

COLLINGWOOD NEIGHBOURHOOD HOUSE ACCESS WITHOUT FEAR POLICY

NOTE: with permission, this policy is based on the City of Vancouver's ACCESS TO CITY SERVICES WITHOUT FEAR (ACSWF) POLICY: (<https://policy.vancouver.ca/COUN003.pdf>)

PURPOSE

The purpose of this policy is to support access to Collingwood Neighbourhood House (CNH) services and programs for patrons with uncertain or no immigration status and/or who fear detention, psychological and physical harm, or deportation, when accessing services. The policy enables these patrons to use services knowing that the personal information provided is held in trust by CNH. It is our aim that the transparency of data collection and privacy will enable patrons to access services without fear that CNH will provide information about their immigration status to other institutions or orders of government unless required by law or contractual obligation.

This policy applies only to services provided by CNH and is consistent with our core values of inclusion and safety for all residents.

CONTEXT

The vast majority of people enter the country through authorized channels; however, their immigration status sometimes changes for a variety of reasons, including sponsorship breakdown, a denied refugee claim or expiry of study or work permits. People with uncertain or no immigration status have precarious access to health care, housing, education, social services, legal rights and employment, and experience constant stress and fear of deportation, social exclusion and isolation, and separation from family. Women of uncertain or no immigration status are more vulnerable to poverty, unemployment, domestic violence and abuse, and are less likely to access information or seek support services. As victims or witnesses of crime, people of uncertain or no immigration status are less likely to report to police for fear of exposure and possible deportation.

Immigration status is a social determinant of health, and such fears prevent people from seeking the support they need from government and community agencies of all types.

CNH is committed to responding to the diverse needs of people arriving and living in our neighbourhood inviting their participation and engagement in the life of our community and providing welcoming and safe access to services provided by CNH. This policy supports the CNH's mission to "promote the well-being of the Renfrew-Collingwood community by providing leadership and working collaboratively with individuals, families, agencies and other groups to develop and support inclusive, innovative, sustainable initiatives and services that respond to the community's social, educational, economic, health, cultural and recreational needs."

Furthermore, the policy is also aligned with CNH's values including

- Our neighbourhood as a place of connection, belonging and inclusion
- Interculturalism and appreciation of our collective diversity
- Social justice and equitable access to a full range of quality community resources

Additionally, the policy aligns with CNH's strategic priorities for 2022-24, specifically, strategic priority 1: Connect with and be more accessible, equitable and inclusive for people in the community.

DEFINITIONS

Immigration Status

Residents have diverse immigration status, including those with Canadian citizenship, permanent residency, temporary residency, and uncertain or undocumented status. For the purpose of this policy, we refer to two specific categories of status: individuals with undocumented immigration status and those with uncertain status.

Uncertain Status

For the purpose of this policy, uncertain status refers to individuals with pending and/or unknown immigration status. For example, an individual who has received a negative decision in their refugee application, and is actively appealing that decision, would be deemed to have uncertain immigration status. Typically, these individuals have very limited or no access to resources and support.

Undocumented Status

The term is used to describe individuals who reside or work without state authorization, i.e. their documentation is not accepted or recognized by the state and therefore the individuals have no lawful status of residence. For example, newcomers arriving in Canada may come to a point where their visa has expired, or find that their circumstances have changed such that their work permit is no longer valid. Typically, these individuals have very limited or no access to resources and support.

Refugee

The following is adapted from the United Nations High Commissioner for Refugees (UNHCR) 1951 Refugee Convention: Individuals, who owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, are outside the country of their nationalities, and are unable to, or owing to such fear, are unwilling to avail themselves of the protection of that country.

Law Enforcement

The role of Canadian Border Services Agents (CBSA) is to administer and enforce the Immigration & Refugee Protection Act and regulations. While some agencies, such as the Vancouver Police Department (VPD) follow guidelines on non-communication with CBSA regarding immigration status and limit communication that discloses immigration status, the legal exceptions to these guidelines are not all the same legal requirements by CNH. In respect, the term Law Enforcement includes the following agencies:

- Canadian Border Service Agents, CBSA
- Vancouver Police Department, VPD
- Royal Canadian Mounted Police, RCMP

SCOPE

This policy may apply to all programs and services provided by CNH staff.

D. LIMITATIONS:

This policy applies to those services directly provided by the CNH staff and does not apply to other organizations or services that may be co-located with CNH services or services provided by contractors. These organizations and/or services may be encouraged to align with this policy.

Contractors hired by CNH will be required to comply with this policy.

Staff may grant exceptions for entry in the following circumstances:

1. To police officers (Vancouver Police Department or RCMP only) in the event of a violent incident or an apprehension under the Mental Health Act of BC, and then only at the request of staff, or;
2. To any law enforcement officers with a lawful warrant presented at the time of entry.

However, CNH will never disclose status information to law enforcement and abide by Policy 1 i-iii.

CNH may disclose immigration status to funders for the purposes of program and service quotas applicable to various grant processes.

PRINCIPLES

The following principles, including CNH's Community Guidelines will guide the conduct of CNH staff in relation to this policy.

1. Integrity: Employees are the keepers of the public trust and must uphold the highest standards of ethical behavior.
2. Accountability: Employees are obligated to answer to the responsibilities that have been entrusted to them and the decisions they make.
3. Responsibility: Employees must act responsibly within the law.

4. Leadership: Employees must demonstrate and promote the key principles of the CNH Community Guidelines through their decisions, actions and behaviour.
5. Respect: Employees must conduct business efficiently, with decorum and with proper attention to the city's diversity.
6. Openness: Employees have a duty to be as open as possible about their decisions and actions by communicating decision-making processes, encouraging appropriate public participation and appropriate means for providing feedback.
7. Equity: The policy addresses the principle of service equity so all residents, particularly those facing the greatest barriers, can access services without impediment.
8. Intersectionality: A "for all" lens will help ensure that initiatives pursued are both universal for all and focused on specific populations most vulnerable to health inequities. Individuals will not be viewed in a monolithic way, by recognizing the complexity of the lived realities of individuals who experience marginalization on multiple and intersecting grounds.
9. Transparency: CNH must work with the wider community to ensure that residents understand which services are covered by this policy and which, delivered by other jurisdictions, orders of government or non-profit agencies, are outside its scope.
10. Partnership: Effective implementation of the spirit and objectives of this policy will require continuous engagement.

POLICY STATEMENTS

1. The three policy statements are as follows:

i. Transparency of Data Collection on Immigration Status

Some CNH services are provided based on immigration status. CNH staff may ask for or otherwise seek out an individual's immigration status as a condition of providing CNH services.

In the event that personal information concerning immigration status is required to be collected, CNH will only collect such after ensuring that the person required to give it is aware of the requirement and gives informed consent. All information provided will be held in accordance with applicable privacy and disclosure laws.

ii. Privacy of Information

CNH will carefully uphold and enforce privacy legislation to ensure that any and all personal information concerning immigration status is not shared with law enforcement in the course of providing CNH services unless required by law.

CNH staff will act in accordance with the Personal Information Protection Act ("PIPA"), which defines legal responsibilities to ensure the privacy of individuals and the protection of personal information. Staff must not disclose personal information obtained from or about a patient or client without the person's granted consent, or limited to that which is required by law.

iii. No Law Enforcement Zone

The voluntary disclosure of immigration status and enforcement of immigration law is outside the scope of CNH's jurisdiction, and CNH staff are not responsible for the enforcement of immigration law and are not permitted to disclose personal information as a general rule except in accordance with the law. These exceptions could include a court order, subpoena, or other legally binding requirements.

CNH will, by default, disallow any law enforcement officers on its premises, including CBSA representatives.

2. Implementation

i. Creation of Access To CNH Services Without Fear Guidelines:

The effective implementation of this policy will require the creation of guidelines for CNH staff. CNH will engage with internal departments and the board to develop a set of guidelines for all staff.

ii. Align with existing CNH's review and complaint mechanism:

CNH's existing review and complaint mechanism will be used to ensure the compliance of the Data Collection Transparency, Data Privacy, and No Law Enforcement Policies listed in 1i-iii.

iii. Provide opportunities for CNH staff and community organizations to learn about the policy and guidelines:

- An essential component in adopting this policy and associated guidelines is to inform relevant CNH staff on the policy and guidelines. This will be incorporated into current staff training;
- Further, the guidelines and training will be disseminated to community partners and external organizations to promote awareness of the policy changes.

iv. Implement a communication strategy to inform stakeholders and the community on the policy:

Staff will implement a communication strategy to inform stakeholders and the community about the new policy, including but not limited to:

- Appropriate signage
- Website policy updates
- Intake form updates and online application data governance.

v. Support the provision of services to Renfrew-Collingwood residents and CNH clients, regardless of immigration status:

CNH will continue to advocate for the needs and challenges of residents with uncertain and undocumented immigration status to other orders of government and jurisdictions.

vi. Reporting and Evaluation

The Operations department will review and evaluate this policy every two yearly.