



**REVISITING THE SANCTUARY CITY: CITIZENSHIP OR
ABJECTION? SPOTLIGHTING THE CASE OF TORONTO**

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ABSTRACT

This major research paper revisits the notion of the “sanctuary city” in relation to emerging literature highlighting it as a space that constructs local citizenship. In this perspective, it is suggested, that sanctuary spaces can potentially enfranchise undocumented migrants. This paper however, seeks to problematize emerging literature denoting this by introducing a political-economy aspect to the discussion of sanctuary spaces. Drawing on the case of Toronto, this paper assesses how the contemporary neoliberal governance of cities enclose undocumented migrants within a space of domination and oppression. This paper concludes with a theoretical proposition that sanctuary cities can thus reflect as form of abject space.

DEDICATION

This MRP is dedicated to those continuously fighting for status.

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Contents

CHAPTER 1 - SANCTUARY: ENFRANCHISEMENT OR ABJECTION?..... 6

**CHAPTER 2 - CITIZENSHIP, ABJECTION, AND THE SANCTUARY CITY:
THEORETICAL CONSIDERATIONS..... 14**

CHAPTER 3 - CITIZENSHIP OR ABJECTION IN TORONTO? 33

CHAPTER 4 - CONCLUSION: THE SANCTUARY CITY RECONSIDERED 50

REFERENCES 51

CHAPTER 1 - SANCTUARY: ENFRANCHISEMENT OR ABJECTION?¹

The term sanctuary generally still refers to public and private safe spaces for unauthorized immigrants because sanctuary policies, for the most part, are still implemented by local governments and private groups such as churches – Rose Villazor (2008, p. 135)

The term “sanctuary city” is not defined by federal law, but it is often used to refer to those localities which, as a result of a state or local act, ordinance, policy, or fiscal constraints, place limits on their assistance to federal immigration authorities seeking to apprehend and remove unauthorized aliens – Michael John Garcia (2009, Summary)

As the above quotes suggest, the term sanctuary is typically understood to include three elements. First, sanctuary relates to undocumented migrants, which as the Platform for International Cooperation on Undocumented Migrants refers to as “those without residence permit authorising them to regularly stay in their country of destination” (Platform for International Cooperation on Undocumented Migrants, What is an Undocumented Migrant, n.d.). Undocumented migrants are therefore without legal status and may be unsuccessful asylum applicants, persons with no official identity documents, persons whose sponsorship relationship “may have broken down,” or persons who overstayed their visas (school, work, visitors, etc.) (Nyers, 2010, p. 131). Second, sanctuary is the practice or set of practices whereby undocumented migrants have

¹ The theoretical model developed herein has greatly benefitted from the thorough copy-editing and organizational suggestions of this MRP’s supervisor, Karen Murray.

entered into and remained in spatial protection to avoid consequences of being undocumented, such as detainment or deportation (Lippert, 2005a, p. 16). The second aspect of sanctuary is often compared to “don’t ask, don’t tell” and non-cooperation ordinance policies. “Don’t ask, don’t tell” is meant to conceal the legal status of undocumented migrants. Non-cooperation ordinance policies minimize assistance with federal immigration authorities in seeking to detain and deport undocumented migrants (Villazor, 2009). Third, sanctuary is linked to social and political mobilizations and movements because it entails “strategic efforts to expose” the problems of undocumented migrants “to mass media, communities, and political authorities” (Lippert, 2005, p. 16).

These elements of sanctuary were fundamental to the emergence of contemporary sanctuary spaces in North America. Sociologist Randy Lippert points out that the practice of sanctuary is not new. Lippert (2006) writes that “[sanctuary] as an exceptional space and set of practices is evident in the Old Testament’s account of cities of refuge as well as histories of ancient Greece, Rome, and Byzantium” (p. 74). During Middle Europe, sanctuary experienced a gradual decline as they became less important in the wake of states providing legal rights to asylum seekers (Ibid). More recently, since the 1970s and initially in Britain, sanctuary practices have been revitalized (Ibid). Today, sanctuary spaces are found across North America. As these temporal and spatial reaches suggest, of course, it would be incorrect to assume that sanctuary spaces of the past are the same as the present, or indeed that sanctuary spaces in one setting are the same as another. For this reason, hereinafter, while through this essay I use the phrase “sanctuary city” without quotes, I do so with the full knowledge of the importance of such specificities.

Indeed, one of my goals, as explained below, is to investigate how sanctuary is operating in the context of one city at one point in time: contemporary Toronto.

While sanctuary spaces have grown since the 1970s, there was an exponential rise during the 1980s in the United States when thousands of Central Americans were seeking asylum as a result of mass conflict and prolific violations of human rights in their home countries. Central America was a central area of interest within US foreign policy at this time (Chinchilla, Hamilton, & Loucky, 2009). The overthrow of the Somoza dictatorship by the Sandinistas in Nicaragua and the revolutionary movements of El Salvador and Guatemala were a major focus of attention for the Ronald Reagan administration (Ibid). Following the Monroe Doctrine which asserted that “America shall have no enemies in its backyard,” Reagan oversaw billions of dollars of aid distributed to the Salvadoran military and contra rebel groups in Nicaragua in an effort to subdue revolutionary movements (Ibid).

It is estimated that between 1980 and 1983, 1.5 million Central Americans were displaced from their homes. This included 400,000 – 500,000 Salvadorans which at the time was one tenth of its population (Crittenden, 1988, p. xvi). Many Central Americans seeking asylum were labelled “economic migrants” by the US government which resulted in the denial of many (Ridgley, 2008). It was politically unstable for the US to otherwise label such migrants as “asylum seekers” as doing so would acknowledge human rights violations by governments they financially aided (Ibid). As sanctuary author Ann Crittenden (1988) points out, of the more than 10,000 Salvadoran and Guatemalan applicants between 1980 and 1985, only 2.6% and 0.9% were granted asylum respectively (as cited in Ridgley, 2008). The denial of thousands of Central American

asylum-seekers were perceived by many to be wrongful. It was in this context that the contemporary US sanctuary movement took form.

In the context of the United States, sanctuary practices were predominantly faith-based. The assassination of Archbishop Oscar Romero (who spoke against the abuses of the Salvadoran government) and the rape and murder of four American female missionaries by the Salvadoran National Guard galvanized religious groups in the United States (Coutin, 1993). As a result, churches began educating themselves on the political events in Central America, which included questions about border passing (Ibid). US church groups in many instances were first to act in providing assistance to people fleeing violence and unrest.

The first US declaration of sanctuary that occurred was in 1980 when members of the Southside Presbyterian Church came to the aid of Salvadoran nationals wandering the Arizona desert. Granting sanctuary proved difficult as church members were threatened with indictment for housing “illegals” by the then Immigration and Naturalization Service (INS). Faced with an ethical dilemma and not wanting to submit to INS threats, church members rallied public support. They launched a public relations campaign that drew on biblical references of refuge cities to assert moral obligation in aiding asylum seekers (Chinchilla, Hamilton, & Loucky, 2009). Soon after, on March 24, 1982 – the second year anniversary of the assassination of Archbishop Oscar Romero – Southside Presbyterian and other churches across the United States declared themselves as “sanctuaries” for asylum seekers. This marked the unofficial beginning of the 1980s American sanctuary movement.

Other faith denominations and as well as secular individuals, groups, and institutions, also played a role in shaping the contemporary sanctuary movement in the United States. Beginning in 1984 with the University of California in Riverside, universities across the state of California declared themselves sanctuary spaces. Campuses for the most part, never housed migrants, but instead raised funds, provided food, and worked alongside sanctuary churches (Chinchilla, Hamilton, & Loucky, 2009). In due time, cities and other sub-national jurisdictions across the United States followed suit in declaring themselves as sanctuaries. In 1985, San Francisco became the first US city to declare itself a sanctuary through the passing of a non-cooperation ordinance. By 1987, there were more than 440 sanctuary zones in the United States (Lippert, 2005a), including 20 cities and two states (New York and New Mexico) (Ridgley, 2008).

Canada also saw the rise of a sanctuary movement at this time. The first known case was in 1983 when a Guatemalan national was given sanctuary in a Montreal church (Nadeau, para. 1). Similar to the US case, most sanctuary cases in Canada arose from unsuccessful asylum claims (Rehaag, 2009). However, unlike their US counterparts, sanctuary practices were never adopted by sub-national authorities. As Lippert (2005b) puts it, sanctuary incidents in Canada were a “wide geographical dispersal...more consistent with a local rather than a national or regional character” (p. 396).

The context of sanctuary today is different from that of the 1980s both in Canada and the United States. From being a distinctive movement organized around protecting Central Americans, today, sanctuary practices have been broadened to include all migrants. However, heightened border control and stricter immigration law and policy have posed new challenges for the movement. In 2006, a call for a “new sanctuary

movement” was made when a coalition of churches and individuals in Chicago provided sanctuary to a mother set for deportation by immigration officials (Villazor, 2008). This coalition described itself as “religious leaders across a broad spectrum of denominations from ten states [who] are coming together to begin a New Sanctuary Movement to accompany and protect immigrant families who are facing the violation of their human rights in the form of hatred, workplace discrimination and unjust deportation” (as cited in Villazor, 2008, p. 145).

Unlike in the US, undocumented migration has been a less of an issue in Canada, remaining largely in the periphery of the public’s attention, until 2013. That year, the City of Toronto became the first Canadian government entity to declare itself a “sanctuary.” The City of Hamilton followed a year later (Nursall, 2014). Together, these declarations represent a level of momentum for sanctuary spaces that had hitherto never been in Canada.

As indicated above, the analysis to follow focuses on how sanctuary operates in one specific setting – Toronto – by addressing the following central question: “*what are the governmental and political purposes of sanctuary spaces operating in contemporary Toronto?*” This question is addressed in relation to the emerging literature connecting sanctuary spaces and local citizenship (Varsanyi; 2006, Villazor; 2008, Squire & Bagelman; 2012). The question of how the sanctuary city relates to wider political movements is important, but given space limitations, this assessment does not dive into the political mobilization aspect, but leaves open the possibility that such a line of investigation could be pursued in the future. Toronto is an ideal example to focus this study because it was the first Canadian city to declare itself a sanctuary. As well, it is

estimated between 100,000 and 250,000 undocumented migrants are within the Greater Toronto Area (Keung, 2013b). These figures are likely to climb due to recent changes in Canada's immigration policy. Thus the effects of sanctuary city will be acutely visible in Toronto.

Legal and urban scholars have argued that sanctuary spaces can construct citizenship on a sub-national level. It is said that sanctuary provides enfranchisement for undocumented migrants as it enables them to partake in "everyday practices" of citizenship. For such theorist, sanctuary spaces represent an egalitarian mode of governing. These notions are juxtaposed with contracting literature conceptualizing sanctuary as a *static* space in which undocumented migrants are helpless immobile depoliticized subjects. My analysis will however, problematize such literature by providing an additional lens to the sanctuary city.

This analysis problematizes standard theories linking sanctuary and local citizenship by bringing into the discussion a political economic element, namely how neoliberal forms of rule promote and require a precarious labour force willing to accept low-wage and low security employment. By illuminating this political economic aspect, we can see how sanctuary spaces, far from being sites of potential emancipation and empowerment, are places that normalize and naturalize precarious forms of employment and indeed precarity and insecurity more generally. In making this argument, the assessment draws upon the extent secondary literature on sanctuary cities, as well as primary documents that give insight into the purposes and operation of sanctuary spaces in the City of Toronto. While there are limitations to this approach, including gaps that would require ethnographic data to fill, document analysis allows for several observations

to be made. First, the secondary literature can be assessed to ascertain how sanctuary practices relate to sovereign power. This is important because undocumented migration is orientated around the question of sovereign power. Departing from traditional conceptions of sovereignty tied to the nation-state, this research seeks to establish that sovereign power extends beyond this model reflecting an exertion of non-state sovereign power that is linked to political and governmental objectives of sub-national authorities. Second, an evaluation of secondary literature brings to light how sub-national authorities extend political economic objectives in the implementation and operation of sanctuary policies. By making these connections, the analysis to follow shows that theories connecting sanctuary spaces with forms of enfranchisement are missing the oppressive elements operating through sanctuary practices in relation to political economic pursuits, including the naturalization of precarious labour. The aim of this research is not to patently undermine the sanctuary city. Rather, the goal is to advance a more nuanced evaluation that shows the limits of sanctuary's apparent progressivity. In this capacity, important questions about sanctuary and citizenship can be answered in new ways, thereby extending the empirical and theoretical literature.

In developing this argument, this paper is organized in five sections. Chapter 2 will introduce the theoretical frameworks informing the research. Specifically, it will explore emerging citizenship literature connecting sanctuary spaces with local citizenship. I then interrogate this literature by placing this connection within a wider historical context of neoliberalism, which includes an examination of sovereignty. Chapter 3 will entertain the potential of sanctuary spaces as what citizenship theorists Engin F. Isin and Kim Rygiel

confer to as “abject space.” Finally, Chapter 4 will explore how the above considerations operate within the example of Toronto.

CHAPTER 2 - CITIZENSHIP, ABJECTION, AND THE SANCTUARY CITY: THEORETICAL CONSIDERATIONS

This section situates my analysis within the emerging literature on new forms of citizenship beyond the nation-state model. At the core of this literature is the notion of local citizenship, elaborated upon below. Sanctuary and citizenship scholars have begun to theorize a connection between local citizenship and sanctuary spaces. This section will set the stage for a critique of this linkage by placing sanctuary spaces in a wider historical framework of capitalist urbanization and its relationship to non-state forms of sovereignty in major urban centres.

The term citizenship is usually understood in relation to the nation-state and national citizenship. Through this lens, it underscores its formal and legal aspects including civil, political, and social rights. Sociologist T.H. Marshall (1992) argued that civil rights are what we would allude to as “rights necessary for individual freedom” (p. 8). Political rights encompass “the right to participate in the exercise of political power” (Ibid). Social rights include “the whole range from the right to a modicum of economic welfare and security to the right to share to the full in social heritage and to live the life of a civilised being according to the standards prevailing in the society” (the educational system and social services as pertinent examples) (Ibid). What makes Marshall’s work useful for this study is his analysis on the impact of social class on citizenship. As Marshall articulates:

Citizenship is a status bestowed on those who are full members of a community. All who possess the status are equal with respect to the rights and duties with which the status is endowed. There is no universal principle that determines what those rights and duties shall be, but societies in which citizenship is a developing institution create an image of an ideal citizenship against which achievement can be measured and towards which aspirations can be directed...Social class, on the other hand, is a system of inequality. And it too, like citizenship, can be based on a set of ideals, beliefs, and values. It is therefore reasonable to expect that the impact of citizenship on social class should take the form of a conflict between opposing principles. (Ibid, p. 18)

In elaboration of Marshall's ideas, Sociologist Tom Bottomore (1992) recognized the "degree of conflict between citizenship and the class system of capitalism, between the satisfaction of needs by welfare services and by the market" (Ibid, p. 64). Marshall has however, been criticized for exclusively focusing on citizenship as rights (Isin & Wood, 1999). In consequence of this, it dichotomizes those who have rights and those who do not, making formal citizenship inherently exclusive.

Many citizenship theorists from diverse disciplines have built upon Marshall's ideas and have expanded citizenship beyond the realm of rights. For instance, Isin and Sociologist Patricia Wood (1999) argue that citizenship can also be "a set of practices (cultural, symbolic and economic)" (p. 4). As they state:

It is important to recognize both aspects of citizenship—as practice and as status—while recognizing that without the latter modern individuals cannot hold civil, political

and social rights...Citizenship is therefore neither a purely sociological concept nor purely a legal concept but a relationship between the two. (Ibid)

For theorists who subscribed to this notion, citizenship is not static (Isin & Siemiatycki, 1999) but rather, as something to be negotiated. As Isin and critical urban theorist Myer Siemiatycki explain:

...citizens actively struggle to change both the meaning and boundaries of citizenship itself...Today, various kinds of groups, ranging from ethnic and racial to ecological and gendered, are making new demands for citizenship concerning group-specific rights...This is why we conceive of citizenship broadly – not only as a set of legal obligations and entitlements which individuals possess by virtue of their membership in a state, but also as the practices through which individuals and groups formulate and claim new rights or struggle to expand or maintain existing rights. (Ibid, p. 6-9)

Of particular significance for Isin and Siemiatycki is examining the polities in which groups make a claim (Ibid). It is against this backdrop that cities have become an emerging interest in citizenship studies. As Sociologist Daiva Stasiulis points out, in the context of globalization, increased migration and diversity amongst places has posed “a fundamental challenge to develop morally defensible, inclusive forms of citizenship” (as cited in Siemiatycki & Isin, 1997, p. 86). Citizenship studies on global cities have pointed out its unique feature as “political spaces where concentration of different groups and their identities are intertwined with the articulation of new claims and citizenship rights” (Isin & Siemiatycki, 1999, p. 8). This conceived multiplicity according to socioculturalist

James Holston (1999) introduces “new identities and practices” which is particularly achieved through forms of “insurgent citizenship.”

A great deal of citizenship studies relating to cities build upon the influential work of Sociologist Henri Lefebvre’s notion of “the right to the city.” Under the banner of “the right to the city,” new claims of citizenship have been made. Lefebvre saw the modern state as a consolidating force on city life. As he (1991) writes:

[The] modern state promotes and imposes itself as the stable centre – definitively – of (national) societies and spaces. As both the end and the meaning of history – just as Hegel forecast – it flattens the social and ‘cultural’ spheres. It enforces a logic that puts an end to conflicts and contradictions. It neutralizes whatever resists it by castration or crushing. (p. 23)

Specifically, for Lefebvre (2005), the notion of “the right to the city” is a call for a “renewed right to urban life” (p. 158). Critical urban theorist Mark Purcell (2002) interprets this as a “call for a radical restructuring of social, political, and economic relations, both in the city and beyond” (p. 101). Influenced by Lefebvre, Holston problematized the modern states as a presupposing egalitarian society that “attempts to be a plan without contradiction, without conflict” (Holston, 1999, p. 46). Noted Sociologist Emile Durkheim has already argued that if the state is to be the only form of association for individuals, it would likely not survive and therefore must find other ways of creating greater solidarity between the two (as cited in Isin & Wood, 1999, p. 97). Durkheim proposed that individuals need to have a form of association to a range of secondary groups between them and the state in which it can foster loyalty and partake in everyday social and political life (Ibid). The

only question remaining for Durkheim was how to promote the creation of such secondary groups between individuals and states (Ibid).

From this, some scholars have begun to conceptualize local citizenship as a decidedly de-stated form of association, although the precise definition of this is still hotly debated. Many local citizenship theorists agree that in its most basic sense it entails a form of membership grounded on presence within a particular sub-national territory (Villazor, 2009). There is a normative impulse in such analyses, which seek to advance more inclusive forms of political membership than that of formal citizenship produced by the nation-state model, equipping “local residents with a sense of autonomy and control over things that would have immediate effects on their lives” (Ibid, p. 581), need not be a process linked to sovereign states and their legal authority.

Drawing upon theories of local citizenship, some legal and urban scholars argue that the sanctuary city marks a space of citizenship for undocumented migrants – a “right to the city” without legal rights to national citizenship. Legal and sanctuary theorist Rose Villazor (2009) argues that sanctuary policies and practices to the extent that they are honoured and upheld, in effect, provide legal status for undocumented migrants. In her research of San Francisco’s non-cooperation ordinance, Villazor argues how such a policy has entitled the city’s undocumented migrants with “rights, privileges, and obligations” (Ibid, p. 580) and therefore signalling the construction of local citizenship. Legal scholar Monica Varsanyi (2006) frames this connection as “local citizenship” policy. This approach according to Varsanyi is based along three points. First, “that these policies represent a de facto consent for the formal membership of these individuals...[and] [i]n effect, they are being partially recognized as local or subnational citizens” (p. 241).

Second, “these policies do not invoke international human rights or cosmopolitan ideals as their foundation [but] [i]nstead they are motivated by local and national conceptions of justice, as well as local or state practicalities” (Ibid). Lastly, “these local policy initiatives [as with the sanctuary city] engage more directly with legal status [and] [o]nce passed, they bestow certain rights, are an element of local law, are applicable to all undocumented residents in the jurisdiction, are thus ‘universal’ (at least the local scale)” (Ibid). Similarly to the research conducted by Villazor, Varsanyi (2006) examines how specific local policies such as the extension of driving licenses and in-state tuition to undocumented migrants have provided local forms of citizenship.

These arguments are useful in analyzing how policies geared towards servicing undocumented migrants provides enfranchisement to those without status. This aspect has been the most compelling feature of the sanctuary city. While theories of local citizenship are often penetrating and insightful, this analysis herein seeks to overcome one of their main limitations. Such literature has often failed to systematically evaluate how the sanctuary city and local membership it purportedly constructs interrelate within the context of neoliberal governance. From an ideological standpoint, neoliberalism refers to the favouring of “individual private property rights, the rule of law, and the institutions of freely functioning markets and free-trade” (Harvey, 2005, p. 64). By connecting the sanctuary city and the broader movement to this wider neoliberal setting, the analysis to follow significantly extends local citizenship theories. As shall become clear below, while neoliberalism may produce progressive things on the surface, beneath it we find complex and layered but also problematic dynamics. Examining the sanctuary city in tandem with neoliberal governance is therefore a productive endeavour. We can begin to situate the

sanctuary city in relation to neoliberal governance by first considering the wider historical context.

Since the 1970s, there has been an ongoing restructuring process often referred to as “globalization.” Political Geographer Edward Soja (1987) explains that:

Restructuring is meant to convey a break in secular trends and a shift towards a significant different order and configuration of social, economic and political life. It thus evokes a sequence of breaking down and building up again, deconstruction and attempted reconstitution, arising from certain incapacities or weaknesses in the established order which preclude conventional adaptations and demand significant structuring change instead. (as cited in Brenner & Theodore, 2005, p. 101)

In this perspective, restructuring entails the institutionalization of neoliberal principles aimed at fostering an economic climate of limited government intervention. The neoliberal tenets of deregulation, privatization, and commodification² are thus embedded within this economic framework. As Urban Geographer David Harvey states “[t]he free mobility of capital between sectors, regions, and countries is regarded as crucial. All barriers to that free movement (such as tariffs, punitive taxation arrangements, planning and environmental controls, or other locational impediments) have to be removed” (Ibid, p. 66). By limiting the role of the state in economic planning, people who favour neoliberal policies argue that individual freedom can be “guaranteed” and accordingly, a free-market can therefore “secure high standards of living for all” (Ibid, p. 64–65). Forms of collective

² Commodification refers to the notion “that markets and market signals can best determine all allocative decisions is to presume that everything can in principle be treated as a commodity. Commodification presumes the existence of property rights over processes, things, and social relations, that a price can be put on them, and that they can be traded subject to legal contract” (Harvey, 2005, p. 165).

strategy, and/or Keynesian policy is the antithesis of neoliberal dogma (Peck & Tickell, 2002).³ Political Economist Henk Overbeek (2002) views [neoliberal] globalization as a “dialectic between the expansion of market relations on one hand and the pursuit of economic liberalism on the other” (p. 75).

Contrary to these assumptions, others have shown that the material consequences of neoliberal globalization has been detrimental for the majority of the world’s population and perhaps no more so than in the peripheral regions of the world (Africa, Central America, Southeast Asia, etc.) (Ibid). The 1980s witnessed many peripheral countries undergo economic, social, and political turmoil – in part due to the accumulative debt and the ensuing structural adjustment policies instituted by the International Monetary Fund and the World Bank as of a result (Ibid). The premises of neoliberalism “established the ground rules for global lending agencies operating in the crisis-torn economies of Asia, Africa, Latin America, and [later on] the former Soviet Union” (Peck & Tickell, 2002, p. 33). These substantially reduced the external sources of finance for numerous peripheral countries to redistribute, which promptly led to many migrating abroad in search for a better life (Overbeek, 2002). Paradoxically, the era of neoliberal globalization has gone hand in hand with an increased tendency by Western states to close their borders (Arat-Koc, 1999). In contradistinction to capital and commodity goods, the movement of people across borders has been met with hostility by governments of all political stripes (Overbeek, 2002). Neoliberal globalization has, some

³ Keynesian is understood to be collective strategies that promotes economic growth through income redistribution. In his *Report on Social Security for Canada*, Leonard Marsh (1943) “contends that unemployment would foster low incomes; low incomes would equal low spending; low consumerism would equal low economic growth; and low economic growth would equal low competitiveness. [Thus] [i]ncome redistribution via state interventions would starve off poverty, produce employment, and maximize consumerism in ways that would enhance democracy” (as cited in Murray, 2011, p. 12).

might say, privileged profits over people by entailing that all aspects of state planning (law and policy) must be in the best interest of “economic growth and prosperity,” undermining presumed benefits to people ostensibly at the heart of neoliberal objectives highlighted above. These changes have had a direct impact on state immigration law and policy.

Since the 1980s, there has been an ongoing restructuring of citizenship geared towards commodification. Neoliberal restructuring brought sweeping changes to many of the West’s immigration systems. During the postwar period, citizenships was largely de-commodified. Sociologist Esping-Anderson (1990) defines de-commodification as the rendering of services “to a matter of right, and when a person can maintain a livelihood without reliance on the market” (p. 22). Oppositely, the commodification of citizenship has involved “an evaluation of people’s potential contribution to and value to the country solely on the basis of their expected place in the labour market” (Arat-Koc, 1999, p. 36). In consequence, as Arat-Koc states “[t]hose people whose skills are considered useless, less useful or irrelevant to the labour market are either totally excluded from, or get differential treatment through immigration” (Ibid). Citizenship theorist Janine Brodie (1990) emphasizes this as a shift from the “inclusive social citizenship” of the welfare era to an “exclusive market-based” form (p. 60). The events of 9/11 has only further heightened hostility towards migrants. Borders, airports, and seaports have particularly become hyper-securitized amidst the age of anti-terrorism. Critical Geographer Martha Scarpellino (2007) underscores this as the “hardening” of boundaries” in which she argues that borders are a form of structural violence that “restrain freedom of movement, yet migration may be the only way some people can satisfy their basic needs, if their state of origin fails to ensure that those needs can be met” (p. 341). Emerging from this has

been exacerbated levels of undocumented migration. The compounding of commodified citizenship and heightened border security has meant those desiring to migrate but unable to formally must do so by other means (human trafficking, illegal border crossings, etc.). In other cases, some may migrate legally, namely through temporary streams of immigration, but become undocumented migrants in overstaying their visas.

The rise of neoliberal globalization has been highlighted by many political economists as a shift from Fordist⁴ to post-Fordist economies (Overbeek; 2002, Slavnic; 2010). Post-Fordism involves the reorganization of capital and labour, specifically towards flexible modes of accumulation. Specifically, this involves the subordination of labour to the interests of capital. The withdrawal of the state from many areas of social provisioning has cemented this undermining of labour. As Political Economist Zoran Slavnic (2010) writes:

Instead of full employment, the new state tries to promote innovation and flexibility with relatively open economies; social policy has been increasingly subordinated to economic policy...As a result, the state has been increasingly abandoning its traditional role as 'decommodifying agent', and replacing it with the role of the 'commodifying agent'...At the same time the old (welfare) values of equality, security and collective emancipation have increasingly been replaced by values of individualism, natural inequality and performance in the market. (p. 8)

⁴ The Fordist accumulation regime can be understood as a "particular combination of techno-organizational characteristics on one hand and heavy regulatory state intervention resulting in the building of the 'Welfare State' on the other" (Swyngedouw, 1989, p. 33).

In the area of labour migration, as Overbeek (2002) argues, this consequently established a 'core-periphery- structure within the advanced capitalist economies, leading to the "peripheralization of labour" (p. 76). The integration of the periphery within one encompassing global division of labour helps depress wages which simultaneously creates and reinforces "the demand for various forms of unskilled and semiskilled labour" (ibid). In this perspective, undocumented migrants serve a functional purpose. Neoliberal states have been particularly drawn to the flexible labour of undocumented migrants. This embodied form of labour has been representative of the shift towards flexible modes of production as precarious forms of employment (part time, contract, temporary, etc.) entail low-wage working conditions with minimal (if at all) benefits. Slavnic (2010) states that "[t]here is a clear tendency towards so-called 'flexploitation', which includes different anti-worker aspects of the labour market that aim partly to reduce the labour rights of those who are employed, and partly to increase the demands on those who are looking for work" (p. 13). Small and medium-sized capitalist firms in particular have needed undocumented labour to sustain themselves (Overbeek, 2002).

Legal scholar Gregor Noll understood the importance of undocumented migrants within neoliberal globalization. It is strictly because of the flexibility of undocumented migrants that states concede their sovereignty. States are willing to entertain their presence within their territory so long as undocumented migrants offer their labour in return. This has underlined the relationship between undocumented migrants and the neoliberal state. With the issue of undocumented migration precisely anchored within the question of state sovereignty, as Noll (2010) states, "the jurisdictional competence of a state is held to be primarily territorial" (p. 249). The presence of undocumented migrants

in a given territory denotes the undermining of state sovereignty. Immigration enforcement and border control thus serve to safeguard state sovereignty. Sovereignty gives states the power “to deny noncitizens admission to their territory and to enforce their departure” (Ellermann, 2010, p. 414). At the same time however, no state has overtly denied the “applicability of human rights to undocumented migrants” (Ibid, p. 245). The existence of several conventions geared towards the protection of undocumented migrants serves as testimony. This signifies a rather unstable relationship between states and undocumented migrants. On one hand, states can uphold and protect the rights of undocumented migrants (as stipulated in international conventions and agreements as well as domestic laws and policies), but on the other hand, they can also unequivocally revoke and deny them (detainment, deportation, etc.). For sovereign states, it is not a question of human rights but rather a reserved right “to create and uphold laws regulating the entry, presence and exit of non-citizens” (Ibid). Noll utilizes a Hobbesian conception of sovereignty to explain this enfranchisement/disenfranchisement paradox. As Noll conceptualizes, the contemporary relationship between states and undocumented migrants is analogous to that of the master-slave nexus as developed in political theorist Thomas Hobbes defense of war slavery. Hobbes articulated the master-slave relation to be mutually beneficial. Using the backdrop of war (which Hobbes confers to as the state of nature), in return for the submission of the vanquished, the victor will preserve his or her life. The vanquished however, must enter a ‘covenant of servitude’ with the victor. Entering this covenant is not automatic, as it is ultimately the choice of the vanquished to do so. As Hobbes (1996) states:

It is not therefore the Victory, that giveth the right of Dominion over the Vanquished, but his own Covenant. Nor is he obliged because he is Conquered; that is to say, beaten, and taken, or put to flight, but because he commeth in, and Submitteth to the Victor. (p. 141)

According to migration scholar Antje Ellermann, this voluntarily obedience is argued to be a unique feature of the liberal state. As she (2010) states “[v]oluntary obedience...depends upon the availability of meaningful incentives that ensure that the benefits of compliance outweighs the costs. If the state offer these incentives, it is forced to resort to hard coercion” (p. 409). Once covenant is established, the state can no longer “wield its power of soft coercion,” as it risks acts of resistance. The vanquished are particularly susceptible to such acts as “extreme powerlessness...is at the root of resistance and [thus] presents a potential threat to the exercise of state power” (Ibid, p. 410). The state must therefore “elicit the voluntary compliance of those without legal standing...but at the same time, the state’s [sovereign] use of physical violence is constrained by its liberal constitution” (Ibid, p. 413). As a result, the sovereign state must offer other incentivizing means to prompt voluntary compliance on part of the vanquished. The power of the victor is wielded in its ability to terminate the covenant. As Hobbes (1996) further states “[nor] is the Victor obliged by an enemies rendring himselfe (without promise of life,) to spare him for this his yeeding to discretion; which obliges not the Victor longer, than in his own discretion hee shall think fit” (p. 141). In account of the impacts neoliberal globalization has had on the peripheral regions of the world, this framework is quite functional. Noll’s analysis of the link between the master and slave relationship and

contemporary forms of sovereignty is where the assessment herein begins by extending what is meant by sovereignty as it relates to the sanctuary city.

In recent decades, an emerging literature has extended the notion of sovereignty to other non-state powers. Once deemed exclusive to the nation-state, sovereign power can also be exercised by subnational authorities, such as cities, communities, institutions, and individuals. The increased autonomy of these non-state actors have resulted in part from the forces of neoliberal globalization, at least since the 1970s. Overbeek (2002) reminds us that “[g]lobal restructuring leads to (or implies) the creation of additional formal and informal structures of authority and sovereignty besides and beyond the state” (p. 80). Lippert (2004) argues that the general practice of sanctuary is an assertion of sovereign power.

What the above seeks to emphasize is that sanctuary cities can reflect forms of non-state sovereign power that have been unaccounted for in theories of local citizenship. Sub-national authorities, in this instance local governments, have the power to make exception, territory, and spectacle through the implementation of sanctuary city policies but they do so in a manner that is beyond conventional notions of legality and illegality, state and non-state power, citizenship and aliens.

It is within this retheorization of sovereignty highlighted above that the sanctuary city may represent much more than a space of enfranchisement for undocumented migrants. While the assertion of non-state sovereign power through sanctuary may in fact be well-guided (as in the case of the 1980s sanctuary movement), shifting contexts problematizes this reasoning. Contemporarily, the sanctuary city can be understood through the framework posited by Noll, signalling a ‘covenant of servitude’ between

undocumented migrants and sovereign powers. In this case, the sanctuary city represents an assertion of sub-state sovereign power. This poses the question, *“to what extent do sub-national authorities have an interest in undocumented migrants?”* For this we need to consider more systematically how, as Geographers Jamie Peck and Adam Tickell (2010) state, “neoliberalism [has] provided a kind of operating framework or “ideological software” for competitive globalization, inspiring and imposing far-reaching programs of state restructuring and rescaling across a wide range of national and local context” (p. 33). Specifically, what we need to interrogate the impact neoliberalism has had on cities.

In many instances, while the growth of cities arose from the initial success of post-war Fordism, it soon after was abandoned amidst increasing internationalization of national economies, capital mobility, the rise of large corporations and transnationals, and overly bureaucratic governments (Eisenschitz & Gough, 1993). Neoliberalism did not offer an even playing field of ‘regime competition’ as it was playing a decisive role in laying the “ground rules” of interlocal competition “by shaping the very metrics by which regional competitiveness, public policy, corporate performance, or social productivity are measured” (Peck & Tickell, 2010, p. 40). In this context, sub-national economies became increasingly unstable (Eisenschitz & Gough, 1993) and thus cities could no longer rely “on national policy makers to advocate for the economic fortunes of their locality rely on national policy makers to advocate for the economic fortunes of their locality” (Purcell, 2002, p. 100). The influence of neoliberalism on cities however, has not been monolithic or universal. The processes in which it operates has been organic and context-specific. Economic Geographer Jamie Gough (2003) points out that each sub-national space has

its own socio-cultural specificities and thus the impact of neoliberalism has varied throughout these spaces.

As a result, sub-national spaces became more inclined to manage their own economic interests. By foregrounding the neoliberal context, urban political economic theorists, following Harvey (1989), highlight that amidst of “widespread erosion of the economic and fiscal base of many cities” sub-national governments shifted towards urban entrepreneurialism (p. 4). This serves in stark contrast to the period of Keynesianism that was defined by urban managerialism (Ibid, p. 5) in which the state was the main “anchoring point for institutions of social integration and macro-economic management” (Peck & Tickell, 2002, p. 38). Economic Geographers Aram Eisenschitz and Jamie Gough (1993) highlight this as a move towards a “bootstraps” strategy in which the control of the economy is shifted to the hands of sub-national authorities. Sub-national spaces therefore “becomes the subject rather than the object of development” (Ibid, p. 11). Similarly, urban theorist Stephen Kipfer and Roger Keil (2002) have gone to frame this as the “competitive city” in which cities compete with each other for capital investment through cost competition that entails “fiscal conservatism tax incentives, cutbacks, deregulations or land-use planning, privatization, and the marketization of the local state” (Kipfer & Keil, 2002, p. 236). In this perspective, as Harvey points out, competition can serve to discipline sub-national spaces to become more competitive (as cited in Peck & Tickell, 2002, p. 46). As urban theorist Graham Todd (1998) writes:

key actors in urban regimes are partly constituted by developments in the global political economy but they are also one of the means by which it is shaped and mediated locally...global changes effect the capacities of local actors and their

ability and willingness to “rewrite” the regulatory framework for local development in their own interests. (p. 196)

A “growth-first” approach to urban development thus becomes internalized by sub-national policy-makers. In consequence of this, as Peck and Tickell (2002) underscore, this renders redistribution and social investment “as antagonistic to the overriding objectives of [urban] economic development” (p. 47).

It is against this backdrop that we can begin to potentially see the political and governmental purposes of sanctuary spaces. A key principle of cost competition has been the establishment and maintenance of a flexible labour force. This division of labour has been a roll-out regulatory measure directed at low-income residents (including undocumented migrants) for the purpose of polarizing labour-markets (Katiya & Reid, 2012). A source of flexible labour can attract new sources of capital as well as alluring existing capitalist firms in staying. In the context of the “competitive city,” subnational authorities assert their “reserved right” as sovereign entities to determine economic outcomes, as reflected in their creation or upholding of by-laws and policies to regulate the entry, presence, and exit of undocumented migrants. The sanctuary city therefore serves a meaningful purpose by providing a window into the capacities of cities to produce and reproduce flexible labour. To this extent, undocumented migrants become enclosed within an exploitative relationship with sub-national authorities grounded on their ability to provide cheap and disposable labour. Of course, this is only made feasible through the rendering of undocumented migrants as apolitical subjects by denying them formal status and rights. Sanctuary then, is a form of abject space.

Abjection

Isin and Rygiel (2007) conceptualize abject space as “extraterritorial spaces where international and national laws are suspended...which include various frontiers controlled by state authorities, zones where special rules and laws apply, and camps where laws are suspended” (p. 181). Building on a dialectical elaboration of the theories of political theorists Hannah Arendt, Giorgio Agamben, and Jacques Rancière, they argue that new forms of abject spaces attempt to “prevent individuals from exercising political subjectivity by holding them in spaces of existential, social, political, and legal limbo” (Ibid, p. 188 – 189). For Isin and Rygiel, sanctuary spaces constitute as zones. These spaces govern “the ability to enact certain citizenship rights that they may have access to despite not having formal citizenship status” (Ibid, p. 195). Of more significance for Isin and Rygiel, as they state, “[w]hat is particular to these spaces is that cities are spaces where abject have been more successfully able to make claims to rights to the city (as compared to the state) by virtue of being able to practice many citizenship rights despite not having formal citizenship status” (Ibid, p. 195–196). It is within this perspective that sanctuary spaces can be seen as a mode of governing. It governs what rights are extended to migrants and conversely, what rights are not. Rights that are extended within this space however, serve a political purpose. Specifically, they are “[a] form of conditional freedom and surveillance” (p. 193). Zones such as sanctuary spaces are meant to deny the extension of formal rights and status to undocumented migrants. Accordingly, this banishes undocumented migrants to political disenfranchisement (Ellermann, 2010).

We can also see how abject spaces serve a governmental purpose linked to the political economic pursuits of sub-national authorities. Sanctuary spaces not only

produce, but also reproduce processes of domination and oppression. Through this scope, sanctuary spaces can also be seen as a normalising institution. Of course, this builds on the research conducted by citizenship and migration scholars Luin Goldring, Carolina Berinstein, and Judith K. Bernhard (2009) who argue that certain state practices and policies contribute to the production and reproduction of precarious status of migrants. In their analysis of contemporary Canadian immigration policy and practices, they point out that precarious migratory status “like citizenship, is...constructed by specific state policies, regulations, practices of policy implementation, activism, discourses” (Ibid, p. 240). The production and reproduction of precarious status can be quite purposeful as it establishes and maintains a flexible labour force. Goldring and Sociologist Patricia Landolt have gone to frame this as a “work-citizenship matrix” in which undocumented migrants become wedged in legal limbo with no real means of attaining status. As they (2011) state:

In the global age of migration efforts to control, manage, and regulate migrant workers' mobility and permanence have given rise to national policies and international management strategies that are revamping the regulatory and normative framework that organizes citizenship and migrant legal status as a source of state control and of employer strategies of exploitation and labor market segmentation. (p. 326)

Sub-national governments, like the state, have the capacity to reproduce precarious status. The implementation of sanctuary policies has provided sub-national authorities a means to achieving this. They are helpful in two following ways. First, they normalizes precarious forms of employment. Second, they help conceal precarious status. The

compounding of these two aspects reproduce an underclass of residents who are vulnerable on numerous fronts such as inadequate healthcare, workplace exploitation, and deportation (Goldring, Berinstein, & Bernhard, 2009). In this way we can start to see how sanctuary can operate as abject space. As Isin and Rygiel (2007) strongly remark “[w]e interpret the rendering of certain people as invisible and inaudible as nothing less than a rendering of these people as inexistent and we understand those spaces in which they are so constituted as abject spaces” (p. 189).

CHAPTER 3 - CITIZENSHIP OR ABJECTION IN TORONTO?

In the 1950s, Toronto was a modelled city for metropolitan governance (Kipfer & Keil, 2002). As Kipfer and Keil point out, this was characterized by “mass production, car-led suburbanization, downtown urban renewal, modernist planning, and federal-provincial housing, mortgage finance, immigration, and transportation policies” (Ibid, p. 238). However, starting in the 1970s, amidst increasing global integration of national economies, Toronto began to implement a series of reforms – gearing themselves to become a secondary global city (Ibid). Through this lens Toronto as a “competitive city” emerges. Urban Geographer Steven Tufts (2004) notes that the global city is “a nexus of transnational capital and international flows of migrant labour” (p. 48).

In the case of Toronto, according to Kipfer and Keil, the contemporary “competitive city” involves three aspects. First, the adoption of an entrepreneurial stance to governing, which was asserted in the 1980s under then mayor of Toronto Art Eggleton (Kipfer & Keil, 2002). This intensified in the 1990s when Toronto authorities colluded with the then provincial government of Mike Harris (Keil, 2002, p. 246). The so-called “Common Sense

Revolution” launched by the Harris government subjected Toronto to market-reforms which was coupled with cuts to welfare programs, transferring of social and transit costs to the city, and the undercutting of Toronto’s power to tax and raise funds (Ibid, p. 241). Second, a “city of difference” which promotes the “integration of ‘culture’ and an aesthetic of diversity into urban development and strategies of economic competitiveness” (Ibid, p. 236). However, at the same time, this aspect involves “the disciplining of dissenting minorities” (Tufts, 2004, p. 48). Third, a “revanchist city” that “denotes a set of policies—policing, workfare, social housing administration, parks management, urban planning, immigration control—that subordinate social policy to crime control and promote the militarization of urban space” (Kipfer & Keil, 2002, p. 237). The global city has become the central polity in which these three aspects have operated.

It was against this backdrop that in February 2013 Toronto became the first Canadian sanctuary city with the passing of CD18.5 – a policy representative of “don’t ask, don’t tell.” This unprecedented move distinguished Toronto as “the first Canadian city with a formal policy allowing undocumented migrants to access services regardless of immigration status (Keung, 2013a). The declaration of Toronto as a sanctuary city was in large part made possible by the efforts of community groups and individuals, most notably organizers from No One is Illegal – a radical political advocacy group comprised of “immigrants, refugees, and allies who fight for the rights of all migrants” (No One Is Illegal, About, n.d.). Currently, there are several chapters of No One is Illegal in Canada. In addition to Toronto, there are chapters in Montreal, Ottawa, and Vancouver. Originally founded in Germany in 1997 as No Person is Illegal, No One is Illegal has been at the forefront of migrant justice issues in Canada. The broader demands of No One is Illegal

– Toronto include; “an end to all deportations and detentions, the implementation of a full and inclusive regularization program for all non-status people, access without fear to essential services for all undocumented people, the recognition of indigenous sovereignty, an end to the exploitation of temporary workers, an end to all imperialist wars and occupations, and an end to the use of Security Certificates and secret trails” (No One is Illegal, We Demand, n.d.). No One is Illegal has consistently played an active role in the ‘May Day of Action’ march – an event held on May 1st celebrating International Worker’s Day – decreeing these calls. No One is Illegal has been a main catalyst in sanctuary efforts and certainly one of its most vocal proponents. The road to sanctuary in Toronto by No One is Illegal and other community groups is briefly summarized as follows.

1. In 2003, female members of No One is Illegal gain access to immigration holding centres. The vulnerable and deplorable conditions witnessed grounded the first efforts of “don’t ask, don’t tell” (Solidarity Community Network, Victories to Date, n.d.). As No One is Illegal member Fariah Chowdhury explains:

Behind the layers of Plexiglas, fences, and barred windows, detainees told us various stories of how they ended up on the inside. We learned that only some of these detainees were found and apprehended by federal immigration enforcement officers directly. Many, if not most, were picked up because someone found out they lacked status and reported them to immigration enforcement authorities. The people doing the reporting tended overwhelmingly to be bosses, city cops, service

providers, and abusive male partners. Many asserted that their most fundamental concern was the daily fear of detention and deportation. We learned that many undocumented people risked detention and deportation each time they enrolled their kids in school, demanded unpaid wages from their employer, and accessed healthcare or emergency services. The people that we worked with saw these acts of accessing services as an act of courage and resistance. (Nail, 2010)

2. In 2004, as part of their 10 Demands for Action Against Poverty campaign, No One is Illegal along with other community groups brought “don’t ask, don’t tell” (this later became Access Without Fear) to Toronto city council (Solidarity Community Network, Victories to Date, n.d.). In response, Toronto city council releases a poster insisting that its services were already accessible to migrants. Specifically, the poster states that “[m]unicipal employees must protect the confidentiality of the information belonging to residents who are seeking City services that they are entitled to receive. A person’s immigration status is confidential information” (as cited in Solidarity Community Network, Victories to Date, n.d.). In the same year, a 16 year old undocumented woman from Grenada is handed over to immigration officials by Toronto Police. A mass community mobilization decrying “don’t ask, don’t tell” ensues at Toronto Police Services Board.
3. In 2006, Toronto Police Services Board passes a partial “don’t ask, don’t tell” policy. However, many “don’t ask, don’t tell” advocates asserted this policy was not enough (Ibid). Five months later, “Don’t Ask, Don’t Tell”

Coalition is formed led by No One is Illegal, as well, over 80 communities pass “don’t ask, don’t tell” throughout Toronto (Ibid).

4. In 2007, the Toronto District School Board passes “don’t ask, don’t tell” becoming the first school board in Canada to do so. This came at the heels of mass community mobilization after the arrests of Kimberley and Gerald Lizanno-Sossa at their school a year earlier (Ibid). In this same year, Social Planning Toronto - non-profit social research group – releases the Toronto Community Resource Guide for Non-status Immigrants made available for download in five different languages; English, Spanish, Chinese, Tamil, and Urdu. This resource guide compiled what community services required documentation and which did not, and which kept status information strictly confidential (Social Planning Toronto, translations of Toronto community..., n.d.).
5. In 2008, after the arrest of domestic survivor Isabel Garcia, the Shelter, Sanctuary, Status campaign is formed to demand immigration officials out of Anti-Violence Against Women spaces (No One is Illegal, How Shelter|Sanctuary|Status pushed out Immigration Enforcement, n.d.).
6. In 2009, No One is Illegal pushes for “don’t ask, don’t tell” at Toronto food banks after an undocumented woman is arrested using the service (Solidarity Community Network, Victories to Date, n.d.).
7. In November 2012, No One is Illegal along with the “Don’t Ask, Don’t Tell” Coalition establishes The Solidarity/Sanctuary City Network which

“organizes for access to services for all residents of Toronto, regardless of immigration status and demands status for all” (Ibid). As Chowdhury states:

[The Solidarity/Sanctuary City Network] is based on the premise that all people, irrespective of immigration status, deserve equal freedom to access services, justice, and dignity. It 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. (Nail, 2010, para. 7)

In contradistinction to prior sanctuary movements, No One is Illegal proclaimed this campaign as a “new organizing model” (Ibid, para. 9). As Chowdhury further states:

Our work is premised on the fact that this is colonized land and that migrants are often from places recently colonized or facing capitalist exploitation. While some tend to blame undocumented migrants for being unable to maintain immigration (thus justifying their subsequent exclusion from social services and city life), we work with allies to

foreground Canadian cooperate and state responsibility in people's displacement. (Ibid, para. 9)

The Solidarity/Sanctuary City Network consisted of Toronto residents and community groups, as noted by Table 1 (Solidarity City Network, About, n.d.).

Table 1: Members of The Solidarity/Sanctuary City Campaign

- Alliance for South Asian Aids Prevention
- Health for All
- Immigration Legal Committee
- Justice for Migrant Workers
- Law Union of Ontario
- Coalition Against Poverty
- Parkdale Community Legal Services
- Roma Community Centre
- Social Planning Toronto
- South Asian Legal Clinic of Ontario
- Workers Action Centre

As noted, the demands of the Solidarity/Sanctuary City Network in part became realized with the passing of CD18.5 in February 2013. Table 2 encapsulates the specifics of CD18.5. In June 2014, this sanctuary policy was updated with the passing of CD29.11. This updated sanctuary policy details a strategy on part of the City of Toronto to ensuring migrants without full or no status can access resources by training and educating city workers throughout various departments on status sensitivity. Additionally, it also calls for the possibility of municipal identification cards for the city's undocumented migrants. The specifics is outlined in Table 3.

Table 2: Overview of CD18.5

- “City Council re-affirm its commitment to ensuring access to services without fear to immigrants without full status or without full status documents.

- City Council request the Executive Director, Social Development, Finance and Administration to conduct an internal review, with community consultation, of City Divisions, Agencies and Corporations, and to report to the Community Development and Recreation Committee in the 3rd quarter of 2013 on the following:
 - A. 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. a complaints protocol and a public education strategy to inform Torontonians of the City’s policy.

- City Council request the City Manager and the Executive Director, Social Development, Finance and Administration to report to the Community Development and Recreation Committee on current Federal and Provincial arrangements to deliver immigration and settlement programs in Ontario, and options for strengthening intergovernmental collaboration and partnerships with the City of Toronto.

- City Council request the Federal government to establish a regularization program for undocumented residents, and that a letter be sent to the Government and Opposition parties to this end.

- City Council request the Federal government to increase Provincial Nominee Program levels so that the Province can bring in workers with specific skills who have left Canada as undocumented workers with Canadian children, and that they be given priority processing by Canadian Citizenship and Immigration.

- City Council request the Provincial government to 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, Agenda Item History CD18.5).

Table 3: Overview of CD29.11

- “City Council direct that immigration/citizenship information only be collected where specifically required by either provincial or federal legislation, policies or agreements and request the City Solicitor to report back to the Community Development and Recreation Committee on whether Council can direct that this information shall not be shared outside the City division, agency or corporation which has collected it, unless through the informed consent of the Toronto resident to whom it concerns;
- City Council direct City divisions, agencies and corporations to review their policies and procedures to ensure consistency with Council’s commitment to access to City services for undocumented Torontonians; City Council should also direct City divisions, agencies and corporations granting funds to ensure that grant recipients comply with the City’s position on access to services for documented Torontonians when collecting participant information as part of their City of Toronto grant;
- City Council direct the Executive Director, Human Resources, and Executive Director, Social Development, Finance and Administration, and other City division, agencies and corporations as required, to implement a compulsory training program to inform, educate and train all appropriate City staff and volunteers regarding access to City services for undocumented Torontonians and determine the costs associated to implement the plan and report any implications through the 2015 budget process;
- City Council request the Director, Strategic Communications, and the Executive Director, Social Development, Finance and Administration to implement a Communications Plan including a public education strategy to inform all City staff, community organizations and Torontonians of the City’s commitment to and measures for ensuring access to City services for undocumented Torontonians and determine the costs associated to implement the plan and report any implications through the 2015 budget process;
- City Council request that the General Manager of Children’s Services advocate with Ministry of Education officials regarding guidelines for accessing child care fee subsidy for immigrants without full status or full status documents;
- City Council request the Provincial government to review the Ontario Works legislation and residency policy with a view to ensuring access to social services for undocumented Torontonians;
- City Council request the Provincial and Federal governments reconsider immigration and refugee policies, in order to facilitate access to social assistance, health care and housing for undocumented Torontonians;

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- City Council direct the Executive Director of Social Development, Finance and Administration to report back in the first update report to the new Council on Undocumented Torontonians on the need and proposed mandate for a City Task force be formed to advocate to the Provincial government to review the Ontario Works legislation and residency policy with a view to ensuring access to social services for undocumented Torontonians;
 - City Council direct the Executive Director of Social Development, Finance & Administration to evaluate and annually report on City divisions, agencies and corporations on the implementation of Access without Fear policies and procedures, training and communications/public education strategy and include mechanisms to obtain community feedback;
 - City Council direct the Director of the Equity, Diversity and Human Rights Division to work with the appropriate City officials to ensure that the City's Human Rights and Anti-Harassment/Discrimination Policy includes protections for equal treatment with respect to City services and facilities without discrimination or harassment because of immigration status;
 - City Council direct the Executive Director, Social Development, Finance and Administration to continue exploring the viability of introducing a City of Toronto Municipal Identification Card through conversations with U.S. municipalities who have adopted them;
 - City Council request the Toronto Police Services Board to work with the Chief of Police and review existing policies to ensure Police Services comply with Toronto's Access without Fear directives, as recommended by the Solidarity City Network; and
 - City Council forward this report and recommendations to the Federation of Canadian Municipalities and the Association of Municipalities of Ontario and encourage all member municipalities and municipal associations to support and develop "Access without fear" policies in their municipalities to facilitate access to social assistance, healthcare and housing for undocumented residents" (City of Toronto, Agenda Item History CD29.11)

Towards Citizenship or Abjection?

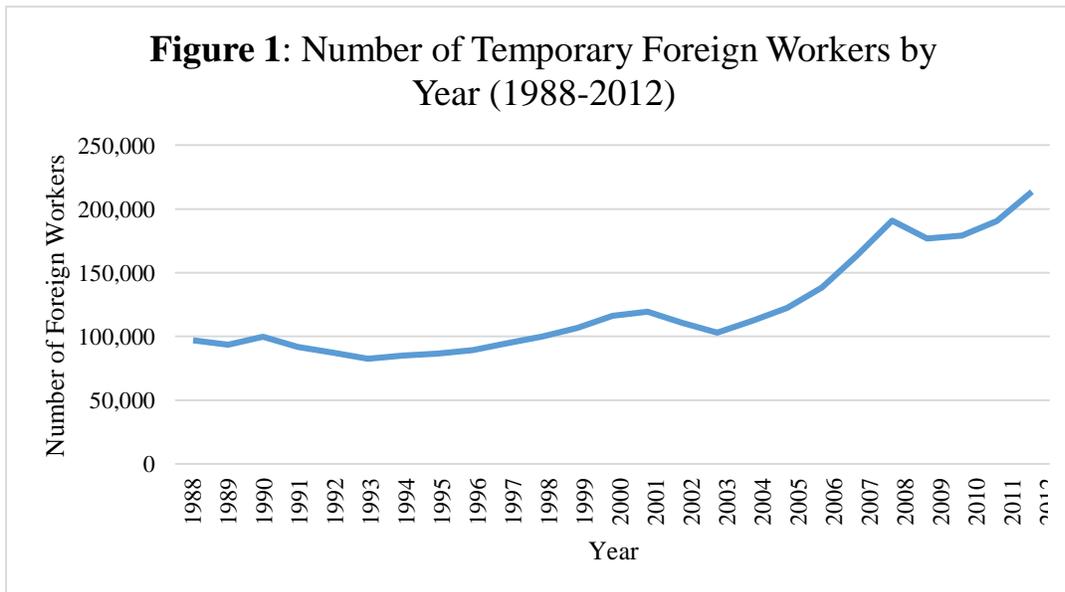
If collectively, CD18.5 and CD29.11 signals the construction of local citizenship, to what degree can we outline the content of this form of membership? To address this question, we can begin by delineating what it offers to undocumented migrants. First, CD18.5

enables access to the city's services which is "guaranteed" through its embedded "don't ask, don't tell" policy. Second, undocumented migrants now have access to public schools, emergency and public health services, food banks, emergency shelters and hostels, parks and recreation programs and community centres, public libraries, adult language programs, breakfast and lunch programs for children and youth, parenting programs, community gardens, etc. (Solidarity City Network, What's Accessible, What's Not, n.d.). Third, while remains to be implemented, sanctuary can provide membership cards to the city's undocumented migrants and thus invoke a form of status. In these ways, undocumented migrants can now partake in the "everyday practices" of any other Toronto resident.

The declaration of Toronto as a sanctuary space comes amidst changes to Canada's immigration law and policy. Specifically, under the Conservative government of Stephen Harper, the immigration system has undergone significant changes. These changes have gone hand-in-hand with the neoliberalization of immigration law and policy, underpinned by the commodification of citizenship, as drawn to above. Underscoring these changes has been a stronger emphasis on temporary forms of immigration. Doing so, as argued by the Harper government, will provide Canadian businesses with "affordable" foreign labour so they can "continue to grow" and "create more opportunities for Canadians" (Canada's Economic Action Plan, 2013).

As figure 1 points out, there has been a dramatic increase in the entry of foreign workers, doubling in numbers from 1990 levels. This drastic increase has coincided under the reign of the Harper government, beginning in 2006. In 2012, 213,573 migrants entered Canada through the Temporary Foreign Workers Program. This program "allows

Canadian employers to hire foreign nationals to fill temporary labour and skill shortages when qualified Canadian citizens or permanent residents are not available” (Citizenship and Immigration Canada, Fact Sheet, 2012). This is in stark contrast to the 21,232 migrants admitted under humanitarian streams. Granted, these numbers constitute various types of foreign workers, from “high-skilled” to “low skilled” categories, however, the latter composes a large share of the total entrants (Marsden, 2012, p. 224). In 2011, the Conservative government furthered its commitment to the use of foreign labour through limiting the stay of workers to only four years (Citizenship and Immigrant Canada, Background, 2011). As temporary and undocumented migration scholar Sarah Marsden writes “this legal shift is likely to affect low-skilled workers disproportionately, not only because they lack access to permanent regularization but also because of the potential to lose status through the cumulative time period” (Ibid). In other words, these changes fast-tracks the loss of status at a much quicker pace. According to Marsden, status signals “differential entitlements to social protection” and the loss of it consequently induces migrants to becoming precarious, particularly those who choose to overstay their given labour contract (Ibid, p. 210).



Source: Number of Temporary Foreign Workers. From Citizenship and Immigration Canada website. Facts and Figures link. Retrieved May 29th, 2014. From <http://www.cic.gc.ca/english/resources/statistics/menu-fact.asp>

The Temporary Foreign Workers Program is not the only facet of immigration policy that has undergone changes in recent years. For instance, the passing of Bill C-11 (also known as the Balanced Refugee Reform Act) into law in 2010 “enables government to designate categories of migrants, on the basis of country of origin, for expedited processing and more stringent appeal deadlines within the refugee process” (Ibid, p. 221). This gives the government ability to deny potential refugee claims based on their country of origin. As Marsden (2012) suggests, this is likely to “increase the degree of precariousness for migrants who would otherwise be within the refugee system, as well as potentially increasing the number of migrants who have no opportunity to regularize permanently” (Ibid, p. 222). Whether such changes to Canada’s immigration system have been incidental, it offers a glimpse into the future functionality of sanctuary spaces. As precarious status continues to be normalized by the practices and policies of Canada’s

immigration system, undocumented migrants will foreseeably congregate to urban centres in increased numbers in search of employment and other means of livelihood. The implementation of CD 18.5 only further adds to this probability. The alluring aspects of this policy, as outlined above, presents itself as an opportunity for undocumented migrants to enter into a 'covenant' with the City of Toronto. In return for the labour of undocumented migrants, the City of Toronto is thus willing to provide services – a means to self-preservation.

Undocumented labour has been a growing and vital aspect of Toronto's workforce. They have particularly been well-integrated within the construction, manufacturing, and hospitality industries of the city (City of Toronto, *Undocumented Workers in Toronto*, 2012). These sectors have particularly experienced a labour shortage and have in part looked to undocumented labour to fill these voids. In the case of the hospitality industry, undocumented labour has provided hotel companies with not only a cheap source of labour, but also flexibility as such employment is non-unionized. Undocumented workers in this industry (like in many others), are particularly vulnerable to employer intimidation because as Tufts (2007) notes "[undocumented migrants] speak different languages (with English or French as a second, third, or fourth language), [and] are often unfamiliar with Canadian labour regulations, and, in some cases, may be undocumented workers living in fear of state authorities" (p. 2369). In addition, the Wellesley Institute (2013) – a Toronto-based think tank committed to "urban health" – reports that those working without status can experience mental health issues (anxiety, trauma, depression, etc.), barriers to services (delayed child-care, exclusion to private systems of care), adverse impact on women and their children (absence of reproductive care for women, violence in the

workplace, absence of pediatric care for their children), and poor working conditions (p. 2). In their 2011 survey of precarious workers, the Wellesley Institute (2013) found that 22% of workers reported being paid less than minimum-wage (Ibid). Although this survey did not specifically target undocumented migrants but as stated by the report, “it is reasonable to assume that these rights violations are even more prevalent among these workers” (Ibid).

Having illegal status necessarily invokes and reinforces this relationship as any form of recourse is rendered nearly impossible. Immigration scholar Sarah Gleeson (2010) highlights how illegal status only intensifies economic insecurity. Fearing losing their jobs or possibly worse – being reported “illegal” which can potentially lead to their detention and subsequent removal from the country – (Ibid) undocumented migrants have little choice but to be complacent in this exploitative relationship. In her ethnographic research of undocumented migrant workers in the US, Gleeson (2010) finds that for some, it is not fear of being deported that prompts complacency, but of not meeting particular goals (either to save a certain amount, support an ailing relatives or family members, or experience American life) (p. 585). As Gleeson (2010) states:

Oftentimes [undocumented] workers identify that there is a problem (such as a hostile environment), and are aware that their managers are at fault...and yet may make a strategic decision to stop short of confronting their employers or even proceeding with formal claims...Claims making is an uncomfortable and risky process...[undocumented workers] are economically vulnerable and are most interested in keeping their job. (p. 586)

These circumstances have become universal and likely the challenges undocumented migrants face in Toronto. Of course, being complacent in a relationship of domination and oppression is a conscious decision undocumented migrants must make before entering covenant with sovereign powers. While some undocumented migrants may wish to pursue legal proceedings against employers – in some instances being successful – this does not necessarily imply a “movement towards justiciability” but as Noll alludes to, the success of these claims help further cement the dominant and oppressive relations between employers and undocumented migrants (p. 261-262). This is attributed to the reason that the domain of labour law relates to the *Oikos* (private) and not the *Polis* (public)⁵ and thus does not significantly undermine the socio-economic organization of society. The case of the latter would potentially give undocumented migrants formal rights which is contrary to the underpinning political and governmental goals of states and sub-national authorities.

In alignment with the exigencies of the “competitive city,” domination of undocumented migrants is particularly normalized. Illegal status in conjunction with economic insecurities renders many undocumented migrants apolitical. Contrary to what local citizenship may provide, this aspect denotes a systematic relation of domination and oppression over undocumented migrants. The subordination of undocumented migrants is systematically engrained within the social and economic processes of the “competitive city.” One needs to look no further than examining contemporary zoning laws of Toronto, where all three highlighted aspects of the “competitive city” are evident. As urban theorist

⁵ As Noll (2010) states “the community imagined to make up the contemporary state is commonly associated with the model of the Greek city-state, polis [and] oikos – originally understood to be the household, which bundled men together with women and slaves and thus joined the free with the unfree and the political with the apolitical in order to ensure “subsistence and prosperity” (p. 254 – 255).

Mariana Valverde (2010) points out, zoning by-laws becomes crucial as it can indirectly govern people by applying rules for properties, buildings, and land uses (p. 137). Contemporary zoning by-laws of Toronto geared towards further capitalist urban development undermines the possibility of using city spaces for alternative uses such as much-needed social housing. Sub-national authorities have commonly used zoning regulations and other ordinances to regulate the use of public space such as anti-crowding measures to “displace affordable and informal housing” (Katiya & Reid, 2012, p. 294). In this context, Valverde (2010) posits the important question of “how justice and diversity can be promoted” given the “legal machinery of local law” (p. 137). As she correctly notes “some people and groups have too many rights, or claim too many rights, while other groups either do not have rights or are unable to effectively exercise them” (Ibid, p. 138). Zoning laws therefore challenges diversity – “the city of difference” – which is further problematized by revanchist policies such as “the policing” of public space.

Mentioned scholar Mark Purcell (2006) asserted caution around new forms of sub-national memberships, particularly under the banner of “the right to the city.” Doing so privileges local and other sub-national spaces over broader ones – the “local trap” – and thus, limiting the scope in which citizenship issues are addressed. Local citizenship may seem to reinvigorate democracy, particularly at the urban level, but as Purcell argues, this is more likely to diminish it rather than enhance it (Ibid). What is needed according to him is “developing radical democratic resistance at broader scales and in rural places” (Ibid, p. 1937). The usefulness of local citizenship is in its extent to be a temporary strategy in a “particular time and place” (Ibid).

CHAPTER 4 - CONCLUSION: THE SANCTUARY CITY RECONSIDERED

This analysis has extended theories linking sanctuary to citizenship by adding a political economic component. Sanctuary is typically theorized as a progressive practice that opens up new modes of citizenship beyond conventional understandings centred on the nation-state. When political economic considerations are brought to bear, the apparent progressiveness of sanctuary is seriously problematized. The analysis has shown that the political and governmental purposes of sanctuary creates abject space under the watchful eye of sub-national authorities. Rather than fostering forms of local citizenship, it renders many undocumented migrants apolitical. First, through the maintenance of precarious status and secondly, through the further rendering of undocumented migrants invisible. Together, these reinforce a relationship of being dominated and oppressed by sub-national authorities. Indeed, sub-national authorities in this context denotes them as sovereign powers. Undocumented migrants in light of the “competitive city” and more broadly, the neoliberal context, are a functional component as they provide flexible labour to capitalist firms. Therefore, what this suggests is that sanctuary spaces, despite its potential emancipatory features, becomes, in effect, a mode of governing whereby sub-national authorities produce and reproduce flexible, insecure, and precarious labour vis-à-vis undocumented migrants. In this perspective, sanctuary spaces can be viewed as a normalising institution serving political economic goals. This poses important questions for the further consideration of sanctuary practices by cities, particularly in the case of Canada, as they may be poised to follow suit in the near future. Especially if the number of undocumented migrants in Canada is expected to climb.

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