

Policing citizenship: Some reflections on immigration enforcement and sanctuary in Toronto

“PERMANENT TEMPORARINESS”

For migrants in Canada today, citizenship has become a question mark rather than a definitive status. Over the last decade, a majority of migration to Canada has been funnelled into a complex array of precarious legal categories and temporary work programs, creating a system of “permanent temporariness” for many (Goldring & Landolt, 2013). The flip side of this process is that permanent residency is becoming increasingly out of reach for all but the rich and those whose labour is arbitrarily deemed “high-skilled.” This institutionalization of temporary and precarious migration is observable in a majority of Western countries today and contributes to what De Genova (2002) calls the “production of migrant illegality” by nation-states.

This effectively means that, despite Canada’s celebrated image of multiculturalism and humanitarianism, its increasingly restrictive immigration regime has been instrumental in the production of an estimated 500,000 residents who lack or have been denied legal immigration status (Solidarity City Network, 2013; Faraday, 2012). In addition to this population, many more people continue to navigate their way between various precarious statuses, often moving in and out of legality in the process (Goldring, Berinstein, & Bernhard, 2009). Though largely obscured by the long shadow cast by the United States, a growing number of non-status migrants in Canada face similar exclusions from social, political, and economic life and live in daily fear of being discovered, detained, and eventually deported.

The production of migrant illegality in Canada has been paired with new modes of immigration enforcement.

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Since the creation of the Canada Border Services Agency (CBSA) in 2003, there has been a significant shift toward more domestically focused and networked enforcement strategies (Pratt, 2005). Mirroring a broader trend in the policing of migration internationally, this shift in enforcement strategy effectively “detaches” the border (and its policing) from its traditional locations at or near national boundaries and multiplies its presence throughout the national space (Sassen, 2006). Immigration enforcement is better understood today as a complex latticework of spaces, times, and interactions at and within the boundaries of the nation that regulate the “differential inclusion” (Mezzadra & Neilson, 2013) or expulsion (Walters, 2002) of precarious and non-status migrants. An important process that has facilitated this shift has been the integration and networking of federal enforcement activities with local-level actors and institutions. In Canada, this process has emerged largely informally, in contrast to examples in the United States and the European Union (Provine et al., 2016; Bigo, 2006).

FEDERAL-LOCAL BORDER ENFORCEMENT

Informal federal-local networks have expanded to include city services, hospitals, schools, public transit enforcement, local businesses, private security, and even civil society itself via CBSA “snitch lines” (Villegas, 2015; Walsh, 2014; Bhuyan, 2012; Varsanyi, 2008). Most concerning, however, are the new relationships emerging between the

CBSA and local police forces. Despite the “public safety” mandate of police forces, they do not protect or serve precarious and non-status migrants across Canada; instead, they have the discretionary power to enforce immigration warrants, leading them to actively collaborate with provincial and federal agencies to coordinate immigration raids and routinely perform thousands of arbitrary immigration “status checks,” primarily on racialized populations, as a strategy of “weeding out” non-status migrants living in Canada (Moffette & Gardner, 2015). At its core, the collaboration between the CBSA and local police is increasingly entangled with questions of citizenship and belonging under neoliberalism, which drives the literal and symbolic policing of precarious and non-status migrants’ presence in the national space.

Amid this expansion of federal immigration enforcement to the local level, in 2013 the city of Toronto became Canada’s first sanctuary city. Specifically, this meant that city services were to operate on a “don’t ask, don’t tell” mandate regarding immigration status. In other words, this meant ensuring that immigration status was not a prerequisite to safely access city services, and if someone’s lack of status was discovered, such information was not to be shared with the CBSA or any other agency. While this was a landmark policy that promised greater access to city services for an estimated 200,000 non-status migrants living in the Greater Toronto Area (Keung, 2013), implementation has remained slow and the policy has proven to be largely symbolic (Gardner, 2017). Despite critiques from social movements and agencies concerning the symbolism of sanctuary declarations,

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city councils in Hamilton, Vancouver, and Montreal have all made similar declarations.

SANCTUARY CITIES

It is therefore important to qualify the reach of sanctuary policies. If limited simply to a municipal policy shift, “sanctuary” will not become a reality for precarious and non-status migrants. In Ontario, many essential services are provincially regulated: education, health care, social assistance, and local police forces are all effectively untouched by sanctuary city policies. This unique constitutional and jurisdictional context in Canadian cities differentiates their sanctuary city efforts from those in the United States. Canadian sanctuary cities are not powerless, however. Sanctuary cities may begin as formal policy shifts, but they also represent an important scaffolding to begin creating a culture shift in these cities. Beyond attempting to offer limited, tangible support to non-status migrants, sanctuary city policies can be understood as articulating a vision of grassroots (Basok, 2006) or urban (Isin, 2002) citizenship rooted in *presence* rather than papers (Varsanyi, 2006). By providing improved access to some of the entitlements and spaces traditionally reserved for citizens, sanctuary cities represent a small step toward creating new forms of belonging that exist within and against state-defined categories of migrant il/legality.

It is precisely at this fever pitch of sanctuary that we must begin having honest conversations about the potentials and limits of sanctuary cities. The tension I’ve laid out in the context of Toronto is one aspect of this conversation. On the one hand, there is a concerted move to devolve immigration enforcement to the local level via a variety of actors, the most concerning of which is local police forces. On the other hand, Toronto passed a sanctuary city policy requiring all city services to decouple service provision from legal immigration status and to refrain from

cooperating in immigration enforcement. Toronto is therefore just one example of emerging multi-scalar tensions among citizenship, jurisdiction, policing, and national security that are becoming commonplace in cities across the United States and Canada. 🍁

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