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## Sanctuary City, Solidarity City, and Inclusive City (Yet to Come)

Living Invisibly in Toronto in Times  
of the COVID-19 Pandemic

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### 1 Introduction

Living in limbo, existing under the radar, working under the table, watching over your shoulder, fearing encounters, avoiding arrest, not having access, circumventing services, wrestling precarity, deferring dreams, not being able to stay nor return, having no home ... nobody chooses to live without status. Yet, each of these uncertainties become an act of resisting and disrupting the pain of personal experiences and the violence of global geopolitical and economic forces rendering people without status. Since 2020, uncertainties have been exacerbated by the global COVID-19 pandemic. Beyond fears of detention and deportation by the state, the upsurge of white supremacy movements, right-wing nationalisms, and state violence against Black and other racialized people further threatens the life and integrity of illegalized migrants.<sup>1</sup> Illegalized migrants experience and negotiate these uncertainties and risks ‘in place,’ in cities and suburbs, setting the conditions by which migrants are afforded a chance to live, work, play, and move in their everyday – in short, the conditions by which their lives are made livable.<sup>2</sup>

As discussed throughout this book, in the past two decades, local jurisdictions have become central to migration law and politics, with urban policies incorporating a range of perspectives on the policing and

<sup>1</sup> De Genova, “The ‘Migrant Crisis’ as Racial Crisis: Do *Black Lives Matter* in Europe?”; De Genova and Roy, “Practices of Illegalization.”

<sup>2</sup> Carpio, Irazábal and Pulido, “Right to the Suburb? Rethinking Lefebvre and Immigrant Activism.”

settlement of illegalized migrants. The 'local turn' in migration research has shed light on the often disparate and contradictory ways in which localized migration governance approaches have unfolded, with both vertical and horizontal dimensions and progressive and regressive element.<sup>3</sup> On the reformist side, some cities have responded to solidarity demands to disentangle themselves from federal immigration law enforcement mechanisms by declaring themselves 'sanctuary' or 'safe cities,' vertically decoupling from national policy to offer migrants a first line of protection against detention.<sup>4</sup> In turn, the horizontal dimension of sanctuary city governance, which is the focus of this chapter, refers to the integration of illegalized migrants to city life and how the local challenges of livability, service accessibility, and inclusivity for everyone regardless of status may be addressed on the ground. Taken seriously, horizontality would go beyond common 'soft policies' in the educational and cultural realms and call for the inclusion of migrants' interests in planning and other instances where the 'public interest' is collectively defined.<sup>5</sup> At a practical level, planning is one of the few areas of control for municipalities and thus offers openings for migrant justice in the sanctuary city. Thus, an equity planning approach coupled with access to the city spaces 'without fear' would also help cultivating a sense belonging, becoming, and urban citizenship.

Despite the opening of some spaces in various services, municipal governments and urban planners have yet to fully address the 'local turn' of migration politics at a time when they are increasingly confronted with anti-austerity, anti-racism, and anti-colonial movements. Urban planners have long been complicit in ignoring particular populations and invisibilizing tactics through the production of uneven urban environments where those 'out of sight' are also excluded from adequate urban, social, and material services and infrastructures.<sup>6</sup> In response, nonstatus migrants and precarious status citizens have joined many racialized and marginalized groups affected by everyday violence of state/planning practices of

<sup>3</sup> See Baumgärtel and Miellet in this volume. See also Zapata-Barrero, Caponio and Scholten, "Theorizing the 'Local Turn' in a Multi-Level Governance Framework of Analysis: A Case Study in Immigrant Policies"; Lasch et al. "Understanding 'Sanctuary Cities.'"

<sup>4</sup> Paik, "Abolitionist Futures and the US Sanctuary Movement"; Darling and Bauder, *Sanctuary Cities and Urban Struggles: Rescaling Migration, Citizenship, and Rights*.

<sup>5</sup> Bernt, "Migration and Strategic Urban Planning: The Case of Leipzig."

<sup>6</sup> Thomas, "Planning History and the Black Urban Experience: Linkages and Contemporary Implications"; Yiftachel, "Planning and Social Control: Exploring the Dark Side,"; Stein, *Capital City: Gentrification and the Real Estate State*.

dispossession and neoliberal capitalism.<sup>7</sup> In Canada, this solidarity sought to denounce the cumulative effects of urban practices where vulnerable people have often been rendered invisible to legal authorities, but city officials did very little in challenging national immigration regimes that are rendering many people ‘illegal’ in the first place. Acts of solidarity in resisting the exclusionary logic of citizenship by imposing everyday contingencies on undocumented noncitizens have instead come more predictably from churches, nonprofit organizations, and pro-immigration advocacy groups. Defending these claims and rights of nonjudicial status to alleviate the barriers of access and equity is slowly extending to various institutions and sectors, such as healthcare and education, but the challenges persist particularly amidst a growing global inequality gap.

Our normative inquiry aims to recenter the limits and possibilities of creating an urban fabric where different sectors and service providers within and beyond the state may resist “irregularity” to “circumvent non-judicial status” and where illegalized migrants are increasingly included and afforded housing, labor, and mobility justice, in short, substantive urban citizenship.<sup>8</sup> As a social practice with redistributive capacity, we see equity planning<sup>9</sup> and decolonial planning practices<sup>10</sup> at the crux of such efforts. Reclaiming the collective project of planning for migrant solidarity may activate new openings to disrupt exclusionary discontinuities in access to services and infrastructure. Furthermore, planning processes that make space for noncitizens through collaborative and democratic spaces have the potential to yield more just outcomes for all groups while giving noncitizens more control over their destiny.<sup>11</sup> In its more radical stance as a form of collective action, planning may afford noncitizens and other marginalized groups opportunities to enact a politics of possibility beyond the bureaucracy of the state and the logics of the market.<sup>12</sup>

<sup>7</sup> Marcuse, “From Critical Urban Theory to the Right to the City”; Harvey, *Rebel Cities: From the Right to the City to the Urban Revolution*; Sandoval, “Shadow Transnationalism: Cross-Border Networks and Planning Challenges of Transnational Unauthorized Immigrant Communities.”

<sup>8</sup> Conroy, “(Re)Constructing and Resisting Irregularity: (Non)Citizenship, Canada’s Interim Federal Health Program, and Access to Healthcare.”

<sup>9</sup> Sotomayor and Daniere, “The Dilemmas of Equity Planning in the Global South.”

<sup>10</sup> Ugarte, “Ethics, Discourse, or Rights? A Discussion about a Decolonizing Project in Planning”; Dorries, and Harjo, “Beyond Safety: Refusing Colonial Violence through Indigenous Feminist Planning.”

<sup>11</sup> Carpio, Irazábal and Pulido, “Right to the Suburb? Rethinking Lefebvre and Immigrant Activism.”

<sup>12</sup> Friedmann, “Planning in the Public Domain: From Knowledge to Action.”

Although much has been said about the City of Toronto's sanctuary policy,<sup>13</sup> in this chapter, we revisit it in the juncture of COVID-19 and the prolonged protests that since May 26 of 2020 took place in North America following the police killing of George Floyd in Minneapolis, and the death of Regis Korchinski-Paquet in Toronto – among other victims of structural anti-Black racism. Since the 1990s, organizing for 'undocumented' migrants in Toronto has been primarily located with anti-Black racism, Indigenous struggles for sovereignty, and other noninstitutionalized solidarity movements, which makes this moment of particular significance for solidarity activists also claiming that 'no one is illegal' and less so, 'on stolen land'. In most large Canadian cities, such solidarity movements mobilized sanctuary or solidarity policies enabling access to some municipal services for a growing undocumented population.

Toronto's sanctuary city declaration Access TO (motion CD 18.5 passed on February 20, 2013) has been frequently cited by city officials to demonstrate how Toronto welcomes and accommodates difference. Often presented as a 'model city' of diversity and progressive politics,<sup>14</sup> the case of Toronto invites scrutiny on the gaps between aspirational discourse and the governance and implementation of sanctuary policy. The case also invites reflection on the role and complexity of solidarity claims underpinning institutional pledges to 'sanctuary' and the extent to which equity planning practice could support a more serious commitment to livability, solidarity, inclusivity, and recognition for illegalized residents so that illegalization could be consistently resisted.<sup>15</sup>

In this chapter, we propose an inquiry of how solidarity – in the current moment of COVID-19 pandemic and anti-racism mobilizations – has been manifested and hindered in the processes of municipal governance and planning in Toronto. For nonstatus migrants and precarious status citizens, everyday violence has intensified through state/planning practices of dispossession and racial capitalism, offering an opportunity to

<sup>13</sup> Hudson, "City of Hope, City of Fear: Sanctuary and Security in Toronto, Canada"; Humphris, "A History of the Memories of the 'Sanctuary City' in Toronto"; Hershkowitz, Hudson and Bauder, "Rescaling the Sanctuary City: Police and Non-Status Migrants in Ontario, Canada"; Landolt, "Assembling the Local Politics of Noncitizenship: Contesting Access to Healthcare in Toronto-Sanctuary City."

<sup>14</sup> This rhetoric is criticized by Kipfer and Keil, "Toronto Inc? Planning the Competitive City in the New Toronto"; Goonewardena, "The Urban Sensorium: Space, Ideology and the Aestheticization of Politics"; Valverde, *Everyday Law on the Street: City Governance in an Age of Diversity*.

<sup>15</sup> Sandercock, "Towards a Planning Imagination for the 21st Century."

expand solidarity in the face of neoliberal competition or devolution of resources. While Access TO is timidly opening a space for undocumented people to regularize some aspects of everyday lives in Toronto, such spaces need to be extended far more broadly to many other sectors in order to break the discontinuities of exclusion.

We first propose a review of sanctuary/solidarity city policy, followed by the tensions on immigration policy and local livability in the context of COVID-19. Despite its best intentions, such policy has so far been insufficient to address the needs and vulnerabilities of illegalized migrants. After considering how the 'local turn' in migration politics plays out in Toronto's urban governance context, we examine the limits of solidarity discourses particularly when attempts are made to institutionalize solidarity and translate it to municipal orders of government. We then discuss how municipalities and planners may engage more productively with the claims of current solidarity movements by redressing socio-economic vulnerabilities, arguing that sanctuary principles and practice need to go beyond social service agencies and municipal access to services and extend across new institutional and physical spaces in the city. If a city can better achieve inclusion in practice through the expansion of "free spaces"<sup>16</sup> and freedom of mobility, what are the opportunities for urban planning to support the realization of such effort? How to move from planning *for*, to planning *with* those rendered invisible? How can we reimagine planning's normative commitments to transform through a praxis of solidarity? We conclude the chapter by stressing that a wider institutional commitment from municipal authorities would better strategize and advocate to effectuate changes at upper levels of government and a potential reform to immigration regime. In the failure of the state to provide such commitment to people excluded from immigration law, however, practices of solidarity might still be the most inclusive albeit vulnerable form of belonging.

## 2 Sanctuary Does Not Exist without Solidarity

In February 2013, Toronto City Council became the first 'sanctuary city' in Canada by adopting an Access TO policy presented by a solidarity

<sup>16</sup> Nicholls, "The Uneven Geographies of Politicisation: The Case of the Undocumented Immigrant Youth Movement in the United States."

coalition of organizations.<sup>17</sup> The policy sought to ensure access to municipal and public services for all residents, regardless of the immigration status. Based on a “Don’t Ask, Don’t Tell” principle, city officials were expected to not inquire about nor share immigration status with federal authorities (notably the Canada Border Services Agency) when providing particular services. Access TO has been described as “symbolically ambitious but practically cautious.”<sup>18</sup> Yet, for pro-immigration organizations, community organizations, and advocacy groups, the sanctuary city policy demonstrably affirms pro-immigration politics and gesture toward social justice.

Sanctuary policy and solidarity claims point however to the tension between the legal and political recognition of migrants and national citizenship regimes – as well as to welfare state deficits and distribution of services across governmental levels. It is therefore not surprising that despite its narratives of inclusion, the main shortcomings of Toronto’s sanctuary city policy are caught between the discordance of political traditions and economic imperatives in national immigration policy, which at the local level complicates institutional commitment and service delivery. We expand on the challenges of Access TO later but for now, suffice to say that these limitations are exacerbated by the lack of appropriate municipal human and administrative resources, uneven institutional awareness and discretionary power, jurisdictional and constitutional constraints, pejorative discourses of migrants as threats to national boundaries and identity, and at the very core of the sanctuary policy, people’s invisibility and absence of demographic data on nonstatus migrants inhibiting services.<sup>19</sup>

Sanctuary city policies are generally considered oppositional practice to nation state authority by providing partial and limited suspension of

<sup>17</sup> The Solidarity City Network behind Access TO policy included Toronto residents as well as a number of community organizations and advocacy groups, particularly the Alliance for South Asian Aids Prevention, Health for All, Immigration Legal Committee, Justice for Migrant Workers, Law Union of Ontario, No One is Illegal Toronto, Ontario Coalition Against Poverty, Parkdale Community Legal Services, Roma Community Centre, Social Planning Toronto, South Asian Legal Clinic of Ontario and the Workers’ Action Centre.

<sup>18</sup> Hudson et al., “(No) Access T.O.: A Pilot Study on Sanctuary City Policy in Toronto, Canada,” p. 2.

<sup>19</sup> Humphris, “A History of the Memories of the ‘Sanctuary City’ in Toronto, Canada”; Hudson, “City of Hope, City of Fear: Sanctuary and Security in Toronto, Canada”; Atak, “Toronto’s Sanctuary City Policy: Rationale and barriers.” Hudson et al., “(No) Access T.O.: A Pilot Study on Sanctuary City Policy in Toronto, Canada,” and No One is Illegal Toronto, “Often Asking, Always Telling: The Toronto Police Service and the Sanctuary City Policy.”

immigration law and enacting a temporary ‘relief’ space or solution to exclusionary politics, but such policy does not change immigration law and regime, does not provide regularization, nor does it repeal the vulnerability of undocumented people. Expanding the practice of temporary granting sanctuary into a particular circumscribed site (historically a church) outside the bounds of authority, detention, and deportation, to the more complex urban scale certainly brings far more unpredictability but nevertheless rests on similar traditions of charity and their asymmetrical power emphasizing a host-guest relation.<sup>20</sup> As Derrida reminds us, “[i]t must be remembered that the stakes of ‘immigration’ do not in all rigour coincide with those of hospitality which reach beyond the civic or properly political space.”<sup>21</sup> Nevertheless, such unpredictability and asymmetrical power relations have become highly visible with the emergence of the global COVID-19 pandemic, as nonstatus migrants and other socially vulnerable groups have been left out of mainstream programs and planning responses, while the immigration system resorts to exceptionalities and temporal accommodations without suspending deportations and other practices of illegalization altogether.

### 3 ‘We’re (Not) All in This Together’: COVID-19 in the Sanctuary City

On August 14, 2020, as part of Canada’s response to the COVID-19 pandemic, the federal government announced that some “asylum claimants working in the healthcare sector during the COVID-19 pandemic would be offered a new pathway to permanent residency.”<sup>22</sup> Called the ‘Guardian Angels’ pathway, the conditions for refugee claimants to access this route to permanent status involved “providing direct patient care as part of their job,” among other eligibility requirements.<sup>23</sup> While the UN Refugee Agency<sup>24</sup> and other organizations celebrated this action as a commendable step, migrants rights activists demanded that such pathway be extended to all migrants in recognition of the inordinate burden they have carried during the pandemic.

<sup>20</sup> Bagelman, “Sanctuary: A Politics of Ease?”

<sup>21</sup> Derrida, “The Principle of Hospitality,” p. 6.

<sup>22</sup> Government of Canada, “Health-Care Workers Permanent Residence Pathway: About the Public Policies.”

<sup>23</sup> *Ibid.*

<sup>24</sup> UN Refugee Agency, “UNHCR Applauds Canada’s Commitment to Grant Permanent Residency to Asylum-Seekers Working on COVID-19 Frontlines.”

The use of the ‘Guardian Angels’ tag to differentiate ‘deserving’ refugee claimants from others during the pandemic is exemplary of the Government of Canada’s practice of illegalization of those with precarious status, whereas the explicit requirement to access the pathway is for refugee claimants to literally risk their lives once more. Similar to narratives of the ‘good’ or ‘deserving’ immigrant that set some before the rest, the ‘Guardian Angels’ pathway stratifies a large majority of vulnerable migrants. The sorting of lives through temporal exceptionalities in legal migration regimes has been criticized for reproducing the criminalizing nature of the system through “the disavowal, disenfranchisement, and effective de-naturalisation or de-nationalisation of distinct categories of minoritised citizens.”<sup>25</sup> The governmental response also neglects the excessive impacts of the pandemic in the general migrant population. On August 23, 2020, under the coordination of the Migrants Rights Network,<sup>26</sup> migrants and activists took their demands for full and permanent immigration status for all to the streets in Toronto as a response to the excruciating circumstances caused by the pandemic.

The current context of the COVID-19 pandemic has clearly exposed how problems of access and resources for particular people affect life chances. Neighborhoods in the inner suburbs where the large majority of low-income, racialized, and new immigrants reside had infection and morbidity rates three times higher than the rates in the least ethnically diverse neighborhoods of the city.<sup>27</sup> Similarly, the rate of hospitalization in the poorest and racialized neighborhoods was four times as high than the city’s average, with 83 percent of reported cases in the city affecting Black and other people of color and 71 percent of those hospitalized were also racialized persons.<sup>28</sup> Like racialized communities disproportionately impacted by COVID-19, immigrants, refugees, and other newcomers accounted for 43.5 percent of total COVID-19 infections in Ontario while representing only 25 percent of the province’s population.<sup>29</sup> Unsurprisingly, rates of testing were lower with immigrant groups as many of them face communication barriers, have no healthcare access,

<sup>25</sup> De Genova and Roy, “Practices of Illegalization,” p. 352.

<sup>26</sup> Migrants Rights Network, “August 23 Day of Action for Status for All in 11 Cities.”

<sup>27</sup> Wherry, “One Country, Two Pandemics: What COVID-19 Reveals about Inequality in Canada.”

<sup>28</sup> Cheung, “Black People and Other People of Color Make Up 83% of Reported COVID-19 Cases in Toronto.”

<sup>29</sup> Guttman et al., “COVID-19 Immigrants, Refugees and Other Newcomers in Ontario: Characteristics of Those Tested and Those Confirmed Positive, as of June 13, 2020.”



and live with the fear detention or deportation. For example, about 2,000 undocumented workers in Ontario farms that had experienced ongoing outbreaks showed reluctance to go for testing assuming ineligibility for testing and treatment and fear of both losing income and being deported as a result.<sup>30</sup> Limited access to testing is further exacerbated by the fear of being deported if indeed tested positive as COVID data are reported to public health authorities. People without status have long been excluded from any safety net and fear interactions with institutions. Poor health outcomes and vulnerability to COVID-19 are exacerbated by poor housing conditions and lower incomes, and a series of no access to health benefits, to regular or emergency pandemic-related governmental programs, to childcare benefits, or any other assistance.<sup>31</sup> Lockdown measures to halt the spread of the coronavirus have generally increased the control of residents and the need to constantly produce identification or risk arrest.

Undocumented people are evidently ineligible to relief assistance like the Canada Emergency Response Benefit (CERB) program, which provided financial support (\$2,000 CAD for a 4-week period) to employed and self-employed Canadians directly affected by COVID-19.<sup>32</sup> While no data exist on income losses for illegalized migrants, it can be assumed that many of them were already working in low-paid, unaccounted for, exploitative or precarious conditions. With reduced opportunities for saving or moving outside the so-called sanctuary city, many illegalized migrants were left with few options to cope with the hardships. Migrants who faced employment termination or whose jobs involve risk of infection may have had no option but to maintain or take any available jobs despite health risks.<sup>33</sup> According to the International Organization for Migration,<sup>34</sup> many migrants around the globe are overrepresented in occupations where the risk of infection is high (domestic work, food services, nonessential retail) and excluded from opportunities to work remotely. They may face few transportation options and be forced to work in physical proximity with co-workers and customers without protective equipment or proper hygiene measures. These working conditions make

<sup>30</sup> Gatehouse, "How Undocumented Migrant Workers are Slipping through Ontario's COVID-19 Net."

<sup>31</sup> Mowat and Rafi, "COVID-19: Impacts and Opportunities."

<sup>32</sup> Government of Canada, "Canada Emergency Response Benefits (CERB)."

<sup>33</sup> No One is Illegal, "Often Asking, Always Telling: The Toronto Police Service and the Sanctuary City Policy."

<sup>34</sup> Guadagno, "Migrants and the COVID-19 Pandemic: An Initial Analysis."

them especially vulnerable to COVID-19. Due to their vulnerabilities and constraints, they may even be forced to work despite showing symptoms.

Similar to other low-income racialized groups, migrants with precarious status often share multigenerational households where the exposure of seniors and others with fragile health conditions may be heightened.<sup>35</sup> Migrants' invisibility to local government has also meant that their access to private space for proper isolation, such as hotel space during quarantine has not been made equally available or affordable to them. Undocumented migrants find themselves relegated to shelter services such as Toronto's Exhibition Place 'Better Living' center, which during the COVID-19 emergency of the congregated shelter model offered undignified individual rooms made of clear plexiglass divisions with no privacy, which advocates referred to as "glass cages for people."<sup>36</sup>

Reporting on the impacts of the pandemic on the delivery of settlement services, the Ontario Council of Agencies Serving Immigrants (OCASI)<sup>37</sup> noted that services that could have been otherwise accessed by nonstatus migrants under conditions of confidentiality were significantly affected by the pandemic and ensuing lockdowns, with digital exclusion being a critical barrier to access services for nonstatus migrants. Virtual service delivery for settlement services was deemed inadequate to address the needs of all clients and to protect confidentiality. Service agencies brought attention to the growing isolation of service clients – many of them already isolated pre-COVID – and most critically, to heightened experiences of poverty, food insecurity, and risk of eviction due to unemployment and lost income in typical sectors such as domestic services and construction work due to the pandemic. OCASI advocates called for the federal and provincial governments to adopt a series of measures including a universal basic income program to be implemented regardless of status, a rent relief fund for tenants, and legislation that protect undocumented migrants from eviction, among others. Arguing that COVID-19 "policy responses by different orders of government have failed to redress structural and systemic disadvantages along racial lines," the racial justice education and advocacy network of Ontario, Colour of Poverty Colour of Change has urged for a regularization program to "provide a pathway

<sup>35</sup> Ibid.

<sup>36</sup> Cited in Lavoie, "Toronto Opens Four Warming Centres for People Experiencing Homelessness."

<sup>37</sup> Ontario Council of Agencies Serving Immigrants (OCASI), "OCASI Recommendation to TORR."

to permanent residence status for all people with precarious immigration status, including all migrant workers.”<sup>38</sup>

COVID-19 thus exposed more bluntly Toronto’s existing socio-spatial inequalities and the extent to which borders of ‘life and death’ recreate themselves in the neoliberal city. While shutdowns and activity restrictions were implemented in the name of safety for a large better-off population who were able to retreat to their bubbles, not everyone was afforded the same level of protection.

#### 4 Toronto’s ‘Local Turn’ in Migration Governance and Politics

Toronto’s sanctuary city policy as a claim to the city remains timid, discursive, performative, and perhaps at time a misleading reification of the idea of urban belonging or urban citizenship though access and hope.<sup>39</sup> Although the urban emerges as “a terrain through which political claims to rights are being articulated”<sup>40</sup> and as the privileged scale of “direct interactions” and service delivery, often perceived as inherently progressive,<sup>41</sup> sanctuary policy is limited by jurisdictional mismatch between governments and neoliberal competition for services. The violence of exploitative labor conditions for illegalized migrants, coupled with ongoing gentrification, dispossession, evictions, and displacement from well-served and centrally accessible locations further complicates everyday survival in the sanctuary city.

One of the key challenges of the Canadian ‘local turn’ in migration governance and politics is the fact that municipalities have a minor status in law and politics. With reduced delegated power and authority, cities lack administrative capacity and adequate resources, which leave them with few legal tools to formulate and implement policies. Municipalities must then rely substantially on local planning, which is one of their few legal capacities to address emerging problems. As a result, “matters that might be better suited to other types of legal solutions, if brought before municipalities, end up funnelled into zoning and planning mechanisms.”<sup>42</sup>

<sup>38</sup> Colour of Poverty Colour of Change, “COP-COC Reconstruction and Reset Plan for Canada.”

<sup>39</sup> Bagelman, *Sanctuary City: A Suspended State*.

<sup>40</sup> Darling and Bauder, *Sanctuary Cities and Urban Struggles: Rescaling Migration, Citizenship, and Rights*, p. 4.

<sup>41</sup> See Mongia in this volume.

<sup>42</sup> Ranasinghe and Valverde, “Governing Homelessness through Land-Use: A Sociolegal Study of the Toronto Shelter Zoning By-Law,” p. 327.

This is particularly the case with urban problems concerning social justice claims and affecting the interests of migrants with precarious status, such as poverty, food insecurity, or homelessness, among others. Due to this limitation, services covered by Access TO were already hardly inclusive of undocumented immigrants before the pandemic. Immigration regularization, (un)employment, childcare benefits, or healthcare, all under federal jurisdictions, stand unaffected by urban-level sanctuary policy. Housing as a provincial responsibility, although much needed by 'undocumented' people who have no access to social housing waiting lists, remains outside city-level capacity to provide.<sup>43</sup>

The local turn of migration has long found itself at unease with upper level of governments. While the implementation of sanctuary policy has been based on a 'Don't Ask, Don't Tell' approach (adopted in 2004), the 'Don't Tell' position has not always been fully observed as local authorities have often communicated information to immigration officials.<sup>44</sup> In 2017, an independent and comprehensive analysis of Toronto's sanctuary policy revealed concerns over the lack of consistency in the implementation, lack of trust on police services, and the unintended impacts of the policy's variability on vulnerable populations.<sup>45</sup> This is due mostly to the expansion of enforcement measures of border control to local institutions and the expansion of border policing.<sup>46</sup> 'Don't Ask, Don't Tell' has limited institutional commitment and its negative formulation normalizes inaction, passivity, or status quo (such as reporting) rather than progressive action defending immigration rights and claims.

Given Canadian municipalities' lack of autonomy in the governance structure, local jurisdictions have little to no power or competence to respond to activists' poignant demands or to even alleviate temporarily the economic burden on illegalized migrants, many of them now experiencing housing insecurity or homelessness. Despite the Access TO policy, being invisible to the system barely guarantees the protection of life under dire economic circumstances. For Bagelman, a 'gentler face' of sanctuary policy seemingly provides a temporary relief from exclusionary

<sup>43</sup> Lebow, *Access Denied in a "Sanctuary City."*

<sup>44</sup> Notably related to policing as examined by Hudson in this volume.

<sup>45</sup> Ryerson Centre on Immigration and Settlement, "(No) Access T.O.: A Pilot Study on Sanctuary City Policy in Toronto, Canada."

<sup>46</sup> Hudson, "City of Hope, City of Fear: Sanctuary and Security in Toronto, Canada"; Coleman and Kocher, "Detention, Deportation, Devolution and Immigrant Incapacitation in the US, post 9/11"; Gilbert, "Immigration as Local Politics: Re-Bordering Immigration and Multiculturalism through Deterrence and Incapacitation."

policies and the threat of detention and deportation, but such policy “in fact contribute(s) to a hostile asylum regime by indefinitely deferring and even extending a temporariness of waiting” as vulnerability is never fully alleviated.<sup>47</sup>

Neoliberal economic violence is thus another factor limiting livability for migrants and other vulnerable groups in Toronto and other aspiring global cities. If our main argument is that under current circumstances Toronto can hardly offer undocumented migrants genuine sanctuary conditions, it also holds true that the city’s violent urban development processes and entrepreneurial urbanism have constrained access to the city for an ever-larger number of low-income and racialized households.<sup>48</sup> Adding to the legal and practical complexities of implementing sanctuary policy is the fact that over the past two decades, Toronto has experienced a profound housing affordability crisis and a crisis of tenant rights resulting on ongoing displacement and evictions. Rapid processes of gentrification and financialization of housing markets, including multi-family rentals and other previously decommodified niche markets, have accelerated the displacement of socio-economically vulnerable residents from downtown and other residential neighborhoods to the inner or outer suburbs of the Greater Toronto Area.<sup>49</sup>

Such urban transformations have been accompanied by a growing income inequality gap that over the past three decades has also deepened globally.<sup>50</sup> A city once characterized by a relatively homogenous middle-income public, Toronto has been reconfigured through rising global investments in real estate, ongoing projects of gentrification and downtown renewal altering dramatically its socio-economic and racial landscape. Such urban divide has been the focus of a number of studies that document rising poverty rates in neighborhoods where racialized

<sup>47</sup> Bagelman, “Sanctuary: A Politics of Ease?” p. 58.

<sup>48</sup> Kipfer and Keil, “Toronto Inc? Planning the Competitive City in the New Toronto”; Goonewardena, “The Urban Sensorium: Space, Ideology and the Aestheticization of Politics”; Slater, “Municipally Managed Gentrification in South Parkdale, Toronto”; Valverde, *Everyday Law on the Street: City Governance in an Age of Diversity*; Fincher et al., “Planning in the Multicultural City: Celebrating Diversity or Reinforcing Difference?”

<sup>49</sup> August and Walks, “Gentrification, Suburban Decline, and the Financialization of Multi-Family Rental Housing: The Case of Toronto”; August, “The Financialization of Canadian Multi-Family Rental Housing: From Trailer to Tower.”

<sup>50</sup> Soederberg and Walks, “Producing and Governing Inequalities under Planetary Urbanization: From Urban Age to Urban Revolution?”

immigrants reside.<sup>51</sup> Studies showed that racialized income gaps persist in Canada between racialized and nonracialized workers, with earning gaps for new immigrants who identify as Black, Filipino, or Latin American had also being particular steep.<sup>52</sup> In 2019, 87 percent of 122,250 low-income households in the rental market were paying over 30 percent of their income on rent, with at least half of these households facing severe unaffordability and allocating over 50 percent of their income to rent.<sup>53</sup> Such households were highly vulnerable of failing to meet rental agreements even before the pandemic, but when COVID-19 hit, vulnerabilities to tenant evictions amplified due to their limited ability to buffer income losses.

Neoliberal violence and socio-spatial relegation thus negate the right to the city for larger groups at the intersections of urban disadvantage, regardless of legal status. Such exclusions problematize the assumption that sanctuary can effectively extend protections for noncitizens in the neoliberal city. It also brings into question right to the city claims as a unified call by solidarity groups for access and inclusion. As Mayer argues, perhaps what social movements need to reclaim is not the right to the existent city, but the right to a *different* city, one that is more open and democratic.<sup>54</sup> An open city, foregrounded on solidarity, would recognize the right to the city as the right to participation and the right to appropriation based on inhabitation.<sup>55</sup> Such interpretation of the right to the city, which also involves a contributor right, is based on the recognition that “those who make the city have a claim to it.”<sup>56</sup>

The next section provides the context of Toronto’s sanctuary policy from the perspective of solidarity movements and the limitations of translating solidarity into sanctuary policy to fulfill the promise of ‘access without fear’ and protection from detention and deportation.

## 5 The Limits of Solidarity in the Local State

In times of crisis when governments and institutions of power show their limits, people have come together to demand and to forge alternatives

<sup>51</sup> Hulchanski, “The Three Cities within Toronto: Income Polarization among Toronto’s Neighbourhoods, 1970–2000.”

<sup>52</sup> Block, Galabuzi and Tranjan, “Canada’s Colour Coded Income Inequality.”

<sup>53</sup> Leon and Iveniuk, “Forced Out: Evictions, Race, and Poverty in Toronto.”

<sup>54</sup> Mayer, “The ‘Right to the City’ in Urban Social Movements.”

<sup>55</sup> Holston, *Insurgent Citizenship: Democracy and Modernity in Brazil*.

<sup>56</sup> Holston, “Metropolitan Rebellions and the Politics of Commoning the City,” p. 127.

grounded in daily life and collective action. Wilde defines solidarity as “the feeling of reciprocal sympathy and responsibility among members of a group which promotes mutual support.”<sup>57</sup> Solidarity is generally understood as the foundation of political relations, and it is often invoked antagonistically when justice or institutional structure fails.<sup>58</sup> Solidarity is a highly malleable concept: Solidarity can be emancipatory or redemptive in the face of deficits of freedom, equality, and justice, but it can just as easily fall into intolerance on a less progressive side of the political spectrum. Both the strength and limits of solidarity rest on its “relational constitution” and the fact that it is not bounded by a particular scale.<sup>59</sup> Solidarity is expressed just as well through a call for universal human rights<sup>60</sup> or the democratization of everyday life – as in the case of local claims for sanctuary. In such case, solidarity acts as a normative framework for securing local rights for migrants and refugees excluded by the ‘legalities’ of national immigration regimes and global capitalism. Yet, the realization of solidarity also depends on its level of support – a reality complicated in times of pandemic and isolation.

The success of solidarity network securing nonstatus migrants rights show limitations. Its complete success would demand not only a greater capacity for migrants to disrupt their structural positions of vulnerability<sup>61</sup> but also a broader solidarity of organizations and residents, but also solidarity amongst municipal politicians and departments personnel as well as solidarity between multi-level governmental instances that would ultimately politically grant recognition to nonstatus migrants. This ideal remains unattainable despite the best efforts of solidarity networks and progressive municipal politics and politicians. This is in part due, as DeGraauw explains, to the fact that immigrant policies at the municipal level are often framed “as developmental rather than redistributive policies.”<sup>62</sup>

Migrant rights solidarity is argued in the form of demands to grant some municipal services to non-status migrants by instantiating a space of refuge from national state power. Solidarity as a common normative framework of inclusion and access for non-status migrants stand however

<sup>57</sup> Wilde, “The Concept of Solidarity: Emerging from the Theoretical Shadows?” p. 171.

<sup>58</sup> Melissaris, “On Solidarity.”

<sup>59</sup> Oosterlynck et al., “Putting Flesh to the Bone: Looking for Solidarity in Diversity, Here and Now.”

<sup>60</sup> See Oomen, this volume.

<sup>61</sup> Swerts and Nicholls, “Undocumented Immigrant Activism and the Political: Disrupting the Order or Reproducing the Status Quo?”

<sup>62</sup> DeGraauw, “City Government Activists and the Rights of Undocumented Immigrants: Fostering Urban Citizenship within the Confines of US Federalism,” p. 4.

in opposition to the state's policies of detention and deportation – which reassert the exclusive membership of a political community. According to UNHRC, 79.5 million people were forcibly displaced worldwide from their home in 2019 and many of them find themselves without status or rendered illegal by national political regimes and global economic bordering forces.<sup>63</sup> As stated by Swerts and Nicholls, “this illegalisation of migrants by national governments has created shadow populations ... [that] lack the *de jure* recognition needed to guarantee their right to stay.”<sup>64</sup> Derrida decries the different statuses created by the conflated political and economic interest of the nation-state as “mean” and restrictive.<sup>65</sup> For Derrida, “this distinction between the economic and political is not only abstract and inconsistent; it becomes hypocritical and perverse. This distinction creates the quasi-impossibility to grant political asylum and to even prevent the best efforts to apply the law subjected to opportunist considerations, whether electoral or politicized, themselves emerging from police order, of real or imagined security issues, of demography or market. The discourse on refuge, asylum or hospitality then becomes pure rhetorical alibis.”<sup>66</sup> As Melissaris argues, non-status migrants stand outside the “consensus universalis” and “[a]lthough solidarity animates all political action, political action – and especially institutionalised action – can never duplicate the conditions of solidarity.”<sup>67</sup>

Sanctuary policy nevertheless gives some political “presence” to the claims of “non-status” people.<sup>68</sup> Solidarity networks in the defense of immigrant rights attempt to unsettle the conventional understanding of national citizenship by reasserting the urban as a terrain where rights can be articulated.<sup>69</sup> Writing about pro-immigration policies and practices of city governments in the United States (despite a different context than Toronto), De Graauw sees urban citizenship advances for undocumented migrants being fostered through access of public service provision, creation of negative (“Don’t Tell”) and positive (especially labor-related) rights protection policies, and modes of democratic participation (e.g.,

<sup>63</sup> UNHRC, “Figures at a Glance: 79.5 Million Forcibly Displaced People Worldwide at the End of 2019.”

<sup>64</sup> Swerts and Nicholls, “Undocumented Immigrant Activism and the Political: Disrupting the Order or Reproducing the Status Quo?” p. 1.

<sup>65</sup> Derrida, *Cosmopolities de tous les pays, encore un effort!* p. 31.

<sup>66</sup> *Ibid.*, pp. 33–34.

<sup>67</sup> Melissaris, “On Solidarity,” pp. 12, 20.

<sup>68</sup> Darling, “Forced Migration and the City: Irregularity, Informality, and the Politics of Presence”; Bauder, “Possibilities of Urban Belonging.”

<sup>69</sup> Bauder, “Possibilities of Urban Belonging.”



voting rights in local elections or decisions).<sup>70</sup> For De Grauw, such urban citizenship advances bring “a greater sense of local belonging, recognition, and voice” as well as a “modicum of dignity and safety,” but “they do not immediately disrupt traditional understandings of national citizenship or undermine the federal monopoly over immigration and citizenship.”<sup>71</sup> The normative recognition of urban citizenship practices remains highly promising as nonstatus migrants raise their family, work and pay taxes, study, shop, or simply attempt to recreate a life but the protection from deportation remains always discretionary to authorities’ powers.

Although central in the history of immigration politics, solidarity and sanctuary whether motivated through religious or anti-austerity position translates an unequal relationship. This unequal relationship not only potentially frames solidarity efforts, but it also frames the reception of such claims. The municipal state can only support sanctuary claim to some limits, being themselves limited by national immigration regimes or other services jurisdictions to fully embrace the protection of nonstatus residents. The expansion of a progressive local (municipalist) agenda in which “city councils act institutionally, in cooperation with civil society”<sup>72</sup> is also urgently required to monitor and broaden the climate at city hall for pro-immigration support beyond the solidarity network made of community organizations who often already operate at the seams of their social, political, and financial capacities – especially in a neoliberal context. For Melissaris,<sup>73</sup> reconciling solidarity with institutionalization is complicated, but it does not mean that is not worthwhile. The first challenge is to conceive of an institutional structure that espouses the normative interrelations of solidarity. Here, the different discourses and practices of criminalization and securitization deployed by the state against nonstatus individuals render solidarity and membership into the solidary and legally constituted community difficult.<sup>74</sup> Exclusion is a practical and political barrier of solidarity.

Despite the best intentions of the sanctuary policy to accommodate access to some services, many of these services might not be the most essential to insure inclusiveness – especially in the absence of dedicated

<sup>70</sup> De Grauw, “City Government Activists and the Rights of Undocumented Immigrants: Fostering Urban Citizenship Within the Confines of US Federalism.”

<sup>71</sup> *Ibid.*, pp. 15–16.

<sup>72</sup> García Agustín, “New Municipalism as a Space for Solidarity,” p. 57.

<sup>73</sup> Melissaris, “On Solidarity.”

<sup>74</sup> See Hudson in this volume.

portfolios across municipal divisions. In March 2017, a staff report by the Executive Director of Social Development, Finance and Administration (CD19.9) affirms that targeted efforts are still needed to ensure that refugees, refugee claimants, and undocumented Torontonians “are able to access programs and services and improve their quality of life in Toronto.”<sup>75</sup> The challenge emerges also from the concomitant invisibility of nonstatus migrants and the lack of commitment to data collection and protection.<sup>76</sup>

In Section 6, we point to the fact that nonstatus immigrants do not participate in the larger process of planning – and are therefore not afforded the right to live freely and to imagine their communities. We then center on the question of how can planning be reimagined beyond the false dualism of “compassion and racism” framing othering practices.<sup>77</sup> How to move from planning *for* to planning *with* those rendered invisible? We thus discuss approaches to reimagine planning’s normative commitments to transform through a praxis of solidarity and the opportunities for a transformative planning practice that may serve the needs of illegalized migrants.

## 6 Extending Solidarity and Urban Belonging: Planning for the Inclusive City (Yet to Come)

Despite the many limitations, Access TO has undoubtedly unlocked a space – albeit imperfect and incomplete – for undocumented people to momentarily regularize some aspects of their everyday lives in the city. This opening to undocumented migrants may be improved in the future through a deepening of the policy, higher coordination, better staff training and reallocation of functions (starting with the police and other emergency response services) and dedicated services and budgets. There have been some examples of success and innovation to redress access barriers for nonstatus clients worth highlighting among municipal divisions. For instance, the Toronto Public Library system has been praised for showing flexibility with clients through a mail back process as a system that enables nonstatus residents to confirm proof of address when signing

<sup>75</sup> City of Toronto, “Refugees, Refugee Claimants and Undocumented Torontonians,” p. 2.

<sup>76</sup> Hudson et al., “(No) Access T.O.: A Pilot Study on Sanctuary City Policy in Toronto, Canada.”

<sup>77</sup> Kaika, “Between Compassion and Racism: How the Biopolitics of Neoliberal Welfare Turns Citizens into Affective ‘Idiot.’”

up for a library card. Proof of name is still required, but it may be accepted from documents other than government-issued photo identification.<sup>78</sup> Given the range of services (including access to classes, workshops, computers/Internet, and books), locational advantages across the city, and access to public spaces provided within the public libraries themselves, Toronto Public Libraries can be rightly considered sanctuary spaces in the city. Similarly, a pilot initiative called “On Board” was developed in 2017 by Toronto Public Health involving Community Health Centres and the public shelters system to improve safe referrals to primary care for uninsured clients, particularly those with precarious status.<sup>79</sup> Despite inadequate institutional and financial support, these examples demonstrate some openness by staff of municipal agencies to reduce the barriers to access services for undocumented migrants. Yet, these efforts are still uneven and insufficient.<sup>80</sup>

Outside the municipal sphere, key selected public institutions within the education and health sectors, including the Toronto District School Board, have adopted ‘Don’t Ask, Don’t Tell’ policies although with slow and inconsistent implementation.<sup>81</sup> More recently, York University adopted a pilot program aimed to expand access to nonstatus applicants. Through a pilot initiative allowing part-time study and offering a bridging curriculum and transitional support, York University extended domestic tuition fees to a small group of nonstatus students, which otherwise would have been changed prohibitive international student fees.<sup>82</sup>

More comprehensive immigration reform has long been demanded by pro-migration advocates to provide a critical relief to systematic marginalization, but such legal solution has been seen as politically untenable. Current spaces of solidarity with undocumented residents however need to be extended far more broadly to many other sectors and institutions in order to break exclusion. Creating an urban fabric where different sectors and service providers resist ‘irregularity’ to circumvent nonjuridical status may enable a more comprehensive realization of access by extending to

<sup>78</sup> City of Toronto, “Refugees, Refugee Claimants and Undocumented Torontonians.”

<sup>79</sup> Ibid.

<sup>80</sup> Aery and Cheff, “Sanctuary City: Opportunities for Health Equity.”

<sup>81</sup> Villegas, “‘Don’t Ask, Don’t Tell’: Examining the Illegalization of Undocumented Students in Toronto, Canada.”

<sup>82</sup> Armanyous and Hudson, “Barriers vs. Bridges: Undocumented Immigrants’ Access to Post-Secondary Education in Ontario,” and Villegas and Aberman, “A Double Punishment: The Context of Postsecondary Access for Racialized Precarious Status Migrant Students in Toronto, Canada.”

both, physical places and institutional spheres, across society and state.<sup>83</sup> An alternative has been to provide access to undocumented people despite timid and inconsistent implementation. Yet, other spaces could emerge for those who are “unaccounted for” and may forge relationships of trust, organize, politicize, and disrupt illegalizing state orders by publicizing their claims to equality and to a more open city.<sup>84</sup> Writing on politicization of undocumented immigrant youth movement in the United States (and in reference to the Deferred Action for Childhood Arrivals (DACA) program),<sup>85</sup> Nicholls defines “free spaces” as “frontline sites that allow marginalized and risk-averse groups like undocumented immigrants to meet with others, forge emotional bonds, and construct transgressive collective identities.”<sup>86</sup> Accommodating not only institutional but also physical spaces in the city is thus equally important in nurturing the politicization process of marginalized people through inclusive spaces. While solidarity across difference cannot be forced or forged, it can be nurtured. Conversely, hostile geographies and uneven socio-spatial planning may prevent those at the urban margins from developing close relations with others and raising their voices to advocate for themselves.

The recent COVID-19 pandemic evinced how low-income and other economically vulnerable groups are particularly reliant on public facilities and infrastructures. During the pandemic, public spaces constitute the only access to outdoor recreational space for socially vulnerable groups, providing respite to those living in small apartments or confined in overcrowded housing arrangements.<sup>87</sup> Yet, most low-income communities have smaller, undermaintained, or less numerous public spaces than affluent communities. Open public spaces, for instance,

<sup>83</sup> Connoy, “(Re)Constructing and Resisting Irregularity: (Non)Citizenship, Canada’s Interim Federal Health Program, and Access to Healthcare.”

<sup>84</sup> Nicholls, “The Uneven Geographies of Politicisation: The Case of the Undocumented Immigrant Youth Movement in the United States.”

<sup>85</sup> Differences in the potential for pro-migration mobilization and politicization in Canada and the United States vary greatly given the estimated number of undocumented people, the very different trajectories and histories of migration policy/law and politics (tainted by neoliberal multiculturalism in Canada), and different political and economic realities. Differences in municipal power and institutional capacity have led cities to take more direct actions to recognize the rights of undocumented people (which has also fueled more anti-immigration sentiment).

<sup>86</sup> Nicholls, “The Uneven Geographies of Politicisation: The Case of the Undocumented Immigrant Youth Movement in the United States,” p. 2.

<sup>87</sup> Honey-Rosés et al., “The Impact of COVID-19 on Public Space: An Early Review of the Emerging Questions – Design, Perceptions and Inequities.”

should be considered fundamental in an inclusive city. Yet, much is needed for racialized residents and migrants with precarious status to feel safe from policing occurring in so-called public spaces as fear of detention and deportation have long deterred or restricted the use of such spaces.

A city of 'free spaces' would similarly require 'free mobilities.' In arguing for mobility justice, Sheller contends that the recognition of freedom of mobility as a universal human right "exists in relation to class, race, sexuality, gender, and ability exclusions from public space, from national citizenship, from access to resources, and from the means of mobility at all scales."<sup>88</sup> Undocumented people are subjected to multiple spatial scales and "mobility regimes, including legal regimes ... govern[ing] who and what can move (or stay put), when, where, how and under what conditions."<sup>89</sup> The "violence of mobility"<sup>90</sup> is a daily reality for people having to constantly remain invisible in order to avoid detention and deportation. For people with no status, uneven mobilities precondition their access to migration legal regimes just as well as their daily access to services while significantly curbing any claims to 'right to the city' or resistance. The interconnections between the different regimes of mobility show that mobility justice – "from the scale of the racialized body, to the detention of migrants, to the ease of travel for global elites" is not only about documentation or temporary relief of movement but also that justice itself is "an unstable configuration that moves across scales and realms."<sup>91</sup>

If a city can better achieve inclusion in practice through the expansion of free spaces and freedom of mobility, what are the opportunities for urban planning – typically a responsibility of local jurisdictions and within the realm of urban governance – to support the realization of such effort? As a key dimension of urban governance and city management, planning is generally concerned with the disposition of land, infrastructures, facilities, and services and how the overall organization of the built environment may improve or limit the interests and circumstances of individuals and groups. It also involves the development of social, cultural, and economic policies that may change the characteristics of places.<sup>92</sup> Beyond its

<sup>88</sup> Sheller, *Mobility Justice: The Politics of Movement in an Age of Extremes*, p. 20.

<sup>89</sup> *Ibid.*, p. 115.

<sup>90</sup> *Ibid.*

<sup>91</sup> *Ibid.*, p. 20.

<sup>92</sup> Fincher et al., "Planning in the Multicultural City: Celebrating Diversity or Reinforcing Difference?"

more technocratic aspects, planning as a social practice is one of a few arenas that entertain a collective capacity to aspire,<sup>93</sup> “insofar as [planning] does not just analyze and predict, but also develops criteria for judgment and advocates change.”<sup>94</sup>

Planning, however, has a long tradition of entrenching colonial and neoliberal orders in the management of space.<sup>95</sup> The adoption of the real estate mantra of assigning ‘the highest and best value’ to land uses and the reduction of housing to its exchange value have both belittled planning as an instrument of capital accumulation.<sup>96</sup> The promotion of white suburbanization, red lining and instances of exclusionary zoning similarly illustrate the use of planning as a regulatory tactic to keep racialized communities contained, oppressed or at a distance.<sup>97</sup> In many cities, the resulting uneven territorial development has allowed right-populist politics to fan social tensions and capitalize on collective fears of the other such as non-status immigrants or racialized communities.<sup>98</sup>

In extending solidarity and urban belonging for migrants with precarious status, the project of disrupting planning’s entanglements with neoliberal violence, regimes of illegalization, and settler colonialism seems crucial.<sup>99</sup> For this, it is necessary to break away with current practice and reclaim new forms of planning. In discussing how planning may be “imagined otherwise” to redress exclusions and anti-Black racism in the built environment, Bates calls for envisioning ‘new blueprints’ from spaces of community organizing and artistic expression.<sup>100</sup> A planning project aimed to redress the violence of exclusion for illegalized migrants can similarly benefit from covert forms of ‘planning otherwise’ where the often-hidden collective action and placemaking practices of illegalized migrants and other vulnerable groups are considered in determining the public interest.

<sup>93</sup> Inch, Slade and Crookes, “Exploring Planning as a Technology of Hope.”

<sup>94</sup> Rankin, “Critical Development Studies and the Praxis of Planning,” p. 219.

<sup>95</sup> Roy, “Praxis in the Time of Empire,” and Rankin, “Critical Development Studies and the Praxis of Planning.”

<sup>96</sup> Stein, *Capital City: Gentrification and the Real Estate State*.

<sup>97</sup> Goetz, Williams and Damiano, “Whiteness and Urban Planning.”

<sup>98</sup> Rivero et al., “Democratic Public or Populist Rabble: Repositioning the City amidst Social Fracture.”

<sup>99</sup> Dorries, Hugill and Tomiak, *Settler City Limits: Indigenous Resurgence and Colonial Violence in the Urban Prairie West*; Porter, Roy and Legacy, “Planning Solidarity? From Silence to Refusal.”

<sup>100</sup> Bates et al., “Race and Spatial Imaginary: Planning Otherwise/Introduction,” p. 255.

This planning for solidarity should start by recognizing differences (in status, income, identity, etc.) that characterize urban life, and supporting goals of redistribution, recognition, and encounter.<sup>101</sup> Thus, the pursuit of urban justice through planning involves inclusion of marginalized identities without essentializing or fixing them to a targeted category of social policy. Urban practitioners should work under a recognition that places are relational and thus dynamic – constantly being built and used in relation to people and events. Progressive urban practitioners can embrace conceptualizations of urban space as an open and dynamic process that breaks away with white, nationalist, and colonial spatial imaginaries. Such space reflects multiple forms and sources of knowledge; a space that everyone regardless of status is invited to shape. Such politics of place also implies “a consciousness of its links with the wider world”<sup>102</sup> evincing the power relations people are enmeshed into. Furthermore, such a politics of place may enable different groups of residents (whatever their status) to contest and claim, even if partially, their *right to the city*: the possibility of changing and be changed by the city.

A new planning for solidarity can also lead to new ethical commitments; in particular, an “ethics of accountability”<sup>103</sup> to those excluded or rendered invisible in the planning process. Rather than declaring liberal benevolence, altruism, or compassion for migrants, the focus can then turn to an “otherwise planning” where migrants can safely participate (through anonymous involvement, artistic methods, or community organizing) in reimagining, along with others, the cities they inhabit.<sup>104</sup> In turn, municipal planners and other urban practitioners can inform, convene, facilitate, and politicize the implications of the process.<sup>105</sup>

Different “layers” of possibilities of urban belonging can be imagined for illegalized migrants in the city, whether through a reshuffling of current orders, political constructs, and existing material configurations or by a radical reimagination of an “open and unfixed” urban reality where

<sup>101</sup> Fincher and Iveson, *Planning and Diversity in the City: Redistribution, Recognition and Encounter*.

<sup>102</sup> Massey, *Space, Place and Gender*, p. 7.

<sup>103</sup> Roy, “Praxis in the Time of Empire.”

<sup>104</sup> Kaika, “Between Compassion and Racism: How the Biopolitics of Neoliberal Welfare Turns Citizens into Affective ‘Idiot.’”

<sup>105</sup> Marcuse, “From Critical Urban Theory to the Right to the City.”

all of the city's inhabitants and their politics belong.<sup>106</sup> Based on ideas of presence in the city and a territorial polity, a "domicile principle" enabling residents to develop and affirm their belonging would start recognizing their membership in urban polities.<sup>107</sup> As the primary and formal scale of everyday belonging, the urban would be the basis of citizenship enabling other scales of citizenship.<sup>108</sup> As Holston reminds us "the domain of the political ... is the city itself and specifically the city-making activities of its residents, in which they produce the city through their lives and works as a collective social and material product; in effect, a commons" made of practiced solidarities.<sup>109</sup>

## 7 Conclusion

In this chapter, we have examined the challenges faced by illegalized migrants while living invisibly in Toronto, a self-declared sanctuary city. In doing so, we meant to address some of the emerging normative questions raised by researchers studying the 'local turn' in migration politics from the perspectives of solidarity movements, municipal governance, power asymmetries, and the opportunities to redress exclusions through broadly defined equity planning practices.

Writing about sanctuary and solidarity in the current moment of the COVID-19 pandemic and anti-racism mobilizations to assess how solidarity has been manifested and hindered in the processes of municipal governance and planning in Toronto has made more salient some of the contradictions and tensions of localized approaches to immigration policy. As we have argued, behind the façade of progressive municipal politics,<sup>110</sup> Toronto's sanctuary policy remains limited by the lack of institutional capacity and attention to ensure consistency and monitor results in access to services. Furthermore, the legal structure of governance in Canada, which subordinates municipalities to provincial and federal levels of authority, makes Toronto's claim to 'access without fear' a weak one as the municipal services provided may not be the most important to migrants or may not be delivered in a way that guarantees inclusivity.

<sup>106</sup> Bauder, "Possibilities of Urban Belonging."

<sup>107</sup> Darling, "Forced Migration and the City: Irregularity, Informality, and the Politics of Presence."

<sup>108</sup> Bauder, "Possibilities of Urban Belonging."

<sup>109</sup> Holston, "Metropolitan Rebellions and the Politics of Commoning the City," p. 212.

<sup>110</sup> Valverde, *Everyday Law on the Street: City Governance in an Age of Diversity*.



These limitations are aggravated by several factors, including a jurisdictional mismatch between the borders of the sanctuary city and the expansive and lived city-region where most recent migrants and low-income groups reside at the margins, and where protection from detention may no longer hold. Similarly, the violence of gentrification and neoliberal urbanisms that excludes low-income groups from accessing the city defeats the purpose of proclaiming sanctuary when precarious migrants cannot even afford to access it. In the longer term, more than sanctuary in the neoliberal city, what solidarity movements should call for is the right to a different, more open, and democratic city to be shaped and appropriated collectively.

Given that planning is one of a few responsibilities of municipal authorities in Canada, we see some potential for reclaiming the project of planning as a collective social practice with an opportunity to expand and strengthen migrant justice and sanctuary commitments. Planning processes, for instance, can provide a sphere of safe engagement for migrants to contribute imagining the city, and in doing so, disrupt exclusionary spatial imaginaries. Planning can also redress more gradually some of the housing and mobility injustices faced by illegalized migrants, shaping a quality of place where solidarity may be cultivated, and migrants' activism and political subjectivities may flourish.

Although addressing the settlement and service needs of illegalized migrants is crucial to redress exclusions and enable a dignified quality of life, the uncertainties and fear of detention will remain unchanged until immigration regimes open new channels for regularization. Given the unmet immigration targets due to COVID-19, the Government of Canada may feel compelled to offer a path for nonstatus migrants who are already in the country. Unexpectedly, in February of 2021, the Colombian Government did just that, offering Temporary Protected Status and a path to citizenship to over one million 'undocumented' Venezuelan migrants in the country.<sup>111</sup>

A stronger commitment from municipal authorities to advocate and mobilize changes at upper levels of government for a potential reform to immigration regime would of course more effectively redress most of the current challenges of 'living invisibly' in the city. Yet, in the failure of the state to provide such commitment to people excluded from

<sup>111</sup> Grandi, "Statement by the UN High Commissioner for Refugees on Colombia's New Temporary Protection Measure for Venezuelans."

immigration law, practices of solidarity might still be the most inclusive albeit vulnerable form of belonging. This critical perspective on the limits of sanctuary cities is not aimed to imply, nonetheless, that solutions, including legal ones, could be exclusively found at the nation state level, which could basically stop “illegalizing” migrants. Instead, decentralization and multiple scales of intervention and openings are needed to advance migrant justice and begin to redress pressing economic, social, and labor exclusions.