronto, Vancouver, Montréal, and Ottawa reveals a far more complex picture of the dynamic process of sanctuary. Examining sanctuary as a process, then, will allow future scholarship to present a far more much, complex, and accurate depiction of sanctuary cities. So too does the importance of discerning and analyzing “sanctuary networks” (Villazor and Gulasekaram 2020) have implications for scholarship on sanctuary. I advance the argument that sanctuary scholarship must widen its view beyond its myopic focus on policies, laws, and jurisdictions in order to capture the networks of public and private actors that produce tangible spaces and instances of sanctuary for precarious and non-status migrants. Accordingly, my dissertation traced the process of sanctuary and captured the vital work of sanctuary networks across four Canadian cities. The implication here for future sanctuary scholarship is that—while theoretical, legal, and institutional analyses of sanctuary cities do contribute important insights into our understanding of sanctuary in Canada— they are ultimately partial and limited in their perspective insofar as the mountain of everyday community-based work to produce sanctuary by activists and migrant communities is not given its due consideration.

Finally, my research may offer some implications for future studies of sanctuary movements. First, while it is easy to assume that the state is the primary or ultimate target of sanctuary city campaigns, upon closer examination and by speaking with activists themselves it becomes clear that this is a partial and inadequate framing of this work. The wide range of work that activists, advocates, and migrant communities perform every day to cultivate sanctuary and solidarity for precarious and non-status residents cannot, as my dissertation has shown, be reduced to demanding governmental policy. Indeed, the “sanctuary from above” approach forms only a part of the larger whole of sanctuary activism in Canada. And while some publicly stated campaigns goals are eventually achieved and others are not, the collective process of creating and sustaining a social movement always articulations of new collective identities, solidarities, and prefiguring new forms of life beyond the limits of the present. Therefore, equating social movement activity to its success or failure in engagements with the state can only ever produce an anemic and partial description of sanctuary activism. Instead, I hope my dissertation encourages

future scholarship to humbly take activist theories, strategies, and approaches seriously as legitimate and important features of sanctuary cities, which extend far beyond the presence or implementation of a policy. Engaging in political education to grow critical consciousness among the public, mobilizing communities to build solidarity and take collective action to defend each other, forging networks of mutual aid and safety for all, and ultimately finding ways to render immigration status irrelevant to live in our respective cities is also the “stuff” of sanctuary activism and deserves to be acknowledged as such.

Policymakers

For policymakers interested in designing and implementing effective sanctuary city policies within the limited scope of municipal jurisdiction, my dissertation offers a few instructive contributions. While my research was largely focused on the roles and experiences of activists working to build sanctuary, there remain some important lessons for the development of better policy, implementation, and community engagement.

A main theme that emerged following the passage of sanctuary city policies in Toronto, Vancouver, and Montréal was the tendency of municipal politicians and major media outlets to “over promise and under deliver” on their stated commitments to precarious and non-status migrants. Despite municipal governments in Toronto and Vancouver consciously *not* using the language of “sanctuary city” in their respective policies (though Montréal did)—choosing instead the language of “access without fear”—the self-congratulatory tenor and claims that undocumented migrants could access all municipal services without fear of having to disclose their (lack of) status that immediately followed the passage of these policies created a rift between political symbolism and actual experiences. While the symbolism of a sanctuary city policy can act as a valuable discursive counter to the growing xenophobia and anti-immigrant sentiments brewing across the country, it also serves to grow the political capital of politicians with little corresponding changes to the lived realities of precarious and non-status residents. Furthermore, activists noted that such declarations created confusion and a false sense of security, putting migrants at risk of discovery, detention, and deportation.

Further considerations for policymakers include the importance of pivoting away from unnecessary and harmful narratives of “good” and “bad” migrants by instrumentally defining the

value of select migrants through their contributions as exceptional workers, taxpayers, (otherwise) law-abiding residents. The placing of conditions about who is deserving of sanctuary—and therefore who is not—not only abandons migrants to deportation, but is used as the basis for increased surveillance, policing, and criminalization of migrants, as evidenced by police practices misleadingly promising amnesty to victims and witnesses of crime. Additionally, activists noted that decades of neoliberal austerity have produced a level of precarity and overwork within service provision that make the durable implementation of access without fear difficult. Taken together, better sanctuary city policies would more clearly communicate their intentions, unequivocally voice their support for all residents of Toronto to safely access municipal services, and increase the autonomy and funding of municipal services to support the development of sector-specific access without fear guidelines and training of staff. Or alternatively, a responsible approach to policymaking would attempt to create spaces and regulations of safety and access without fear for precarious and non-status migrants *without* the immediate and therefore pre-mature declaration that a municipality is now a “sanctuary.” In other words, understanding sanctuary as a process may push policymakers to commit to a long-term vision of cultivating sanctuary in the city, rather than a short-term publicity stunt with little tangible improvements to access.

While activists’ experiences revealed much about the flawed development of sanctuary city policies, they also exposed the uneven and lackluster implementation of said policies. Across Toronto, Vancouver, and Montréal, the translation of policy to on-the-ground practices was proven to be uneven and incomplete (Hudson et al. 2017; Sanctuary Health 2018; AAQADI 2018). Commitments to train city staff and conduct annual audits and evaluations of service accessibility have seldom occurred, being informally conducted by volunteer migrant justice organizations instead. The most glaring omission from the purview of sanctuary, however, remains local police forces, who continue to routinely perform “status checks” on residents and actively collaborate with the CBSA (Moffette 2021; Herschkowitz, Hudson, and Bauder 2020; Moffette and Gardner 2015). While local police forces are regulated provincially, municipalities still have significant avenues through which to pursue police accountability. Not only are local police forces funded municipally (giving significant leverage over compliance with municipal policy), but city councillors are members of local police service boards, which are the primary oversight body of each force. Despite the formal and informal limits of municipal jurisdiction and authority, the largest cities in Canada do possess the power to inform policy, regulations, and practices at higher

jurisdictions. At very least, a clear municipal position against the continued profiling and violence against racialized non-status migrants would be an important first step toward limiting police collaboration with CBSA. There is therefore much more than can be done on behalf of municipal governments across the country to reign in local police and make tangible steps toward creating greater safety for precarious and non-status residents.

A final note should be made concerning community engagement. My research found that activists, advocates, and migrant community members who brought forward legitimate and urgent evidence of barriers to access, dangerous interactions with service providers and police, and other issues were routinely not taken seriously by some city councillors, policymakers, and upper management within social service organizations. In the absence of “hard data” on the numbers, experiences, and barriers faced by non-status migrants—which often does not exist in a consistent or systematic way—many sanctuary campaigns gathered first-hand testimonies, conducted community-based research and audits of social services, and had service providers share their frontline experience with the issues of access, only to be met with scepticism and doubt. It cannot be up to community members whose very presence is illegalized to take the risk of “proving” that a municipality is unsafe for precarious and non-status migrants, and it cannot be expected that the experiences of a community that is systematically invisibilized within the nation state can be empirically discernable in the ways in which municipal governments unrealistically demand. Policymakers interested in contributing to the safety and security of all residents, regardless of immigration status, must therefore find ways to develop sound policy with the vast amount of “soft data” that is offered to them on the barriers and dangers faced by precarious and non-status migrants living in their cities.

Activists

For advocates, activists, organizers, and anyone interested in taking action to create sanctuary, a lingering question that has animated much of this dissertation is likely: is pursuing a sanctuary city policy worth it? After surveying activists’ experiences waging sanctuary city campaigns in Toronto, Vancouver, Montréal, and Ottawa, I would argue—perhaps frustratingly—that there is not a clear answer. The value of pursuing a sanctuary city policy rests on a wide range of factors. When activists were presented with a clear opportunity to shape a municipal policy in a context of

a critical mass of potentially supportive city councillors, they remarked on the symbolic value of “winning” a sanctuary city policy. Activists noted that it was useful to have a policy “on the books” to legitimize future campaigns around similar issues and to act as a potential mechanism for holding the municipal government accountable to the principles of access without fear going forward. Importantly, activists also noted the benefits of sanctuary city campaigns as a tool to connect with service providers and advocates who may not traditionally be linked to migrant justice movements, build city-wide coalitions of progressive organizations, and ultimately grow interest and involvement in migrant justice in the city. Activists also remarked, however, that symbolic commitments on behalf of municipal governments and large institutions often served to overshadow the lack of implementation, create a false sense of security among precarious and non-status migrants, was limited by municipal jurisdiction, and ultimately became a *demobilizing* force on migrant justice organizations. It can therefore be inferred that activists interested in pursuing sanctuary from above should set principled goals about what a sanctuary city campaign could realistically achieve and set intentional boundaries around the level and timeline of engagement with the state. The implications of this balance of potentials and limits of pursuing sanctuary from above, then, is ultimately contextual. Conducting a conjunctural analysis of your current political context may reveal that there is an opportunity to win historic policy, and it is ultimately up to those involved to weigh the potential benefits of such a win against the clear limits of such an approach.

Of course, a second corresponding question is also woven through this dissertation: do strategies that seek to build sanctuary from below contain more potential to produce effective and durable improvements to the lives of precarious and non-status migrants? The question here is patently *not* “is sanctuary from below worth it?” because for migrant justice activists organizing alongside precarious and non-status migrants, sanctuary organizing is not a calculated choice, but an imperative that flows from our political commitments to justice, equity, and liberation. In any case, a common answer about the potentials of sanctuary from below among activists I interviewed was that, despite its challenges, the sanctuary from below approach (1) was more consistent with the political principles of migrant justice and no borders; (2) was an effective framework for mobilizing and empowering migrants to take collective action and practice mutual aid; and (3) was more likely to produce tangible and durable improvements to safety and access for precarious and non-status migrants. The successes of a sanctuary from below approach were shown to largely

stem from the fact that change is much more possible when we work directly with people in the spaces that we live, work, and build community. Rather than ask politicians for sanctuary, we engage in public education, we conduct trainings and facilitate strategy sessions, and we organize people to act collectively in the spaces in which we have power. By pursuing sanctuary in ways that empower migrants, refugees, and allies to cultivate sanctuary through collective action and mutual aid, sanctuary commitments become woven into the very fabric of urban life and therefore become far more durable than a fleeting commitment by city councillors. Of course, the presence of access without fear policies, institutional allies, and public support can serve to bolster this work and in some cases amplify it. But our power remains in building organized communities that can protect each other, support each other, and create the conditions to build new worlds in the cracks of the present.

A final implication of this research for activists is the framework of abolition sanctuary. Perhaps it is less of an implication, and more of a reminder and an affirmation of what we already know: that to achieve the scale of social transformation that we desire, alliances must be made across all terrains of struggle. An expressly abolitionist approach encourages us to see the roots of migrant precarity as the product of nation states—and the borders and citizenships they deploy—and therefore connected to parallel struggles against capitalism, white supremacy, settler colonialism, and hetero-patriarchy. What flows from this are fertile grounds for growing solidarity between migrant justice campaigns for sanctuary and movements to abolish the police and prisons, abolish hetero-patriarchy, and for decolonization. These connections cannot be assumed; but require the careful and intentional work of building relationships, honing our analysis, and showing up for each other in meaningful and material ways. Abolitionism lends us a framework through which to build these alliances and develop campaigns that are intersectional in their aims, that are unconditional in their scope, and that both strategically engage the state for non-reformist reforms as well as build alternative institutions and relationships not defined or constrained by the state. An abolitionist approach to sanctuary therefore is an invitation to orient our migrant justice work in ways that both protect and support each other in the present while building toward a future when sanctuary is no longer needed.

Limitations of Research and Future Horizons for Inquiry

While my dissertation offered a comprehensive analysis of the politics and processes of sanctuary in Canada, I did so from a specific perspective: that of migrant justice activists and the communities we work alongside. Responding to a dearth of scholarship on sanctuary cities that highlights the integral role of activists in the process of creating sanctuary, I chose to emphasize the histories, experiences, and reflections of activists who have devoted much of their lives to the pursuit of migrant justice and collective liberation. Activists and our work is not the only domain worth considering in sanctuary scholarship, however. There are therefore several key limitations—some intentional, some not—to be found in my work.

First, the quantity and geographic distribution of interviews could be a source of critique, or at least further discussion. Despite the time constraints of a dissertation and the not-insignificant emergence of a global pandemic, I acknowledge that a greater number of interviews and greater parity across the four cities I focused on would have produced richer narratives and further nuanced my appraisals of the sanctuary from above and sanctuary from below approaches. In my opinion, my examination of sanctuary activism in Montréal was comparatively underdeveloped and warrants further investigation. There is something to be said about the particularly anti-authoritarian orientation of migrant justice work within Montréal that I believe would contribute to a richer account of their use of each approach to sanctuary organizing. Further research that elects to take a similar approach as this dissertation might consider a larger sample size of interviews and/or expanding the scope of who is interviewed—which is the subject of the second limitation.

I intentionally did not interview a range of other important subject-positions beyond activists in relation to building sanctuary in the city. I believe my justification for a specifically activist account and evaluation of sanctuary politics in Canada is clear, but it goes without saying that interviews with service providers, city councillors, municipal policymakers, or upper management of social service organizations can also produce interesting and important findings as well. Additionally, some research has focused specifically on interviewing precarious and non-status migrants themselves. I specifically did not make interviewing non-status migrants the focus of this project for two reasons. First, there are legitimate ethical and safety concerns to navigate in this circumstance, which I was not confident would be worth the risk given the goal of this dissertation was not to produce an intimate knowledge of the experiences of non-status migrants. Second, I had concerns about reproducing the tendency in academic work to extract knowledge

from marginalized subjects in order to produce largely inaccessible academic research. While I will be developing a community-focused guide to sanctuary based on this research, the focus of this dissertation was to explore and advance activist strategies for building sanctuary. As well, by interviewing activists with status within migrant justice organizations that work directly with precarious and non-status migrants but whose members have permanent, temporary, and no immigration, I was still able to grasp many of the lived realities of migrant precarity and access to services. I therefore do not see this as a limitation per se, but an intentional choice about the scope and focus of my dissertation, which I believe remains beneficial to migrant communities in addition to migrant justice activists.

In response to the focus taken in this dissertation, there could be interesting directions for further investigation to deepen our understanding of how to effectively create sanctuary and solidarity within our communities and across our cities. Examples might include conducting an institutional ethnography of sanctuary within a specific municipal government, using a research project to work alongside policymakers and city staff to improve the implementation of sanctuary city policies, or using case studies of navigating the development and implementation of access without fear in particular organizations with an eye to generalizing best practices for service providers elsewhere.

A third aspect of my dissertation that I believe could be expanded upon is the specific problem posed by local police forces actively collaborating with CBSA and electing to conduct immigration enforcement work (but see Moffette 2021; Herschkowitz, Hudson, and Bauder 2020; Moffette and Ridgley 2018). While this crucial issue is taken up on multiple occasions within my dissertation, further research is required to further reveal the “surveillant assemblage” (P. Villegas 2015) of the CBSA, and its reliance on local actors to take up immigration enforcement. Research in this domain would need to map the various ways in which the CBSA enlists (formally and informally) local actors to police the boundaries of citizenship, examine the legal and jurisdictional mechanisms that such collaboration is built upon, and discern effective targets or avenues of struggle for future social movement campaigns to take in the fight to resist immigration enforcement and reduce the reach of CBSA into our communities.

Finally, it bears noting that the penultimate chapter of my dissertation emerged during the writing period and therefore after I had concluded my data collection. When I found Paik’s

enriching discussion of “abolition sanctuary” (2017; 2020), it was immediately clear to me that it would provide an excellent culminating framework for my dissertation. Rather than a distinct approach apart from sanctuary from above and sanctuary from below, abolition sanctuary more so operated as framework through which to evaluate past and present sanctuary work and orient future activism in radical and effective directions. While I was unable to explore the significance of this concept with the activists I during our interviews, I found moments of resonance between the strategies, approaches, and campaigns used by activists in Canada and abolition sanctuary. And so, I had to supplement these moments of resonance with inspiring examples of migrant justice and sanctuary work across North America that in order to better contribute to the development and refinement of abolition sanctuary. This domain of study is fertile ground for future research, especially as the current political moment is becoming one defined by abolition. Specifically, further research is needed to produce a detailed framework for how to pursue sanctuary policies that are definitively “non-reformist reforms.” As well, there also remains much to be said—and produced through courageous collective action—about the connections between sanctuary and allied movements for social justice. Sanctuary will only become *more* crucial as our world continues our descent into climate catastrophe, racist nationalism, and right-wing populism. The more that police, prisons, and punishment are invested in—materially and ideologically—the more communities that will need to collectively invoke sanctuary. As long as municipal governments, university campuses, and police forces keep coopting the language of sanctuary, there will be a need to re-assert sanctuary’s radical history and its potential as a community-based practice *against* the violence of the state.

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“Sanctuary is a vanishing ideal within the new security state,” notable feminist and queer theorist Judith Butler (2018) argues, “one that is worth reanimating not only for scholars at risk [of censorship] but also for the undocumented and those who engage in political dissent—in other words, for all those who have a reason to fear the state by virtue of their precarious position.” In response to the increasing embrace of white supremacy, xenophobia, and anti-immigrant sentiments across the globe—combined with historic levels of displacement, statelessness, and migrant precarity—the need for sanctuary is arguably as great as it has ever been. I conclude by emphasizing the need to further develop an abolitionist approach to sanctuary, which offers a pertinent framework through which to evaluate past and present sanctuary work and orient future

sanctuary work toward abolitionist horizons. It is my hope that this work will contribute to the generation of increasingly effective strategies and campaigns to create sanctuary and foster greater solidarity with precarious and non-status migrants. Sanctuary is one tactic that social movements can use to resist injustice and challenge the state right now, while walking the long path toward a world where everyone has the freedom to move, the freedom to stay, and the freedom to return—toward a world where no one is illegal.

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