

'ACCESS NOT FEAR'

Non-Status Immigrants &
City Services

Preliminary Report
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Access Not Fear: Non-Status Immigrants and City Services

This report is based on the findings of a collaborative research project by university researchers and community organizations based in Toronto. The goal of this project has been to understand the barriers that non-status immigrants face in accessing city services in Toronto. We were also interested in learning about the community activism on this issue, in particular the 'Don't Ask, Don't Tell' Campaign which seeks to provide services to *all* Toronto residents regardless of their official immigration status in Canada.

As part of our research we conducted individual interviews with non-status immigrants in Toronto, asking them about their experiences and difficulties in accessing city services, such as social housing and shelters, emergency services, health care, schools, social assistance, and food banks. We also organized focus group discussions with community agency workers, community activists, union activists, and academics in Toronto. Our aim has been to determine what kinds of barriers non-status immigrants face when they attempt to access these services. We were interested in understanding issues about accessibility, the types of identification and information that are required for access to services, and whether or not services are effectively promoted.

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Part I: Living without Status in Toronto

Non-Status People and the Demand for Regularization

A growing social movement in Canada is advocating for the rights of non-status immigrants. Much of the energy and direction of the movement is coming from diverse communities of non-status immigrants. In June 2005, for example, the coalition of non-status groups and supporters, 'Solidarity Across Borders', organized a 200km march from Montreal to Ottawa to deliver their demands to Parliament.

One of the interesting trends is that so many different community groups are coming together to support themselves and each other. Like the Philipinos, the Bangladeshis, the Iranians, the Palestinians, the Algerians...we're really seeing a new trend of self-organized committees coming out of different communities. People in these communities are trying to figure out strategies for lobbying, mobilization, and public actions. This is something unique and we are seeing more and more of it.
(Migrant Rights Activist)

Due to cross-national networking, the non-status action committees in Montreal, Toronto, Vancouver, and other Canadian cities have developed a common set of key demands. These include:

- The regularization of all non-status people;
- An end to deportations;
- An end to the policy of detaining migrants, immigrants, and refugees;
- The abolition of 'security certificates'.

The demand that tops the list of all the non-status action committees and their allied groups is for the Canadian government to implement a program to 'regularize' the status of non-status immigrants. A 'regularization program' is a procedure that allows non-status immigrants to apply for the official legal status that would allow them to reside permanently in Canada.

Various Canadian governments have implemented regularization programs since 1960. Some of the largest have included:

- The Chinese Adjustment Statement Program, which regularized 12,000 Chinese ‘paper sons’ between 1960-72;
- The Adjustment of Status Program of 1973, which regularized about 39,000 people from over 150 countries in a two-month period
- The Deferred Removal Orders Class, which regularized about 3,000 failed refugee claimants between 1994-98.

Regularization programs are usually implemented when government’s are introducing new immigration laws. As a result, regularization programs can go hand-in-hand with more restrictive and exclusionary immigration policies. However, governments have also implemented regularization programs as a result of effective political advocacy by directly affected communities of non-status immigrants. The ‘Special Regularization Programs’ for Haitians (1981) and Algerians (2002) residing in Quebec are two good examples.

How do people become ‘non-status’?

The phrase ‘non-status immigrant’ is used to describe people living in Canada who do not have permission to reside here permanently. It is important to understand that people can live with different ‘levels’ or degrees of status. While this study focused on people who have been or are non-status on a fairly long-term basis, we also recognize that there are people without status on a temporary basis.

There are many reasons why people end up without full status in Canada. It is relatively rare for people to come across the border in a clandestine fashion. More commonly, people end up without status because the bureaucratic nature of the Canadian immigration system allows people to fall through the cracks. This can be because newcomers are unfamiliar with immigration law and procedures and also because of legal, financial, and linguistic barriers.

Immigration officials often use their enforcement units as well as police resources to target individuals who have entered Canada on student visas, tourist visas, work visas or various migrant labour programs such as live-in caregivers or farm-workers. They also target people who come to Canada from countries that do not require visas and stayed after their visas or permits expired as well as failed refugee claimants who remained after their claims were rejected.

For workers on a temporary worker program, having status is largely dependent on the degree to which a supervisor is satisfied with the job performance of the individual worker. People who make rights claims about overwork, unsafe working conditions, or unionization can find themselves out of a job, and therefore lose their status. Temporary workers permits also stipulate where the migrant will work and where they will reside in Canada. If either of these are changed, the result will again be a loss of legal status.

In the past, it was deemed quite normal for asylum seekers to lack proper identity documents. The logic was that individuals facing persecution will have difficulty in accessing official documents. Consequently, asylum seekers were granted time up to their refugee hearings to secure proper identity documentation and make their case for authentication. Today, similar cases are dealt with through detention.

In some cases, individuals may mistakenly think they have some kind of official status in Canada. For example, in the refugee determination process there are many places where people can fall through the gaps. A person who is deemed to be a 'Convention' refugee has 180 days to claim permanent residency, or else their application is considered to be abandoned. Refugees who have had their applications for asylum rejected may apply to stay in Canada on 'Humanitarian & Compassionate' grounds. They may think they have status because they are in official communication with Citizenship and Immigration Canada. However, despite the aura of legitimacy and legality that this application confers, rejected refugees can still be placed in detention and deported even while their H & C application is being considered.

The consequences of having different levels of status can vary considerably. For example, denied refugee claimants who have deportation orders issued against them are obviously very vulnerable to detention and deportation. By contrast, people residing here on expired visas arguably face a lesser amount of risk, as the government doesn't necessarily know that they are still in the country. With regard to accessing city services, however, having an expired visa poses can pose as much risk as being a denied refugee claimants.

Barriers and Borders: What is the problem?

Historically, many entitlements in Canada have been linked to citizenship and immigration status. The barriers encountered by non-status people today are linked to these histories. In recent years, the link between services and immigration status has tightened still further. In many cases, this link is enforced through strict demands for documents. These documents, required even for basic services such as food banks and shelters, then become the most significant barrier to accessing needed services.

For example, The Social Housing Reform Act (2000) brought with it a number of changes that have negative repercussions for people living in social housing. One in particular impacts on people who do not have immigration status, as well as their household members, regardless of status.

'All applicants either need to have some sort of identification that they have applied for permanent residence or applied for refugee determination process, and other identification that shows some kind of status (like birth certificate or citizenship card) to prove that they have status... According to the new law, every twelve months their eligibility needs to be reviewed so if anyone in the household lose any of those status they had at the time of intake, the whole family loses eligibility to remain in the system' (City of Toronto Staff).

'I work with a family who's an elderly couple who's in Toronto Community Housing and when they applied for housing they got it because they were refugee claimants and they have since lost their refugee application. Every year they have to fill out a review form, and this year when it came time to fill it out they were asked for a social insurance number, and their social insurance numbers are expired. So this fellow, who's in his 70's and his wife is quite ill, was going to lose his housing, because his social insurance number wasn't active. Now nothing's come of it... It's really the discretion of the staff person'. (Housing worker)

'If you don't have a rapport with the individual staff then you'll be stuck. I have a client right now, she's in Toronto Social Housing and I want to get her a priority transfer, but I can't move. Because if I move, if I put in the request, I'm so afraid she's going to lose everything. But at the same time,

if I don't move her, when the abuser comes out from jail, her safety, her whole family's safety, is going to be jeopardized' (Service provider).

For non-status immigrants, simple, everyday activities – working, driving, and going to school – are at risk of being transformed into criminal and illicit acts with dire consequences. Minor transgressions such as jaywalking across a city street can be magnified out of proportion and land the non-status immigrant in immigration detention.

I work at an agency where there is a very large Citizenship and Immigration Canada billboard right beside the main reception area. I find that sign to be one of the biggest barriers to providing services for non-status people. For people just walking in, even if they know that we offer services to non-status people, they see that billboard from Citizenship and Immigration Canada and just walk away. They remember the billboard as the same one they saw at the passport office and the Immigration Review Board: the places where they were rejected in the first place! This is a huge barrier to people thinking that they would be safe and treated any different from the institutions that had previously rejected them, making them non-status (Service Provider).

For obvious reasons, non-status people often lack basic identity documents, such as a drivers' license. This can create enormous barriers to accessing basic services. For example, food banks in Toronto are mandated to serve particular communities, and so many make it a practice to ask for ID in order to ensure that they are serving members of their catchment area. City-run shelters also require identification and there are shelters that have called Immigration on people without status.

My referrals are embarrassing. I refer people to more barriers. They report back to me consistently: 'I went to that agency you referred me to and the minute they asked me for my documents, I just walked out the door' (Community Health Care Worker).

Migrant rights activists that volunteer within Toronto's 'Heritage Inn' immigration detention centre report that many women are incarcerated there as a result of trying to access social services. There are many documented cases in Toronto of non-status women who end up in detention (often with their children) after they telephoned '911.' Women making a legitimate demand for police protection from domestic violence and abusive partners are placed in

detention and eventually deported once their lack of formal status is discovered.

Here, we can see the highly discretionary – as opposed to law based – aspect of immigration law, as city police make it a practice (although they are not directed to do so) to pass on details about immigration status the deportation arm of the Canadian state, the Canadian Border Services Agency. What begins as a legitimate demand for protection ends up as a cruel form of discrimination.

Similar complaints have been made against various school boards, social housing buildings, and health clinics. By trying to access basic social services, these failed refugees claimants end up triggering a deportation apparatus that implicates individuals and agencies well beyond those who directly work for Immigration Canada, CSIS, or the Canada Border Services Agency. The number of *de facto* deportation officers – witting or not – are increasing to include local police, campus security, housing workers, and so on.

For non-status immigrants the borderline is not just at physical entry points at ports, airports, and land crossings. Rather, the border exists wherever and whenever they try to access social services. The border is therefore widespread and ever-present, emerging in such places as health centres, social housing cooperatives, schools, food banks, welfare offices, police stations, among others.

Why a 'Don't Ask, Don't Tell' Policy?

Regularization programs are not general amnesties. Instead, they employ restrictive criteria (e.g. medical admissibility, economic wealth, level of 'integration', etc.) that end up excluding large numbers from qualifying. In response to this, the fight for migrant rights in Canada is increasingly looking to city-based policy initiatives. While the power to grant 'status' is the prerogative of the federal government, municipal authorities can side-step this issue by providing services on the basis of *residency*, not legal status.

Many cities have learned through experience that failing to provide services to *all* residents, regardless of their legal status, can lead to unhealthy and unsafe communities. For example, when immigrant women without full legal

immigration status in Canada attempt to press charges on abusive partners, they often face detention and deportation as a result. This is because police regularly pass on details about immigration status to immigration enforcement officials. When non-status immigrants are afraid to present themselves for medical treatment, send their children to school, or complain about unsafe working or living conditions, local authorities begin to have legitimate concerns about the overall public health and welfare of the city.

In response to such concerns, refugee and migrant rights groups are lobbying for municipalities across North America to adopt some version of a 'Don't Ask, Don't Tell' (DADT) policy with regards to immigration status. 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.

In the United States, over fifty municipalities have adopted some kind of a DADT policy. In Canada, a DADT campaign was launched in Toronto in March 2004, with over forty community organizations as active participants. In a short period of time the campaign has built momentum and has received serious attention from the media, City Councilors, the Police Services Board, and the community at large.

A DADT campaign advocates for city services to be given on the basis of residency, not immigration status. While this would not address all the challenges that non-status people face (e.g. working conditions; vulnerability of low-wages workers, etc.), where successful, a DADT policy could effectively act as a *de facto* regularization program. This is because it would allow non-status immigrants to fully access health, education, police and other city services without the fear of having their lack of status exposed and reported to immigration officials and border police.

Part II: Organizational Responses To Non-Status People

Uneven Policies

'People from all sorts of different agencies and community organizations which never imagined they would be debating immigration, are finding that because there is such a large community of non-status people they have to take that into part of their mandate because it's really everywhere'
(Front-line Housing Worker).

Many agencies and organizations in the City of Toronto that provide essential services such as health, education, and housing, have not articulated an official policy about working with people who do not have an immigration status that is recognized by the state. This was articulated by most of the workers from various sectors who participated in the focus group interviews. For example one participant explained:

'We haven't systematically, as an agency, looked at the issue yet, but I think a lot of different staff are coming across people that don't have status'. (Service Provider)

According to a City of Toronto staff person, City funded programs, such as housing help centres, drop-ins, street outreach, and straight to homes, are not required to ask if the person has immigration status or not. However, they are also not mandated *not* to report someone to Citizenship and Immigration if they become aware of their lack of immigration status.

'There is no reporting or contact between hostel services and immigration. There's no policy to report, but there's no policy not to report'. (City of Toronto Staff)

This lack of an official position on the issue of providing services to non-status people seems to come from the stigma of working with people who are seen as 'illegal'. As one focus group participant explains:

'There's a fairly pervasive lack of understanding of what it means to be either without status or in some sort of temporary status within Canada and the insecurities and the lack of access that involves'. (Service Provider)

Despite the lack of a coherent policy, organizations are nonetheless being confronted with the issue of non-status people and they are being forced to develop a response because there is a community of people living without status in Toronto who are coming forward in need of basic services for them and their families.

Often organizational responses are manifested in terms of passive resistance. For instance, some organizations provide some services to non-status people, but they do not advertise the fact that they do so.

'Working with non-status people isn't a central part of the mandate of the organization, but through the work that we're doing we're working with non-status people. It's not in our flyers, that would probably have to be more of a discussion within the agency' (Program Coordinator).

In other cases, it is individual workers within organizations who will take it upon themselves to provide services to people who need them regardless of their immigration status. Two service providers interviewed explain,

'There's nothing in the protocols. It's unofficially being done by workers'.
(Service Provider)

'It's kind of left for interpretation and it depends on the worker, on how sensitive the worker is to being inclusive around this issue' (Service Provider).

There are several obvious problems inherent with this approach. First of all, relying on individuals to make personal decisions as to whether to provide services to people who need them means that service access will not be fair, consistent or reliable. This approach also relies on individual staff being aware of the issues and willing to go above-and-beyond the requirements of their job to provide services. The two front-line workers quoted below explain the problems with this 'solution'.

'There's no standard. It's dependent on who you get. You might get someone who's kind of sensitive, cool and supportive of accessibility, or someone else who's not'. (Service Provider)

'The unofficial thing is good, but it depends on the worker... The politic that we bring as individuals, if it's not more institutional, it's there today and two years from now the issue might be off the table'. (Service Provider)

Another problem with this informal or unofficial approach to service-delivery is that it makes it extremely difficult for workers to make referrals to different services. As several of the focus group participants explain,

'Sometimes the problem is trying to work with other organizations and trying to access their services. We don't have any help from them'. (Front-line Social Service Worker).

'I'm facing a lot of closed doors in terms of health care for non-status people' (Service provider).

There are some organizations that have developed specific policies to guide their work with non-status people. These generally have done so because of the philosophical or political framework that informs their work, such as an agency that works from a feminist, anti-racism, anti-oppression framework, or one that has its roots in political activism. For example one shelter coordinator explains:

'We actually have a policy that makes sure that in terms of the stay, the length of the stay, for everyone is maximum four months but women without status I believe it's nine months. Recognizing that the immigration, the H&C application itself, can take up to two years'. (Service Provider)

A health care organization talked about having a 'working with non-status clients checklist' that acts as an organizational policy on how the staff are to interact with and provide services to non-status clients.

A worker from a social housing organization also provided an example of their guidelines used for working with non-status people.

'We don't ask people when they move in whether they have citizenship. But in order to access rent-geared to income, you have to fill out a city form which is covered by the Social Housing Reform Act and includes a question about citizenship. [Our organization] decided some time ago that

we were not going to follow that regulation, and that we were not going to actively pursue immigration status. So we've sort of passively been not pursuing immigration status... What I'd like to do is move to a more active stage where we make it clear to our community partners who refer to us that we don't require that people have status in order to come into the building, and that they need to tell them that when that form comes across their door it will not be pursued' (Housing worker).

Many of the workers interviewed in the focus groups felt that it is important for organizations to move beyond the informal or covert approach to service provision and take a more public or official stand on the issue. Here is some of what they had to say,

'I think it's important to show that agencies are officially saying we're providing service based on need and we're not asking people for immigration status. I think that'll be a big step' (Service provider).

'People need to be able to access services based on their need. That's the number one priority. If someone needs help, needs support, needs a referral, needs housing, then I want to be able to provide that... The fact that the person has addictions, or mental health, or a criminal record, or less than full immigration status is irrelevant to their need. Why should that criteria be any different from any other struggles that people have?' (Service provider)

Who is Entitled? The problem of funding

The providers we interviewed talked about how access to some of their programs and services is limited because of criteria imposed by the funders. Since organizations often receive their funding from various sources it can mean different criteria are imposed on who is eligible for different services offered within the same organization. As one program coordinator explains,

'It'd be nice to have a formal amnesty zone, we've talked about it at the centre, but it's kind of complicated and difficult to do because each program does have different funding bases, so it is a bit difficult'. (Service provider)

Having service eligibility criteria that are based on someone's immigration status, essentially means that organizations have to ask people about their status to determine whether they are entitled to receive a given service. For example,

'The question is in the application for intake about immigration status because the hostel services are part of social services and they are welfare-in-kind programs so the question is there to ask about immigration status, but someone who doesn't have immigration status is still going to be admitted to the shelter system'. (Service provider)

'Food banks, they ask for identification... You need to be in a catchment area and that's how they do it. But they need to find another way to go about that. They need to make sure that their volunteers, because there's a huge volunteer base, like their staff, know that this is an issue. There's got to be training, and they need to be able to allow people to make statements who don't have identification in a way that's not threatening' (Service provider)

Even in cases where organizations work with and support people without status, this may be the case. These organizations may have no intention to report someone's status to authorities, but they are nonetheless asking for it which may deter people from coming forward.

In some cases individual workers talked about finding ways to exercise some flexibility in spite of funding criteria.

'We offer help for people who have no status, however we have strict funding regulations and rules so we kind of work in and out of those regulations' (Service provider).

'In terms of funding we are limited, but in terms of our services, no. So we are not very strict in terms of who you are, if you have status or not' (Service provider).

This often means that workers have to work twice as hard because they cannot document their encounters with people who are not officially eligible for services. Effectively this means that they have to meet their service targets for funders, plus provide services to people they cannot count.

Other organizations do not have these restrictions and do provide services universally without asking about immigration status. As one worker explained:

'All the services are accessible to everyone despite their status, and we never ask the question' (Service provider).

These organizations that do provide services to non-status people without restrictions tend to be faced with a demand for service that they cannot always meet, or that they cannot always meet in a timely way. As one front-line worker explained,

'Our community health centre is managing a waiting list of 50 or 60 people, so the wait time is growing because the numbers are growing and the centre doesn't have the capacity, it's somewhat limited. So we're still taking people on but at a slower rate. But overall, everyone's getting access eventually, it's just getting very slow. We're one of the only community health centres that still has an ongoing and working, functioning waiting list right now' (Service provider).

Getting the Word Out

Since organizations often do not have publicly articulated mandates about providing services to people without full immigration status, getting the word out about the services that they do provide also happens indirectly or in informal ways such as through word of mouth. Here is what some of the workers we interviewed had to say:

'We have the word out that we receive non-status people for that project' (Service provider).

'We don't really advertise in any formal way, but it seems quite known that we work quite extensively with the non-status community' (Service provider).

'When we're advertising we always say: everyone is welcome, diversity. Meaning you might be from all backgrounds, you might be from all status, we welcome your access to service' (Service provider).

This informal approach to advertising services can in turn create barriers not only for people trying to access services themselves, but also for workers trying to make referrals. It is difficult to know which organizations provide which services to whom, and who can be trusted within an organization to ask. Services that are provided are not always consistent if they are dependent on the goodwill of an individual worker. Finally, there are still many organizations that will not provide any services to people without status, making it difficult and sometimes impossible for those workers who do work with them, to make appropriate referrals. As one front-line women's advocate had to say:

'We can't work alone. We can't be a stand alone organization. So let's say a woman comes along and says: I'm non status. I'm pregnant, and I don't have any papers. I don't know where to go for health services. So that's where the headaches come then. We have to find organizations that will help us give her services'. (Service provider)

Trying to make referrals under these circumstances can also take a lot of time and persistence.

'I find that to get on the phone and really advocate for people, and trying to get people to bend some rules, you sometimes have some luck. If you're really good at begging' (Service provider).

As one participant explained, workers do not always have the knowledge or skills to be able to work with people without status under these difficult circumstances.

'I think a lot of service providers who haven't themselves been a non-status person, or haven't had a lot of contact with non-status people, don't necessarily get the scope of what that life is like. So, even when you start to understand as an organization, we're going to have a learning curve developing that knowledge, then that's going to imply a little extra piece of time for doing internal education and for learning. It has to be an organizational development commitment to build that knowledge' (Service provider).

It can also be harder for a worker to provide an 'unofficial' non-status client with the support they need when they just are not available. As two front-line workers explain,

'It's difficult for everybody to maintain the supports or the employment or the income they require to stay housed. But for people without status there are more barriers and we have limited resources available as workers to help them maintain their housing. If someone got cut off Ontario Works it would be difficult for them to maintain their housing, and it would be difficult for me to help them maintain their housing'(Housing worker).

'Every month is a struggle for her to pay the rent. And she's working, cleaning houses and stuff like that, but some months she cannot make rent. And she's been living in the same apartment for over 11 years. So I find myself phoning churches. I phoned my friends' businesses to say, hey, can you take a donation, for people to put money in a hat basically, to raise money so this woman and her 11-year-old child won't get evicted'
(Settlement worker).

Part III: 'Seriously Locked Out': Access to Services for Non-Status People

Meeting Peoples Needs?

Social services address the basic human needs for health, education, housing, food, and freedom from violence. Over and over, service providers talked about the work that they do within this context:

'People are people. It doesn't matter what papers you've got in your pocket, where you came from or how long you're here, where you were born and whatever. People are people, and it should be a basic human right to have basic needs met.' (Service provider)

'People need to be able to access services based on their need. That's the number one priority. If someone needs help, needs support, needs a referral, needs housing, then I want to be able to provide that.' (Service provider)

Statements such as these suggest that many front-line service providers are not interested in carrying out immigration controls.

But for non-status immigrants, the reality is often different. Accessing services is about more than being in need. It requires that all agencies and services be prepared to recognize you as entitled, regardless of status. Finding individual sympathetic service providers may not happen or it may not be enough.

'We all go through the same kind of feeling, the same depression. You know, just not being able to access anything here. Just not being seen as people. You know, as human beings, entitled. Just being seen, I guess, as aliens.' (Person with less than full status)

'People always ask: what's your status? That's the first thing when you go to the doctor. What's your status? Fill out the form. What's your status? So I don't know what to put. Because you're not a landed immigrant, what are you then? I'm just living here. I've got nothing.' (Person with less than full status)

'It's very hard. It's hard. It's very, very tough out there for people without status. It's not easy. We just feel, as I say, locked out. Seriously locked out.' (Person with less than full status)

Non-Status People and City Services: Avoidance, Access and Use

In the face of these barriers, some non-status people try to avoid seeking help altogether:

'I just avoided. I was glad I didn't fall sick, sick you know? But I couldn't afford to fall sick. I couldn't afford to take an ambulance if I had to, use a hospital, or doctors or anything like that. I think the main issue was the health system.' (Person with less than full status)

Non-status people often rely on networks of others in the same situation for help rather than turning to the official service sector. And since, as we have seen, many services for non-status people are not advertised, access may be determined by how well connected a non-status person is to 'the grapevine.'

Other non-status people, one community insider told us, are so busy working to make ends meet, pay for immigration help, and send money abroad to their families that they don't have time to access what limited services there are available to them:

'I think the biggest barriers to accessing services for the clients that we serve is time.. . They're working three jobs so they can pay another lawyer. So, that was heart breaking because we spent a lot of time preparing, organizing workshops and reaching out to communities.' (Community worker and service provider)

Still others may not be able to get the services that they need because of income, social class, or where they live in the city. A recent United Way of Greater Toronto report, *Poverty by Postal Code*, suggested that significant differences in access to quality services exist according to neighbourhood.

Even among non-status people, class differences matter. Higher-income people avoid some of the scrutiny faced by lower-income people as in this example from the housing sector:

'At my co-op, if you're coming in as a market member, there's never a question of immigration status... It's only for people coming into rent-geared-to-income that the government expects us to become immigration police, which is unfair'. (Housing worker)'

'To become a condo owner, all you need is money. You don't have to prove immigration status, you don't need to go through the criminal background check... It's ridiculous that you have to provide more identification to have access to a bed on a floor than you do to buy a condo'. (Housing worker)

The barriers faced by those with disabilities deserve particular attention as they severely limit the already restricted options for non-status people.

'There are lots of barriers especially for the women with disabilities or who have become disabled after coming here. The main issue is the accommodation needs. The language translators, if she wishes to get that access to services and usually does not find a translator, it's just like not being able to get anyone to understand what she's saying. Then they cannot help her. Even if she could go and she could ask that she needs this kind of accommodation, the organization tells her that they have no money, they have no funding, especially since you have no status, so we cannot ask the funders to give the funding for you.' (Service provider)

'Women who have mobility restrictions cannot access the transport [Wheeltrans]. She has to tell them all the things, they have no social insurance number, no ID.' (Service provider)

When Avoidance is thrown into Crisis: Non-status People and Health Care

Health care emergencies are difficult to resolve through informal networks and can put strategies of avoidance into major crisis. Both those with less than full status as well as service providers talked specifically about the difficulties accessing health care services. Issues included long wait lists, fear of being reported to Immigration, the costs of paying out of pocket for health care expenses, as well as the emotional and physical impacts of lack of access. Non-status women, particularly mothers of small children, may find it harder to

avoid using services as children often have healthcare crises at regular intervals:

'For the medical, I have to be my own doctor practically. You know, because it's very expensive.' (Person with less than full status)

'People are racking up bills of 40, 60, 70 thousand dollars in the hospital.'
(Service provider)

'We have a patient who was working and fell off the roof and instead of being taken to emergency, he was non-status and was afraid, he actually showed up at our clinic and could barely walk.' (Service provider)

'You're always worried that if something happens, you've not covered. So what are you going to do?' (Person with less than full status)

When Avoidance is Deadly: Non-Status Women and Violence

Among the most disturbing findings of our report were those pertaining to non-status women facing violence from intimate partners and men they knew. Again, both service providers and non-status people reported a similar picture.

Non-status women were adamant that they would not report violence for fear that the police would notify the immigration authorities:

'So you're afraid... afraid when he abused me, I was afraid to call the police. I don't want to, they will send me home one day.' (Person with less than full status)

'I would not call them for anything. One day he almost kill me, choked me with construction boot ties, and I would not call them. One time when I was pregnant with my son, he took me and fling me on the ground, and I was scared of calling them. What will they do with my kids, what will they do with me, you know?' (Person with less than full status)

Women without status were equally clear that abusers could use women's fear of the police to make them still more vulnerable to violence and abuse:

'So, now he has control. So, he is controlling because, number one, he knows you can't call the police because they will send you, you don't have a landed. They're going to take your kids. So, that's the only thing you're so scared of, so you will not call for the help. And you will not let anybody know your situation because you are afraid! Very much afraid!' (Person with less than full status)

The fear that non-status women have about being deported should they report violence is well-founded. This is suggested by the following account by a service provider:

'A woman came into our office. She was visibly physically assaulted and reporting also sexual abuse by a man she knew but was not partnered with. She had no status and was obviously in crisis. Our worker called around. There was not a single rape crisis place that would take her and, so, our worker accompanied her to the hospital where the nurse gave her three options. One was to involve the police, one was to not involve the police and one was to have the forensic testing done but just keep it on file in case she decides to report it to the police at another time. And they had the conversation about what it means to involve the police if you have no status. She decided to take the risk in hopes that the police would not get to the immigration question, but they did. And after the forensic testing was done at the hospital she was taken to the police station, she was incarcerated. Our worker accompanied her there and was not allowed in when they questioned her. She was questioned for quite a long time. They called immigration and then she was questioned by immigration officers several hours later and now she has a deportation that is pending the trial against the man who raped her.' (Service provider)

'It's like climbing an upward battle because you're constantly trying to advocate, but you're advocating in a system that also holds those principles of playing out sexism and racism. So while you're trying to advocate you're also pushing through, or trying to push through, barriers that exist within your own organization and other organizations that don't necessarily share the analysis of why women, and particularly women of colour, are in situations they're in' (Service provider).

Part IV: The Challenge Ahead for Policy Makers and the City of Toronto

'People from all sorts of different agencies and community organizations which never imagined they would be debating immigration, are finding that because there is such a large community of non-status people that they have to take that into part of their mandate because it's really everywhere'
(Service provider).

Summing Up: Standpoints of Non-Status People

Non-status people are increasingly making their social needs and political issues known in Canada's major cities, including Toronto. This growing social and political visibility forms the crucial background to our research. For, despite the many barriers detailed in this report, it is clear that non-status people are exercising their right to have their basic human needs met. In so doing, however, many find themselves 'seriously locked out', perhaps most notably in relation to accessing medical care. For example, industries such as construction, where many non-status men work, are known for their rates of on-the-job injuries and adequate medical attention is an absolute necessity. Our most disturbing finding is that some non-status women are not reporting violence from intimate partners for fear that they will be deported and their children taken from them. Finally, non-status people with disabilities and/or with low incomes are, not surprisingly, facing particular or distinct barriers.

Summing Up: Standpoints of Service Providers

For this report, we interviewed both non-status people and service providers and found that they concurred on the major issues. While some non-status people try to avoid needing to use any social services, even in emergencies, many service agencies in Toronto are increasingly called upon to serve the needs of non-status people. Many individual service providers were clear that they had no wish to be immigration officials. Many want to help people based on their needs, and attempted to do so despite the lack of policy frameworks and the many constraints often placed upon them. For example, the position of service agencies on whether they work with non-status clients varied

according to the service's funding arrangements and eligibility requirements. Some agencies also clearly elected to take a pro-active position on the issue of serving non-status people, while others had not begun to have the needed discussions. Within this context, therefore, there was often a certain amount of room for the individual discretion of workers. At the same time, because there is no system-wide policy, service workers frequently reported serious barriers when it came to referring non-status people to other needed services.

Some Directions for Future Research, Policy and Action

There is no reliable data on the numbers of non-status people in Toronto or for Canada as a whole. The numbers appear to be large and growing given the evidence provided by service providers and community advocates. Successive federal representatives, most recently the former immigration minister, Joe Volpe, have floated proposals for some kind of regularization program for non-status individuals. **We recommend the full regularization of all non-status people in Canada.**

Our research findings clearly reveal that many non-status people are not getting their basic human needs met. In particular, many (especially women facing violence from intimate partners) may put themselves in great danger rather than risk contacting anyone for help. **We therefore call on the City of Toronto to implement a Don't Ask, Don't Tell policy** and to do so with direct input from non-status people, service providers, city workers, researchers, and Toronto's 'Don't Ask, Don't Tell' Campaign.

Finally, while lack of full status poses a significant barrier to having one's needs met, this report also acknowledges that, for many in Toronto's most impoverished neighbourhoods, services and supports are rather weak to begin with. In doing so, we are building on similar findings in reports such as the United Way's *Poverty by Postal Code* and the Social Planning Council's *If Low-Income Women of Colour Counted*, among other work. **We therefore call for full funding for social services to address the systemic barriers including those based on income, disability, gender, race, language, and immigration status.**