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Volume 38, numéro 2, 2022

URI : <https://id.erudit.org/iderudit/1096469ar>  
DOI : <https://doi.org/10.25071/1920-7336.40787>

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Éditeur(s)

Centre for Refugee Studies, York University

ISSN

0229-5113 (imprimé)  
1920-7336 (numérique)

[Découvrir la revue](#)

Citer cet article

Atak, I. & Hudson, G. (2022). Montreal's Sanctuary Policy for Non-Status Migrants: Opportunity and Obstacles. *Refuge*, 38(2), 1–15.  
<https://doi.org/10.25071/1920-7336.40787>

Résumé de l'article

En février 2017, la Ville de Montréal a adopté une politique intitulée accès aux services municipaux sans peur dans le but de permettre aux migrants sans statut d'accéder à certains programmes et services municipaux sans craindre d'être arrêtés et renvoyés du Canada. Cet article propose une analyse critique de la politique de la ville de Montréal. Nous discutons des principaux obstacles à la mise en oeuvre, à savoir le pouvoir juridictionnel et l'autorité limités de la Ville en matière de migration et le refus de la police municipale et de se conformer à la politique. Nous nous appuyons sur le cadre conceptuel de la ville sanctuaire pour soutenir que la municipalité a élaboré des solutions créatives aux obstacles en vue de rendre la ville plus inclusive.

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## Montreal's Sanctuary Policy for Non-Status Migrants: Opportunity and Obstacles

Idil Atak  and Graham Hudson

### ABSTRACT

In February 2017, the city of Montreal adopted a policy entitled **Access to Municipal Services Without Fear** with a view to allowing non-status migrants to access some municipal programs and services without fear of being arrested and removed from Canada. This article offers a critical analysis of the city of Montreal's policy. We discuss the main barriers to implementation, namely, the limited jurisdictional power and authority of the city in migration matters and the municipal police's refusal to comply with the policy. We draw on the conceptual framework of the sanctuary city to argue that the municipality crafted creative solutions to barriers as part of its bid to make the city more inclusive.

### KEYWORDS

Montreal; Canada; sanctuary city; nonstatus migrants; jurisdiction; police

### RESUMÉ


En février 2017, la Ville de Montréal a adopté une politique intitulée **accès aux services municipaux sans peur** dans le but de permettre aux migrants sans status d'accéder à certains programmes et services municipaux sans craindre d'être arrêtés et renvoyés du Canada. Cet article propose une analyse critique de la politique de la ville de Montréal. Nous discutons des principaux obstacles à la mise en œuvre, à savoir le pouvoir juridictionnel et l'autorité limités de la Ville en matière de migration et le refus de la police municipale et de se conformer à la politique. Nous nous appuyons sur le cadre conceptuel de la ville sanctuaire pour soutenir que la municipalité a élaboré des solutions créatives aux obstacles en vue de rendre la ville plus inclusive.

**HISTORY** Published 28 September 2022


The province of Quebec witnessed a sharp spike in irregular Canada–US land border crossings between 2017 and March 2020, when the border was closed to non-essential travel due to the COVID-19 pandemic. In

2017 alone, nearly 25,000 individuals claimed asylum in Quebec after crossing the border irregularly, mostly through Roxham Road and surrounding areas on the Quebec–Vermont border (Immigration and Refugee

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Board of Canada [IRB], 2020). The vast majority of these migrants made their way to Montreal at least temporarily, where they claimed asylum or moved on to other cities such as Toronto. While some migrants had community networks in Montreal, most chose Canada due to the anti-immigrant rhetoric and changes in US asylum policies (Smith, 2019).

On January 31, 2017, Denis Coderre, then-mayor of Montreal, announced in a tweet: "Montreal proud 'Sanctuary City' Newcomers and refugees are welcome. Diversity is our strength and part of our DNA." (Coderre, 2017). The tweet was directed to the US president. On February 20, 2017, in a unanimous declaration, the Montreal city council made the "sanctuary" designation official when it committed to "ensur[ing] the protection and access to municipal services to whoever does not have a legal status and lives in the city" (Ville de Montréal, 2017, para. 1). A formal **Access to Municipal Services Without Fear** policy was adopted in June 2019, with a view to allowing each Montreal inhabitant to benefit from municipal services, regardless of their immigration status. Another aim of the policy is to address the marginalization and abuse of non-status migrants and alleviate their fear of arrest and deportation (Ville de Montréal, 2019c).<sup>1</sup>

The second largest city in Canada after Toronto, Montreal has a population of about 2 million. It is a major destination for immigrants in Quebec and a diverse city (Ville de Montréal, 2020), where more than 120 cultural communities are represented (Immigration, Refugees and Citizenship Canada [IRCC], 2019). The figures about non-status migrants are unknown.<sup>2</sup> It is estimated

that about 50,000 people without status live in the city (Mary, 2018). In the last two decades, Canada's in-land refugee policy has become increasingly restrictive and its temporary worker programs have expanded significantly. These developments have contributed to an increase in the number of non-status migrants in Canada (Ellis, 2015; Goldring et al., 2009).

Non-status migrants suffer from poor-quality living and exploitative work conditions (Berinstein et al., 2006; Hanley & Wen, 2017). Montreal City Mission (Mission Communautaire de Montréal, MCM) Solutions Justes, a legal clinic observed that non-status migrants it served lived in financial precarity and suffered from health issues, and in some cases, domestic violence (MCM Solutions Justes, 2018). Access to health care has generally been a major challenge (Ruiz-Casares et al., 2010). According to Doctors of the World (DoW), a non-profit organization that runs a frontline general medical clinic for the uninsured in Montreal since 2011, 13% of non-status migrants served have lived in Canada without insurance for over 10 years (Équipe de recherche sur l'immigration dans le Québec actuel [ÉRIQA], in collaboration with Médecins du Monde Canada, 2020). Canadian children born to non-status parents had no access to health care (Protecteur du citoyen, 2018). A major reform entered into force in September 2021 to remedy this issue (Moratille, 2021). Similarly, many non-status children were excluded from primary and secondary education (Meloni et al., 2017). After a public campaign led by activists and mobilization by civil society organizations, legislative measures were taken in 2013 to ensure children's access to

<sup>1</sup>This article draws on some of the findings published in Atak (2021).

<sup>2</sup>In Canadian law, there is no reference to the **non-status migrant** concept. Instead, the Immigration and Refugee Protection Act (IRPA) defines the categories of individuals with an immigration status—such as permanent resident (s. 21(1)), protected person (s. 21(2)), and temporary resident (s. 22(1))—who are entitled to reside, study, or work in Canada. Those non-citizens without immigration status are considered non-status migrants.

education. However, it has been reported that implementation gaps still exist ([Solidarity City—Collectif Education Sans Frontières, 2019](#)).

The fear of being turned over to immigration authorities drives non-status migrants to avoid or delay seeking education, health care, and other services ([Ives et al., 2014](#)), as well as using existing legal remedies to denounce exploitation or abuse ([Walsh et al., 2016](#)). Cases of brutal police arrest, arbitrary detention, and deportation have heightened this fear ([Nyers, 2010, p. 134](#); [Radio-Canada, 2019](#)). During the COVID-19 pandemic, the precarity of non-status migrants has been increased by isolation, limited access to food banks, income loss, and lack of governmental support ([Hudson et al., 2020](#)).

Despite this reality, Canadian governments characterize non-status migrants as “abusers” of the immigration system, if not “criminals” or “threats to national security” ([Atak et al., 2018](#)). Measures have been implemented to deter and punish unauthorized migration with little regard to international or constitutional rights, much less principles of humanitarianism and equality embedded in our immigration laws ([Hudson, 2018](#)). The local approach contrasts with the federal government’s stance on non-status migrants. This article offers a critical analysis of the city of Montreal’s Access to Municipal Services Without Fear policy (AMSWFP). We draw on the conceptualization of the sanctuary city as an expression of a municipality’s claim to an extended responsibility in how migrants are treated. Access of all city residents, including non-status migrants, to fundamental rights and basic services, is considered a matter of justice and a principle to be implemented for the greater good of the city ([Ridgley, 2008, p. 56](#)). Accordingly, the mere fact of residing in a city entitles inhabitants to certain rights and services ([Paquet et al.,](#)

[2021](#)). However, sanctuary city policies are in tension with the primacy of the federal or central government’s jurisdiction in managing borders and regulating immigration and citizenship policy.

We argue that since the 2017 declaration, the city of Montreal has shown a genuine interest and commitment in promoting access to municipal services for Montreal’s non-status inhabitants. As with other sanctuary policies across Canada, though, the city’s limited jurisdiction prevents it from contending with the complex and multi-scalar barriers faced by non-status migrants. But Montreal stands out in several respects. On the one hand, it does not see the reordering and reformulation of municipal administration as the centrepiece of its policy. In fact, its policy only applies to libraries, food assistance, sports and recreation, and fire services. On the other hand, it has advanced innovative solutions to the central impediment to accessing services of any kind: fear of detention and deportation. Enjoying sizeable funds, Montreal has subsidized co-implementation strategies in partnership with community organizations as a way of bypassing limited jurisdiction over privacy, provincial policy, and policing. While in a pilot phase, and at present flawed, these projects have the potential to enhance access to courts, rights tribunals, criminal justice, and, under the right conditions, a greater range of provincial services than in other sanctuary cities in Canada.

We aim to contribute to the scholarship on sanctuary city policies in Canada drawing on documentary research, including academic and grey literature, policy documents (e.g., action plans, resolutions, motions, declarations, training guides), and reports. In addition, we conducted 10 semi-structured interviews with 12 stakeholders in Montreal

in May 2019.<sup>3</sup> The participants were selected to capture the role and diversity of the actors involved in policy formulation and implementation. This article reports on the insights and perspectives of three city officials, four practitioners and researchers, four representatives of civil society organizations (CSOs), and one member of the City of Montreal Police Service (SPVM).<sup>4</sup> Furthermore, from June to August 2021, virtual follow-up meetings were organized with five representatives from the city of Montreal, one SPVM representative, and two CSO participants to discuss the progress and limitations in policy implementation during the COVID-19 pandemic. Ethics Approval from the Research Ethics Board of Toronto Metropolitan University (formerly Ryerson University) was granted for the collection and analysis of field study data.

First, we discuss the conceptual framework that informs our research. We then provide an overview of the formal policy to highlight its scope as well as its top-down and incremental nature. Third, we analyze the main obstacles to effective implementation, with a focus on the municipal police's refusal to take part in the policy. In fact, as discussed below, the SPVM, continues to inquire into immigration status and to transfer non-status persons to the Canada Border Services Agency (CBSA), the federal agency responsible for border protection and immigration enforcement. Last, we examine the ways in which the city of Montreal has claimed a greater role in matters that concern its non-status inhabitants' well-being, despite the obstacles.

## CONCEPTUAL FRAMEWORK: SANCTUARY CITY

There is no uniform understanding of **sanctuary**. However, many relate it to "urban citizenship," "urban belonging," or "citizenship as inhabitancy," according to which membership in a political community is based on presence in the city or engagement with community rather than national legal status (Varsanyi, 2006). As Isin (2012, p. 109) has remarked, presence has the capacity to articulate a political subjectivity and its expression to rights. But even short of an urban citizenship approach, sanctuary policies empower the civic engagement of non-status migrants and the democratic potential of local institution (Ridgley, 2008). They have historically emerged as a grassroots approach aiming to create a culture of justice and hospitality at a local level (Friese, 2010). They are also part of a broader push by municipalities for greater political and economic independence from national and provincial/state governments and of resistance to the deliberate weakening municipal government (Valverde, 2021). Indeed, migration flows, border control, and border enforcement are inseparable from global policy domains over which cities are increasingly involved, including the environment, foreign investment, real estate, labour, and technological innovation.

In Canada, the crosscutting nature of sanctuary is reflected in solidarity between local migrants' rights, anti-poverty, and anti-racist and anti-colonialism advocates, who have been instrumental in promoting more inclusive practices. Immigration status barriers have been a rising concern for addressing poverty and marginalization in major Canadian cities. In Montreal, Solidarity Across Borders and self-organized committees of non-

<sup>3</sup>Out of these 10 interviews, 2 had two participants each.

<sup>4</sup>Participants are referred to as P-1, P-2, and so on, in the chronological order the interviews were conducted.

status migrants and refugees have mobilized against detentions and removals (Nyers, 2010, p. 129). They have pressured the federal government to regularize non-status migrants (Lowry & Nyers, 2003). Debates on access to education, shelters, and health care have helped frame the topic as a social justice issue and sensitize the public to the plight of this population.

Around the 2010s, some local governments in Canada started to take action. In 2013, Toronto became the first sanctuary city in Canada to enable **all** residents to access municipal services. As of 2022, seven Canadian cities (Toronto, Hamilton, Vancouver, Ajax, Montreal, Edmonton, and London) have official sanctuary or access without fear policies. They aim to allow non-status migrants to access some municipal programs and services without fear of being arrested, detained, or removed from the country. In some cities, policies include “non-co-operation” with the law enforcement authorities or “don’t ask, don’t tell” policies, whereby the city does not require their staff members to ask about an individual’s immigration status and commits to not sharing any personal information with the police (Hudson et al., 2017).

According to Bauder (2017), sanctuary initiatives challenge criminalizing and exclusionary policies and discourses against non-status migrants. They contribute to identity formation by transforming political identities and subjectivities as well as reimagining the city as a space of belonging. Sanctuary city initiatives can also be interpreted as an attempt to rescale migration policies and practices from national to urban scales. While non-status residents have not received explicit consent from the nation-state to enter and remain within the state, they are receiving consent to remain in the cities that are enacting these local policies (Varsanyi,

2006, p. 240). Local spaces and institutions become a strategic site for developing a transformative and prefigurative politics (Russell, 2019, p. 991). Montreal’s experience illustrates aspects of this process, within the clear political and economic limitations municipalities find themselves in (de Graauw, 2021).

## AN EVOLVING FORMAL POLICY

Montreal’s sanctuary policy has been refined and renamed three times since its inception. The 2017 **Declaration to Designate Montreal a Sanctuary City** directed the city to develop an action plan that would notably identify “opportunities to improve, for persons without legal status, access to services offered by the City and its partners, without fear of being denounced or deported” (Ville de Montréal, 2017, para. 4a).

The declaration directs the Public Safety Commission to work, in collaboration with the SPVM, to ensure non-status migrants’ access to municipal public safety services without fear, “except if a person is subject to a specific compliance order stemming from judicial proceedings, especially pertaining to criminal or safety matters” (Ville de Montréal, 2017, para. 5).

The sanctuary policy is coordinated by the Office for the Integration of Newcomers in Montreal (Bureau d’intégration de nouveaux arrivants à Montréal [BINAM]), a unit, created in March 2016 as a response to the reception and integration needs of some 4,000 Syrian refugees resettled in Montreal from 2015 to 2016 (Global Migration, 2017, p. 56). BINAM has been allocated an adequate budget and dedicated staff to undertake long-term policy planning, and to coordinate, and implement the city’s operational activities for the settlement of newcomers (Ville de Montréal, 2019a, p. 16).

It collaborates with the SPVM and the main CSOs working with precarious status migrants in Montreal. Several focus groups and regular consultations with stakeholders have been organized since 2017.

In December 2018, the “sanctuary city” label was replaced by “responsible and committed city,” following the criticism by actors that the label was misleading and endangering non-status migrants’ safety (*Solidarity Across Borders*, 2017). The new mayor, Valérie Plante, who took office in November 2017, stated that the change aimed “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 new title was carried over into the city’s December 2018 action plan, entitled **Montréal Inclusive 2018–2021**, which included measures to “accelerate the socio-economic integration of people from immigrant backgrounds” (*Ville de Montréal*, 2018, p. 2). The action plan was geared to settlement, integration, and general migration policy issues and was not restricted to sanctuary. It acknowledged the vulnerability of people without legal immigration status and the challenges they face to gain support and access to services. The action plan confirmed the desire of “the City of Montreal, as a responsible and committed city, ... to protect [this population] from abuse, injustice and crime” (*Ville de Montréal*, 2018, p. 9).

The current version of the policy, AMSWFP, was adopted in June 2019. It aims to protect persons with precarious or no immigration status living in the city. The policy directs city employees, administrative units, and partners to “(a) make the necessary changes to the identification requirements to access their programs and services;

(b) raise employees’ and service providers’ awareness, improving their knowledge by training them about the different migration statuses and the issues arising from them; and (c) adapt the interventions with this specific clientele” [our translation].

The programs and services made available to everyone regardless of legal status are slim when compared to the range of services the city administers, as well as when compared to other sanctuary cities, like Toronto and Vancouver (Hudson et al., 2017). As stated previously, these programs and services consist of libraries, Bureau Accès Montréal (BAM)—311 (an information and service request line), food assistance services, sports and recreation programs, and the fire department. However, the city showed its determination to implement the AMSWP by defining it as a “strategic operation,” thus making it binding on all administrative units—that is, the corporate services and the boroughs of the city of Montreal<sup>5</sup>—that provide municipal services and partner organizations funded by the city to provide services (*Charter of Ville de Montréal, metropolis of Québec, CQLR, c C-11.4, s. 57.1*).

## MAIN OBSTACLES TO EFFECTIVE IMPLEMENTATION

Jurisdictional limitations have been a significant barrier to Montréal’s sanctuary policy. In Canada, municipalities do not have autonomous constitutional powers, being created and empowered by provincial legislatures (*Constitution Act, 1982, Schedule B to the Canada Act 1982 (UK), 1982, c 11, s. 92.8*). Matters related to the settlement and integration of migrants have been managed collaboratively by provincial and federal governments through conventions, customs, and

<sup>5</sup>The Council of Ville de Montréal (the city) consists of 19 boroughs, city territorial subdivisions, that make up 88% of the total population of the Island of Montreal (*Charter of Ville de Montréal*).

intergovernmental cooperation. In this process, provinces play a more prominent role in the policy design and implementation in socioeconomic matters such as health, education, housing and employment (Paquet, 2019). The city of Montreal, like other Canadian cities, has no direct authority over these matters. The authority held by the City is delegated by the province of Quebec.

Furthermore, "legal residence" in Canada is a core eligibility criteria for the services funded by the federal government. Thus, non-status migrants are excluded from these services. In a similar vein, the city is not allowed to use provincial funds for services provided to non-status migrants. In this jurisdictional context, the municipal sanctuary policy depends on the collaboration between the different orders of government or, more discretely, the informal circulation of funds and resources by local public institutions.

This is perhaps why the Council of Ville de Montréal asked the government of Quebec to "review its policies regarding provincially funded services for non-status residents in order to promote access to health care, emergency services, and housing." We have been told that BINAM has engaged with certain provincial ministries or institutions, including the Ministry of Education and the Regional Directorate of Public Health (P-2). These efforts intensified during the pandemic and have yielded some limited results. A case in point is the Regional Directorate of Public Health's support of the medical clinic for the uninsured run by the DoW (P-12). Nevertheless, due to the limited nature of the municipal jurisdiction, many vital services such as health care, education, work-related protections, and housing support remain unavailable to non-status migrants who still suffer from socio-economic and legal marginalization. Fear of being identified by the municipal police and turned over to the CBSA

exacerbates this situation. As mentioned above, the SPVM decided to not take part in the AMSWFP. This validated the concerns of CSOs that the SPVM would be neither a reliable partner nor independently committed to the rights of non-status migrants. What's more, according to figures obtained by *HuffPost Québec*, after the city declared its sanctuary policy, the SPVM continued to report non-status migrants more than any other municipal police force in Canada (Robichaud, 2018, 2019). The main reason why the SPVM officers contact the CBSA was immigration status checks of non-status migrants (Robichaud, 2019).

The SPVM has been known for participating in immigration enforcement although this is not part of its mandate. It investigated a person's immigration status at routine traffic stops, including cases such as jaywalking, riding a bike without a reflector, or being a passenger in a stopped car (P-9; P-11; P-12), before sharing information with the CBSA. The SPVM also reported the presence of non-status migrants to the CBSA when they intervened in family disputes or domestic violence incidents (AQAADI, 2018, p. 14). The Quebec Immigration Lawyers Association (Association québécoise des avocats et des avocates en droit de l'immigration [AQAADI]) pointed to a risk that calls made by the SPVM to the CBSA would be based more on issues of racial and/or socio-economic profiling than on real security considerations (AQAADI, 2018, p. 17).

Faced with increasing pressure from CSOs, Mayor Valérie Plante when deciding to abandon the term **sanctuary city** in favour of **responsible and committed city**, acknowledged that the SPVM had continued to collaborate actively with the CBSA and report non-status migrants (Coriveau, 2018).

In order to address the issue, the 2018 action plan called upon the SPVM, among



frontline services, to train their employees to adapt their services [formation en adaptation des services] when interacting with non-status migrants. Overall, awareness raising and adequate training for policy implementers—in particular, frontline staff—are crucial for making municipal services and programs accessible to all city inhabitants. However, to our knowledge, little training has occurred for frontline staff and municipal police officers.

To summarize this section, the municipality of Montreal has limited jurisdiction to deliver on two key aspects of sanctuary policies: access to services and protection from inland border enforcement. Lacking control over eligibility criteria for most social services, the city has been confined to offering access only to a narrow range of local services. At the same time, it lacks the jurisdiction to mandate the cutting of ties between local police and federal authorities. However, Montreal has found creative ways around these limitations, in good part by situating sanctuary policies in broader fields and discourses that are jurisdictionally looser and aligned with the democratic history and potential of local government.

## EFFORTS TO OVERCOME BARRIERS

By promoting a right to access basic services, based on mere presence in the city rather than legal status, Montreal's sanctuary policy expresses a moral responsibility on the part of the municipality to ensure the well-being of its residents. This is visible in the 2017 declaration designating Montreal a sanctuary city, in which city council referred to Montreal's values of "being open, just, fair and supportive" (*Ville de Montréal*, 2017, p. 1) and to its commit-

ment to an anti-discrimination and rights-oriented policy framework.<sup>6</sup> The then-mayor Coderre's 2017 tweet illustrates how Montreal's sanctuary city policy encapsulates an effort to distinguish Montreal from federal US politics, which have been deemed morally reprehensible. Coderre's choice to use the term **sanctuary city**, which he encased in quotes, also reflects an expression of solidarity with US cities engaged in decades-long resistance to exclusionary and vindictive immigration policy. At the time, Coderre did not express a clear stance on Canadian migration and border policies.

The city staff we interviewed adopted a different perspective, associating sanctuary policy with what they perceived to be long-standing local commitments to anti-discrimination and rights and not a "flash-in-the-pan" symbolic gesture to growing anti-Trump sentiment. A senior city staff noted that

[the municipality has] a duty to protect the people who are on our territory and to offer them services. ... It is a notion that refers to important concepts of protecting rights of vulnerable people. ... And being a government of proximity allows ... the opportunity to do so. (P-6)

The city's pledge for such politics is evidenced by the initiatives undertaken to overcome the abovementioned obstacles.

BINAM has been engaged nationally and internationally in this endeavour. It initiated informal, ongoing dialogue with other sanctuary cities in Canada, aimed at sharing best practices and lessons learned (P-1; P-2). BINAM has formed a particularly close relationship with the Toronto Newcomers Office, which is unsurprising given their mutual mandates over sanctuary policies as well as settlement and integration. The lead

<sup>6</sup>This includes the Declaration for Cultural Diversity and Inclusion (2004), the Montreal Charter of Rights and Responsibilities (2005), and the Declaration on Living Together (2015).

staff at BINAM has also engaged with municipalities globally.<sup>7</sup>

Generally, BINAM has been effective at engaging with community partners, which has served it well in working around the city's jurisdictional limits. Montreal's city council has not engaged the province or the federal government on policy alignments. Local organizations have shouldered this responsibility with the support of BINAM. To illustrate, \$378,000 was allocated, in the city's 2019–2021 operating budget, to meeting "the urgent needs of community organizations who collaborate with BINAM as part of the 'sanctuary city initiative'" (Ville de Montréal, 2019a, p. 16). Since 2017, BINAM has subsidized MCM Solutions Justes and DoW to support them in providing services to non-status migrants in areas such as health care and legal aid that normally fall outside the city's jurisdiction. To illustrate, MCM Solutions Justes led a project to provide legal information, socio-legal support, and medical support to 300 non-status migrants and migrants with precarious status (MCM Solutions Justes, 2018). The city of Montreal covered some \$30,000 out of the \$45,719 total budget for this project.

During the pandemic, as most city services were closed or operated remotely, the city allocated additional funds to CSOs to support non-status workers. These efforts emphasized that the vast majority of non-status migrants work precarious but essential jobs and suffer from situations such as income loss, lack of access to public health services, and pandemic financial assistance. The city organized consultations with the SPVM, AQAADI, and other community partners to explore ways to mitigate the adverse

effects on non-status migrants of the curfew declared on 9 January 2021 (Ville de Montréal, 2021b, p. 4).

These efforts led to a motion adopted unanimously by the Council of the Ville de Montréal on 23 February 2021, which underlined that the public policies implemented in response to the COVID-19 pandemic must ensure equal treatment and non-criminalization of all persons regardless of their immigration and citizenship status. The motion called upon the federal government to regularize non-status migrants and asked the government of Quebec to grant them access to the special pandemic programs available for asylum seekers, to health care and social services, and to support from emergency services and relief (Ville de Montréal, 2021a).

The city's efforts to provide non-status migrants with an identification (ID) document have been part of the initiatives to mitigate the effects of the SPVM's noncompliance with the sanctuary policy. Several organizations in Montreal supported the idea of a municipal ID card and suggested that it would counter excessive control by the police in cases of minor offences or municipal contraventions, thereby reducing a non-status migrant's risk of being turned over to the CBSA (AQAADI, 2018; TCRI et al., n.d.). Montreal's municipal ID card initiative has been informed by the experiences of some US cities (P-1; P-2; P-6). In 2018 and 2019, some Montreal city and SPVM officials met with their counterparts in New York, including representatives from the New York Police Department and officials in charge of IDNYC, a government-issued identification card (P-6).

<sup>7</sup>The city has been instrumental in the establishment, in September 2018, of the Mayors Mechanism within the Global Forum of Migration and Development, which aims to provide the local authorities with, inter alia, an opportunity to find solutions to shared problems. Another example is the involvement of Montreal in the pilot project run by the International Organization for Migration and aimed to develop Local Migration Governance Indicators to foster dialogue on migration between national governments and local authorities.

The ID card initiative has undergone changes since its inception. In September 2019, the city of Montreal started to run a third-party referral pilot program in collaboration with DoW, which agreed to provide non-status migrants with a certificate of identity and residence (carte d'identification et de résidence [BINAM card]) (Ville de Montréal, 2019b). The card allows anyone without immigration status or whose immigration process is in progress, unable to provide proof of identity and address for themselves and their children, to access municipal services and programs: namely, public libraries, swimming and sports facilities, children's summer camps, food supports, and school registration.

A second phase of the project funded by the city of Montreal started up in December 2020 and was scheduled to go until the end of 2021. Over 130 BINAM cards have been issued as of July 2021. According to a DoW representative, the cards have been generally accepted for COVID vaccination bookings (P-18). This participant emphasized how the pandemic had made it difficult for DoW to reach precarious and non-status migrants who were no longer in contact with their community partners. The funds allocated by the city were also used to hire two community outreach workers who work with DoW to establish links and outreach to communities who would need BINAM cards. As this card is not accepted for identification purposes by the SPVM, DoW disseminated flyers advising cardholders not to use the card to identify themselves to the police (DoW, 2021; P-18). Research participants from the city of Montreal and CSOs stressed the importance of making the municipal identification card readily available to all residents, and not exclusively for non-status migrants, who could otherwise be stigmatized and lose trust

in the initiative (AQAADI, 2018; P-3; P-6; P-12).

Another notable development has been the SPVM decision to centralize the calls made by its officers to the CBSA at routine police stops (interpellations policières) (Pouliot, 2020). The new policy appears to be part of the measures announced by the city of Montreal chief of police in July 2020 as a response to the criticisms by CSOs about the calls made to the CBSA and, more broadly, racial profiling (Armony et al., 2019; SPVM, 2020).

According to our interview with the SPVM, a street-level police officer can no longer directly make status checks with the CBSA but must contact their supervisor for prior approval. At the time of writing, a central unit within the SPVM is in charge of transferring the call to the CBSA if the criteria for contact are met. The three recognized grounds for contacting the CBSA are (a) to verify the existence of a federal arrest warrant, (b) to protect the lives or safety of persons from an articulable risk, and (c) to verify a driver with a foreign license satisfies provincial residency rules. Simple status checks are prohibited according to this policy.

The SPVM representative noted that a registry has been established to collect data on the number of calls made to the CBSA and the reasons for each call. The registry enables them to identify discrepancies in calls made through official channels and calls documented by the CBSA. Data are reviewed weekly, and noncompliance can result in disciplinary action. The procedure would have resulted in a 70% decline in calls by the SPVM to the CBSA, according to city officials (P-13). The SPVM participant observed a decrease from an average of 10 calls a day to 2 since the procedure came into effect in November 2020. However, it is difficult to establish a causal connection between the new

SPVM policy and these figures, as COVID lockdown measures surely played a role. Few migrant and community organizations are aware of the changes (*Ville de Montréal*, 2021, p. 3). The SPVM and BINAM representatives noted that they meet regularly and collaborate to address the issue of immigration status checks and calls made to the CBSA without valid reasons. It remains to be seen whether these efforts will have an impact on the reporting of non-status migrants to the CBSA.

Perhaps the best example of BINAM's facilitation of community/provincial relationships is its new Intervention and Protection Unit (IPU) initiative. The IPU is supposed to help non-status migrants interact with local and provincial authorities responsible for investigating victimization, wrongdoing, and crimes. It is coordinated by the Centre for Assistance to Victims of Crime (Centre d'aide aux victimes d'actes criminels de Montréal [CAVAC]), a non-profit organization that provides intervention processes and psychosocial and judicial expertise in 16 locations on the Island of Montreal. This project offers "information, guidance, as well as referral and support services" to victims of labour law violations, landlord abuses, or crime (CAVAC, 2019). The IPU coordinates the mobilization of these supports among local and regional institutional partners.

As a pilot, it is unclear whether or how CAVAC will be able to protect the privacy of non-status migrants, especially with respect to police. While non-status migrants can provide anonymous tips as witnesses, victims will have to be identified by police for charges to be laid. The legal requirements of investigations need to be clarified further in the context of labour or landlord-tenant complaints. Assuming there is a legal basis for protecting privacy, relationships of trust are of utmost importance, with respect paid to

CAVAC and both non-status migrants and relevant provincial personnel. Some community representatives were critical of the program, highlighting that non-status migrants already have special relations of trust with select community organizations. In the view of some, the IPU should be more polycentric, including organizations other than (but including) CAVAC. It is also worth noting that many of the legal rights and proceedings notionally made available through this system fall exclusively under provincial jurisdiction or that of local institutions other than the municipality. This means the city cannot provide safe space on the physical premises of courts, tribunals, or public offices, as is done in San Francisco, with the assistance of sanctuary state laws. This underlines the need for provincial sanctuary policies or buy-in from non-municipal local institutions.

## CONCLUSION

At the time of writing, implementation of a sanctuary city policy in Montreal has just begun, but the pace of change has been commendable. Facing a complex jurisdictional environment, the city has benefited from significant funding and continued political engagement; both have enabled BINAM to launch and support important initiatives. These initiatives indicate the city's concern, as a government of proximity, with local governance in the context of migration, as well as supporting rights advocacy. The theme of proximity to residents is important to underline here. It reflects an understanding that provision of local services in the context of migration is not to be taken as an assertion of authority over the governance of migration. To the contrary, the city can proceed with inclusive policies precisely because it need not concern itself with the national scale, including the suite of eco-

nomic, legal, and political causes and consequences of irregular migration.

Indeed, Montreal's sanctuary city policy speaks to the robustly democratic nature of municipalities while at the same time engaging with broader issues of racism, poverty, community health, criminal justice, housing, and children's rights. The work of co-implementation and collaboration with local public institutions working in these fields has enabled the city to exert influence without treading into a mire of jurisdictional conflict. Like other sanctuary cities in Canada, Montreal has developed relationships with school boards, health units, courts and tribunals, and other local institutions. Unlike other cities, though, it seems to have made some headway with local police and has the potential to assuage fear and distrust of local government.

Our research into Montreal shows that the city does not emerge as a viable alternative to national or provincial government simply by default. It does not yet constitute a novel reforming and reorganization of political community as described in urban citizenship literature, but neither is the city's role reduced to its constitutional status as a mere "creature of the province." It occupies a more liminal, ambiguous space, where serious work can be done through local partnerships that span institutional and jurisdictional divides. In the case of Montreal, sanctuary policies are powerful because they align with a historic set of democratic values that are incongruent with the populist and neoliberal mindset of the provincial government. Sanctuary cities have an interest not only in disavowing exclusionary federal policies but also in challenging or reshaping provincial policy. This interest is very much rooted in the broader process through which cities are claiming greater political and economic independence; migration is one

among many fault lines in this struggle.

The work of implementation accordingly tends to be circuitous. The choice of Montreal to focus on co-implementation strategies with community organizations signals a creative but necessary strategy of bypassing legal limits to its powers over eligibility criteria for services and, more pointedly, its control over privacy and data. Informal relationships between CSOs and their networks in provincial administrative bodies will help, but legal uncertainties abound, providing space for provincial interventions and counterinfluences.

In kind, the limitations of sanctuary cities are attributable in no small part to the local presence of national sovereignty in the form of urban securitization: the role of local actors in the management of perceived threat to state and citizen (Hudson, 2019). Co-operation between the SPVM and the CBSA loom over all aspects of Montreal's sanctuary policy. Without jurisdiction over the SPVM's operational choices, the city has tested the feasibility of municipal ID cards, but the cards are exclusive to non-status persons and don't provide access to the most important social services.

Against this background, the impact of the city's initiatives to overcome barriers is an open question. The flaws of some of these measures are a reflection of the limited jurisdiction of the city but also of a persistent misrecognition of the unique problems that non-status migrants face. Comprehensive staff training and citywide engagement with community groups that have established relations of trust with non-status migrants would broaden and deepen staff engagement in implementation beyond a select few specialized BINAM leads. The SPVM's co-operation is critical for the policy's success; and so is the continuity of the political sup-

port by Montreal's mayor on sanctuary measures.

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## FUNDING

This article draws on research supported by the Social Sciences and Humanities Research Council of Canada.

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