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Access Without Fear: A report on the implications of an AWF policy in Windsor, Ontario for frontline service workers

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INTRODUCTION

Our research team conducted a research study to assess the idea of implementing an Access Without Fear (AWF) policy in Windsor, Ontario. AWF policies require municipal and administrative actors to provide barrier-free services to people without immigration status. Cities that have adopted AWF or sanctuary city policies include: Detroit MI, London ON, Toronto, ON, Hamilton ON, and others across Canada. AWF policies typically include not requiring documentation nor reporting those without documentation to police or immigration authorities. In consulting with local Windsorites, many were concerned that a policy would not have the impact they desired (namely, better inclusion and services for people without status). Therefore, the researchers chose to interview the people who would most likely be implementing an AWF policy – frontline service workers.

This report is aimed at people working in, directing or otherwise administering services to persons without status. For many, this report will not contain surprising information. It summarises the barriers and challenges that frontline service workers reported when attempting to support persons without status as well as recommendations gleaned from interviews. While fundamental change to immigration policy would be required to fully respond to the needs of persons without status, the researchers took a "harm reduction" approach, focusing on what agencies and policy makers might do to improve services given the current reality. This report represents only our interpretation of the data gathered and would benefit from further investigation. As such, we hope to promote a collaborative and iterative approach. In sum, we found strong support from frontline service workers for an AWF policy. While typically an AWF policy is implemented at a city level, it is possible for agencies to implement their own internal policies. AWF policies vary widely from community-to-community. Ultimately a "made in Windsor" approach should be crafted to meet the community's current and ongoing needs.

RESEARCH ETHICS

To protect the safety of persons without status living in the community, our study did not formally engage with persons without status as research subjects. These recommendations were reviewed and improved by a person with lived experience. Interviews were voluntary and consisted of online and in person interviews.

BACKGROUND

Our team at the University of Windsor, Faculty of Law, conducted a research study to assess the viability of implementing an AWF policy in Windsor, Ontario. The study focused on the role of frontline service workers and the barriers they perceive in administering services to persons without status. Through this research, it became clear that frontline service workers face many barriers. Without fundamental change to the legal structure and understanding of citizenship in Canada, full inclusion of persons without status will be impossible. The objective of this summary report is to present harm reduction strategies for agencies, directors and policy makers who impact the lives of persons without status in Windsor, Ontario. We also emphasize each person living without status faces unique individual as well as systemic barriers.

RESEARCH QUESTIONS:
- ☐ How do frontline service workers work with persons without status?
- ☐ What barriers do they encounter when serving this population?
- ☐ How could services be more accessible to persons without status?
- ☐ How would an AWF policy impact service provision, if at all?

WHO ARE PERSONS WITHOUT STATUS?
"Persons without status" is a term that includes asylum seekers, refugees awaiting status decisions or individuals whose work or student visas have expired. There is a range of reasons why a person may not have or may lose their status while still in Canada. Persons without status vary widely in their personal characteristics and experiences.

WHY DID WE SURVEY FRONTLINE SERVICE WORKERS?
Frontline service workers are persons providing services directly to community members through their organization. Frontline service workers exercise bureaucratic authority. However, the interview subjects in this study have a wide variety of accountability to their employers and funders and – as the data revealed – often exercised discretion outside the scope of a typical bureaucracy to accommodate people living without status. Frontline service workers are gatekeepers for persons without status attempting to access services in their community. As gatekeepers to necessary services, the way frontline service workers experience their work impacts the quality of service. We chose to interview frontline service workers to better understand the gaps in services that they identified for clients without status. We also wanted to know whether AWF policies would make a difference in supporting frontline service workers in serving persons without status.

Frontline service workers participating in this study had unique insights, concerns and suggestions to make services in Windsor more accessible. The participants helped highlight areas where there are "gaps" in accessible services and shared their creative solutions to these issues. The results of our study highlighted both gaps as well as good and promising practices. Many of these gaps and promising practices have been identified by other researchers and non-profit service workers across the country, giving weight to this report (see text box below). However, this report differs from other projects as it is a snapshot in time of the current accessibility gaps and needs in the Windsor community. The recommendations in this report are directly attributable to the feedback and suggestions received in the duration of the study.

We hope this study helps promote a collaborative approach to further support both persons without status and the people who serve them. These materials are non-exhaustive and should be regularly updated to meet the needs of service workers and their clients.

GAPS IN SERVICES

Many service providers in the region struggle in the same areas while trying to provide accessible services to persons without status.

ROLE OF FRONTLINE WORKERS – HELPER OR BARRIER?

Frontline service workers report that they have chosen their profession because they are interested in assisting people in their community. Many feel uncomfortable turning away clients. Frontline workers expressed great concern when they were unable to help clients, especially when clients have no other options and face significant personal risk. This is a cause of burnout and mental health problems. In addition, frontline service workers often "go the extra mile" for clients in ways that stretch their personal and professional capacities. Some frontline workers also report feeling unequipped to handle the needs of their clients due to educational and training gaps for working with persons without status. Without the prerequisite knowledge in the ever-changing field of immigration law, frontline workers are often left feeling powerless and unable to assist clients.

LANGUAGE & ADMINISTRATIVE BARRIERS

Many frontline service workers acknowledged that they struggle with providing services in the preferred languages of their clients. Each region across Canada will have its own specific language needs. For example, the Windsor- Essex region has a large population of Arabic and Spanish speaking individuals. While some agencies reported they provide service in many languages, others provide service only in English or English and French. In a region with a large immigrant population, providing services in English and French only is an accessibility issue, and one that is recognized by frontline service workers. Further, some frontline workers reported that administrative barriers, such as a rigid or complex intake process, increases the chances that people seeking assistance will avoid the process until their situation becomes dire. Highly structured intake processes, documentation gathering, and long application forms deter clients from accessing services. Administrative barriers are heightened when the process is difficult to understand due to language barriers.

PHYSICAL BARRIERS

While physical barriers are easily identifiable, many agencies are still physically inaccessible to clients in this region. Vulnerable workers who are unable to take time off from their employers, like migrant workers, are most affected by geographic barriers and working hours of service providers, such as the LTW Transit. Agencies that operate during standard working hours only and located far from bus service lines are inaccessible to the most vulnerable clients.

FUNDING CONSTRAINTS

A common issue for all agencies was funding. Most agencies are almost completely dependent on their external funders and therefore their programs and services can be subject to any requirements set by funding agencies. The eligibility requirements posed by funders can be stringent and can result in vulnerable clients being turned away. Most of these agencies do not have a global budget which would allow for discretionary spending to assist non-eligible clients. Funding constraints also impact the ability for organizations to overcome physical, administrative and language barriers as well as their ability to protect the job security of frontline workers. Some agencies also rely on donors for survival which, while an important source of funding, varies from year-to-year.

LACK OF INFO-SHARING

Participants reported a significant number of persons without status who attempt to access their services. It is clear from our interviews that some frontline workers have trusting relationships with people without status who are in vulnerable positions. Indeed, they made significant effort to form these relationships. Persons without status often get connected to services based on 'word of mouth' referrals from trusted individuals. While frontline service workers reported that they refer clients to other organizations, their answers suggest that referrals are often cold referrals, where an agent provides the client with information to contact another service provider. This is an accessibility issue as clients are unlikely to reach out to other points of contact. Further, there is no guarantee that another agency would help the client or any assurance to protect the client or their information from being shared with immigration authorities. The risk of deportation looms over every interaction with a service provider unless it becomes clear that their information will not be shared or recorded.

EDUCATION & KNOWLEDGE

Some frontline workers report feeling unequipped to handle the needs of their clients due to educational and training gaps. Some requested more training and information on immigration and working with refugees. Local Legal Aid clinics in the region provide this type of training and it is available for local organizations.

DISCRETION AND THE LAW

Frontline service workers thought the structure of immigration and refugee law did not include enough categories to appropriately recognize people without status. Many government funded programs have stringent eligibility criteria that are tailored to specific types of immigrant groups. This oversight results in complex processes for persons without status to regain their status in Canada. The criminalization of persons who have lost their status can contribute to the precarious situations they face while in the country. Without legal avenues for securing or renewing their status in Canada, persons without status can "fall through the cracks". Legislative acknowledgement that there are categories of migrants that are not captured within the legislative scheme is important in identifying the gaps in services. To frontline service workers, the law surrounding the different categories of migrants and the level of accessibility to services they each receive is frustrating and confusing. Administrative actors attempting to carry out their organizational mandate are often confused by the distinctions between legal categories. If there is an objective understanding that the law will not service persons without status, other organizations would use informal mechanisms to fill this gap in services. Allowing the decision to provide services to those in need to be discretionary increases stress for frontline service workers and persons without status alike.

R E C O M M E N D A T I O N S

Protecting Frontline Workers

INCREASING DISCRETION:

Discretion is exercised at every stage of a client-facing service. Discretion that is misused can result in serious impacts for clients. Nonetheless, frontline workers expressed frustration at feeling they were unable to help persons without status or would be put at risk from their employer if they did. This leads to a recommendation that frontline workers should be consulted in reaching service decisions and ultimately freed to allow services, preferably supported by policy. Allowing frontline staff to exercise their discretion to assist clients to the best of their ability, ensures that no one falls through the cracks. By instituting an organizational AWF policy, workers could be encouraged to exercise their discretion to assist any potential client with their next steps, regardless of immigration status.

EDUCATIONAL PROGRAMS FOR FRONTLINE WORKERS:

Respondents repeatedly noted their own limitations with how they could reasonably assist their clients. They clearly wanted training on immigration law and refugee status, as well as implications for people with various types of status. By training frontline workers on the basics of immigration law, they would be better equipped to identify the unique barriers individual clients may be facing. A comprehensive re-training of all frontline staff within an agency should include the understanding of what an organizational AWF policy looks like.

DISCRETIONARY BUDGET:

Flexible budgets allow for agencies to allocate some funds, per their discretion, on otherwise ineligible spending items or serving otherwise ineligible clients. This type of budgeting gives an organization the freedom to respond to client needs as efficiently as possible. This also gives frontline workers the freedom to carry out their responsibilities unencumbered by funding guidelines.

> *We don't turn people away, we're not cold. [It's] part of the reason why we're working, regardless of [administrative barriers]...*

LEGAL SERVICES:

Frontline workers acknowledged both the need for accessible legal services to assist their clients and the importance of free legal services for their clients' immigration matters. Accessible legal services would mean that a client could not be denied service based on their immigration status. Persons without status need to be able to access free immigration law services without fear of deportation in order to regain their status. Organizations can ensure a higher standard of accessibility by removing eligibility requirements that differentiate between types of newcomers. Affordable legal services ensure that persons without status do not remain in their precarious situation for long.

ACCESS WITHOUT FEAR POLICIES:

Frontline workers reported that many – although certainly not all – of the problems reported by frontline service workers could be remedied by a clear AWF policy either at the agency or municipal level. An AWF policy would allow frontline service workers not to ask for identification and would therefore alleviate pressure to deny service. This empowers frontline workers to assist those in need thus ensuring better service quality overall. By eliminating invasive questions that may reveal a person's immigration status, the intake process for all clients becomes more accessible. An AWF policy creates a culture of trust among service workers and vulnerable communities. Furthermore, an AWF policy sets a uniform understanding among non-for-profit agencies and their funders that their services be available to any person in need. An AWF policy ensures that persons without status do not "fall through the cracks" but also ensures that persons in precarious situations, regardless of their immigration status, can always seek assistance.

Photo by Spencer Farias
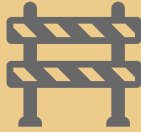
Removing Physical Barriers

> "...if there was somewhere they could go to ask questions where none of it was going to be used against them and there was kind of you know [a legal clinic] where you can go and you can get the help you need but without questions being asked out of fear of something happening I think that would help a lot of people."

CHOOSING OFFICE LOCATION ON BUS-SERVICE LINES:

If an agency is considering opening a new location or relocating, it is important to consider the public transportation system in the region. Our respondents, for the majority, indicated that their offices are located on major bus routes. One reported that this was an intentional decision for their re-location plan, to make the office more accessible to clients without personal transportation. This is particularly important for persons without status.

PROVIDING AFFORDABLE TRANSPORTATION SOLUTIONS:

Other agencies report that they provide clients who are unable to afford transportation or who are living in remote areas subsidized taxi services or bus passes to their offices. This solution ensures that clients can overcome geographical barriers to accessing services.

PROVIDING A MOBILE OPTION:

Due to the proximity of Leamington to Windsor, Ontario, there is a large population of migrant workers who are underserved by the agencies providing basic services to the region's residents. This is due to the limited operating hours that most offices employ. Some agencies in the area overcome this barrier by sending out their staff to assist clients who are unable to take time off work through a mobile office. Others have employed innovative ways to connect with long-distance clients through technology to reduce the need for physical intakes.

Removing Language & Administrative Barriers

Providing Services in Languages Most Spoken:
Service providers in the Windsor region must be, at least, accessible to the large Arabic and Hispanic population they are serving. While many migrants can understand basic conversational English, completing important applications and forms require translation services in order to protect clients and their interests.

Shorter Intakes and Applications:
An intake process is typically necessary for any client to access the services of an agency. However, if this process is needlessly long, or if eligibility forms are long and complicated, clients are deterred from the process. Agencies should set internal policies to allow for a shorter intake process, and to keep all internal forms at a maximum of two pages.

Advertising Services Up Front:
Clearly advertising an agency's AWF policy also prevents referral fatigue and signals to persons without status whether an agency is safe to approach.

> "...I know for us, a main barrier is language. So, we don't have many people here that are able to speak different languages...to try to make people come to even use the services but not be able to communicate to them seems like a big difficulty."

$ Funding Constraints

> "...the criteria to access services [should] be changed a little bit...because there are refugees or non-status Canadians, that there should be programs for...so that they can get access to the necessary services for them."

DISCRETIONARY SPENDING:
Some amount of discretionary spending allows for agencies to allocate some funds on otherwise ineligible spending items or serving otherwise ineligible clients. This type of budgeting gives an organization the freedom to respond to client needs as efficiently as possible. This can give frontline workers the freedom to carry out their responsibilities unencumbered by funding guidelines.

LOBBYING FOR LEGISLATIVE POLICY CHANGE:
The funders of many of these agencies are government bodies. The funding guidelines are set by government actors and can therefore be changed to meet the needs of clients and frontline staff. Lobbying municipal and provincial governments for an AWF policy can be beneficial to individual organizations as it sets a higher-level, mandatory standard for accessible service and is necessary in building trust between law enforcement and vulnerable communities.

Creating an Information-Sharing Network

CONDUCTING INTER-AGENCY CONSULTATIONS:

Agencies seldom work alone to serve their clients. Non-profit organizations are encouraged to consult regularly with other agencies operating in the same region to identify and tackle issues their clients face collectively. These consultations would eventually result in the efficient specialization of different services and inter-agency coordination of services.

COMPILING A NETWORK TOOL FOR FRONTLINE WORKERS:

Some organizations do not have the resources to assist their clients with specific issues. They are referred to other organizations specializing in the required field. When frontline workers provide a referral, it should be a "warm" referral where the worker contacts the partner agency first to introduce the client and ensure the client will be served. By creating a network of "safe" partners, agencies that wish to protect vulnerable populations, like persons without status, can refer clients freely to each other without jeopardizing their safety and protecting their information.

TRUST

When reviewing this manual, the authors also noted that frontline service workers who reported working well with persons without status were all able to form relationships of trust. This is not an accidental. Trust building varies from client-to-client, but agencies committed to serving this community might consider training protocols that support trusting relationships and anti-oppressive approaches. This might include anti-Black racism training, gender inclusivity training, intercultural communication, dispute resolution, and other training mechanisms. Furthermore, hiring for the ability to create relationships and fostering through an agency is integral.

> "...we should be trained, we should have more money... We don't need to be experts but we need to know more than what we know, we don't know enough. That's why we're referring them to other agencies."

CONCLUSIONS

Our study focused on the experiences of frontline workers administering services to persons without status through their respective agencies. Since each person living without status faces unique individual as well as systemic barriers, these recommendations could be tailored to the needs of client communities. While these recommendations are not unique (in fact, other studies make similar recommendations), it is worth noting that 100% of the respondents indicated support of an AWF policy. Respondents felt that such a policy would add clarity to their roles, support them in serving clients more effectively, and provide better service.

The recommendations in this manual are a direct product of the interviews and survey responses we received. Frontline workers are uniquely positioned to understand the needs of the communities they serve. While the needs of vulnerable communities are everchanging, the commitment of frontline workers to their communities is steadfast. Their insights were instrumental to the completion of this research.

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Photo by Spencer Farias