

In Church and City: Canadian Political Sanctuary's Four Characteristics, Questions
About its Success, and its Relationship with the State

by

Michael Chmielewski
B.A. (Honours), University of Regina, 2015

A Thesis Submitted in Partial Fulfillment
of the Requirements for the Degree of

MASTER OF ARTS

in the Department of Political Science

© Michael Chmielewski, 2017
University of Victoria

All rights reserved. This thesis may not be reproduced in whole or in part, by photocopy
or other means, without the permission of the author.

Supervisory Committee

In Church and City: Canadian Political Sanctuary's Four Characteristics, Questions
About its Success, and its Relationship with the State

by

Michael Chmielewski
B.A. (Honours), University of Regina, 2015

Supervisory Committee

Dr. Avigail Eisenberg, Department of Political Science
Supervisor

Dr. Matt James, Department of Political Science
Departmental Member

Abstract

Supervisory Committee

Dr. Avigail Eisenberg, Department of Political Science

Supervisor

Dr. Matt James, Department of Political Science

Departmental Member

This thesis explores the increasingly relevant sanctuary phenomenon in the Canadian context by studying church-based sanctuary and Sanctuary City. These two main applications of Canadian political sanctuary experience differing successes and contrasting relationships with the state. The question underpinning this thesis is what characteristics explain why some sanctuaries are successful and what helps to explain the Canadian state's respective response to these two sanctuaries. I argue that part of the answer lies in how sanctuary-providers configure four characteristics that are common to all applications of sanctuary. These four – intervention, space, the precarious subject of sanctuary, and transparency – highlight the aims and purposes of any given sanctuary as well as the relationship that sanctuary has with the state. Overall, I argue that Canadian church-based sanctuary has been a successful political sanctuary while Canadian Sanctuary City has not been successful.

Table of Contents

Supervisory Committee	ii
Abstract	iii
Table of Contents	iv
Acknowledgments	v
Dedication	vi
Introduction	1
Chapter 1	11
Chapter 2	39
Chapter 3	76
Conclusion	111
Bibliography	117

Acknowledgments

I would like to firstly give thanks to my family – Dad, Mom, and my brother Christopher. Thank you for supporting me and this project.

Next, I would like to acknowledge the wonderful environment I have been privileged to be a part of in the Department of Political Science and at the University of Victoria. Specific thanks are due to Joanne Denton for keeping everything official, to Dr. Matt James for the engaging seminar and for being my secondary, to Dr. Jim Tully for always being willing to chat and answer my questions, Dr. Jennifer Bagelman for her excitement about my project and nuanced thinking about sanctuary, and to Dr. Christopher Douglas in the English Department for accepting me into his influential seminar and for all the conversations/support. I would be remiss if I did not mention the intellectually engaging students I was privileged to have as part of my tutorials. Lastly, many thanks go to Dr. Avigail Eisenberg – the most patient, engaged, careful, supportive, and helpful supervisor one could ask for. Thank you.

Throughout the arduous process that produced this humble document there have been friends that have been ever supportive. They include intellectual mentors from the University of Regina – Dr. Jim Farney, Dr. Dominique Sarny, Dr. Lee Ward – and the friends that taught me so much that this little thanks does nothing to repay them. Truly, thank you to Alec Salloum, Steven West, Destiny Kaus, Liam Fitz-Gerald, and Shaadie Musleh.

And, most of all, to Ava Tomasiewicz – without whom this thesis would not exist.

Dedication

To Ava

Introduction

This thesis will examine two applications of sanctuary in the Canadian context: church-based sanctuary and Sanctuary City. Church-based sanctuary in Canada generally “entails churches and communities harboring in a physical shelter individual migrants or migrant families faced with imminent arrest and deportation by immigration authorities and actively seeking to display the existence of their protection efforts” (Lippert, 2004: 536). Sean Rehaag argues that Canadian church-based sanctuary is “partly about individuals insisting that state institutions, including courts, do not have the final word on the interpretation of state law” (2009: 48). He argues that Canadian church-based sanctuary is “premised on the notion that even the highest and most authoritative state institutions can – and sometimes do – get the law wrong” (2009: 48). In contrast to this application, Canadian Sanctuary City sanctuary-providers endeavour to grant the precarious subjects of sanctuary greater access to city services “without fear of being turned over to border enforcement officers for detention and deportation” (Keung, 2013). Harald Bauder states that in Canada’s Sanctuary Cities “illegalized migrants receive access to municipal services, such as emergency medical services, public health programs, emergency shelters, fire protection, recreational programmes, and libraries” (2016: 6).

Historically and currently the most significant characteristic of the sanctuary concept is what I call *intervention*. I define intervention as the action sanctuary-providers take in a demarcated space that interrupts, slows down, and/or stops a societal or political process that would otherwise occur to the detriment of a subject with precarious status.

Intervention is a historically ubiquitous characteristic of sanctuary and – in addition to *space*, the *precarious subject of sanctuary*, and *transparency* – is central to the analysis of sanctuary in this thesis.

The two current applications of political sanctuary in Canada – church-based sanctuary and Sanctuary City – have markedly different relationships with the Canadian state and its immigration regime. The sanctuary-providers' interventions are not equally successful. The fundamental metrics of a successful intervention this thesis employs are a) whether or not sanctuary-providers avoid a state violation of the sanctuary's demarcated space, which would result in a failed intervention and b) if the sanctuary-providers' are able to carry out their stated aims even when experiencing varying degrees of statist opposition. A political sanctuary is successful if the subject's precariousness is changed to a safe or stable status even in the face of governmental opposition that is not a spatial breach.

Other scholars offer additional metrics of success. For example, in measuring the success of Canadian church-based sanctuary from 1983 to 2009, Randy Lippert sorts cases into the following breakdown of outcomes: permanent/long-term legal status expected or gained, deported/went underground, undecided/unknown, and some of the sanctuary subjects gained status/some were deported (Lippert, 2009: 59). This breakdown of types is well-suited to Lippert's method of analyzing each case of Canadian church-based sanctuary and conducting interviews with those involved (Lippert, 2009: 58). Other studies of sanctuary account for sanctuary's impact in shifting cultural attitudes, raising awareness of political issues, and bringing people and communities together. Here, I

touch on some of these cultural and political aspects throughout my analysis while maintaining focus on how Canadian sanctuary-providers fare in terms of the two metrics.

In the case of Canadian church-based sanctuary, success means preventing the deportation of someone who, in the opinion of the sanctuary-providers, does not deserve to be deported. The providers' intervention is not successful if the state violates the sanctuary space to deport the subject or if the subject's deportation order is not overturned. The latter occurs for Canadian church-based sanctuary more often than the former. There has not been a serious breach of a Canadian church-based sanctuary space whereas there have been many cases where a deportation order was not overturned (Lippert, 2009). Despite some failed cases Canadian church-based sanctuary is a successful application of sanctuary in terms of my two metrics (see Lippert, 2004; Lippert 2009).

In the case of Canadian Sanctuary City, the sanctuary-providers' intervention is about providing all city residents with access to city services without fear that their lack of stable immigration status will lead to their incarceration or deportation (see Toronto City Council, 2013: Feb. 20). I argue that Canadian Sanctuary City sanctuary-providers enact a weak configuration of space. They do not configure a sanctuary space beyond a name. Thus, they do not fail the first metric so much as not qualify for it. The work of federal agents in a Sanctuary City is not quite a violation because federal immigration services agents cannot be said to be in breach of a space that does not exist. Furthermore, I argue that they fail the second metric. In Canada, Sanctuary City sanctuary-providers have yet to carry out their stated aims of harmonizing all city services under the access without fear policy (see Hudson, et al., 2017). In this way they fail the second metric.

The two Canadian political sanctuaries also have a different relationship with the Canadian state. For example, Canada Border Services Agency (CBSA) policy dictates that while it does not normally violate the church's sanctuary space, it reserves the right to do so (Citizenship and Immigration Canada, 2010: 33). Of the many cases of Canadian church-based sanctuary, there are only two recorded violations of the sanctuary's space – both of which were not ostensibly about deporting that specific subject (Rehaag, 2009: 45-46). Nevertheless, the state has employed other tactics to undermine Canadian church-based sanctuary cases, such as attempting to delegitimize the subject's claims (see Federal Court, 2009: 8; Ted Opitz MP YouTube, 2013), refusing to negotiate with sanctuary-providers (Lippert, 2009: 61), and being willing to out the subject for longer periods of time (Lippert, 2009: 60).

Dissimilarly, the federal government behaves as if there are no Canadian Sanctuary Cities because the sanctuary-providers' intervention does not apply to it and its immigration regime. The Sanctuary City policies passed by city councils only apply to services under the direct purview of city council and nothing else (Toronto, 2013: February 20). Thus, because there is no tangible sanctuary space and as the policy does not apply to the federal government, the federal government can still freely operate in that city as it used to before Sanctuary City policies. Because it does not apply to them it cannot be asserted that federal agents are violating Sanctuary City space nor that they are opposing the intervention.

Both kinds of sanctuary have similar legal status in the sense that they do not have any legislated protections. Canadian federal immigration services are not legally blocked from entering either sanctuary's space to deport subjects with precarious status. However,

in the past, some sanctuaries have enjoyed legal protection. For example, sanctuary and its many applications in medieval England had legal status until the overall concept was abolished in 1624, effectively ending “eleven centuries of sanctuary privilege in England” (Bau, 1985: 157). But in Canada today there is no legislation that defines a church’s space as inviolable by the state (Rehaag, 2009) and none that prevents immigration officers from entering a Sanctuary City.

The differing successes, contrasting relationship with the state, and the lack of a legal status raises questions such as: without a legal status what accounts for these sanctuaries’ success or the lack thereof? In the case of Canadian church-based sanctuary, how do sanctuary-providers prevent the state from violating their space and ending their intervention? Without legal impediments, why does the Canadian state not just carry out deportations from church-based sanctuaries like it does in so many other parts of the country, such as Sanctuary Cities? (Canada Border Services Agency, 2010).

In addition to these inquiries the question underpinning this thesis is what helps to explain the Canadian state’s contrasting response to these two sanctuaries? I argue that part of the answer lies in how the respective sanctuary-providers configure the characteristics that are common to all applications of sanctuary. These four – intervention, space, the precarious subject of sanctuary, and transparency – highlight the aims and purposes of any given sanctuary as well as the relationship that sanctuary has with the state. Sanctuary-providers configure political sanctuaries within a framework informed by these four characteristics of sanctuary. Furthermore, providers configure Canadian political sanctuaries to intervene in a similar process – that is, the intervention is aimed at the Canadian state’s process that creates the subject with precarious

immigration status. Granted these similarities, how do the configurations of the four characteristics by the Canadian sanctuary-providers influence the state's response to their intervention, and by extension the sanctuary's success?

I argue that the configuration of the four characteristics of sanctuary identified here helps to explain a sanctuary's success or the lack thereof. Chapter 2 will enumerate how Canadian church-based sanctuary is successful more often than not because it does not offer any significant challenge to the Canadian state's overall modus operandi with regards to its immigration regime. Canadian church-based sanctuary-providers intervene in a marginal percentage of the total number of deportation cases and adopt the state's criteria in selecting who to offer sanctuary to – a method which many sanctuary-providers call “civil initiative” (Canadian Sanctuary Network, 2014: 1; Creal, 2009: 72). Canadian church-based sanctuary-providers define civil initiative as the “attempt to stop unfair treatment by holding the government to its legal obligations. This concept is an alternative to ‘civil disobedience,’ which is the attempt to protest unfair laws by violating the law” (Canadian Sanctuary Network, 2014: Appendix ‘A’). The sanctuary-providers support the Canadian immigration law as they argue that they are opposing only misapplications of the law, and not the law itself (for example, see Canadian Sanctuary Network, 2013; Canadian Sanctuary Network, 2014; and Anglican Church of Canada). Although the state opposes Canadian church-based sanctuary's intervention in some ways, it does not actively oppose the application by deporting church-based sanctuary subjects once they are in a church sanctuary space.

The civil initiative approach directly contrasts with the nascent Canadian Sanctuary City. Canadian federal immigration services ignore Canadian Sanctuary City's

intervention because it does not directly restrict them nor affect their work. Canadian Sanctuary City sanctuary-providers also do not configure a space while they try to get every city resident with every sort of precarious status to access city services without fear. This blanket intervention creates an intangible subject that is tied up with the logistical problems that plague Canadian Sanctuary City (Hudson et al., 2017: 18). Due to this intangibility, Canadian Sanctuary City experiences problems with the subjects' transparency. I argue that Sanctuary City has not been able to configure a successful sanctuary because of its chosen configuration of these characteristics.

Overall, I find that how sanctuary-providers define their sanctuary's space, who they take into it, and how they publicize their actions largely helps to explain the state's response to the providers' intervention and therefore the sanctuary application's success. As neither type of Canadian political sanctuary has a legal status that protects their space and their intervention, I ask what accounts for the differences between the two sanctuaries in terms of their success, meeting the two metrics, and their relationship with the federal government.

I develop a framework using the four characteristics of sanctuary to answer the questions posed here. I derived these four characteristics from reading the history of various sanctuary applications, and I found that their configuration helps to explain a political sanctuary's relationship with the state. I survey four historical sanctuaries in Chapter 1 and then expand on each characteristic to illustrate their centrality to a sanctuary's success. One criticism that could be leveled at this approach is that it does not account for arbitrary decisions on the part of the state that could have ostensibly nothing to do with the sanctuary-providers' configurations of the four characteristics. Yet, I put

more faith in the capabilities of sanctuary-providers – who join a tradition that stretches back to the Torah – to configure and re-configure the characteristics to match any situations that may arise. Nothing is static in politics. My framework invests a lot of agency in sanctuary-providers.

This analysis is based on a qualitative survey of the existing scholarly literature on political sanctuary – from Canada and elsewhere – and the use of other sources such as the media and the sources sanctuary-providers themselves produce. This source material and scholarship is informative in different ways since there is a distinct political context for each sanctuary. This context influences the sanctuary. The United States and the U.K. do not have the geographical advantages that Canada has that help Canada avoid refugee crises. For example, the U.S. Sanctuary Movement and U.S. Sanctuary Cities were initiated because of the same political crisis, and sanctuary-providers intervened “as part of an overall protest against the treatment of non-citizens from El Salvador and Guatemala who became subject to deportation after the government denied their claims to asylum” (Villazor, 2010: 583). Canada has not experienced these sorts of events nor the accompanying political ramifications.

Another example of political context influencing sanctuary comes from the U.K. City of Sanctuary, where sanctuary-providers attempt cultural change by informing citizens and getting local organizations involved to create a more welcoming atmosphere in that city towards migrants (Barnett and Bhogal, 2009: 7). In the U.K. “refugees and asylum seekers are relocated . . . on a ‘no-choice’ basis from London” (Bagelman, 2016: 110) under the dispersal policy designed so that “no one area would be overburdened by the obligation of supporting asylum seekers” (House of Commons Library, 2016). This

policy has ramifications such as when Glasgow “attracted attention for its hostile reception of refugees and asylum seekers” (Bagelman, 2016: 110) based on this dispersal policy. Jennifer Bagelman points out that the Glasgow City of Sanctuary “emerged partly as a way to respond to this policy of dispersal” (2016: 110) and to create a more welcoming culture in the city (2016: 110). For Canada, the relevant political context is that there are sanctuary-providers that work to prevent what they see as misapplications of the law in the cases of those without stable immigration status (Rehaag, 2009: 48) and that there are increasingly more people living in cities that do not have a stable status, which affects their lives in a plethora of ways, including their ability to access city services (Bauder, 2016: 6).

This thesis includes a qualitative case study for each type of Canadian political sanctuary. These case studies will go into detail about the history of the selected case to provide a frame of reference for the sections on the four characteristics of sanctuary where I will illustrate my arguments about the respective sanctuary application. I employ case studies as a means to explain and illustrate my argument regarding the centrality of the four characteristics of sanctuary and also to survey new developments and clear up misconceptions in relation to both Canadian church-based sanctuary and Canadian Sanctuary City.

Chapter 2 focuses on Canadian church-based sanctuary while Chapter 3 analyzes Sanctuary City in Canada. Chapters 2 and 3 define the respective sanctuary, detail its origins in Canada, and explain how each functions in relation to the four characteristics. My focus is to assess how these characteristics affect both the sanctuary’s success and influences the state’s response. Sanctuary and its characteristics will be introduced in

Chapter 1. Chapter 1 will illustrate a picture of sanctuary and its characteristics that will be employed to develop my arguments about how Canadian church-based sanctuary and Sanctuary City configure the four characteristics of sanctuary and the ramifications these configurations have for the respective intervention's outcome. This exemplification will be accomplished by first surveying four applications of sanctuary to introduce the overall concept. These four are the Biblical cities of refuge, the medieval British sanctuary called abjuration of the realm, animal sanctuary, and, lastly, the U.S. Sanctuary Movement. Then, building off these exemplary applications of sanctuary, I explain the importance of the four characteristics of intervention, space, the precarious subject, and transparency.

Chapter 1: Sanctuary and its Characteristics

Introduction

Sanctuary has a long history and a plurality of applications. It may at first seem to be conceptually loose given the differences amongst the applications. I suggest that the endurance of the four sanctuary characteristics I identify resolves this superficial discord into a conceptual harmony. Chapter 1 will analyze the *intervention*, *space*, *precarious subject*, and *transparency* characteristics. Intervention is sanctuary's foundational characteristic. I define intervention as the action sanctuary-providers take in a demarcated space that interrupts, slows down, and/or stops a societal or political process that would otherwise occur to the detriment of a subject with precarious status. Choosing to intervene in this sort of a marginalizing process requires the astute configuration of the other three characteristics. Intertwined with intervention are space and the ramifications of its parameters, the subject and their precariousness, and the acquisition of transparency and dissemination of information.

Four Applications of Sanctuary

With an eye to introducing sanctuary presently and the characteristics afterwards this section looks at four different – though familiar – applications of sanctuary. These applications are the Biblical cities of refuge, abjuration of the realm in medieval England, an animal sanctuary focusing on the World Parrot Refuge in Coombs, B.C., and the U.S. Sanctuary Movement. The survey of these four sanctuary applications will help clarify the endurance and importance of the four sanctuary characteristics. It will also be relevant to the forthcoming analysis of Canadian church-based sanctuary and Canadian Sanctuary City in terms of the issues these applications bring to the fore. These issues include the

sanctuary concept's longevity, its multitudinous applications yet consistent characteristics, and the contrast of sanctuary-providers intervening in a social versus a political process.

The Biblical Cities of Refuge

Elevated to Scripture (Numbers 35: 6-34) the Biblical cities of refuge exemplify the long existence of the sanctuary concept. The Biblical cities of refuge entailed a sanctuary for both resident Israelites and foreigners alike in six separate cities. The sanctuary centered around the "underlying Hebrew presumption" (Bau, 1985: 125) at the time "that any killing – even if accidental – could not be expiated by monetary compensation ('ransom'), but only by another death. The shedding of blood required the shedding of blood" (Bau, 1985: 125). While revenge restored an equilibrium between blood and life, these Biblical cities of refuge arose to strike a balance between this belief in an equalizing revenge and the fact that an accidental killing was not the same as a premediated one. "Accidental killing," Ignatius Bau explains, "presented a problem for the Israelites because while blood had been shed, it would be too severe to demand the blood of the unintentional killer. Thus, the cities of refuge mitigated the harshness of the blood feud" (1985: 125). This mitigation amounted to the avenger being allowed to kill the accidental slayer but this revenge could only be exacted before the slayer reached the sanctuary and not after (Bau, 1985: 125).

The Biblical cities of refuge and the sanctuary they offered serve as an exemplary form of intervention. This societal process of blood for blood revenge would have led to a spiral of vengeance and murder without the sanctuary. Furthermore, although still validating the premise of revenge, the people of the time viewed capital punishment as

too harsh for what amounted to an accident (Bau, 1985: 125). Sanctuary in this application protected the accidental slayers and safeguarded the larger society by preventing extreme and unjustified blood feuds. It restrained any further disastrous effects.

Sanctuary here was at once municipal and religious. Both these elements of the space served to protect the subject. Unlike the area outside of it the parameters of the city protected the accidental slayer from the avenger's will to murder (Bau, 1985: 125). This city's sanctuary space was both defined and justified religiously. The link between the municipal and the sacred is best displayed when sanctuary ended: if the high priest died during their stay the accidental slayer could leave the city's sanctuary without repercussion from the avenger as blood had been repaid for blood (Bau, 1985: 125). If the subject left before this passing, the bereaved could exact their revenge (Numbers 35.27). Since the societal processes of the time operated according to an ideal of blood for blood revenge yet also deemed this process too harsh a penalty for accidental homicide, this gray area created a precarious subject. The accidental slayer could lose their life. To resolve this predicament and to prevent a spiral of violence that detrimentally affected both slayer and society certain cities became spaces of sanctuary.

Although these cities were designated sanctuaries, there was still a determination process to filter who could take up the sanctuary. When the slayer reached the city "he had to first prove through a trial by the 'congregation,' probably the elders of the city that acted as a court, that the killing had indeed been accidental" (Bau, 1985: 125). If the gathered believed them, that subject was offered protection from revenge as long as they

stayed within the sanctuary's municipal confines (Bau, 1985: 125). If they failed this test, the precarious subject was left to their fate (Numbers 35.12).

Recorded in the Torah and the Christian Bible, this application of sanctuary stretches back to the foundational texts of the Judeo-Christianity. Bau aptly summarizes the Biblical cities of refuge when he writes that they were "tantamount to the commutation of capital punishment to life imprisonment" (1985: 125). This early application of sanctuary highlights the four characteristics I identify because sanctuary-providers at the time intervened in the blood for blood social process to offer sanctuary to the subject with precarious status. The sanctuary was in the religiously anchored city space and the slayer was able to enter after the requisite transparency characteristic was satisfied.

Abjuration of the Realm

In England, the "first reference to sanctuary is found in the earliest known Anglo-Saxon legal code" (Bau, 1985: 134) in 597 C.E. Sanctuary then ended in 1624 C.E. with its statutory abolition (Bau, 1985: 157). One of the many sanctuary applications within this time period was called abjuration of the realm. This application entailed a criminal staying in church sanctuary for a limited time after which they would be exiled from the kingdom (Bau, 1985: 148). Only a monarch's pardon could reverse their abjuration (Bau, 1985: 148). Abjuration of the realm also became a part of the criminal law as it "[facilitated] the imposition of the sentence of banishment without trial" (Bau, 1985: 144). Subjects of sanctuary could choose to abjure the realm rather than face a trial and whatever punishments and uncertainty may come from it. This choice also had the effect of sending many criminals out of the country (Bau, 1985: 144). Choosing abjuration of

the realm guaranteed the sanctuary-seeker a certainty – up to the point of where they left the isle – that a trial did not provide.

Abjuration of the realm was an elaborate sanctuary process. Firstly, the criminal avoiding a trial had to follow a “formal entrance procedure” (Bau, 1985: 144). For example, to signal a request for sanctuary at St. Cuthbert’s in Durham where “church officials could sleep and receive fugitives at any hour of the day or night” (Bau, 1985: 144) the Galilee Bell was tolled (Bau, 1985: 144). For the next step, the criminal “had to declare before credible witnesses why sanctuary was taken or the nature of his offense” (Bau, 1985: 145). If they passed this step another bell tolled to indicate that someone had taken up sanctuary. The sanctuary subject was identified with specific clothes, such as “a black gown with a yellow cross upon the left shoulder (the cross of St. Cuthbert)” (Bau, 1985: 145) at Durham, for instance. While lodged farthest from the Durham church’s door of entry, food and bedding was provided for those in sanctuary for up to thirty-seven days (Bau, 1985: 145). Other churches had slightly different but more or less similar processes, such as having the subject pay various officials or “[entering] a description of the sanctuary seeker (class or occupation), residence, and the place and mode of the crime involved into the church register” (Bau, 1985: 145). The criminal had to reveal a lot about themselves, as the church would summon the coroner – the official responsible for looking after the Crown’s property – to record the subject’s name in the “coroner’s rolls” (Bau, 1985: 146) in addition to taking their confession “in the presence of the representatives of the four neighboring villages and other witnesses” (Bau, 1985: 146). These representatives were the watch and ward, who the church also summoned. Here the sanctuary-providers linked acquiring information to its dissemination to the watch and

ward, a guard composed of men from neighbouring villages that would be fined if the subject escaped sanctuary (Bau, 1985: 146). The church thus provided information about the subject to the public that had a formal role in the offered sanctuary. Furthermore, the subject had to don specific garments that easily identified them as the subject of sanctuary both in the church (Bau, 1985: 145) and on the way to the ports (Bau, 1985: 147-148).

The criminal would be faced with a choice to make before their 40 days in sanctuary expired: face trial or abjure the realm. If no decision was made before the time limit expired, “the church officials were forbidden to provide food to the fugitive and he or she was starved out of the church” (Bau, 1985: 146). Before deciding whether or not to abjure the subject had to confess to their crimes (Bau, 1985: 146); if choosing abjuration, they had to declare these intentions (Bau, 1985: 146). This declaration was followed by a ritual in which the subject gave over all of their clothes and then had them returned, which symbolized that when the subject “abjured the realm, he or she was left without any rights or public privileges and it was only through the charity of the church officials that he or she even had any means of sustenance” (Bau, 1985: 147).

This application then involved the sanctuary subject going to the ports and leaving the kingdom. There were many rules for them to follow. To be easily identified, subjects of sanctuary had to wear specific clothing and “abjurers on the highway must have been a very striking image” (Bau, 1985: 148). During their travel subjects were not to stop anywhere longer than two nights, they were not allowed to use roads nor hospices for pilgrims, and if “the abjurers strayed from the main highway or tried to escape, they could be (and usually were) immediately executed when caught” (Bau, 1985: 148). At the

port they had to “wade into the water to the knees each day as an expression of the need for passage abroad” (Bau, 1985: 148) as they waited for a ship willing to take them out of the realm. If no vessel could be found in a fixed period of time “the abjurer was to return to the original place of sanctuary, presumably to set out again at a later date” (Bau, 1985: 148). These abjurers could never return from the Continent unless the king pardoned them, and “it is unknown what happened to most of the abjurers who ended up on the shores of continental Europe” (Bau, 1985: 148). Once the subject left the realm the abjuration was complete and the sanctuary ended.

While providing them a choice this sanctuary application also functioned to send many criminals out of the country (Bau, 1985: 144). Bau argues that, because it had become more institutionalized and wedded to criminal law (1985: 144), abjuration of the realm reduced the intervention characteristic as “church officials were acting more as royal officers of justice than as *intercessors or mediators*” (My emphasis; 1985: 149-150). Yet, these sanctuary-providers still did intervene in the process, because they were no royal officers of justice and they gave the subject a choice of either banishment or of facing a trial. The sanctuary allowed the subject to take more control over their uncertain future. This application of sanctuary “was a refinement of the law of outlawry” (Bau, 1985: 144) since “[r]ather than being forced to pay compensation to satisfy the Anglo-Saxon law of bloodfeud, the sanctuary seeker now had to submit to the operation of the criminal law” (Bau, 1985: 144). This law outlined that “any offender was subject to the revenge of the group or individual injured” (Bau, 1985: 135). The overall application’s intervention was codified and thus solidified by having been subsumed into criminal law.

Abjuration of the realm's sanctuary-providers configured space in two conjoined places – the church and the realm – regulated by strict procedures. First, the sanctuary-providers from the church intervened and subjects were allowed to stay in the sacred space safely for a limited period of time (Bau, 1985: 145). After that, if they followed the stipulations outlined above, subjects were allowed to leave the realm safely. By having expanded spatial parameters outside the confines of the church abjuration of the realm displays that sanctuary can be configured successfully over an expansive space.

This application also focused on the criminal. The expansion of space in abjuration of the realm was coupled with the expansion of the types of criminals taken in as the sanctuary “had become part of the criminal law, facilitating the imposition of the sentence of banishment without trial” (Bau, 1985: 144). The subject's precariousness here was the uncertain future that a trial provided. Linked with the law, sanctuary-providers provided subjects with another option: trading their precariousness for some semblance of agency. At the same time, there were many demands placed on the subject.

Animal Sanctuary

The sanctuary characteristics are just as central to animal applications of sanctuary as they are to any human version. Sanctuary has been provided to animals in a way that recognizes their precarious status much like other sanctuary-providers recognize the precarious status of human subjects of sanctuary. Animal sanctuary contains many different applications not united organizationally but tied together by the characteristic of intervening to stop a process that detrimentally affects a certain group of animals. Some examples include whales targeted by whaling (Morgera, 2004) and unwanted horses rendered precarious by either sudden uselessness to owners or reasons relating to the

owner's situation, such as the 2008 recession or the closure of U.S. equine slaughter facilities (Holcomb et al., 2014: 4142). To illustrate the sanctuary characteristics and general application of sanctuary to animals, the case of parrots in Canada will be surveyed primarily. The discussion of the four characteristics will also include points about whale and equine sanctuaries.

A Vancouver Island animal sanctuary called The World Parrot Refuge in Coombs, B.C. served to shelter parrots. The *CBC* reported that the sanctuary was set up to help those parrots that could not be handled by their owners: “[t]he birds, many of which people found too challenging as pets, receive[d] food and care” (Thomas, 2016). The *Vancouver Sun* described founder and primary caregiver Wendy Huntbatch as an animal rights activist who worked to prevent the problems befalling parrots in Canada:

An obituary posted on the refuge website by her son Justin Huntbatch says his mother devoted last [sic] 25 years of her life to the health and welfare of ex-breeder and ex-pet parrots. ‘Her goal was to educate people why parrots should not be pets, to stop the trafficking and importing of parrots into Canada and to provide a home for life for those parrots that were here already’ (Meissner, 2016).

Huntbatch ran a sanctuary where she took care of a legion of these difficult but misunderstood creatures. 600 parrots found themselves in Huntbatch's sanctuary after previous owners and breeders had “abandoned or surrendered” (Brown and Corday, 2016) them. Before sanctuary some parrots had been treated so poorly that they resorted to self-mutilation (Brown and Corday, 2016).

When Huntbatch died of cancer, there was no succession plan in place for the sanctuary. After her passing these parrots faced an uncertain future. The issue was that Huntbatch's widower did not want to care for the facility after his wife's death (Brown and Corday, 2016). He gave the organization an August 1st, 2016 deadline to move out

(Brown and Corday, 2016). A board member of The World Parrot Refuge noted that Huntbatch did not want the birds to leave this space but ““wanted them to have a home for life where they could be a part of a flock they have chosen and live a natural life as much as possible”” (Thomas, 2016). The parrots had to be relocated anyhow. The Nanaimo city council unanimously voted to rent out a building to help relocate around 450 of the birds while the Surrey Greyhaven Exotic Bird Sanctuary “stepped in to operate the parrot refuge” (Larsen, 2016) until the deadline. The collapse of the sanctuary has led to measures like these and others, such as receiving donations or finding people to adopt the birds (Larsen, 2016).

While still rooted in the four sanctuary characteristics animal sanctuaries have as many variations as human sanctuaries. One example is whale sanctuaries, where “[h]istorically the only objective of a whale sanctuary was the prohibition of commercial whaling within a defined body of water” (Morgera, 2004: 319). The sanctuary here is based on the whales’ environment and it “may encompass areas covering all or a significant part of the range of species populations, or areas biologically significant or unique for whales” (Morgera, 2004: 322). Providers configure the space around the whales, instead of taking them somewhere else. The providers work to prevent whalers from hunting in these waters. Overall, animal sanctuary providers configure space to match the needs of the animal; it can be as large as the waters whales inhabit to the building needed to house 600 parrots.

Different animal sanctuary-providers help improve the living conditions of various different animals. For example, owners abandoned parrots to a climate they cannot survive in naturally and an accompanying lack of infrastructure to take care of

them. Thus, Huntbatch worked to save these birds. Equine sanctuaries take in domesticated animals similar to the parrot sanctuary. This example includes horses in the U.S. that need sanctuary for two reasons. Firstly, horses can be unwanted because they are useless to their owners due to “illness, injury, age, misbehavior, and unmarketable qualities” (Holcomb et al., 2014: 4142). Secondly, they can be unwanted because of various situations affecting the owner such as “physical or financial inability to provide care for that animal, a need to decrease herd size, or a loss of interest in horse care and associated activities” (Holcomb et al., 2014: 4142). Lately, the number of unwanted horses has increased to over “100,000 horses per year” (Holcomb et al., 2014: 4142) since the 2008 recession and the “[c]losure of the last US equine slaughter facilities in 2007” (Holcomb et al., 2014: 4142). These factors have led to a situation where shelters and sanctuaries cannot keep up with the influx of horses (Holcomb et al., 2014: 4149).

For all of their differences, some humans and animals that find themselves with precarious status have sanctuaries available to them. The fact that there are as many variations of applications of animal sanctuaries as there are human sanctuaries displays the wide applicability, depth, and permanence of both the sanctuary concept as well as its four characteristics.

The U.S. Sanctuary Movement

A crisis in the southwestern United States ignited the U.S. Sanctuary Movement, the most well-known sanctuary application in recent memory. The U.S. Sanctuary Movement meant to alleviate the predicament of Latin American refugees. While the state tried to label these refugees as economic migrants illegally coming to the country, church groups along the U.S.-Mexico border saw them as “political refugees fleeing for

their lives” (Cunningham, 1998: 376). After “two years of filing asylum claims unsuccessfully through legal channels” (Cunningham, 1998: 378), these Christian communities took action, forming an

underground Sanctuary network – a movement which they claimed was reminiscent of the abolition railroad of the pre-Civil War period, and included the transportation of fugitives into the United States and the giving of ‘sanctuary’ in a series of churches and private homes (Cunningham, 1998: 378).

The U.S. Sanctuary Movement lasted from 1980 to 1993 (Cunningham, 1998: 374).

The state opposed the U.S. Sanctuary Network’s intervention in the plight of these refugees because the government’s foreign policy in Latin America was twinned with determining who receives asylum. While the state labelled the refugees economic migrants (Cunningham, 1998: 375), there was also a correlation between those who received asylum and where they were from. That is, Latin American asylum-seekers, whose precariousness stemmed from U.S. foreign policy (Cunningham, 1998: 376), had a low rate of gaining this status as opposed to asylum-seekers from the West’s then-enemies, such as communist Poland or Ayatollah Khomeini’s Iran. On the one hand, between 1983 and 1986 the approval percentage for Salvadoran and Guatemalan refugees was 2.6 and 1.8 per cent respectively. On the other hand, the rate was 60.4 per cent for Iranians and 34 for Poles (Cunningham, 1998: 376). This discrepancy displayed that the “state’s response, then, – i.e., the rejection of the vast majority of asylum applications from Guatemalans and Salvadorans – suggested that the Reagan administration was linking refugee status with foreign policy” (Cunningham, 1998: 376). The U.S. Sanctuary Movement was opposed to the government’s foreign and domestic policy with regards to these refugees.

The U.S. Sanctuary Movement was completely separate from the federal government and antagonistic towards it. The sanctuary-providers viewed themselves as a movement of civil disobedience and not one of civil initiative; sanctuary-providers in this application proudly opposed the state's attempts to extradite the refugees. For example, one priest hung banners on his church that declared that "[t]his is a Sanctuary for the oppressed of Central America' and 'Immigration: Do not profane the sanctuary of God'" (Pirie, 1990: 399), while also writing a letter to the Attorney General "to inform him that Southside Church would violate the harboring aliens law to counter the 'immoral, as well as illegal' administration of United States refugee law" (Pirie, 1990: 399). In turn, the state responded strongly against this ambitious sanctuary and did not respect its space.

Sanctuary-providers centered the movement around the church. But when they felt it was necessary, sanctuary-providers hid subjects of sanctuary outside church walls as well (Cunningham, 1998: 378). Along with instances of church sanctuary and in addition to sanctuary in private homes (Cunningham, 1998: 378), space was also manifested on the road. This mobile space oscillated between the public and the concealed. When it went public, this action was intended to raise awareness. The sanctuary-providers illustrated the "church and state conflict" (Cunningham, 1998: 379) by sometimes "escorting refugees through semi-public caravans while at other times the movement of refugees across the border and into 'host' communities in the United States was conducted with the utmost secrecy" (Cunningham, 1998: 379). These variations were due to the fact that sanctuary-providers had to adapt because the United States government clashed with the movement and did not respect its space. For example, "[p]osing as Sanctuary volunteers and wearing concealed tape-recording devices, several

undercover agents collected evidence for the indictment of eleven and the eventual conviction of eight Sanctuary workers in 1986” (Cunningham, 1998: 372) including a nun, two priests, and one minister (Cunningham, 1998: 372). In a sanctuary space that was religiously characterized the U.S. Sanctuary Movement’s sanctuary-providers did their best to provide sanctuary to these refugees while facing strong opposition from the government.

Once in sanctuary the subjects began to define their own narrative. The U.S. Sanctuary Movement did not operate in secret, and this openness included the sanctuary-seekers. For example, these migrants

often presented their testimony publicly – albeit with bandannas tied over their faces – not only to church congregations considering Sanctuary, but also to broader audiences interested in a less filtered and alternative version of Central American reality to that promulgated by the State Department and popularized by the press (Pirie, 1990: 399).

In addition to these subjects disseminating information themselves sanctuary-providers decided to operate publicly. Pirie argues that this approach led to a stronger resistance as the “underground of illegal alien existence, an underground with substantial connections throughout the Southwest, would probably have provided more security from INS detection and apprehension than did the self-publicized sanctuaries” (Pirie, 1990: 398). However, the goal was not to avoid detection but rather to raise awareness of the U.S. Sanctuary Movement’s intervention against their government’s foreign policy’s discontents and its subsequent reaction to the crisis. The movement’s sanctuary-providers “wanted sanctuaries that were impregnable but highly visible as political platforms from which to lay bare the hypocrisies and lies they saw in United States foreign policy and domestic liberalism” (Pirie, 1990: 399). Grounded in informing the

public, a mobile space centered around the church, and an antagonism to the government's actions the U.S. Sanctuary Movement's sanctuary-providers intervened to try to stop the injustices Latin American refugees and subjects of sanctuary faced.

Approaches to Sanctuary

This section will set out the relevant approaches to various political sanctuary applications. The framework used in this thesis will then be explained in light of these scholarly works. The three main approaches to Canadian church-based sanctuary are Foucauldian governmentality studies (Lippert, 2005a), a quantitative study of success rates (Lippert, 2005; Lippert 2009), and an approach studying legality (Rehaag, 2009). As for Canadian Sanctuary City, the main approaches thus far are an interview-based study focusing on the city's operation (Hudson et al., 2017), a comparative analysis to other national contexts (Bauder, 2016), and an investigation of the relationship between the city as a site of political engagement and local citizenship (McDonald, 2012). Some scholarship dealing with sanctuary from other national contexts is also relevant here. In the U.S. case, Sanctuary Cities are explored through the lens of space (McBride, 2009) and citizenship (Villazor, 2010). Lastly, an example of a critical ethnographic approach to the U.K. City of Sanctuary will be enumerated (Bagelman, 2013; Bagelman, 2016).

There are three general approaches to Canadian church-based sanctuary. Randy Lippert uses multiple methods to study Canadian church-based sanctuary. His first overall approach is to study sanctuary as an example of Michel Foucault's logic of "pastoral power" (2005a: 2) in which sanctuary-providers are shepherds, and those taking up sanctuary are understood as sheep (2005a: 2). His second approach, and the larger purpose of his book on sanctuary, is to add to governmentality studies, a theoretical field

“inspired by the later writings and lectures of Michel Foucault” (2005a: 3). “To more adequately explore the thirty-six incidents and to access sanctuary discourse” (Lippert, 2005a: 17) Lippert fills in this theoretical framework through qualitative fieldwork by conducting “forty-six open-focused, confidential, personal interviews . . . with those persons discovered to be intimately involved” (2005a: 17) as sanctuary-providers.

Throughout his study, Lippert utilizes these interviews to understand Canadian church-based sanctuary via the lens of Foucauldian governmentality studies (see also Lippert, 2004). Elsewhere, Lippert also conducts a more quantitative study of the application, looking at how many cases in Canada were successful and how many were not (see Lippert, 2005; Lippert, 2009). He also details the length of stay, the nationality of the sanctuary subjects, and the churches’ denominations (Lippert, 2005; Lippert, 2009).

Also writing in the context of Canadian church-based sanctuary, Sean Rehaag approaches sanctuary through the lens of law (Rehaag, 2009). He analyzes the legal issues surrounding the application, such as the legality of taking up and offering sanctuary. Rehaag challenges the assumption that the practices are simply illegal (2009: 47). Since a sanctuary case in Canada has never gone to the courts, there is no case law to determine a precedent (2009: 49). To make up for the lack of case law, Rehaag studies Canadian church-based sanctuary-providers’ screening mechanisms and practices and then analyzes them within the relevant provisions of the *Immigration and Refugee Protection Act*. Through this approach, he concludes that while “individuals taking sanctuary may appear to be in violation of a removal order” (Rehaag, 2009: 51), for providers “it is still not at all obvious that faith-based communities publicly *providing* sanctuary necessarily violate state law” (emphasis original; Rehaag, 2009: 51).

Scholars studying Toronto's Sanctuary City focus on the function of the policy, comparing this sanctuary to other municipal applications, and the relationship between space and citizenship. Hudson et al. find Toronto has not been able to harmonize all city services to the policy's aims of providing access without fear (Hudson et al., 2017: 18). Hudson et al.'s "pilot study" (2017: 2) include many approaches, such as interviews of city staff and sanctuary subjects (2017: 11) as well as "legal, policy, and qualitative research" (2017: 2) to determine what the barriers to access are and "how they can be removed" (2017: 2). This study focuses on the function of the "bureaucratic, administrative, and organizational elements of the City" (Hudson et al., 2017: 12). Harald Bauder also studies Toronto's Sanctuary City, but does so in a comparative framework with other municipal sanctuaries in the U.S. and U.K. (Bauder, 2016). Bauder identifies and analyzes four different aspects of municipal sanctuary in these three national contexts: "legal, discursive, identity-formative, and scalar aspects" (2016: 1). He seeks to find out the exact nature of these sanctuaries, how they differ from one another, and if his aspects "describe a coherent approach towards illegalized migrants and refugees" (2016: 2). Elsewhere, Charity-Ann Hannan and Bauder call for a sanctuary province (see Hannan and Bauder, 2015). Rather than a bureaucratic or comparative focus, Jean McDonald studies Toronto's Sanctuary City in terms of the city space and citizenship therein (see, McDonald, 2012). McDonald also has a stronger focus on the subject of sanctuary (McDonald, 2012: 134-136). Overall, she argues that access without fear policies "enable a double reconfiguration" (McDonald, 2012: 131) where "the potential of cities as spaces that enable substantive citizenship is re-affirmed" (McDonald, 2012:

131) and where “active citizenship itself is reconfigured” (McDonald, 2012: 131) to ensure that those without status have greater agency.

Although situated in vastly different political contexts, there are shared concerns of space and citizenship in the scholarship on U.S. Sanctuary City. Keally McBride seeks to understand a paradox she identifies in San Francisco: how to square the city’s liberal politics, including its Sanctuary City policy, with an “economy that rewards competition and innovation” (2009: 1). To interrogate this question, McBride analyzes space (2009: 2), and she also takes Carl Schmitt as an influence to understand the intersection of space and sovereignty (2009: 1). In the context of San Francisco’s Sanctuary City, McBride argues that “sanctuary is ultimately a spatial designation – it relies upon the designation of a space as holy, consecrated and separate where normal laws are suspended” (2009: 2). Furthermore, she argues that sanctuary “must be spatially bound” (2009: 2) because “otherwise it would pose an unacceptable risk to the sovereignty of the state” (2009: 2). Rose Cuison Villazor explores the opposition San Francisco’s Sanctuary City has faced through the lens of and “tensions between national and local citizenship” (2010: 576). Her article focuses on citizenship in terms of what belonging in a locality means for non-citizens and the challenges local governments face (2010: 579).

Jennifer Bagelman studies the U.K. City of Sanctuary movement. This application works to change the negative culture around asylum-seekers and refugees in the U.K. to a positive one (see Barnett and Bhogal, 2009). Bagelman argues that while the application has received much praise, the “more insidious dimensions of this movement have been relatively neglected” (2013: 50). She takes a critical ethnographic approach to discover these dimensions. For example, she participated in many sanctuary events as an organizer

and activist (Bagelman, 2016: 4) and also as a researcher. Her work focuses on the experience of the subject of sanctuary, not the sanctuary-providers. She writes that rather than interviewing subjects, which may “incite painful memories of intensive and aggressive questioning that are constitutive of determination processes” (Bagelman, 2016: 4), she instead observed “the discussions that emerged during these events, noting what issues asylum seekers raised themselves and how they decided to represent these experiences” (Bagelman, 2016: 4). Overall, Bagelman insightfully argues that while sanctuary may be “well-intentioned” (Bagelman, 2016: 7), the U.K. application “may risk operating as a technology of this serious problem of suspension. The danger is that activist work of this kind may lock in, rather than challenge, statist asylum practices” (Bagelman, 2016: 8). There is certainly room for further research to study how other sanctuaries enable rather than challenge these practices they set out to oppose.

Across national contexts and diffuse sanctuary applications, these scholars’ approaches shed light on the concept of sanctuary. These approaches interrogate different aspects of various applications, and what I add to current discussions is measuring a sanctuary’s success. Questions of a sanctuary’s success and why/how that comes about have not been asked yet. To try to answer these questions, I employ a framework of analyzing how sanctuary-providers configure the four characteristics of sanctuary. I find that these configurations help to explain a political sanctuary’s success and that application’s relationship with the state. These scholarly approaches will contribute to my framework because they illuminate sanctuary generally and add nuance to discussions of intervention, space, the precarious subject, and transparency. My work contributes to the

scholarship as I utilize the insights of these approaches but also add a new way of thinking about a sanctuary and its success.

The Four Characteristics of Sanctuary

As the above survey displays, there are many variations of the sanctuary concept. What unites these seemingly disparate applications is that they are conceptually united by the four characteristics of sanctuary. I argue that analyzing the configurations of these four helps to explain a political application's success and relationship with the state. Intervention, space, the precarious subject, and transparency will now be considered and elaborated upon in turn.

Intervention

The paramount aim and purpose of sanctuary is intervention. The configuration of the other three characteristics makes up the specificity of the intervention; that is, where the sanctuary is provided, who providers take in, and how they acquire transparency and disseminate information. By intervening sanctuary-providers act as regulators of social and political phenomenon, protecting the subject's status from plunging from precariousness into serious harm. Intervention is the foundational substructure upon which sanctuary throughout the ages has been built.

This definition of intervention I offer can be unpacked with reference to the four previously surveyed exemplary sanctuary applications. An intervention is always coupled with a demarcated space – as the spatially intricate sanctuary application of abjuration of the realm displayed (Bau, 1985). The subject with precarious status is the person that either takes up or is granted sanctuary. Sanctuaries are deployed to either interrupt, slow down, and perhaps even stop this process. In the Biblical cities of refuge, taking up

sanctuary would interrupt a revenge killing; the death of the high priest would stop it all together (Bau, 1985: 125). The U.S. Sanctuary Movement providers aimed to completely stop the deportation of refugees. In practice, they slowed down the process for many subjects and stopped it all-together for a few (Pirie, 1990: 413).

Sanctuary-providers intervene in either a social or a political process. A political process relates to functions of government. The U.S. Sanctuary Movement, Canadian church-based sanctuary, and Canadian Sanctuary City all intervene in political processes and are thus political sanctuaries. Social processes refer to a societal process that creates precarious status in different subjects. Abandoned parrots in Canada fit into this category, as do the accidental slayers seeking refuge in the Biblical cities of refuge. These are social sanctuaries.

While the sanctuary-providers' configuration of the other three characteristics will help to explain much in terms of the sanctuary's overall success, intervention is the starting point. There are some political processes that would require a colossal intervention and a mountain of political capital to change. So to be successful in preventing harm to the subject it is important that sanctuary-providers intervene in a process that they can reasonably deal with. If they want to be successful in terms of the two metrics they must avoid, at first, a misguided or overly ambitious intervention that will lead to failure.

Studying intervention helps measure a sanctuary's success because it points to the overarching aims of the sanctuary-providers. If these aims clash with other powerful interests, the configuration of the intervention will determine much. For example, is the intervention too ambitious for the sanctuary-providers' means? Can it easily be opposed?

Or, do sanctuary-providers enact positive change by configuring a focused but effective intervention? Studying the intervention may also reveal it to be too tokenistic or symbolic to truly help the subject. Understanding the specificities of the intervention will also point to advantages or deficiencies in terms of the other characteristics.

Space

Space and its configuration in any given sanctuary application is essential because a breach risks jeopardizing the intervention. How the sanctuary-providers configure the space makes a difference for the intervention because if the space is not stable, non-existent, or if the space is not safe from a violation, then the entire intervention is at risk and may fail. A sanctuary's space is configured in different ways to avoid this violation. These configurations include a place-bound versus a place-based sanctuary (Darling, 2010; Bagelman, 2013), as well as a religious or a secular space. The spatial parameters of a sanctuary will have ramifications for that sanctuary's intervention, and in the case of Canadian church-based sanctuary and Canadian Sanctuary City, for how the Canadian state responds to these applications of sanctuary.

Sanctuary is linked to a certain space which may be religious or secular. Sanctuary largely has a religious and spiritual connotation. The word sanctuary is also used to mean a place of worship such as a church or a synagogue, or specifically the altar in a church (Anglican Church of Canada, 5). Examples of religious sanctuaries include the Biblical cities of refuge, abjuration of the realm, the U.S. Sanctuary Movement, and Canadian church-based sanctuary. Sanctuary-providers use the holy and religious nature of these sanctuary spaces to protect their space as a violation would be sacrilegious. This sacrilege is a deterrent for whomever the sanctuary is intervening against.

Sanctuary has also conceptually expanded beyond sacred confines and some sanctuary-providers who do not have an explicit religious background or motive now comfortably appropriate the term sanctuary. While the secularization of sanctuary spaces removes the sacrilege deterrent, some argue that a sanctuary's space needs an elevated designation separating it from the common. For example, McBride argues that sanctuary "relies upon the designation of a space as holy, consecrated, and separate where normal laws are suspended" (2009: 2). Writing in the context of the U.S. Sanctuary Cities, McBride argues that the secular Sanctuary City does not rely on the holiness of a space. Rather, the sanctuary-providers address this need to demarcate their space as an elevated sanctuary "where normal laws are suspended" (McBride, 2009: 2) by trying to create a space "outside of national security and immigrant regulations" (McBride, 2009: 2). Yet, a breach of a secular sanctuary is not sacrilegious and thus the space does not have this same powerful deterrent. Whether religious or secular, sanctuary-providers essentially appeal to a different, elevated set of values to demarcate their space.

Depending on the process that sanctuary-providers are intervening in and the number of subjects being offered sanctuary, a sanctuary's space may be bound to a place or based in one (Darling, 2010; Bagelman, 2013). A place-based sanctuary is understood as a more fluid space, as opposed to one that is place-bound, where the subject is confined to one particular space. For example, the U.K. City of Sanctuary movement sees itself as "constituted through dynamic relations rather than construed as a container" (Bagelman, 2013: 50). This distinction is evident in the applications of sanctuary surveyed above. Abjuration of the realm, although spatially expansive, is very much place-bound, as the subject of sanctuary had to stay within strictly defined confines

throughout the entire process (Bau, 1985). Even place-based sanctuaries, such as the Biblical cities of refuge, are to a limit confined, contained, and bound to a certain space – like the city – even if the subject has greater freedom of movement within that space. This bound versus based distinction is illustrative of many factors relating to sanctuary such as the nature/number of the precarious subject, how best to avoid violation of a space, and how the sanctuary-providers choose to mobilize with the space available to them.

Regardless of religious motivation or a lack thereof, whether it is more so place-bound or place-based, sanctuary and its demarcated space is attached to and aims to be a space offering safety, shelter, and refuge from the social or political process that detrimentally affects those with precarious status. The elements of this space produce political consequences. It matters where sanctuary is offered, how large or small that space is, the experience the subject of sanctuary has in that area and what the parameters of that demarcated space are. This configuration also matters for practical reasons – does the subject have everything they need to survive in that space? – as well as for political ones as the space's attributes help explain not only how that sanctuary operates but also how other societal and political elements interact with that space.

The Precarious Subject of Sanctuary

Precariousness is the defining trait of the subject of sanctuary. The subject seeks or is taken into sanctuary because of it. This person or group is faced with a social or political process that leads to precarious status or even to serious harm. This process is what sanctuary-providers intervene to stop. Precariousness appears in many forms, as do the types of subject. The subject may be one person or a group. There are processes that

result in a single person, or perhaps a family, losing stable status. One example is the case of the accidental slayer in the Biblical cities of refuge. As another example animals in sanctuary would represent a specific subject configured in a group; that is, the whole group falls into precarious status due to a social or political process. The Latin American refugees in the U.S. Sanctuary Movement would also constitute such a group. And yet many of their cases would be treated on an individual basis. The numerical composition of the subject will in large part help to explain how sanctuary-providers respond, or can respond, to these variations of precarious status.

Studying the nature of the sanctuary subject reveals the size of the challenge providers set themselves up for. It also shows why a sanctuary may be experiencing opposition depending on how effectively they help this subject. The challenges and risks to providers rests with their own configuration of the subject. On the one hand, groups are harder to manage while, on the other hand, intervening on an individual basis reaches fewer people overall. The providers may also attract too much opposition when they offer sanctuary to a group whose precarious status was caused by a powerful agent. Their ambition in offering sanctuary to many people may jeopardize the entire sanctuary.

Transparency

The transparency of the sanctuary subject, and to some extent the application, is a crucial characteristic of a successful sanctuary. This two-fold aspect of transparency is key for sanctuary-providers first to understand who they are taking into sanctuary so that their intervention is legitimate, and second to make the public aware of the precarious subject's plight. Sanctuary-providers need to find ways to acquire accurate information about the subject to ensure that only the deserving enter sanctuary. This information also

helps sanctuary-providers look after the subject if they need it. Thus, transparency on the part of the subject is required to avoid a delegitimization of the sanctuary. To be successful the onus is on sanctuary-providers to extract this information and guarantee transparency. To take a subject who either does not have precarious status or can be delegitimized is a risk to a successful intervention and perhaps even the overall application of sanctuary. Depending on providers' configuration of the characteristics, there may be challenges in getting this transparency from the subject. For some sanctuaries, it will prove easier. One example is animal sanctuaries, as animals do not lie. Other sanctuaries will experience more challenges.

An accompanying aspect of transparency is the dissemination of information to the public about the precarious subject's plight. To be successful sanctuary-providers need transparency on the part of the subject, but the dissemination aspect does not apply to every single sanctuary application as some sanctuaries exist underground and avoid publicity. The exposure of the sanctuary and the dissemination of information is an active component of working towards a successful intervention. By first learning about and then accepting the subject into sanctuary, sanctuary-providers often then take steps to raise awareness of that precarious subject's case. This dissemination is evident in the parrot sanctuary with Huntbatch's advocacy (Meissner, 2016), in abjuration of the realm with both the subject's clothes and the watch and ward (Bau, 1985), and in the U.S. Sanctuary Movement the information dissemination that precarious subjects did for themselves (Pirie, 1990: 399). By disseminating information, sanctuary-providers highlight the injustice the subject is facing while informing the public if not also gaining their support.

The four characteristics of sanctuary are flexible in terms of their configuration but they are permanent in the sense that they apply to all applications of sanctuary. The survey of the four applications coupled with an elaboration of specific issues related to these characteristics – such as the exact configuration of a space, the precariousness of the subject, and the importance of the acquisition of transparency – has displayed the permanence of the configurable characteristics of sanctuary.

Conclusion

Across the many different applications of sanctuary, four unifying characteristics stretch across and unify the disparities and temporal distances amongst different sanctuaries. These characteristics are space and its configurations, the precarious subject of sanctuary, transparency, and intervention. For all the differences found among the admittedly disparate sanctuaries surveyed in this chapter, there are common characteristics that unite them in what it means to be a sanctuary. In the case of Canadian church-based sanctuary and Canadian Sanctuary City, I argue that the specific configurations of these characteristics help to explain the sanctuary's success. It will be shown that the two sanctuaries analyzed here – Canadian church-based sanctuary and Canadian Sanctuary City – although distinct in many respects nonetheless share these four characteristics. Canadian church-based sanctuary's and Sanctuary City's success and the response they garner from the government are, I argue, in large part due to the configuration of these four characteristics.

The two Canadian political sanctuaries experience a vastly different reaction from the state. The state ignores Canadian Sanctuary Cities because these city council motions do not apply to federal immigration services. Furthermore, I find that these policies are

ineffective and that the sanctuary-providers do not configure a space outside of the title. In Chapter 3 I will argue that the application's lack of success can be explained partly by its sanctuary-providers' configuration of the four characteristics of sanctuary. Before this chapter the focus will be on Canadian church-based sanctuary in Chapter 2. While the state enacts some oppositional measures against Canadian church-based sanctuary, it stops well short of spatial violations. I argue that the sanctuary-providers' configuration of the four characteristics helps to explain why the state is deterred in this way and I also find that these configurations help to explain the overall application's success. I will argue in Chapter 2 that Canadian church-based sanctuary-providers only intervene in a minimal number of cases, that they endorse and mimic the state's selection methodology, and that they ultimately do not offer a meaningful challenge to the Canadian immigration and deportation regime. As such, the Canadian state legitimizes this sanctuary application when they do not violate its space and do not deport its subjects of sanctuary.

Chapter 2: Canadian Church-based Sanctuary

Introduction

I noted in the introduction that Canadian church-based sanctuary and Canadian Sanctuary City have markedly different experiences of success and contrasting relationships with the Canadian state. What is the explanation for the contrasting responses from the state towards these two applications of sanctuary? One part of the answer to this question can be found in how a sanctuary application configures itself in relation to the four characteristics of sanctuary elaborated in the previous chapter. I have argued in Chapter 1 that these four characteristics— intervention, space, the precarious subject, and transparency – have a commonality in all sanctuary applications. In addition to their permanence the four characteristics are configurable and sanctuary-providers configure them widely. Furthermore, in the case of political sanctuaries like Canadian church-based sanctuary and Canadian Sanctuary City, the configuration of the spatial parameters of sanctuary, the exact nature of the subject that sanctuary is offered to, and how sanctuary-providers accurately acquire transparency or effectively disseminate information all shape the contours of any given sanctuary application’s intervention and therefore the relationship between the state and that sanctuary application.

I will argue in this chapter that the Canadian state legitimizes Canadian church-based sanctuary as a sanctuary application by not violating its religious space and, although there are unsuccessful interventions, by not deporting its subjects from the sanctuary space. Sanctuary-providers configure Canadian church-based sanctuary’s characteristics in such a way to avoid this violation and antagonism; namely, practising civil initiative (Canadian Sanctuary Network, 2014: 1). Canadian church-based

sanctuary-providers only intervene in a minimal number of cases while endorsing and mimicking the state's selection methodology (Rehaag, 2009: 43-44). While Lippert argues that Canadian church-based sanctuary-providers' selection processes "are distinct from but nevertheless parallel to elaborate refugee-determination procedures and exclusion mechanisms administered by the nation-state" (Lippert, 2005a: 70) Rehaag maintains that these sanctuary-providers "replicate the refugee determination process whose outcomes they reject" (Rehaag, 2009: 44). Therefore, Canadian church-based sanctuary-provider's intervention does not produce a meaningful challenge to the Canadian immigration and deportation regime. Crucially – as the religious nature of the space deters the state from entering it – this application is spatially housed in a religious institution, most often a Christian church. Canadian church-based sanctuary-providers also do not physically prevent the Canada Border Services Agency's (CBSA) officers from deporting the subjects of sanctuary from the space. The subject's precariousness in this application is that the state can deport them and that they have no more legal avenues of appeal. Thus, they take up the church-based sanctuary as a last resort. Lastly, Canadian church-based sanctuary-providers acquire the transparency they need from the subject while also making sure that information about the case is disseminated to bolster support from the public and to make a potential violation by the state more unpopular. These configurations help to explain the sanctuary's relationship with the state and why Canadian church-based sanctuary has been successful according to my two metrics of success without any sort of a legal protection to safeguard their space and their intervention.

To illustrate my argument this chapter will take the following structure: firstly, the recent Mikhail Lennikov Canadian church-based sanctuary case will be surveyed because it is representative of many aspects of Canadian church-based sanctuary discussed in this thesis. This example will be followed by a section placing the overall sanctuary application in context. The issues that will be discussed in this contextual section include a history and definition of the application, Canadian church-based sanctuary's legality, and its success since its inception. This context will serve to preface the next section focusing on the four characteristics of sanctuary in relation to this church-based application. Intervention, space, the precarious subject, and transparency will then be considered in turn.

The Case of Mikhail Lennikov

One recent and fascinating case of Canadian church-based sanctuary is that of Russian citizen and former KGB apparatchik Mikhail Lennikov. Lennikov's ordeal is representative of many issues surrounding Canadian church-based sanctuary including the fact that Lennikov took up sanctuary as a last resort and that the case was characterized by exposure and civil initiative. Lennikov's sanctuary stay is also an excellent model case because it highlights recent trends showing that Canadian church-based sanctuary has become less successful than it used to be (Lippert, 2009). The case may also point to reasons why, such as various government measures that oppose Canadian church-based sanctuary but that stop far short of a spatial violation. This case also displays the broad configuration of the four characteristics in relation to Canadian church-based sanctuary as an overall sanctuary application.

Lennikov's sanctuary story starts in 1997 when he came to Canada with his wife and son on a study permit to the University of British Columbia. The family eventually applied for Canadian permanent residency in 1999. Their application was refused by an immigration officer because of Lennikov's work with the infamous state security police, the KGB (Federal Court, 2007: 5). After this rejection, the family's case was considered by the Immigration Division's Immigration and Refugee Board (Federal Court, 2007: 6). The board concluded that Lennikov "was a person described in paragraph 31(1)(f)" (Federal Court, 2007: 8) of the *Immigration and Refugee Protection Act (IRPA)*, and the whole family received deportation orders (Federal Court, 2007: 8). Section 34(1)(f) of the *IRPA* details that a "permanent resident or a foreign national [is] inadmissible on security grounds" (Canada, 2016: 35) for "being a member of an organization that there are reasonable grounds to believe engages, has engaged or will engage in acts" (Canada, 2016: 35) understood as spying against "Canada's interests" (Canada, 2016: 35) or "engaging in an act of subversion against a democratic government, institution or process as they are understood in Canada" (Canada, 2016: 35). The Federal Court's 2007 ruling (Federal Court, 2007) contain the cited reasons for Lennikov's rejection. These facts include that he worked for the KGB, an organization that "had engaged in an act of espionage against a democratic government, institution or process" (Federal Court, 2007: 6). This past hindered Lennikov's attempts to stay in Canada. To avoid deportation, Lennikov attempted to exhaust every avenue of appeal available to him. The court dismissed the judicial review of his case in 2007 (Federal Court, 2007: 16). Next, the minister refused to grant him ministerial relief (Federal Court, 2009: 4) and he lost the judicial review to that ministerial rejection as well (Federal Court, 2009: 19).

It was after this final rejection and with all other options exhausted that in 2009 Lennikov took up sanctuary in Vancouver's First Lutheran Church for over half of a decade as a last-resort effort to avoid deportation from Canada. He designated it an "act of desperation" (CBC News, 2009) and also stated that "[i]n the interests of my family, and to prevent my family [from] being split indefinitely, if not for life, I think for us, for my family, it's important that I stay in Canada" (CBC News, 2009). His church in East Vancouver had been preparing for the worst while waiting to see if their member would need to resort to sanctuary. The church council had "been planning this for months" (CBC News, 2009) and had "built a room for Lennikov to live in and [were] ready for the long haul" (CBC News, 2009). Church pastor Richard Hergesheimer explained that "[f]or us, it will end when the deportation order has been lifted and he can go home and be with his wife and family" (CBC News, 2009).

In the fall of 2015 Lennikov voluntarily left sanctuary after six years of waiting for his deportation order to be overturned (Canadian Press, 2015). Although now back in Russia, recently there has been some hope for Lennikov, as Federal Court "Judge Elizabeth Heneghan granted the judicial review after determining that the immigration officer who denied Lennikov's permanent residence application had erred" (Canadian Press, 2016). Furthermore, with the change in federal government after the 2015 election, the new Liberal government may grant a ministerial relief, and if that is the case, Lennikov plans to return to Canada (Canadian Press, 2016). This relief would reunite him with his wife and son, to whom the government granted citizenship during his sanctuary stay (Canadian Press, 2015).

Lennikov's ordeal is exemplary of many issues surrounding Canadian church-based sanctuary. His case illustrates the general configuration of the four characteristics in Canadian church-based sanctuary. Lennikov exhausted all means available to him to stay in Canada before taking up sanctuary. He only took up sanctuary as a last resort because of his precarious status. As the subject of sanctuary his precarious status stemmed from facing a deportation order. More specifically his precariousness manifested itself in the fact that if sent back to Russia he feared that "he might be charged with treason . . . as he has revealed the names of certain KGB agents" (Federal Court, 2009: 7). Before his wife and son were granted citizenship, he was also concerned about the negative impact of his precarious status upon the health, stability, and unity of his family. For example, the court noted that "both the Applicant [Lennikov] and his wife are suffering from mental health problems attributed to the family's immigration status" (Federal Court, 2009: 7). Lennikov was also worried that "his Canadian educated son will incur education set backs if deported to Russia and that he could be subject to compulsory military service" (Federal Court, 2009: 7). The sanctuary-providers in this case intervened in hopes of overturning this precarious status to one of stability.

The church-based sanctuary-providers were intervening in the political process of deportation that would have had detrimental effects on Lennikov as well as his family. Although not successful in the end, this intervention did have the effect of firstly interrupting and secondly slowing down Lennikov's deportation. Yet, the sanctuary-providers' intervention ultimately did not completely stop the political deportation process. Next, the demarcated space for the sanctuary and the intervention was a church that the state's agents did not enter. As for transparency, it is evident in this case that the

sanctuary-providers were familiar with Lennikov and his case as he was a member of that church's congregation and because the sanctuary-providers had been preparing for the deportation possibility for months (CBC News, 2009). As for information dissemination the sanctuary-providers were able to maintain a high-level of press coverage at various points of Lennikov's stay (for example, see CBC News, 2009; Lau, 2012; Canadian Press, 2015; Canadian Press, 2016) but this attention did not guarantee a successful intervention by itself. His sanctuary case was characterized by exposing the case to the public, and Lennikov was even able to disseminate information about himself and his sanctuary on his own by posting YouTube videos (Chester Ronning Centre YouTube, 2014).

Since Canadian church-based sanctuary-providers configure the four characteristics of sanctuary in a way to deter and to avoid a spatial violation by the state, the state has devised other methods of opposing an intervention that stop short of violating that sanctuary space to forcefully remove and deport the subject. These tactics were on display in Lennikov's case and they were three-fold. Firstly, they attacked his character. One example comes from Ted Opitz, a former Conservative Member of Parliament then representing Etobicoke Centre, who told the House of Commons that "[u]nlike Mr. Lennikov's comrades in the NDP, our Conservative government stands with the victims of communism. There are no safe havens where our laws do not apply, Mr. Speaker. This individual must be removed as soon as possible" (Ted Opitz MP YouTube, 2013). Secondly, a recent trend of the government waiting out (Lippert, 2009) subjects of sanctuary was also on display as Lennikov stayed in the sanctuary for a remarkable six years, a time period that far surpasses the former average time of a

sanctuary stay. Thirdly, and most underhandedly, the government granted his wife and son citizenship after having initially denied it to them. Although this result could be viewed as a partial victory from a sanctuary-providers' point of view, it also seems to be a move the government designed to make deporting Lennikov more palatable to the public. Thus, it was only Lennikov himself who left sanctuary in the fall of 2015 to be deported (The Canadian Press, 2015). Lippert argues that generally in sanctuary cases it "may also be more difficult to generate compassion and sympathy in mass media" (Lippert, 2009: 60) towards "older (middle-aged) male migrants compared, for example, to nuclear families with children" (Lippert, 2009: 60). This move drove a wedge into the family in terms of their status, and it allowed the Conservative government to focus its attacks against one man as opposed to appearing cold and callous for ordering the whole family's deportation.

Lennikov's sanctuary case was ultimately not successful because he was deported. This failure is representative of a recent downward trend in the number of successful Canadian church-based sanctuary cases (Lippert, 2009). His case, in addition to this recent trend of fewer successful interventions, is exemplarily of many other contextual issues surrounding Canadian church-based sanctuary. These issues include the overall definition of the sanctuary application and its lack of a legal standing, amongst others. Furthermore, Lennikov's sanctuary stay illustrates the centrality of the four sanctuary characteristics. His ordeal will serve as an useful example in the upcoming analysis of these four characteristics and how the sanctuary-providers' configuration of them serves to avoid a spatial violation and perhaps guarantees a successful intervention.

Canadian Church-based Sanctuary in Context

With an eye to introducing the sanctuary-providers' configuration of the four characteristics of sanctuary in Canadian church-based sanctuary and how that configuration influences this application's success, this section will first place Canadian church-based sanctuary in context. While the Lennikov case points to many contextual issues that will be elaborated upon in the characteristics section, this contextual section will introduce important issues more explicitly to provide background for the section on the characteristics and for my argument about Canadian church-based sanctuary. These issues are in-depth definitions of the application, its legality, and a history of Canadian church-based sanctuary's success since the application's inception.

What exactly is church-based sanctuary in Canada? In his study of the sanctuary application, Lippert defines Canadian church-based sanctuary as "churches and communities harboring in a physical shelter individual migrants or migrant families faced with imminent arrest and deportation by immigration authorities" (2004: 536). Furthermore, these sanctuary-providers are "actively seeking to display the existence of their protection efforts" (Lippert, 2004: 536). Lippert also argues that Canadian church-based sanctuary is not a movement so much as an application of sanctuary with a series of isolated cases not linked to one another. He writes that Canadian church-based sanctuary is "less a sustained national or regional social movement or network of sanctuary providers and more a collection of local incidents detached socially and geographically from one another" (2005: 383). This summation focuses on the constitution of the application, or the "what."

Another scholarly definition focuses on the purpose, or the "why" of Canadian church-based sanctuary. Sean Rehaag argues that Canadian church-based sanctuary "is

partly about individuals insisting that state institutions, including courts, do not have the final word on the interpretation of state law” (2009: 48) and that the application is “premised on the notion that even the highest and most authoritative state institutions can – and sometimes do – get the law wrong” (2009: 48). This view is certainly the case in Canadian church-based sanctuary as sanctuary-providers set up their intervention not against the law, but against what they see as misapplications of it (for example, see Canadian Sanctuary Network, 2013; Canadian Sanctuary Network, 2014; and Anglican Church of Canada). Sanctuary-providers call this intervention strategy civil initiative (Creal, 2009: 72). Civil initiative is the “attempt to stop unfair treatment by holding the government to its legal obligations. This concept is an alternative to ‘civil disobedience,’ which is the attempt to protest unfair laws by violating the law” (Canadian Sanctuary Network, 2014: Appendix ‘A’). In carrying out acts of civil initiative sanctuary-providers are “seeking to uphold Canada’s legal obligations rather than disobey them” (Canadian Sanctuary Network, 2014: 1). Hannah Arendt attributes a similar function to civil disobedience as sanctuary-providers do to their civil initiative when she argues that “civil disobedience can be tuned to necessary and desirable change or to necessary and desirable preservation or restoration of the status quo” (1972: 75). Yet, the difference between Arendt’s framing of civil disobedience and the sanctuary-providers’ framing of civil initiative is found in the political motivations of the two. Arendt argues that civil disobedience occurs “when the established institutions of a country fail to function properly and its authority loses its power” (1972: 101-102). In contrast, Canadian church-based sanctuary-providers identify that while the state institutions function properly they

occasionally err, and civil initiative is the correction by sanctuary of these errors to uphold Canada's law (Canadian Sanctuary Network, 2014: Appendix 'A').

In examining the legal claims surrounding Canadian church-based sanctuary, Rehaag further defines the application in relation to the state. He explains that in sanctuary cases "immigration officials are reluctant to enter churches for the purpose of enforcing immigration law" (2009: 43). Rehaag argues that because of this reluctance "those taking sanctuary benefit from a *de facto* suspension of deportation while they remain within churches" (emphasis original; 2009: 43). If the sanctuary case is successful, "this suspension of deportation ultimately ends with migrants securing Canadian permanent residence through discretionary immigration procedures" (Rehaag, 2009: 43).

Canadian church-based sanctuary-providers define their sanctuary and intervention both similarly to the aforementioned scholarly definitions but also differently by emphasizing their faith practices. These faith practices inform both the sanctuary space and the intervention into the case of the precarious subject, and thus line up and contribute to both metrics of success – which are avoiding a spatial violation and sanctuary-providers carrying out their stated aims. In addition to the main goal of aiding the precarious subject, the Anglican Church's guide to sanctuary also has a list of what a sanctuary is and can be, including "a place consecrated to the worship of God; a sacred and inviolable asylum; a place of refuge and protection; and a place of comfort for those who seek relief" (Anglican Church of Canada, 6). This same guide, which focuses specifically on Canadian church-based sanctuary, also links the sanctuary-providers' intervention with the Biblical cities of refuge and medieval British sanctuary (Anglican

Church of Canada, 6). Furthermore, sanctuary-providers justify their intervention with Scripture (Anglican Church of Canada, 7) and also state that sanctuary “is about much more than offering food and shelter. It is about welcoming the stranger and helping that person feel safe, psychologically and emotionally. It is about faith” (Anglican Church of Canada, 7). Elsewhere, Canadian church-based sanctuary-providers also state that sanctuary “is grounded in a double affirmation of faith: a. That human life is sacred and worthy of protection. b. That there are places and spaces that are beyond the reach of the state” (Canadian Sanctuary Network, 2013: 1). Something ineffable and higher than the concerns of the state motivates Canadian church-based sanctuary-providers.

In regards to the legality of Canadian church-based sanctuary, there are three pertinent questions to consider. The first: what is the overall legal standing of church-based sanctuary in Canada? The second: is it legal for sanctuary-providers to offer church-based sanctuary in Canada? The third and final question: is it legal for a subject to take up Canadian church-based sanctuary? It is worth noting that Canadian church-based sanctuary does not have any legal protection, as some sanctuaries in the past have had. Abjuration of the realm and sanctuary in England generally had legal protection until “a one sentence statute ended at least eleven centuries of sanctuary privilege in England” (Bau, 1985: 157). In contrast, Canadian sanctuary-providers do not have such protection as “the legal status of the practice of Sanctuary is nowhere clearly defined in Canadian law” (Canadian Sanctuary Network, 2013: 4). This lack of legal protection is why the question of how sanctuary-providers avoid a spatial violation through their configuration of the four characteristics of sanctuary is so pivotal. Nevertheless “law plays a complex and contested role in these practices,” (Rehaag, 2009: 46) especially since “no sanctuary

providers in Canada have ever been charged” (Rehaag, 2009: 49) under relevant provisions of the *Immigration and Refugee Protection Act* (Rehaag, 2009: 49). As such, “there is no case law to assist us in interpreting the provisions in this specific context” (Rehaag, 2009: 49).

In the shadow of this uncertainty, Rehaag considers the other two questions of interest mentioned here related to the legality of Canadian church-based sanctuary. Without a legal basis, there is a possibility that sanctuary-providers or subjects of sanctuary may be contravening Canadian law through this sanctuary application. Rehaag notes that many “frequently contend, often without elaboration, that sanctuary practices violate Canadian state law” (2009: 47). It is not easy to determine the legality of the overall application as there is no case law (Rehaag, 2009: 49). Yet, “[t]hose asserting that Canadian sanctuary practices are clearly illegal,” (Rehaag, 2009: 51) Rehaag summarizes, “have not accorded sufficient attention to the relevant provisions of state law” (2009: 51). By Rehaag’s deduction, “migrants in sanctuary will usually be in violation of an enforceable removal order” (2009: 48).

Rehaag also discusses the possible punishment for violating a removal order, which could include a \$50,000 fine or a two-year jail sentence (2009: 48). While a “removal order in question must be legally valid . . . the validity of the removal order will frequently be contested in sanctuary incidents” (Rehaag, 2009: 48). Sanctuary-providers challenge the validity of the removal order but only do so because “the error cannot be corrected through official channels” (Rehaag, 2009: 48). Whereas there is a possibility that “a removal order might be invalid under state law for a variety of reasons” (Rehaag, 2009: 48) Rehaag states that these opinions and actions challenging the validity of the

removal order are “unlikely . . . [to] be persuasive in court” (2009: 48). Overall, Rehaag concludes that “it is not clear that faith-based communities actually breach state law when they provide sanctuary to those who request it” (2009: 52). Moreover, he argues that

sanctuary practices may actually uphold both Canadian and international law by establishing a *de facto* appeal mechanism to catch errors in the procedurally flawed official refugee determination system, thereby preventing Canada from unlawfully deporting refugees to countries where they face persecution” (emphasis original; 2009: 52-53).

The rightfulness of deportation orders is bound up with the idea of civil initiative and the success rate of Canadian church-based sanctuary interventions.

Lippert identifies the beginning of the current paradigm of Canadian church-based sanctuary starting in 1983 when a Lachine, Quebec church took in a “Guatemalan migrant threatened with immediate deportation by immigration officials” (Lippert, 2004: 535) and offered this refugee, known only as Raphael, sanctuary (Lippert, 2004: 535).

The sanctuary-providers’ intervention at Saint Andrew’s United Church was immediately effective as “[w]ithin hours, the minister of immigration had publicly announced that all deportations to Guatemala would be temporarily halted and that sanctuary providers would be spared prosecution” (Lippert, 2004: 535). Church-based sanctuary has been an ongoing political sanctuary application in Canada since 1983, and there are still many recent and ongoing cases.

Canadian church-based sanctuary success rates since the application’s inception have decreased from a very high level of favourable outcomes to less so over time. The metrics of a successful intervention are whether or not sanctuary-providers avoid a state violation of the sanctuary’s demarcated space and if the sanctuary-provider’s aims are

carried out. In this case, the relevant aims are whether or not the subject avoids deportation. Randy Lippert has two studies interrogating the success rate of Canadian church-based sanctuary from 1983 to 2003 (Lippert, 2005) and from 2003 to 2009 (Lippert, 2009). Lippert tracks the trend that Canadian church-based sanctuary cases have been less successful over time. This observation relies on Lippert's definition and elaboration of a successful sanctuary, which is essentially the subject of sanctuary gaining or expecting to gain permanent status (2005: 394).

From 1983 to 2003 Canadian church-based sanctuary was an extremely effective sanctuary application. Not including undecided outcomes and one mixed outcome – meaning that some subjects of sanctuary in one case were deported and others were not – from 1983 to 2003 “an impressive 70 percent (21 of 30)” (Lippert, 2005: 394) of Canadian church-based sanctuary cases “yielded legal status for the migrants involved” (Lippert, 2005: 394). Furthermore, relevant to the intervention definition's crucial aspect of interrupting or slowing down a political process, during these twenty years “all 36 (100 %) Canadian instances, arrest and deportation of the migrants concerned was effectively delayed by entering sanctuary” (Lippert, 2005: 394). Interventions in the cases of a few subjects also inspired positive developments for others with precarious status.

Further to the application's success for subjects of sanctuary, Lippert summarizes Canadian church-based sanctuary's larger ramifications during this time period, writing that outside of just helping the immediate “261” (2005: 395) subjects of sanctuary, these separate interventions in specific cases resulted in sanctuary-providers also altering and challenging the overall political process leading to precarious status. These interventions ended up having positive benefits to migrants with precarious status that were not

subjects of sanctuary. For example, five different sanctuary cases led to “blanket temporary stays in deportations as well as special arrangements . . . pertaining to large numbers of the migrants destined to be deported to the same nations as the migrants in sanctuary” (Lippert, 2005: 395). Lippert writes that these arrangements “clearly resulted from the public exposure of these sanctuary incidents” (Lippert, 2005: 395) – understood here as the dissemination aspect of the transparency characteristic. These sanctuary cases ended up having positive ramifications, such as temporary delays in deportation, for thousands of people who never stepped inside a sanctuary (Lippert, 2005: 395).

However, from 2003 to 2009 Canadian church-based sanctuary ran into a series of problems and would soon find itself with diminishing returns. The first was that during this time period there were fewer successful Canadian church-based sanctuary cases as only 5 out of 11 (45.45 per cent) incidents from 2003 to 2009 “yielded legal status for the migrants involved” (Lippert, 2009: 60) as compared to the previous 70 per cent from 1983 to 2003 (Lippert, 2005: 394). Another problem was that the average length of a subject’s sanctuary stay drastically increased, a trend Lennikov’s six-year stay in sanctuary exemplifies. For example, from 2005 to early 2009 “the average duration was an astonishing 686.6 *days*” (emphasis original; Lippert, 2009: 60) and this “last statistic is remarkable because it is more than double the average incident duration in the preceding five-year period and almost four times the average duration of the late 1990s” (Lippert, 2009: 60). Lippert assigns this downward trend mainly to a decline in the effectiveness of Canadian church-based sanctuary’s exposure (2009: 60) as the more cases there are, the “less extraordinary and newsworthy” (Lippert, 2009: 60) they become. Other types of opposition faced by sanctuary-providers can include Revenue Canada’s sudden interest in

a sanctuary church's charitable status (Lippert, 2005a: 145-146). Another factor to consider is that the Canadian government began taking a harder line on sanctuary in the country, especially when in 2006 the Conservative Party brought "a more authoritarian approach to managing immigration and refugee policy than its Liberal government predecessor" (Lippert, 2009: 58). Over time, Canadian church-based sanctuary-providers have seen stronger state opposition to their sanctuary coupled with declining rates of success.

Canadian church-based sanctuary is still remarkably successful when considered in the larger context of challenging a removal order. Even with the apparent decline in success, Rehaag makes the point that the post-2003 success rate is still remarkable as "judicial reviews of negative refugee determinations is less than 2 per cent" (2009: 44) and Pre-Removal Risk Assessments, "a final opportunity immediately prior to deportation to present new evidence that one faces a risk in one's home country, have a success rate of 3 per cent in recent years" (Rehaag, 2009: 53-54). Framed in this way, a success rate in the double digits is extraordinary. Overall, Rehaag argues that Canadian church-based "sanctuary is one of the most effective avenues currently available to unsuccessful refugee claimants seeking the right to remain in Canada" (2009: 44). This assertion is true, but it does not factor in that not all unsuccessful refugee claimants can nor do use sanctuary as an avenue seeking to remain in the country. Yet, that qualification does not take away from the fact that even while its success has slightly diminished, Canadian church-based sanctuary is still effective and successful.

In relation to its success rate, Canadian church-based sanctuary is characterized by a series of unattached cases generally dealing with a specific subject who has a certain

type of precariousness. This subject is typically a failed refugee claimant who takes up sanctuary as a last resort after having exhausted all other avenues of appeal.

Precariousness here manifests itself as a lack of options for the subject who faces detrimental outcomes should the government deport them. Canadian church-based sanctuary is not a movement, does not enjoy defined legal protection, and since its inception it has become less successful although it is still an effective avenue for subjects seeking to delay or avoid a deportation order. These issues will help contextualize the upcoming section on the four characteristics of sanctuary and how the Canadian church-based sanctuary-providers' configuration of them aims to avoid a spatial violation and helps to guarantee a successful intervention where a subject's precarious status is changed to a stable one.

The Configuration of the Four Sanctuary Characteristics

Without legal protection, how has Canadian church-based sanctuary been largely successful since its inception? Furthermore, how do Canadian church-based sanctuary-providers set up their sanctuary and their intervention to avoid a spatial violation by the state? Without legal impediments, why does the state not just carry out deportations even in church-based sanctuaries, as it does outside of sanctuaries (Staff Torstar News Service, 2014) as well as within Toronto's Sanctuary City (Moffette and Gardner, 2015)? I argue that part of the answer to these questions lies in how the Canadian church-based sanctuary-providers configure the four characteristics of sanctuary outlined in Chapter 1. Analyzing these characteristics – intervention, space, the precarious subject of sanctuary, and transparency – and their configuration also helps to clarify and explain this application's relationship with the state.

Overall, while at times the relationship between Canadian church-based sanctuary and the state may be fraught with tension, the situation never escalates to a point where the state violates a church-based sanctuary space to deport the precarious subject. While the state has started to ““wait and wear out”” (Canadian Sanctuary Network, 2013: 4) the subjects (Lippert, 2009), Canadian church-based sanctuary overall is a successful sanctuary application. The Canadian state legitimizes Canadian church-based sanctuary by not violating the application’s space and by not deporting its subjects of sanctuary. To maintain this relationship and to try to guarantee a successful intervention Canadian church-based sanctuary-providers configure the characteristics of sanctuary in the following manner. Firstly, sanctuary-providers link the intervention to a church space and they also do not physically prevent the CBSA from deporting the subjects of sanctuary from the space. In addition, Canadian church-based sanctuary-providers rely on exposing the case to the public, hoping to gain sympathy and make a state violation more unpopular, while also making sure to know who exactly the subject of sanctuary is. Canadian church-based sanctuary-providers practising civil initiative only intervene in a minimal number of cases while endorsing and mimicking the state’s selection methodology (Rehaag, 2009: 43-44). Because of these configurations, Canadian church-based sanctuary-provider’s intervention does not amount to a significant challenge to the Canadian state’s overall modus operandi with regards to its immigration regime. Largely because of these configurations the Canadian state does not actively oppose Canadian church-based sanctuary.

I will now examine the Canadian church-based sanctuary configuration of the four characteristics of sanctuary to illustrate this state-sanctuary relationship and my

argument. The section on intervention will elaborate upon civil initiative and other issues that revolve around it. Next, bound up with intervention, the section on space will be an enumeration of the religious and place-bound spatiality of Canadian church-based sanctuary. The third section will investigate the subject of Canadian church-based sanctuary, their precariousness, and its origins. Lastly, the fourth section will focus on how Canadian church-based sanctuary-providers acquire transparency from the subject but also disseminate information to safeguard their intervention.

Intervention

To recapitulate, sanctuary-providers intervene to interrupt, slow down, and/or stop a political process that would otherwise occur to the detriment of a subject with precarious status. This intervention occurs in a demarcated space, and that demarcated space for Canadian church-based sanctuary is the confines of the church. Generally, deportation is the political process that Canadian sanctuary-providers intervene against. More specifically, Canadian church-based sanctuary-providers intervene to stop not deportation as a general policy phenomenon but deportation in specific cases which they feel are unjust because the precarious subject is being wrongfully deported. In Canadian church-based sanctuary cases this precariousness ranges from subjects who would face serious harm if sent to their country of origin to those resisting what sanctuary-providers deem an excessive punishment. Sanctuary-providers call this selective approach of opposing a small number of oversights of the deportation regime “civil initiative” (Canadian Sanctuary Network, 2014: 1).

To balance the need for a successful intervention with the application’s lack of legal protection, Canadian church-based sanctuary-providers configure their intervention

in such a way so as to avoid a spatial violation and to guarantee a successful case. Church-based sanctuary in Canada often frames its actions in terms of civil initiative as opposed to civil disobedience. Even when the term is not used, civil initiative is the logic that Canadian church-based sanctuary-providers generally adhere to (see Rehaag, 2009: 48). What civil initiative essentially entails is the opposite of a practice like civil disobedience. Civil initiative is not exactly obedience – there is a small element of insubordination in taking the subject into sanctuary when the state orders them to be deported – yet Canadian church-based sanctuary-providers do not *resist* the deportation order. They do not resist it because providers note that if the state were to enter the sanctuary and seize the subject, they would not try to hide the subject nor physically resist the state (Rehaag, 2009: 50).

Furthermore, rather than resisting the state's laws, civil initiative applies to the law's implementation. Sanctuary-providers try to correct what they see as misuses of the law, not the law itself. The political process they intervene in is what they see as an oversight or misapplication of the law with regards to deportation. While civil initiative is the most significant view of and relation to the law that Canadian church-based sanctuary-providers have for their intervention, through interviews Lippert (see 2005a: 142-164) details sanctuary-providers' other views and narratives of the law. He places their narratives within a framework of being “‘up against the law,’ ‘before the law,’ and ‘(playing) with the law’” (2005a: 142). That is, the law as an oppositional force, as a venerable authority found outside and above sanctuary, and something that can be engaged with, respectively (Lippert, 2005a: 142). Above all though, as an intervention strategy sanctuary-providers employ civil initiative as a corrective to when they think the

Canadian state does not uphold its own laws and obligations. For example, the Canadian Sanctuary Network's guide *The Legal Implications of Offering Sanctuary* states that while "Canada has both a domestic and international legal obligation to protect refugees" (Canadian Sanctuary Network, 2014: 1), these sanctuary-providers believe in "acts of 'civil initiative' to hold Canada accountable to these obligations and to protect refugees from being unfairly treated by our refugee determination system. In doing so, we are seeking to uphold Canada's legal obligations, rather than disobey them" (Canadian Sanctuary Network, 2014: 1). They also assert that the "concept of civil initiative has been adopted by the majority of groups offering or facilitating sanctuary in Canada" (Canadian Sanctuary Network, 2014: Appendix 1). Other providers have used this language or espoused a similar intervention logic to civil initiative (for example, see Anglican Church of Canada, 10; Canada Lutheran World Relief, 7; Canadian Sanctuary Network, 2013; Presbyterian Church in Canada, 8).

While assessing the legality claims surrounding Canadian church-based sanctuary, Rehaag observes the "curious phenomenon whereby sanctuary providers replicate the refugee determination process whose outcomes they reject" (2009: 44). He notes that Canadian church-based sanctuary's own "screening mechanism mimic the official refugee determination system" (Rehaag, 2009: 43) as "lawyers get involved, alleged fears of persecution are scrutinized, supporting country condition documentation is considered, and various interpretations of refugee law are propounded" (Rehaag, 2009: 43-44). The various guidelines available to the public (see Anglican Church of Canada; Canada Lutheran World Relief; Canadian Sanctuary Network, 2013; Canadian Sanctuary Network, 2014; Presbyterian Church in Canada, 2006) and general practice such as the

case of Mikhail Lennikov both confirm that Canadian church-based sanctuary-providers mimic and support these screening practices – just not every single outcome. The logic to co-opting these screening mechanism is that by doing so, sanctuary-providers firstly maintain that they do not disobey any laws, but rather “are seeking to uphold Canada’s legal obligations” (Canadian Sanctuary Network, 2014: 1). Additionally, if Canadian church-based sanctuary-providers are careful to mimic the state’s screening methods and to make sure that sanctuary is a last resort for the subject, this makes state opposition and spatial violation more difficult because the state may wrongfully deport someone and contravene its own laws.

There exists one example where the Canadian state went into a Canadian church-based sanctuary and wrongfully deported the subject. The case of Mohamed Cherfi illustrates why a well-configured intervention like civil initiative can show rightfulness. In 2004, the first known breach of Canadian church-based sanctuary’s space involved an Algerian political activist named Mohamed Cherfi who was “subject to an outstanding warrant for allegedly violating bail conditions imposed in relation to a minor altercation at a public demonstration” (Rehaag, 2009: 54). Cherfi “had made an unsuccessful refugee claim” (Rehaag, 2009: 45) and was ordered deported (Rehaag, 2009: 45). Cherfi’s next step was to convince the church that “he faced a serious risk of persecution should he be removed to Algeria” (Rehaag, 2009: 46). Eventually, police – not immigration officials – stormed the sanctuary and arrested him in what Rehaag labels “the first known violation of sanctuary in Canada” (2009: 46). The spatial violation incurred the wrath of the public as a “wide variety of groups and individuals across Canada publicly and vehemently expressed concern about the illiberal nature of this action. Indeed, the outcry was more

widespread than support for any previous sanctuary incident” (Lippert, 2005a: 176). The police transferred Cherfi to the CBSA who then took him to the United States border and turned him over to U.S. immigration authorities (Rehaag, 2009: 46). In the United States, the Board of Immigration Appeals (BIA) recognized his initially rejected claim that he would face persecution if deported to Algeria (Rehaag, 2009: 46). Rehaag summarizes that “the BIA confirmed the legal argument made by the church that offered Cherfi sanctuary” (2009: 46). Cherfi gained refugee status in the United States (Rehaag, 2009: 46) which demonstrated that although his Canadian sanctuary case was unsuccessful, he did “meet the refugee definition” (Rehaag, 2009: 46). Thus the sanctuary-providers were correct in intervening in his case and the Canadian state was wrong in deporting him. Sanctuary-providers taking every precaution may not avoid a spatial violation but they may vindicate the intervention, as the Cherfi case displays.

Canadian church-based sanctuary-providers strive to guarantee a successful intervention by configuring that characteristic as a civil initiative. While not using the term civil initiative, Rehaag attributes Canadian church-based sanctuary’s success rate to that very configuration: “One of the likely reasons sanctuary is so successful in Canada is that churches carefully screen applicants to ensure that only those who have strong cases for refugee protection are accorded sanctuary” (2009: 44). Civil initiative entails that the precarious subject has exhausted all other avenues of appeal available to them and that sanctuary is a last resort. It also entails that sanctuary-providers are seeking to uphold the law and not disobey it as such, but rather to expose some of its misapplications. Civil initiative is also defined by the fact that sanctuary-providers do not resist the state’s will but rather try to draw attention to what they see as an unfair deportation order. This civil

initiative, the bedrock of Canadian church-based sanctuary, is interwoven with the other three characteristics of sanctuary that sanctuary-providers configure to guarantee a successful intervention. The other three characteristics – space, the precarious subject, and transparency – and their configurations make up the specificities of the intervention. The focal point of a Canadian church-based sanctuary intervention is the church and this religious spatial configuration also helps sanctuary-providers avoid a spatial violation.

Space

Canadian church-based sanctuary-providers configure sanctuary space in two significant ways. Firstly, the sanctuary space is religious and most often a Christian church. Secondly, sanctuary-providers choose a place-bound space for their intervention. This section will enumerate both of these configurations and show how providers configure their space in this way primarily to avoid a violation by the state. Their configuration of the sanctuary-space largely avoids a violation because of its religious aura, because the subject is publically bound to one place and CBSA agents are made aware of their location, and most importantly because sanctuary-providers do not physically prevent a violation from occurring in their space.

Church-based sanctuary is rooted to the religiously defined place-bound church space. The religious dimension of the space, in addition the public outcry and the sacrilege that would be engendered if the state violated a church space, cannot be understated. A large contributor to the fact that Canadian church-based sanctuary passes the first metric of avoiding a spatial violation is derived from the space's religious nature. The overwhelming majority of cases are based in Christian churches (Lippert, 2005: 392) except for a few cases involving a mosque and a Sikh temple (see Banerjee, 2007; Cross,

2007). While spatially bound to either Christian churches or other religious places of worship, there are still secular elements to Canadian church-based sanctuary “evinced by the more or less welcome presence of representatives of labor, student, women, human-rights, and ethnocultural groups and organizations with no religious affiliation” (Lippert, 2004: 538). The space, though, is religious.

Further to this success the size of the space is small, as is the objective of providing sanctuary here: to intervene in one person’s or one family’s case. Moreover, Canadian church-based sanctuary is always place-bound and not place-based (Darling, 2010; Bagelman, 2013). Canadian church-based sanctuary is place-bound by virtue of being in the church, but it is also an ideal space for the number of subjects that sanctuary-providers take in. Sanctuary-providers base their intervention in the church to also make the state more hesitant to storm a sacred space.

Besides two known exceptions that were ostensibly not about deporting the subject, both of which ended in the subject gaining a more stable status (Rehaag, 2009: 46), the Canadian government respects the parameters of the church-based sanctuary. It has been established that there is no formal legislation nor law in Canada that defines church space as inviolable by the state (Rehaag, 2009). Thus, Rehaag notes that “the fact that migrants may be located inside churches in no way diminishes the legal authority of Canadian police or immigration officials to enforce removal orders against” (Rehaag, 2009: 50) subjects of sanctuary. Rehaag argues that “[i]f authorities choose not to enforce removal orders against migrants they know to be taking sanctuary inside churches, that decision is purely political” (Rehaag, 2009: 50) because the state wants to “avoid the

negative political reaction that media accounts of the use of police force inside a church inevitably engenders” (Rehaag, 2009: 50).

The CBSA still reserves the right to enter a sanctuary when they please. The CBSA states that they use a “case-by-case approach” (Citizenship and Immigration Canada, 2010: 33) and that “[e]ntering places of worship under Special Entry Warrants to enforce removal orders should be reserved for cases involving security threats (e.g. terrorism, espionage), serious criminality (e.g. murderers) and exceptional circumstances” (Citizenship and Immigration Canada, 2010: 33). These exceptional circumstances “include cases where there are strong public calls for enforcement action . . . [that would be] deemed necessary to protect program integrity (e.g. wide-spread abuse of sanctuary), public safety, and national security” (Citizenship and Immigration Canada, 2010: 33). Yet these sorts of people are not taken into Canadian church-based sanctuary spaces, which makes it harder for the state to justify a violation.

Canadian church-based sanctuary-providers are transparent about their space. The providers publicly declare that they would not resist a potential violation of their sanctuary’s space all the while carving out an effective series of spatial practices that prevent this sort of violation from occurring: “churches take active steps to not only inform state officials about their decision to accord sanctuary, but also to indicate that they have no intention of interfering with enforcements measures” (Rehaag, 2009: 50). For example, one sanctuary-provider explained that ““this church would never be locked so that the authorities could never say that they were stopped from coming into the church . . . the church was always open and we were not going to stand in the way of the law”” (Rehaag, 2009: 50). This welcoming and deferential attitude of keeping the doors

literally open and the CBSA informed as to the subject's whereabouts embodies civil initiative. Some sanctuary-providers even believed that a state violation of their space would benefit their intervention as the breach would look like the "illiberal persecution that migrants claimed to have fled and would then become an ironic spectacle of oppression" (Lippert, 2005a: 146). From the sanctuary-providers' point of view, "the Immigration Department's legal power would not be confronted but sidestepped, effectively generating a politically dangerous spectacle that would be fully illuminated by sanctuary's ongoing spectacle" (Lippert, 2005a: 146).

In summation, Canadian church-based sanctuary space is place-bound and the sanctuary space is religious in nature to deter a spatial violation. This aim of avoiding a spatial violation has been overwhelmingly successful as there have been only two cases where the government has breached Canadian church-based sanctuary's space (Rehaag, 2009: 46). While concurrently declaring that they will not oppose the state from entering the sanctuary, sanctuary-providers still strive to make their sanctuary successful.

The Precarious Subject

Canadian church-based subjects of sanctuary – either an individual or a family – share one common trait but often have different countries of origin. The commonality that unites these subjects is their precarious status and that they have exhausted every avenue of appeal to resolve the instability of their precariousness and lack of a stable status. They take up sanctuary as a last resort to avoid deportation. For this reason, Canadian church-based sanctuary exists to save this subject from a detrimental outcome of the deportation process. Overall, the precariousness of the Canadian church-based

sanctuary subject is that they may face harm if sent back to their country of origin and this precariousness is coupled with not having any more avenues of appeal.

To take a subject into sanctuary before they have exhausted all avenues of appeal is to contradict civil initiative, because this intervention would be rejecting the outcome before it has been decided. To maintain their civil initiative and also to help guarantee a successful outcome, Canadian church-based sanctuary-providers often insist that the subjects of sanctuary go through every possible appeal before taking up sanctuary (see Anglican Church of Canada; Canada Lutheran World Relief; Canadian Sanctuary Network, 2013; Canadian Sanctuary Network, 2014; Presbyterian Church in Canada, 2006). For example, one sanctuary guide has a decision checklist for the subject, and the first box to check is “[h]as the person exhausted all administrative and legal provisions available in the refugee determination process?” (Anglican Church of Canada, 16).

Yet, as Canadian church-based sanctuary is not an organized movement but a series of disparate cases (Lippert, 2005: 383) occasionally there are exceptions to this general civil initiative intervention logic. One example of such a deviation was when two University of Regina students took up sanctuary to avoid a deportation order that the government issued to them because they worked for two weeks at a Wal-Mart. This employment was in violation of their student visas at the time (Chmielewski, 2012).¹

¹ An aside: this specific story, and by extension the topic of sanctuary, is special for me as covering the ordeal that Victoria Ordu and Favour Amadi went through was the first news story of many I would report for the University of Regina’s student newspaper, *The Carillon*. I would eventually serve as *The Carillon*’s Editor-in-Chief for two years. The article (Chmielewski, 2012) was picked up nationally on the Canadian University Press’s wire and then subsequently published in the University of Alberta’s *The Gateway* and Simon Fraser University’s *The Peak*. I was suddenly motivated to write news, something I had never done before – nor really considered, as I mainly wrote political op-eds before this story – because of the xenophobic attitude I saw growing towards Ordu and Amadi and because I felt like the news reports I had read did not cover the case adequately. Couple these facts together with the Conservative government’s offensive against these women and their sanctuary case and all of these elements fueled what I thought was a dangerous attitude towards my fellow University of Regina students and immigrants in general.

Many felt that this punishment did not fit the crime. Then local MP and current Minister of Public Safety and Emergency Preparedness Ralph Goodale certainly felt this way as he labelled the Conservatives' actions the “guillotine of deportation” (Chmielewski, 2012), while outlining that a “more appropriate measure would be ‘reprimands, or warnings, or fines’” (Chmielewski, 2012). Although many felt that deportation order was a heavy-handed overreaction, Victoria Ordu and Favour Amadi would have faced no danger had they been deported back to Nigeria. This fact made them rather unique as subjects of Canadian church-based sanctuary. Although the government deported them when they voluntarily left sanctuary, their cases may be labelled a success as they were eventually able to come back to Regina and to continue their studies at the University of Regina (Star Phoenix, 2016).

Canadian church-based sanctuary-providers do not intervene in every case of last-resort precariousness – nor other types of precariousness like that of Ordu and Amadi – in Canada. As the application is neither a movement nor a more stable practice like a Biblical city of refuge that a precarious subject could flee to, Canadian church-based sanctuary is not applied in a consistent nor even way. This fact is startlingly apparent when the marginal number of sanctuary cases is compared to the number of yearly deportations in Canada. Acquiring exact and year-over-year consistent data proves difficult, but there is some data available – enough to show the number deported in addition to the amount of failed refugee claimants. A 2010 CBSA report states that in the

fiscal year 2008-2009, 14,362 individuals were detained by the CBSA for immigration reasons. In the same year, 13,249 individuals were removed from Canada. Of those, 1,855 were removed for criminality (14 percent), 9,672 were failed refugee claimants, and 1,722 were removed for other reasons (Canada Border Services Agency, 2010).

Based off this data for that year, 73 per cent of deportations were failed refugee claimants alone. From 1983 to 2009 there was “an overall average of two incidents” of Canadian church-based sanctuary “commencing per year” (Lippert, 2009: 60). Although the specifics of each deportation case are unknown because “the CBSA – citing privacy legislation – does not release information about individual deportations” (Staff Torstar News Service, 2014), it is reasonable to assume that sanctuary-providers could have intervened in more cases; or, without knowing exactly what the details of each individual deportation case were, it is numerically possible that some of those cases could have amounted to successful sanctuary cases. Yet, it is difficult to determine this assertion with any certainty past a deduction as “[a]lthough thousands of migrants are ‘removed’ from Canada annually, it is exceedingly rare for these exclusions to be depicted in mass media” (Lippert, 2005a: 78). With all of that stated, this numerical juxtaposition between sanctuary cases versus deportations also displays that Canadian church-based sanctuary as an overall application does not oppose the deportation regime but rather acts as an occasional corrective to what it sees as misapplications that are unfair and/or detrimental to the subject. Overall, in Canadian church-based sanctuary “[b]eing granted sanctuary is the exception, not the rule” (Lippert, 2005a: 71). These fortunate subjects who take up sanctuary in Canadian churches usually have had a relationship with that congregation or with the sanctuary-providers while they worked through the avenues of appeal. Lennikov’s case is illustrative of this existing relationship (CBC News, 2009).

Canadian church-based sanctuary-providers do not intervene against the entire Canadian immigration regime and its many deportations. Their intervention is not to challenge the system as such, but to correct what they deem the occasional error and or

oversight. Hence the focus of Canadian church-based sanctuary on an individual or familial subject. Or, sanctuary-providers essentially intervene against what they feel is unfair – even if the subject will not face harm – as in the case of the two University of Regina students. In fact, sanctuary-providers roundly endorse the state’s actions not only through their statements regarding civil initiative (Canadian Sanctuary Network, 2014: 1) but, as previously stated, also through their actions. Namely, when they endorse and mimic the state’s screening mechanisms but also through their non-action when they take in a minimal number of cases in an arbitrary fashion. This approach is another reason why the Canadian state does not violate church-based sanctuary’s space: not only is a violation not worth the electoral fallout for the party of the day, but, in reality, this intervention poses no challenge to the immigration and deportation regime’s overall status quo. But, to sanctuary-providers’ credit, by this logic intervening in fewer cases allows Canadian church-based sanctuary-providers to intervene successfully more often. The sanctuary-providers’ astute configuration of the last characteristic of sanctuary – transparency – also facilitates a successful intervention.

Transparency

Transparency has two facets in Canadian church-based sanctuary: the transparency that the sanctuary-providers require from the subject, and the information that is disseminated to expose the case. Sanctuary-providers configure these two elements of transparency in an effort to guarantee the success of their intervention, which aims to overturn the sanctuary subject’s precarious status.

For Canadian church-based sanctuary-providers, an intimate knowledge of the subject of sanctuary is crucial if the intervention is going to be successful. This

transparency is required because if there is anything that will discredit the subjects of sanctuary, it will be used by the sanctuary's opponents. One such example comes in the case of Gankhuyag Bumutseren, a Mongolian citizen who took up sanctuary in a Toronto church (Bell, 2013). Bumutseren had been accused of spying on Chinese dissidents, and as the pastor of the church stated, the church community intervened because "if Bumutseren were deported, he would not receive quality medical care for his failing eyesight, and 'could find himself caught in the machinations of the Mongolian or Chinese espionage agencies'" (Bell, 2013). Unknown to the sanctuary-providers, Bumutseren had been a sex offender before he entered sanctuary. Because of this fact, the Toronto police arrested him during his sanctuary stay but crucially did not do so in the building/the sanctuary space (Bell, 2013). Eventually, Toronto police arrested "Bumutseren for sexual assault, sexual interference and sexual exploitation" (Bell, 2013), transgressions that led to a total delegitimization of the case. His circumstances and precarious status did not change – as a subject of sanctuary he still risked harm if sent back to his country of origin – but since it came to light that he was guilty of sexual assault, his sanctuary case was immediately discredited and he was deported (Bell, 2013). Providers need to be prepared and informed to avoid delegitimization and unsuccessful outcomes such as these.

Canadian church-based sanctuary-providers require transparency of any subject of sanctuary for a series of specific reasons. It has been set out that providers adopt the state's processes in determining who should and should not be deported (Rehaag, 2009: 43-44). In addition to this strategy that helps work towards a successful intervention, a scholar and Canadian church-based sanctuary-provider notes that congregations offering

sanctuary have to have confidence in the refugee and their claims (Creal, 2009: 71).

Pointing out that there are more people rejected from Canadian church-based sanctuary than there are accepted, Michael Creal argues that “in the process of reaching a positive decision, members of the congregation have time to come to know the person/family more completely than immigration officials or IRB [Immigration and Refugee Board] judges” (Creal, 2009: 71). The acquisition of information continues when the subject enters the sanctuary. How church-based sanctuary-providers define the space also facilitates transparency requirements. Lippert notes that the strict confines of a church-based sanctuary facilitate the acquisition and upkeep of the information that sanctuary-providers require for a successful intervention (Lippert, 2004: 540).

There is then the complimentary side of transparency for church-based sanctuary-providers and the concept as a whole: the dissemination of information to expose the case. Providers use this tactic to expose the wrongfulness of the deportation order and the rightfulness of the subject, but also to help make their case successful. They strive to and often succeed in receiving sympathetic news coverage. “One of the first steps,” Lippert writes, “taken by sanctuary providers to achieve such ‘exposure’ and the spectacle was to alert mass-media outlets to the fact that the migrant(s) in question had entered the protective territory of the church” (2004: 547). From there sanctuary-providers keep in contact with the media “in the days, months, and sometimes years that followed” (Lippert, 2004: 547). For example, some sanctuary-providers had a *CBC* news crew tail them when escorting the sanctuary subject from the *CBC* building back to the sanctuary for both “‘publicity’” and “‘protection’” in case of a deportation attempt (Lippert, 2005a: 80). Dissemination is joined to a successful intervention as both the transparency and the

empathy that rightfulness confers makes a violation, if not general opposition, more unpopular for the government. Although it did not prevent Cherfi's deportation to the United States, when the police stormed the sanctuary space he was residing in, there was a strong public outcry "about the illiberal nature of this action" (Lippert, 2005a: 176).

Sanctuary-providers and subjects also spread information in more personal ways. Aside from gaining and sustaining the media's attention, Lippert also points to more direct attempts to spread information about Canadian church-based sanctuary cases. These include one provider holding "press conferences during her lunch breaks on [subjects'] behalf outside her place of work in a way that could have resulted in termination" (Lippert, 2004: 539) or another sanctuary-provider seizing the opportunity to petition the Minister of Immigration directly "about the status of the relevant migrant's case" (Lippert, 2004: 539). Transparency of the sanctuary-providers has recently been joined by information dissemination by the subjects of Canadian church-based sanctuary, a trend reminiscent of the subjects of the U.S. Sanctuary Movement disseminating information themselves (Pirie, 1990: 399). Lennikov's YouTube outreach illustrates this recent trend (Chester Ronning Centre, 2014) as does the Facebook page of a current subject of sanctuary, Rodney Watson (Watson).

Conclusion

By configuring the four characteristics of sanctuary in the ways I have outlined above, Canadian church-based sanctuary-providers aim to avoid both a spatial violation and an unsuccessful intervention. On these two counts, the application has been remarkably successful, even if it has faced diminishing returns of late. Since 1983, although there are deviations from these general patterns because of the application's

diffuse nature, sanctuary-providers have done the following to strive for a successful intervention. They have defined their intervention as a civil initiative. This means that they seek to uphold and not challenge the law but just some misapplications of it. Furthermore, their intervention is place-bound in a church or a religious institution. The subject generally takes up the sanctuary-space as a last resort after exhausting every other possible avenue of appeal. Lastly, sanctuary-providers, if they wish to be successful, must acquire transparency diligently to avoid the mistake providers made in the Gankhuyag Bumutseren case but also disseminate information so as to make the public aware and sympathetic to their intervention and the subject's precariousness. All of these configurations of the four sanctuary characteristics make a state violation of the Canadian church-based sanctuary, which does not enjoy legal protection, much more difficult.

The next chapter will consider Sanctuary City much as this one did Canadian church-based sanctuary. Overall I find that Canadian Sanctuary City is not a successful application according to my two metrics of success. I will argue that the application's lack of success can be explained partly by its sanctuary-providers' configuration of the four characteristics of sanctuary.

Chapter 3: Canadian Sanctuary City

Introduction

I argue that the reasons for a political sanctuary's relationship with the state can be inferred partly from the sanctuary-providers' configuration of the four characteristics of sanctuary. I have employed this four characteristics/their configuration framework to argue in Chapter 2 that Canadian church-based sanctuary enjoys its levels of success because its sanctuary-providers both deter the state from violating the sanctuary space and intervene successfully in cases. Overall, Canadian church-based sanctuary meets the two metrics of success of a political sanctuary: that there is no spatial violation and that sanctuary-providers are able to carry out their stated aims.

Canadian Sanctuary City is an unsuccessful sanctuary application. I find that the Canadian Sanctuary City sanctuary-providers' spatial configuration does not qualify to be measured by the first metric and that they fail the second. While the city council policy does apply to the city services found in the municipal space, the sanctuary-providers do not configure a sanctuary space outside of the name. Thus, it cannot be said that the Canadian state violates a non-existent space. Although it is too early to measure the success of the more nascent Canadian Sanctuary Cities to the second metric, I find that the foremost and oldest Sanctuary City in Canada does not meet it. Toronto's Sanctuary City sanctuary-providers have not been able to carry out their stated aims of access to all city services without fear for all city residents (Hudson et al., 2017). The sanctuary-providers' configuration of the characteristics can help to explain the reasons for this failure: the providers do not configure a space beyond a name, they render the subject intangible, they run into multiple problems with regards to the subjects' transparency, and

in terms of intervention, sanctuary-providers have not been able to harmonize all of Toronto's city services with the Sanctuary City policy (Hudson et al., 2017: 18). Furthermore, the intervention is limited as it does not include many elements that subjects with precarious status need to access in the city that are not under the purview of city council, including education, health, and most controversially, the police. Ultimately, the Canadian federal government ignores Canadian Sanctuary City policy because the intervention does not apply to it and its immigration regime. The city is a complicated entity where many organizations and levels of government exist and interact. Since the providers' configuration does nothing to deter them from operating in the space, immigration authorities are no exception to this fact.

Overall, I also question whether Canadian city councils should apply the name sanctuary to access without fear to city services policies. The fundamental difference between the two is that Canadian access without fear to city services policies reform the city's own behaviour and operation. They intervene to reform their own process. Vancouver city council set a precedent in Canada when it decided not to call its access without fear policy sanctuary (Vancouver, 2016: 4). In Toronto, politicians and activists invoke sanctuary (Toronto, 2017: January 31) concurrently with the name Access T.O. (City of Toronto, 2017) to describe the same city council policy. My questioning does not rule out the fact that Canadian cities that passed access to city services motions may someday become sanctuaries. Canadian Sanctuary Cities can still be understood in terms of the four sanctuary characteristics I outline and there are also successful models of municipal sanctuary. The current Canadian utilization of the sanctuary concept is inaccurate and serves to obfuscate what the city council policies actually do.

Chapter 3 will take the following form to explain my argument. It will start with a case study of the first and most significant Canadian Sanctuary City found in Toronto. This case study will illuminate what Canada's foremost Sanctuary City has been and will point forward to the next sections. The Toronto case study will also provide clarity about some misconceptions that swirl around discussions of Canadian Sanctuary City and police services. A background section will include definitions of the Canadian application, a brief history, and issues of legality. Next will come a survey of the successful Sanctuary City case of San Francisco to show that a city can be a sanctuary. After this necessary background will come the section on the four characteristics in relation to Canadian Sanctuary City and how the sanctuary-providers' configuration of them helps to explain the application's lack of success.

The Case of Toronto's Sanctuary City

The most developed Canadian Sanctuary City is found in the original 2013 case of Toronto. This case study of Toronto's Sanctuary City will help reveal exactly what the foremost Canadian Sanctuary City has been thus far and will detail the relevant policy passed by Toronto's city council (Toronto, 2013: February 20; Toronto, 2014: June 10; Toronto, 2015: December 9; Toronto, 2017: January 31). The case study will also go into the background history that led up to the 2013 policy and will introduce the two main problems that sanctuary-providers have encountered. These two problems are a lack of harmonization across city services and the thorny issue of police compliance. This case study will clear up misconceptions around the police and their relationship to access without fear policy. The survey of Toronto's Sanctuary City will point forward to the upcoming contextual discussion around other Canadian Sanctuary Cities, definitions and

legality of the application, and to the characteristics section that will describe how the sanctuary-providers' configurations helps to explain the overall applications' lack of success.

In 2013, Toronto City Council passed *Undocumented Workers in Toronto* (Toronto, 2013: February 20) and media, activists, and politicians alike (Keung, 2013) dubbed the city council item as Toronto's Sanctuary City policy. Curiously, this initial policy itself does not contain anything about the concept or history of sanctuary, nor even the word itself (Toronto, 2013: February 20). This discrepancy exists across other Sanctuary City policies in Canada (Hamilton, 2014: February 10). Indeed, activists and politicians in Vancouver decided not to declare their city a sanctuary (Robinson, 2016; Vancouver, 2016: 4). What the original Toronto City Council motion does include is the objective of creating a city space "ensuring access to services without fear to immigrants without full status or without full status documents" (Toronto, 2013: February 20). Other Canadian Sanctuary City policies (London, 2017: January 31) and a 2017 Toronto city council motion fuse together access without fear policy to the sanctuary concept (Toronto, 2017: January 31).

The Toronto policy then has five points to implement this objective. First, the city council requested that the "Executive Director, Social Development, Finance and Administration to conduct an internal review, with community consultation, of City Divisions, Agencies and Corporations" (Toronto, 2013: February 20) and to report on "opportunities to improve access without fear" (Toronto, 2013: February 20). Another element of the policy was providing training for "front line staff and managers to ensure that undocumented residents can access services without fear" (Toronto, 2013: February

20). Councillors also set out to establish “a complaints protocol and a public education strategy to inform Torontonians of the City’s policy” (Toronto, 2013: February 20). Further points included addressing the relationship between the city, provincial, and federal governments to improve access to more than just city services within Toronto (Toronto, 2013: February 20). The motion also contains requests to the federal and provincial government, including a request that the provincial government review “its policies for Provincially-funded services for undocumented residents with a view to ensuring access to health care, emergency services, community housing and supports” (Toronto, 2013: February 20). Overall, the city council motion addresses general access issues in the city. It directs the services under the purview of city council to adopt access without fear. City council then designed the motion to take steps – through requests to the other organizations and levels of government – to address other crucial services not under the direct purview of the city council like healthcare and the police that city residents would need to access safely to truly live in the city without fear (Toronto, 2013: February 20).

In the following years city council passed multiple items with regards to its access without fear policy (Toronto, 2014: June 10; Toronto, 2015: December 9; Toronto, 2017: January 31). Still broadly referred to as access without fear or Sanctuary City policies, the city notably branded the overall policy initiative as “Access T.O.” in 2014 (Hudson et al., 2017: 7; City of Toronto, 2017). The Access T.O. website provides information on the city’s policy. The site goes through which services need what kind of documentation. Absent from the list is the Toronto Police Service (City of Toronto, 2017). The 2014 motion included thirteen points regarding access without fear in Toronto. The first point

reads, “City Council direct that immigration/citizenship information only be collected where specifically required by either Provincial or Federal legislation, policies, or agreements” (Toronto, 2014: June 10). Some criticize this point as too expansive and “beyond what is legally required” (Hudson et al., 2017: 24). Some other relevant points include a training program for staff (Toronto, 2014: June 10), a public education strategy to inform all Torontonians of the policy (Toronto, 2014: June 10), more requests to the other levels of government (Toronto, 2014: June 10), and a request to the Toronto Police Services Board “to work with the Chief of Police, Toronto Police service and to review existing policies to ensure the Toronto Police Service complies with Toronto’s Access without Fear directives” (Toronto, 2014: June 10). The 2015 motion includes more points specifically related to the Toronto Police Service (Toronto, 2015: December 9). Lastly, in 2017, Toronto’s City Council “re-affirm[ed] Toronto as a Sanctuary City” (Toronto, 2017: January 31), asked for reviews, made more requests, and issued a symbolic welcoming statement (Toronto, 2017: January 31).

Activists laid the groundwork for Toronto’s access without fear policy in the years preceding the motion (see Hudson et al., 2017: 7-8). This groundwork included the activist groups Don’t Ask, Don’t Tell and No One Is Illegal, Toronto (McDonald, 2012). Specific policy initiatives influenced by Don’t Ask, Don’t Tell’s activism that preceded the 2013 *Undocumented Workers in Toronto* can be found at the Toronto District School Board and the Toronto Police Service (McDonald, 2012: 140-141). Some question the commitment of schools to the access without fear policy (McDonald, 2012:140) and the Toronto Police Services Board passed only a partial policy that does not have a “Don’t Tell” component (McDonald, 2012: 141). The Toronto Police Services Board’s policy,

entitled *Victims and Witnesses Without Legal Status*, states that police services should be available to all community members “regardless of their immigration status” (Toronto Police Services Board, 2006). The policy also sets out that victims and witnesses will only have to provide their immigration status if there are “bona fide reasons” (Toronto Police Services Board, 2006) to do so, which include witness protection, Crown attorney requests for information, if the information is needed to determine “essential elements” (Toronto Police Services Board, 2006) of an offence, and “public or officer safety and security” (Toronto Police Services Board, 2006). Some have criticized this policy as partial (see McDonald, 2012: 141-142) and as not living up to the city’s access without fear commitments (Moffette and Gardner, 2015). In a study of the police’s policy, Abigail Deshman argues that a less partial policy “would be legally permissible and that the Toronto policy as it is written is unlikely to achieve its goal of reassuring non-status community members and increasing community safety” (2009: 211).

Largely, scholars and activists have identified two problem areas with regards to Toronto’s Sanctuary City. The first is a lack of harmonization around the prescriptions of the policy by the multifarious services provided by the city. The City of Toronto employs 60,000 people across many different divisions and services (Hudson et al., 2017: 18) and this lack of harmonization is a “critical impediment to the implementation of Access T.O.” (Hudson et al., 2017: 18) because of the ramifications this extensive bureaucracy has for the city, the community, staff, and all service areas (Hudson et al., 2017: 18). The lack of harmonization throughout the many city services also stems from problems of delivering an effective training program to all of these different organizations (see Hudson et al., 2017: 16-18).

The second issue is whether the Toronto Police Service, which has its own independent board, needs to follow the Sanctuary City policy. Some criticize the Toronto Police Services Board's 2006 policy (for a history of the policy's development, see Deshman, 2009: 219-221) for not having a more expansive Don't Tell aspect (see McDonald, 2012: 141; Moffette and Gardner, 2015: 5). While Deshman provides a legal discussion of the Toronto Police Service's legal obligations with regards to enforcing federal legislation (2009: 221-227), another significant and pivotal issue is whether or not the Toronto Police Service has to follow the city's 2013 Sanctuary City/Access T.O. policy (Toronto, 2013: February 20). For example, many assert that the Toronto police do not follow the 2013 Access Without Fear policy as if the service is in contravention of the City Council's motions. One example even comes from a *Globe and Mail* op-ed penned by two Ryerson criminology professors that states that a Canadian Sanctuary City city council motion, which has been adopted "in Toronto, Hamilton, London and Vancouver, pledges to ensure that all city residents can access municipal and police services, regardless of immigration status" (Hudson and Atak, 2017). This conflation is inaccurate as the city councils can only pledge that city services under their direct purview will follow the policy; city councils can only ask other services like the police to follow it, much like how they ask the other levels of government to do something and not pledge that they will. A report strongly criticizing the TPS commences with this line: "This report presents new evidence that the Toronto Police Service (TPS) is not complying with the City of Toronto's Access Without Fear directives and often violates its own partial 'Don't Ask' policy" (Moffette and Gardner, 2015: 5). What these sorts of generalizations fail to account for is that the Toronto Police Service has its own governance structure in

an independent board (Ontario, 1990) and as such is not under the direct purview of city council. City council sanctuary/access without fear policies do not apply to police services. Thus, the Toronto Police are not guilty of any noncompliance to these policies.

According to the *Police Services Act, RSO 1990* the Toronto Police Service has its own Board which dictates what policy the organization follows (Ontario, 1990) even if city council appoints some of its members (Ontario, 1990: s. 27). Even with this board governance in place the Chief of Police also has a wide amount of discretion as “[t]he Board has the authority to give orders and direction to the Chief of Police . . . The Board shall not direct the Chief with respect to specific operational decisions or with respect to day-to-day operations of the Service” (Toronto Police Services Board, 2017; see also Ontario, 1990: s.32). Lastly, it is important to reiterate that the Toronto Police Service is legislated under provincial statute (see Ontario, 1990) and not by the city council. So, these aforementioned statements are erroneous and obfuscatory about the police and Sanctuary City policy. The same authors who wrote the *Globe and Mail* (Hudson and Atak, 2017) op-ed co-authored, with two others, a study on Toronto’s Sanctuary City/Access T.O. (see Hudson et al., 2017). In this study Hudson et al. state that the “primary objective of Access T.O. is to ensure that all residents are able to access municipal and police services, regardless of immigration status” (Hudson et al., 2017: 2). Much later, they contradict this initial statement and the assertion from the op-ed when they state that the Toronto Police Service is “separate from the City, being governed by the Chief of Police and the TPSB; the *Police Services Act*” (Hudson et al., 2017: 18-19), but not before arguing that the Toronto Police Service “over the past few years, have flagrantly ignored Access T.O.” (Hudson et al., 2017: 15). It does not make sense to

criticize the police for ignoring a policy that does not apply to them passed by an entity lacking the necessary jurisdiction over them. Sanctuary City policy and the police is a contentious debate because while the police board dictates policy, sanctuary-providers insist that the police are one of the services most needed by those with precarious status in the city for many reasons (see Moffette and Gardner, 2015: 24-33; McDonald, 2012: 142; Hudson et al., 2017: 6).

Surveying Toronto's Sanctuary City provides a look into what Canadian Sanctuary City has been, as Toronto's case is the oldest and most developed, and perhaps also points towards the future as the other Canadian Sanctuary Cities may follow Toronto's example. Sanctuary-providers in those cities may wish to replicate Toronto's approach, or they may steer a course away from the problem areas Toronto's sanctuary-providers have experienced – like the lack of harmonization across all city services – or have identified, such as the relationship with the police. This Toronto case study also points forward to the topics discussed in the upcoming contextual section and provides an introduction to the issues surrounding my argument that I will discuss in the four characteristics of sanctuary section. But first it will be necessary to provide a brief history of the ongoing development of Canadian Sanctuary Cities, to define this application, and to discuss issues of legality.

Canadian Sanctuary City in Context

This section will introduce the overall application of Canadian Sanctuary City to provide context for the upcoming section on sanctuary-providers' configuration of the four characteristics of sanctuary. The study of the representative Toronto case above too provides a groundwork for the upcoming discussion about the four characteristics and my

argument about why Canadian Sanctuary City is ineffective and why it does not provoke a response from the federal government. The Toronto case study provided much needed context, such as detailing the nature of access without fear policy in Canada, clearing up misconceptions as to whether or not Sanctuary City policies legally apply to police, and pointing to a lack of harmonization of city services. This section, though, will provide other relevant context needed here including a history of the application throughout various Canadian cities and in-depth definitions of the sanctuary. There will be a discussion of the legality issues surrounding Canadian Sanctuary City. Furthermore, I will call into question the use of the word sanctuary for access without fear policies.

After Toronto, there have been other Sanctuary City movements in Canada. The first city after Toronto was Hamilton's 2014 initiative to become a Sanctuary City (Hamilton, 2014: February 14), although some have surmised that the city is not living up to its Sanctuary City designation. For example, *Rabble* reports that "a limited scope and lack of accountability have stunted the motion's effectiveness" (Reuss, 2016) and that Hamilton has failed to implement "several clauses laid out in the motion, including their promise to lobby the provincial and federal governments" (Reuss, 2016). Like the Toronto Police Service, the Hamilton Police Service has its own board which "says it needs time to review the notion and its implications" (Craggs, 2014). Overall, there have been similar problems in Hamilton's Sanctuary City as there have been in the Toronto case, including grey areas with the police and access to services that are outside of the jurisdictional purview of the city.

Vancouver's city council passed access without fear policy in 2016 (Vancouver, 2016). Activists and politicians in Vancouver reject the term Sanctuary City (Vancouver,

2016: 4) even if the content of the policy is nearly identical to that of other Canadian Sanctuary Cities. Thus, Vancouver's current policy applies to various municipal services such as "fire and rescue, community services such as homeless outreach shelters and non-market housing," (Fisher, 2016) amongst others, but does not apply to provincial services or services with their own boards, such as "the boards of Parks and Recreation, the Vancouver Police, and the Vancouver Public Library" (Vancouver, 2016: 1).

In early 2017 political events inspired Canadian activists, city residents, and city councillors to talk about making their cities sanctuaries. Canadian cities – such as Regina, Saskatoon (CBC News, 2017), Ottawa (Mussa, 2017), and Winnipeg (Hoye, 2017) – have seen interest in becoming sanctuaries due to a host of factors. These factors include the election of Donald Trump to the U.S. presidency, his immigration executive orders, the January 2017 mosque shooting in Quebec, and refugees crossing into Canada on foot (see Kassam, 2017; Lindsay and Eagland, 2017). In early 2017 London, Ontario city council "unanimously backed a call to make London" (Maloney, 2017) Canada's third Sanctuary City and the fourth to pass access without fear policy after President Trump's executive order (London, 2017: January 31). Montreal became Canada's fourth Sanctuary City in early 2017 (Shingler, 2017). Both these cities did not follow Vancouver's example in not designating their cities sanctuaries. Although debates about the policy's merits go on in each respective city, Calgary's Mayor Naheed Nenshi notably stated that Sanctuary City "strikes me as a very symbolic thing to do without a lot of meaning behind it . . . I'm not one for symbolism for the sake of symbolism" (Klingbeil, 2017). *Maclean's* also published a critical editorial of Sanctuary Cities in general and especially their import into Canada (see Maclean's, 2017).

Various symbolic, political, and scholarly definitions of what a Canadian Sanctuary City is are worth exploring not only for what they reveal about the overall application, but also because of the misconceptions they may divulge. Overall, various figures pair Sanctuary City policy and initiatives with the idea of the city being welcoming to all. One example comes from Toronto in the wake of U.S. President Donald Trump's immigration executive orders. Speaking about Toronto's Sanctuary City status Mayor John Tory said, "[n]o one should be made afraid because of who they are or where they come from" (Rieti, 2017). Councillor Joe Cressey went a step further, declaring that "as the U.S. closes its borders, Canada and other countries must do more to open theirs. Toronto's message is clear, he said: 'You are welcome here'" (Rieti, 2017). This sort of rhetoric is misleading when it is coupled with Toronto's Sanctuary City policy as there are many people who are still deported (Staff Torstar News Service, 2014) and thus unwelcome, from the city space. The city does not actively oppose these deportations as the relevant policy is far more specific than these all-welcoming messages. Both Tory and Cressey were speaking about the latest re-affirmation of Toronto's Sanctuary City/access without fear policy in 2017 (Toronto, 2017: January 31).

Various scholars also set out definitions of this sanctuary application. Bauder argues that in Canada's Sanctuary Cities "illegalized migrants receive access to municipal services, such as emergency medical services, public health programs, emergency shelters, fire protection, recreational programmes, and libraries" (2016: 6) and that "[s]imilar to their US counterparts, urban sanctuary and access-without-fear initiatives in Canada must be seen as acts of defiance by municipal policy makers against federal immigration laws and policies" (2016: 6). Yet, Bauder does not provide a reason

as to why they must be seen as acts of defiance. The comparison to U.S. Sanctuary Cities is premature at best. This comparison is inaccurate because some of the U.S. Sanctuary Cities have existed for decades, some of which provide municipal I.D. cards so that no one in the city is undocumented, like San Francisco (San Francisco, 2008). Toronto's city council has looked into the feasibility of such an identification policy but has not implemented it (Toronto, 2014). U.S. Sanctuary Cities do oppose and incur the wrath of the federal government (see Deshman, 2009: 231; Kim, 2016; White House, 2017). They incur this wrath by having a more robust and confrontational intervention which includes the aforementioned municipal I.D. cards as well as the sheer number of municipal sanctuaries across the country (for a list, see Griffith and Vaughan, 2017).

Another scholarly definition states that in Toronto's Sanctuary City the "primary objective of Access T.O. is to ensure that all residents are able to access municipal and police services, regardless of immigration status" (Hudson et al., 2017: 2). This definition is inaccurate with regards to the police. Perhaps what the authors mean here is that the precarious subjects' inability to access police services motivated activists to try and make Toronto a Sanctuary City and to bring the Toronto Police Service into the fold of access without fear. Yet, a careful reading of the relevant policy will contradict the police aspect of this definition (Toronto, 2013: February 20). So too will Access T.O.'s own website, which lists which services are and are not available to city residents with precarious status (see City of Toronto, 2017).

There are three pertinent questions to ask and answer about the legality of Canadian Sanctuary City. These questions are: what is the overall legal standing of Canadian Sanctuary City, is it legal for sanctuary-providers and the city to offer access

without fear to the precarious subject, and what is the legal status of the precarious subject themselves? First and foremost, like Canadian church-based sanctuary, Canadian Sanctuary City does not have any legal protection beyond the fact that “the municipal legislative body (i.e. city council) supports sanctuary initiates [sic]” (Bauder, 2016: 7). Canadian Sanctuary City does not enjoy the same legal protection that some sanctuaries did in the past (Bau, 1985: 157). To answer the second question, just as “there is no case law” (Rehaag, 2009: 49) in the context of determining Canadian church-based sanctuary’s legality, there is also none for Canadian Sanctuary City. Yet this absence is not to state that the policy is illegal. As they stand now jurisdictionally Canadian Sanctuary City policies are legitimate because they are city council policies applying to city services, but it will be interesting to see if this matter is taken up in the courts.

These two sanctuaries are vastly different in the fact that nobody is being sheltered in Canadian Sanctuary City in a place-bound space. Thus, legal discussions around removal orders would change for Canadian Sanctuary City as courts would have to determine the role access without fear policy plays with regards to aiding and abetting/the legality of offering Canadian Sanctuary City (for his analysis of the legality of offering Canadian church-based sanctuary, see Rehaag, 2009: 49-51). In addition, the legality would be further complicated by the fact that not every subject of Canadian Sanctuary City would necessarily be subject to removal orders, as in Canadian church-based sanctuary (Rehaag, 2009: 48).

In terms of the subject of Canadian Sanctuary City – the third question – it is difficult to determine what the exact legal nature of the intangible subject is as they are not uniform in their precarious status. The permutations of what kind of precarious status

the subject of Canadian Sanctuary City can find themselves with are multifarious (see McDonald, 2012: 134-135). These permutations are essentially anything that is not a stable status. Thus, their intangible nature makes generalizations about the legal status of precarious subjects of Canadian Sanctuary City difficult to determine. Related to the subject and access without fear, another legality issue to consider that has not been determined in the courts is how and/or if “Parliament could in future [sic] force a city to disclose information simply by statutory decree, or whether this question is within the authority of the provincial government” (Hudson et al., 2017: 24).

One question to ask with all Canadian Sanctuary Cities in mind is what is their relationship with the federal government? Canadian Sanctuary City has not been subject to any oppositional measures by the federal government nor has it faced the kind of Congressional and Presidential pressure U.S. Sanctuary Cities have (see Deshman, 2009: 231; Kim, 2016; White House, 2017). With regards to the matters of immigration, deportation, and operating within the city, the Canadian state operates as it always has. The CBSA is still free to operate in the city as the sanctuary-providers’ configuration of the characteristics does not deter them from doing so. In the upcoming section of the four characteristics of Canadian Sanctuary City I will elaborate how the Canadian federal government is not hampered nor restricted in any way by Canadian Sanctuary City policy, and therefore why these cities have not faced any opposition.

Can Canadian access without fear policies be understood as sanctuary? The fundamental difference between the two is that sanctuary-providers intervene in processes outside of themselves and outside of their organizations. In contrast, Canadian city councils that pass access without fear policies under the name of Sanctuary City are

implementing changes to services under their direct purview. Vancouver's city council outlined their reasons as to why they do not employ the term and concept sanctuary:

'Sanctuary City' is a term often used by communities and organizations to designate a geographic locale and area (including cities) which have adopted Access Without Fear policy or access initiatives for individuals with uncertain or no immigration status. However, it is not within municipal government's jurisdictional authority to offer 'sanctuary' to people without status, or for municipal government to grant permanent status to individuals. For these reasons, the term 'Sanctuary City' is not used within the context of this policy (Vancouver, 2016: 4).

The Vancouver approach does away with the idea of setting up an intervention and space against federal immigration policy in any manner. Rather, the city focuses on reforming its own services, not intervening in an outside process.

Overall, this section has included a brief survey of the on-going history of Canadian Sanctuary City, has set out and criticized various definitions of the application, has provided a discussion of the legality of Canadian Sanctuary City, and explained the difference between sanctuary and access without fear. This context is necessary to survey for the upcoming section on the four characteristics of sanctuary and how Canadian Sanctuary City sanctuary-providers configure them. I will argue that their configuration is what renders the application unsuccessful vis-à-vis my two metrics of a successful political sanctuary and what in part helps to explain the overall application's relationship with the federal government.

Sanctuary City in San Francisco

While Toronto illustrates an unsuccessful Sanctuary City, San Francisco in contrast has been successful. It has also faced much stronger opposition from the federal state. Providers in the much older San Francisco Sanctuary City have managed to achieve compliance across city services, and have gotten other services such as the police to

follow access without fear. Yet, San Francisco was not always this successful. This fact indicates that it may take more time for a Sanctuary City like Toronto to achieve its stated aims. This section will detail the history of San Francisco's Sanctuary City policy and then will briefly survey the sanctuary-providers' configuration of the four characteristics. Finally, this section will add to the distinction and difference between access without fear policy and sanctuary.

The genesis of San Francisco's Sanctuary City was a response to the same refugee crisis in the southwestern United States that inspired the U.S. Sanctuary Movement (Villazor, 2010: 583). Initially, San Francisco became a City of Refuge in 1985 "as part of an overall protest against the treatment of non-citizens from El Salvador and Guatemala who became subject to deportation after the government denied their claims to asylum" (Villazor, 2010: 583). Similar to Toronto, San Francisco's Sanctuary City policy provides access without fear as it "proscribes city government employees from asking or reporting the immigration status of individuals they encounter to federal immigration authorities unless such individuals have been detained for committing a felony" (Villazor, 2010: 576-577). Unlike in Canada San Francisco's policy "prohibits the use of city funds and resources to aid in federal enforcement of immigration law" (Villazor, 2010: 576). Furthermore, San Francisco's policy goes above and beyond any Sanctuary City policy found in Canada because it prohibits all city employees and officials from cooperating "in one's official capacity, with any investigation, detention, or arrest procedures, public or clandestine, conducted by the Federal agency charged with enforcement of the Federal immigration law" (City and County of San Francisco, 2016: Sec. 12H.2).

San Francisco sanctuary-providers initially experienced problems of non-compliance. To remedy these issues sanctuary-providers took many key steps to get to the point where all “departments accepted the responsibility of serving *all* San Francisco residents, including the undocumented” (Mancina, 2012: 216). Non-compliance came from various sources, including the Sheriff’s Department when it “maintained the practice of providing the names of all Latino inmates to the INS so that they could interview them” (Mancina, 2012: 212), the police who “accompanied INS agents on raids in the Latino immigrant community” (Mancina, 2012: 212), and “city employees who previously had thought it their duty as citizens to report undocumented immigrants to the INS” (Mancina, 2012: 216). In response to these issues, providers began to take steps such as using the city’s Human Rights Commission (HRC) to oversee departments and to repair relations between city services and the communities with precarious status that they serve (Mancina, 2012: 213). During this process, there were incidents that “called into question the efficacy of the city’s sanctuary resolution” (Mancina, 2012: 213), including the San Francisco police photographing protestors to give the “pictures to the Salvadoran Consulate” (Mancina, 2012: 213) and the police working “directly with the INS to raid a local salsa club” (Mancina, 2012: 213).

To fully implement a successful intervention across the city, a group of sanctuary-providers strengthened the Sanctuary City policy by turning “it into an ordinance of the city’s Administrative Code” (Mancina, 2012: 214). Mayor Art Agnos signed this more robust measure into law in 1989 (Mancina, 2012: 214). These changes were successful, and on the pain of “budget cuts . . . departments, including the police, were cooperative” (Mancina, 2012: 215). Furthermore, the 1989 updates allowed for investigations into non-

compliance to determine if there had been a violation. The Social Issues/Police Liaison Committee (SI/PLC), while not granted “the power to impose specific sanctions for violators” (Mancina, 2012: 215) could “work directly with the departments to make the necessary procedural changes to bring the department into compliance” (Mancina, 2012: 215).

How do San Francisco sanctuary-providers configure the four characteristics of sanctuary? Firstly, their intervention is more robust as it applies not just to access without fear, but also to city staff collusion with the federal immigration services. The policy generally bans the use of any city resources to aid the federal government. Another point of contention was in 2007 when San Francisco “decided to provide municipal identification cards (MIC) to all residents, regardless of their immigrations status” (McBride, 2009: 4). The stronger intervention met fierce opposition from the U.S. government. These pressures include a 1990s successful legislative initiative to limit the effectiveness of sanctuary policy (Deshman, 2009: 231), repeated pre-Trump Congressional efforts that attempted but failed to defund any municipality declaring itself a sanctuary (Kim, 2016), and President Trump’s executive order aiming to block funding to jurisdictions declaring themselves sanctuaries (White House, 2017).

For space, the city is not a container that federal immigration services cannot enter as “even Mayor Newsom has previously recognized that despite the city’s sanctuary law, the city remains subject to immigrations raids conducted by immigration officials” (Villazor, 2010: 594). Thus, when operating in the city, federal immigration officials cannot be understood to be in violation of the sanctuary’s space as they are “not precluded from removing unauthorized non-citizens from the local and national domains

in the first instance” (Villazor, 2010: 594). The subjects’ precariousness here is not having stable immigration status. This lack of status may lead to detrimental outcomes when trying to access San Francisco’s city services. Their precarious status may be used against them in various ways that may result in the subject being deported, potentially to harmful situations.

San Francisco sanctuary-providers experience the same problems as all Sanctuary Cities with acquiring transparency from the subject. The expansive, police inclusive, and effective San Francisco Sanctuary City has experienced a public relations image crisis due to this lack of transparency – that is, not knowing everyone who is in and affected by the sanctuary. When Juan Francisco Lopez-Sanchez accidentally shot and killed Kate Steinle on San Francisco’s Pier 14, the murder ignited opposition, including federal legislative measures (Kim, 2016). As *CNN* reported, the shooting “became a focal point of an angry national debate over illegal immigration” (Sanchez, 2016) because Lopez-Sanchez had been deported “five times from the United States” (Sanchez, 2016). Sanctuary Cities also become a point of focus as federal immigration officials had requested information from the city about Lopez-Sanchez. The city did not respond due to its sanctuary policies (Preston, 2015). Christopher Lasch argues that “the proposition that would be debated in the months following was grossly oversimplified: Was San Francisco’s sanctuary policy responsible for the death of Kathryn Steinle?” (2016: 167). Although it is easy to blame others for oversimplifying what happened, there is a large onus on Sanctuary City sanctuary-providers: if they provide sanctuary to everyone without rigorous transparency, they set themselves up for this sort of delegitimization and opposition.

In the Canadian context, I have argued that the difference between sanctuary and access without fear policy is that Canadian access without fear to city services policies reform the city's own behaviour and operation. In contrast, sanctuary-providers configure a sanctuary to intervene in a process that is not their own. The use of the term sanctuary may be questionable in the context of Canadian access without fear. It seems the San Francisco Sanctuary City sanctuary-providers similarly reform the city's own behaviour. Yet, in addition to this self-reformation, they also position themselves against the federal government's immigration work through the other levels of the Sanctuary City policy. Peter Mancina argues that, in contrast to the U.S. Sanctuary Movement, the San Francisco Sanctuary City providers were "less focused on helping refugees cross into the US and more focused on easing refugee transition to American life and organising local citizens to oppose US foreign and immigration policy" (Mancina, 2012: 205). San Francisco's Sanctuary City is more developed than its Canadian counterparts. San Francisco's sanctuary-providers intervene in larger processes outside of their own organization, and they face more opposition because "from the federal government's view, the grant of local functional or citizenship-like status is incompatible with the national government's conception of who should be a proper member of the United States" (Villazor, 2010: 579). Vancouver's statement against the use of the word sanctuary specifically rejects San Francisco's approach to access without fear and sanctuary because they argue that "it is not within municipal government's jurisdictional authority to offer 'sanctuary' to people without status, or for municipal government to grant permanent status to individuals" (Vancouver, 2016: 4). San Francisco takes a different approach, and based on the fact that it intervenes in a process outside of itself, it

seems that San Francisco is in a stronger position to employ the term and concept of sanctuary.

The Four Characteristics of Canadian Sanctuary City

Canadian Sanctuary City sanctuary-providers do not configure a space that can qualify to be measured in terms of the first metric – avoiding a spatial violation – and overall they fail the second – carrying out their stated aims. I find that the providers’ configuration does not qualify for the first metric because the providers do not configure a sanctuary space beyond the moniker Sanctuary City. There is no space where subjects of sanctuary stay or find refuge and shelter. Rather, what these specific policies do is outline that all city residents should be able to access all city services found in that municipality without fear. Canadian city councils attempt to intervene in a process found within city services where city residents with a precarious status cannot, or face detrimental consequences for trying to, access these services. Yet, Canadian Sanctuary City sanctuary-providers also fail to achieve these stated aims.

I find that the sanctuary-providers’ configuration of the four characteristics of sanctuary helps to explain this failure. Their intervention has been ineffective and has also not accounted for other important services found in the city that the precarious subject needs, such as the police. This section will also detail how the providers do not enact a meaningful sanctuary space, even if city services found within that municipality initiate reform efforts to offer access without fear. Furthermore, there are many types of precariousness that these providers attempt to help. Fundamentally, access without fear policies apply to anyone without a stable status. Thus, the precarious subject here is intangible. This intangibility has ramifications for transparency. One ramification is that

the intervention may potentially be easier delegitimized. A second ramification is that the providers do not know the needs of every subject in their sanctuary. There is a large distance between the provider and the subject of sanctuary in this case.

This section will examine each characteristic in turn to illustrate my argument. The section on intervention will detail the intricate problem the sanctuary-providers are intervening in and how come they are not able to carry out their stated aims of providing access to city services without fear. It will also further explain the significance of this configuration for the state-sanctuary relationship. The next section on space will explain how the sanctuary-providers do not configure a sanctuary space. I will also critique the place-based (Darling, 2010; Bagelman, 2013), municipal idea of a sanctuary. The section on the precarious subject will enumerate the plurality of their precariousness and detail the problems their intangibility has on harmonization of services. Finally, the transparency section will divide in focus between discussing acquisition and dissemination of information.

Intervention

Canadian Sanctuary City sanctuary-providers intervene to stop the process where city residents with precarious status cannot access city services or face harmful outcomes such as deportation if they attempt to. This political process occurs to the detriment of the subject and thus city councils have passed access without fear policies (see Toronto, 2013: February 20; Hamilton, 2014: February 10; Vancouver, 2016; London, 2017: January 31; Shingler, 2017). Yet, this intervention has not been effective due to a lack of harmonization across city services and a divide between symbolic and concrete,

measurable aims. This section will analyze each of these points in turn and then interrogate Canadian Sanctuary City's relationship with the state.

I set out two metrics of a successful sanctuary. The first – whether or not the space is protected – will be discussed in the next section on space. The second is whether or not the sanctuary-providers carry out their stated aims – their intervention. The concrete intervention in this application is the city council policy attempting to provide access without fear to all city services under the purview of city council to all residents. In Canada the sanctuary-providers have failed this metric so far because these aims have not been carried out. In the main objective – providing access without fear – Sanctuary City policies that have had time to develop, like Toronto and Hamilton, have experienced a lack of harmonization throughout city services. Thus, not all city residents are able to access all city services without fear. This failure results from a lack of effective implementation across a complicated spectrum of services (Hudson et al., 2017: 18). Others also point out that both Toronto and Hamilton have not followed through on the other elements of the Sanctuary City policy, such as lobbying the other levels of government (Hudson et al., 2017: 4; Reuss, 2016).

Not only do they fail at the core and these other levels, but the city and the services housed within it are generally not accessible to the precarious subject. This inaccessibility derives from the many services that the precarious subject needs within the city that are not under the direct purview of city council, including provincial services such as healthcare (Hudson et al., 2017: 21), all federal services, and crucially, police departments. Some have called for a sanctuary province to address some of these shortcomings (see Hannan and Bauder, 2015). City councils cannot legislate over these

other services and this fact calls into question the effectiveness of the strategy and the intervention as the policy – the concrete element of the sanctuary-providers’ intervention – cannot do more than request things from the other services and try to petition them to change (Toronto, 2013: February 20; Toronto, 2014: June 10; Toronto, 2015: December 9; Toronto, 2017: January 31). This approach has not been successful, especially with the Toronto Police Service. One study by No One is Illegal, Toronto points out that the Toronto Police Service still often cooperates and calls CBSA for various matters (Moffette and Gardner, 2015: 5). Thus, this approach also fails the second metric if the sanctuary-providers’ stated aims are taken to be the more nebulous, welcoming message where because of these policies Canadian cities become “spaces that enable substantive citizenship” (McDonald, 2012: 131) and where the “social space of migrant illegality, while certainly not abolished, is re-made through the establishment of (porous) city boundaries” (McDonald, 2012: 131). These more rhetorical points overstate the case. Vancouver politicians and activists seemed to sense this disjunction when they decided to more accurately name their policy initiative “Access to City Services Without Fear for Residents With Uncertain or No Immigration Status” (Vancouver, 2016) and specifically disavow the name Sanctuary City (Vancouver, 2016: 4). Many still use the symbolic sanctuary name in Toronto, although the city has also more accurately branded the overall city council initiative as Access T.O. (City of Toronto, 2017).

To be fair in the criticism here, at the time of writing Toronto’s Sanctuary City is not even five years old, and all of the other Canadian Sanctuary Cities are much younger and less developed. San Francisco’s Sanctuary City, in its fledging years, was not as effective an application of sanctuary as it is today. It took years of work and activism to

configure a more robust and successful intervention (for an account of San Francisco's development, see Mancina, 2012: 215). A criticism of my framing of the four characteristics and the overall application's lack of success may be that the sanctuary-providers simply have not had enough time to configure a successful sanctuary. This criticism is fair, but other sanctuaries are more successful initially. While it is possible that the application may continue to be unsuccessful there is time for Canadian sanctuary-providers to deal with the problems I outline and to configure their sanctuary application in a different, more successful way. What I outline here has been what I see as the hitherto Canadian case, not its fate.

The sanctuary-providers have not been able to configure their intervention to create this city space where everyone is welcome (Rieti, 2017). There are many accounts in the scholarship of the traumatic damage people experience due to their lack of status (for examples, see McDonald, 2012: 136-37; Moffette and Gardner, 2015: 25-33). There is a gap between the sanctuary-providers' rhetorically stated aims, what they can implement at a policy level, and what they can actually follow through on. To configure their intervention in such a way so as to welcome all of these precarious subjects in the city and to prevent their deportations would go far beyond simply access to services without fear – it would require configuring the city space as a place-bound sanctuary and the intervention against the federal government's deportation practices. Realizing their limited intervention capabilities the Vancouver providers bridged the gap between the rhetoric and what they could actually achieve for their city residents when they rejected the name and concept of sanctuary (Vancouver, 2016: 4). It will be interesting to track in coming years if other Canadian cities deploy the term sanctuary and if there will be

differences in success between the cities that call themselves sanctuaries as opposed to the more accurate term access without fear. Overall, the hitherto use of the term Sanctuary City to describe Canadian access without fear policies is misleading because the city councillors are not intervening in an outside process and because they use the same name as San Francisco to designate a totally different set of policies. Toronto's policies and actions are completely different than San Francisco's. To employ the same name is misleading to the precarious subject.

Bauder argues that "urban sanctuary and access-without-fear initiatives in Canada must be seen as acts of defiance by municipal policy makers against federal immigration laws and policies" (2016: 6). He does not provide any reasons why they must be seen this way. They do not look like acts of defiance when studying the federal government's response, which has been to ignore the ineffective policy so far and to continue to operate in the city space as it always has. As they are now Canadian Sanctuary City policies do not challenge nor apply to the federal government's deportation regime. They are specifically about city residents accessing city services without fear, and thus far they are not even effective. The immigration regime's continued existence in the city cannot be understood as federal statist opposition to Canadian sanctuary cities, because the state's behaviour has not changed from before the policy was implemented. The Canadian government's non-reaction does not compare to the aforementioned sanctuary-state relationship in the U.S. and the Congressional (Kim, 2016) and Presidential (White House, 2017) attacks directed at municipalities declaring themselves sanctuaries. Overall, Canadian Sanctuary City offers no challenge, hindrance, nor defiance, to the federal Canadian state.

Space

My first metric of a successful sanctuary is that its sanctuary-providers can configure the four characteristics in such a way so as to avoid a spatial violation. I find Canadian Sanctuary City sanctuary-providers' configuration of space does not qualify to be measured with the first metric because the providers do not configure a space outside of a name. They do not offer shelter to the precarious subject in any designated space. Also, no one is barred from the space, which rules out the possibility of a spatial violation. As such, the federal government cannot be said to violate Sanctuary City's space. The city council policy does not configure a space where the federal government cannot go. It also does not spatially establish the entire city as a sanctuary for subjects with precarious status. Nor do the sanctuary-providers here work out a logic with the other characteristics that effectively blocks the federal government from deporting people from the city.

Canadian Sanctuary City policies do not aim for an established sanctuary space. Invoking the word and concept sanctuary alludes to some sort of spatial sanctuary, but that is not the reality of Canadian Sanctuary City policy. The name sanctuary in this context is thus confusing and a misnomer. Factual branding matters as the appropriated term sanctuary in Sanctuary City is misleading to city residents with precarious status. A more accurate designation for this initiative would be something like what Vancouver labels its access without fear to city services policy. That is, the less catchy but accurate "Access to City Services Without Fear for Residents With Uncertain of No Immigration Status" (Vancouver, 2016: 1).

Some point to different sanctuaries as either place-bound or place-based (Darling, 2010; Bagelman, 2013). A place-based sanctuary can be understood as “constituted through dynamic relations rather than construed as a container” (Bagelman, 2013: 50) such as a church. This original definition discusses the U.K. City of Sanctuary, but the Canadian Sanctuary City, if placed into this distinction, would be considered as place-based as opposed to place-bound. The City of Sanctuary movement in the U.K. is more of a social sanctuary than a political one because the sanctuary-providers do not attempt to “change national government policies directly” (Barnett and Bhogal, 2009: 70) but rather they focus on cultural change by informing citizens and getting local organizations involved to create a more welcoming culture and atmosphere in that city (Barnett and Bhogal, 2009: 7). Canadian Sanctuary City sanctuary-providers certainly aim to constitute these sorts of relations – and go beyond just trying to change the cultural perceptions of those with precarious status – as they try to eliminate some differences between those with and without status within the municipality. Yet, I find that this overall place-based definition, once the application is thought of as changing relations between people in the city, or with city council reforming services under its purview in that city, has less to do with space and more to do with intervention. I import the place-based idea from the U.K. scholarship because I find that the Canadian Sanctuary City scholarship does not address or thoroughly interrogate these spatial issues surrounding the application.

Canadian Sanctuary City does not configure a space and it also does not rely “upon the designation of a space as holy, consecrated and separate where normal laws are suspended” (McBride, 2009: 2). Keally McBride goes on, arguing that a sanctuary “must

be spatially bound; otherwise it would pose an unacceptable risk to the sovereignty of the state” (2009: 2). In the context of Canadian Sanctuary City McBride’s assertion raises questions. Rather than this spatial absence posing an unacceptable risk to the sovereignty of the state, Canadian Sanctuary City’s lack of a spatial dimension neutralizes the risk of challenging the state’s sovereignty. This neutralization is evidenced by the Canadian government’s behaviour: it continues exerting its will to deport people when it wants to because it still comfortably operates within Canadian cities that have Sanctuary City policies. A Canadian Sanctuary City designation only applies to services under the purview of city council in that municipality, not any other services nor the entire city itself. A Sanctuary City without a spatial designation poses little risk to the state or its sovereignty. These are the ramifications that an un-configured and non-existent space have for Canadian Sanctuary City’s relationship with the state.

The Precarious Subject of Sanctuary City

The Canadian Sanctuary City sanctuary-providers’ intervention configuration creates an intangible subject. Canadian Sanctuary City policies apply to a plethora of people as the precariousness providers address is that of anyone who does not have a stable status and cannot access city services safely. The subject of Canadian Sanctuary City is intangible because there are many degrees and variations of precariousness that the sanctuary-providers intervene to help. Above all, nobody knows exactly how many people with precarious status there are in Canada, and “there are no empirical bases for these estimates” (Hudson et al., 2017: 5) of “between 200,000-500,000 non-status migrants in Canada” (Hudson et al., 2017: 5). McDonald speculates upon the possible permutations of precarious status, some of which include failed refugee claimants and

people who overstayed visas (2012: 134-135). This intangibility is an underlying cause of the lack of harmonization amongst city services as frontline staff, who do not have adequate training and provide many different functions (see Hudson et al., 2017: 17), need to deal with multiple different kinds of status. Providing municipal I.D. helps resolve these problems, but this approach is something Canadian Sanctuary Cities have not implemented.

Transparency

A massive problem exists for all Sanctuary City sanctuary-providers because the transparency of the subject is limited. These limits affect what the provider knows about the subject. This issue exists in all municipal sanctuaries but it has yet to significantly affect or delegitimize Canadian Sanctuary City. The case of Kate Steinle's murder in San Francisco is an example of what can occur even in exemplarily Sanctuary Cities.

Sanctuary City sanctuary-providers fundamentally do not know exactly to whom they are offering sanctuary. They lack control over screening and selection of subjects. This lack of information has further implications for the sanctuary because while providers cannot get ahead of and potentially prevent delegitimizing situations, they also do not have an intimate knowledge of the needs of those who they offer sanctuary to. There is a disconnection between sanctuary-providers and subjects. This fact hampers the sustainability of the intervention because sanctuary-providers do not know who they are offering sanctuary to and this provides opponents with material to attack the sanctuary with.

The disconnection between the provider and subject does avoid the problem of the Sanctuary City having to potentially turn over information about the precarious subject to

the federal government. The Access T.O. site, when one tries to access the list of which services are available, outlines that the “City of Toronto does not collect personal information unless there is a legislative or operational requirement to do so” (City of Toronto, 2017). This statement is in line with the city council policy: “City Council direct that immigration/citizenship information only be collected where specifically required by either Provincial or Federal legislation, policies, or agreements” (Toronto, 2014: June 10). Some criticize this point as too expansive (Hudson et al., 2017: 24). These concerns raise the point about data collection and its potential usefulness as “the lack of socio-demographic information hinders the growth of non-status migrant-centred policies” (Hudson et al., 2017: 23). This lack of data relates to the obscured transparency of the subject. The positive aspect is that the City of Toronto “is highly averse to collecting data, due to concerns that it may be forced to share personal information with federal authorities” (Hudson et al., 2017: 23), which could lead to detrimental outcomes for the subject. This hesitation, the “cost involved and lack of perceived need” (Hudson et al., 2017: 24) also factor into “the City’s decision not to pursue the issuance of Municipal ID Cards” (Hudson et al., 2017: 24). This identification is something that I have argued would help Canadian Sanctuary City meet its stated aims, although the card does have the large caveat that this information will be vulnerable and that the federal government may potentially access the information to use it against those with precarious status. A move like this one may also bring on more statist opposition. The 2007 San Francisco municipal identification card (MIC) exposed the city residents who signed up to a massive risk: the government’s invocation of Freedom of Information laws to access this database, as this “attempt to subvert national administration could ironically enough end

up delivering this population straight into the hands of the INS” (McBride, 5: 2009). To counter this possibility, “San Francisco has decided to keep no information on record about applicants, they need only provide proof of residency to obtain the card, and the card itself will not have an address” (McBride, 5: 2009). This way, no one in the city is undocumented nor will the new documentation jeopardize anyone’s status.

There is also the related but separate aspect of the transparency of the overall sanctuary. In terms of disseminating information, providers spread knowledge in a general sense and not about the individual subject. While this limits the effectiveness of having a spotlight on the person to help prevent deportation, the very nature of access without fear policies is that the subject blends into the city. They are not meant to stand out. With that stated, Sanctuary City policies provoke much debate and media coverage. Canada has been no exception to this fact. Canada’s Sanctuary City policies have resulted in press attention and debate. Without this work and activism, the public would not be as informed about the issues surrounding the subjects’ precariousness. McDonald highlights this positive role when she argues that the sanctuary-providers challenge the “stigmatisation [of these precarious subjects] by bringing these issues of injustice into the spotlight and by presenting people living with precarious status as everyday residents of the city: our neighbours, students, friends, community and family members” (2012: 137). Furthermore, the Access T.O. website goes into detail about what services need what sort of identification from whom (see City of Toronto, 2017). Even with these successes, it has not been enough to overcome the problems associated with the transparency of the subject and ramifications this disconnection has for the overall success of Canadian Sanctuary City.

Conclusion

In its fledging years Canadian Sanctuary City as an overall application of sanctuary has not been successful according to my two metrics of success. I argue that part of the reason for this failure can be found in how the Canadian Sanctuary City sanctuary-providers configure the four characteristics of sanctuary. The problem areas I identify include Canadian Sanctuary City's lack of a sanctuary space, the intangibility of the subject, and roadblocks to transparency. In terms of intervention, Canadian Sanctuary Cities have experienced problems harmonizing city services under the city council's access without fear policy. Furthermore, the intervention does not account for other services housed in the city that city residents with precarious status need, such as the police. Overall, it cannot be said that Canadian Sanctuary City experiences any spatial violation from the state nor any backlash as the sanctuary-providers' aims and their ineffectiveness in carrying them out have rendered the application inconsequential to the federal government.

Conclusion

Without legal protection, what accounts for a Canadian political sanctuary's success? Part of the answer as to why Canadian political sanctuary-providers avoid a spatial violation, achieve their intervention aims, and maintain their overall relationship with the state can be explained by their configuration of four historical and shared characteristics of sanctuary. The sanctuaries surveyed within this thesis show that intervention, space, the precarious subject, and transparency – and how these characteristics are configured – make up the conceptual unity of a variegated series of sanctuary applications.

The metrics to measure a successful sanctuary have been that no one violates the sanctuary space and that the sanctuary-providers carry out their aims. Although waning in recent years (Lippert, 2009) Canadian church-based sanctuary has been a successful political sanctuary. I argue that Canadian Sanctuary City has not been. I also call into question the city councils' and activists' use of the term and the concept of sanctuary as a branding method for what amounts to access to city services policies for all residents of that city. While the future for these sanctuaries is unforeseeable, the framework here logically entails that a large part of their fate rests with the sanctuary-providers' configuration of the four characteristics of sanctuary. My argument attributes a large amount of agency to sanctuary-providers.

In terms of the characteristics, there are similarities and differences worth exploring between the two sanctuaries studied here. For intervention, the one similarity between the two Canadian political sanctuaries is that they each do not challenge the state's authority. On the one hand, because Canadian church-based sanctuary-providers

only intervene in certain last-resort cases they feel are misapplications of the law, their intervention challenges a state decision in one case rather than targeting the entire system. If Canadian church-based sanctuary were more expansive and the sanctuary-providers intervened in significantly more cases of precarious status, there would likely be much stronger state opposition to the application. On the other hand, the intervention found in Canadian Sanctuary City also does not challenge the state, and this lack of a challenge derives from the Canadian application's hitherto ineffectiveness. So far, Canadian Sanctuary City has not experienced opposition like its U.S. counterpart (Deshman, 2009: 231; Kim, 2016; White House, 2017). Canadian church-based sanctuary overall has faced more opposition. Yet, if Canadian Sanctuary City sanctuary-providers carried out their stated aims and then went further by instituting a municipal I.D. card or convincing police boards to adopt access without fear policies, they would likely experience more opposition.

Besides this one similarity, other aspects of the interventions in these two kinds of sanctuary are different: the number of people they help, the ties to a political body, a case-by-case intervention as opposed to focusing on everyone with precarious status, and their respective organizational structures. Church-based sanctuary-providers also attempt to fix the root causes of the subjects' precariousness by working towards getting them a stable status in Canada. In contrast, Canadian Sanctuary City providers try to make status matter less only at the municipal level. They do not work towards getting everyone federally recognized Canadian status. The last difference to point out is the respective applications' potential of future success. While Canadian church-based sanctuary has been more successful than Canadian Sanctuary City, it is possible that this difference will

change in the future as Canadian church-based sanctuary's success has been waning (Lippert, 2009) and Canadian Sanctuary City is a nascent application of sanctuary and may develop to be more successful.

Besides two documented exceptions (Rehaag, 2009: 46) the state has never violated Canadian church-based sanctuary space. There are many reasons why these providers successfully meet the first metric and protect their space. Firstly, unlike Canadian Sanctuary City providers, they configure their space somewhere that the CBSA did not normally operate and exist before – religious institutions. The CBSA wrote a policy about entering church sanctuaries (Citizenship and Immigration Canada, 2010: 33) but not one with regards to Canadian Sanctuary City. Secondly, a place-bound sanctuary is more effective than Canadian Sanctuary City's lack of a space. Thirdly, the religious aspect of Canadian church-based sanctuary cannot be understated as a violation of this space will be unpopular for any government, and even sacrilegious. Sacrilegious because those state agents do not belong in a place of worship in that capacity, whereas they do belong in the city – and the Sanctuary City sanctuary-providers' configuration of the other three characteristics does not deter them from entering the space. Overall, it is not even possible to talk about a spatial violation of Canadian Sanctuary City because the sanctuary-providers do not configure a space for their intervention outside of the name and the fact that the policy only applies to services under the direct purview of city council.

The subjects of both Canadian political sanctuaries share crucial similarities. For one, they are always immigrants or children of immigrants (for an illustration of this fact, see Moffette and Gardner, 2015: 24-33). Secondly, their status as non-citizens becomes

precarious for a host of possible reasons. Yet, differences exist when it comes to the intervention and its effectiveness. Sanctuary City's ambitious goal essentially applies to everyone in the entire city that somehow lost stability in their status. This broad intervention has ramifications for every aspect of a Sanctuary City's potential success, such as information about the plethora of different kinds of precariousness, staff training, and harmonization of services. In contrast, Canadian church-based sanctuary-providers have much more focus with regards to the subject. More often than not, providers offer sanctuary to someone who has exhausted all legal avenues of appeal and who providers believe does not deserve deportation because of the misapplication of the law. In sum, their intervention is much more select and focused, and thus more achievable. However, that is not to state that Canadian Sanctuary City sanctuary-providers will not be able to achieve their aims in the future.

In terms of the final characteristic, transparency, there are two dimensions to compare: acquisition and dissemination. Due to Canadian church-based sanctuary-providers' more focused, case-by-case intervention, they are better able to know both the needs of their sanctuary subjects and the details of their cases. Since they are housed in a place-bound space, knowing the needs of the subject is much easier as the sanctuary-providers and subject are in constant contact (Lippert, 2004: 540). In contrast, the subject of Canadian Sanctuary City is intangible because the policy attempts to address many different kinds of precariousness. The intangibility is increased when the intangible Sanctuary City subject is compared to the publically exposed subject of church-based sanctuary. The focus also greatly helps theoretically reduce the chances of a subject delegitimizing church-based sanctuary, but there have not yet been any delegitimizing

occurrences in Canadian Sanctuary City like in San Francisco while there have been in Canadian church-based sanctuary. With that contrast stated, delegitimizing occurrences affect Sanctuary City as a whole. Because of the subject's intangibility, the overall application is more vulnerable to attack whereas it seems these occurrences affect church-based sanctuary on a case-by-case basis. The crucial comparative point to highlight here is that the Steinle murder called the entire application into question and ignited opposition against it; dissimilarly, the Gankhuyag Bumutseren controversy only delegitimized that specific sanctuary case, not the overall application of Canadian church-based sanctuary. This fact will only remain true if the Canadian church-based sanctuary-providers continue to be selective in their intervention. As for dissemination, because the Sanctuary City subject's case and precariousness specifically is not being exposed, these sanctuary-providers disseminate knowledge about the subject's precariousness more generally (see McDonald, 2012: 137). In contrast, Canadian church-based sanctuary-providers try to gain public sympathy for their case and prevent a spatial violation by having a strong media presence focused around the subject. Lennikov's sanctuary stay is illustrative of this media approach (for example see Canadian Press, 2015; Canadian Press, 2016).

In terms of bolstering public support the case by case, individual/family in sanctuary approach is more effective with the public than the Sanctuary City approach of discussing the generalities of precarious status and different cases that resulted in harm. Sanctuary City sanctuary-providers discuss details but can only provide these afterwards because they seek not to publicize or expose the case while it is ongoing but to do the very opposite: in their intervention they strive to make the precarious subject fit into the

city more, not stand out. The overarching difference between the two sanctuaries comes down to the fact that Sanctuary City sanctuary-providers do not see their intervention as a last resort. But for Canadian church-based sanctuary disseminating knowledge about the subject publically is a strategy best fitted for a last-resort case and to prevent deportations from that space. With that stated, Sanctuary City overall has sparked much debate, dialogue, and media coverage about people's precariousness in Canada (see McDonald, 2012: 137; *Maclean's*, 2017).

Political sanctuary in Canada constitutes just two applications amongst a plethora in the history of sanctuary. Sanctuary, at heart a social and political regulator that sanctuary-providers configure via the four characteristics to try to prevent harm to someone, stretches back through written record and human history. Indeed, it was Lewis Mumford who wrote, at the outset of his epic study of the urban condition *City in History*, that in caves, in "these ancient paleolithic sanctuaries . . . we have, if anywhere, the first hints of civic life, probably well before any permanent village settlement can even be suspected" (1961: 8). The sanctuary concept contained "an association dedicated to a life more abundant: not merely an increase in food, but an increase of social enjoyment through the fuller use of symbolized fantasy and art, with a shared vision of a better life, more meaningful as well as esthetically enchanting" (Mumford, 1961: 8). Canadian church-based sanctuary and Canadian Sanctuary City sanctuary-providers certainly enact and configure, through all their failures and successes, sanctuary as a vehicle driven towards shared visions of a better life for those with precarious status.

Bibliography

- Anglican Church of Canada. "Sanctuary: A Guide for Anglican Parishes in Canada." *The Primate's World Relief and Development Fund*. http://pwrdf.org/uploads/20/res_sanctuary.pdf (January 22, 2017).
- Arendt, Hannah. 1972. *Crises of the Republic*. New York: Harcourt Brace & Company.
- Bagelman, Jennifer. 2013. "Sanctuary: A Politics of Ease?" *Alternatives: Global, Local, Political*. 38: 49-62.
- Bagelman, Jennifer. 2016. *Sanctuary City: A Suspended State*. New York: Palgrave Macmillan.
- Banerjee, Sidhartha. 2007. "Controversial imam arrested." *The Globe and Mail*. October 15. <http://www.theglobeandmail.com/news/national/controversial-imamarrested/article20403432/>. (January 26, 2017).
- Barnett, Craig and Inderjit Bhogal. 2009. *Becoming a City of Sanctuary: A Practical Handbook with Inspiring Examples*. Copt Hewick: Plug and Tap.
- Bau, Ignatius. 1985. *This Ground is Holy: Church Sanctuary and Central American Refugees*. New York: Paulist Press.
- Bauder, Harald. 2016. "Sanctuary Cities: Policies and Practices in International Perspective." *International Migration*. 55: 1-14.
- Bell, Stewart. 2013. "When a Toronto church gave sanctuary to a man facing deportation, it unwittingly harbored a sex offender." *National Post*. October 15. <http://news.nationalpost.com/news/when-a-toronto-church-gave-sanctuary-to-a-man-facing-deportation-it-unwittingly-harbored-a-child-molester>. (January 18, 2017).
- Brown, Chris and Chris Corday. 2016. "Huge public response to B.C. 'parrot disaster.'" *CBC*. June 20. <http://www.cbc.ca/news/canada/british-columbia/huge-public-response-to-b-c-parrot-disaster-1.3644037>. (January 18, 2017).
- Canada. Canada Border Services Agency. 2010. *CBSA Detentions and Removals Programs – Evaluation Study*. Ottawa: Canada Border Services Agency.
- Canada. Citizenship and Immigration Canada. 2010. *ENF 10 Removals*. Ottawa: Citizenship and Immigration Canada.
- Canada. Parliament. 2016. *Immigration and Refugee Protection Act*. [Minister of Justice]. Ottawa: Ministry of Justice.

- Canada Border Services Agency. 2010. *CBSA Detentions and Removals Programs – Evaluation Study*.
- Canada Lutheran World Relief. “Evangelical Lutheran Church in Canada Guidelines for Congregations Considering Offering Sanctuary.” <http://elcic.ca/Documents/documents/ELCICSanctuaryandGuidelines.pdf>. (January 26, 2017).
- Canadian Press. 2015. “Mikhail Lennikov, former KGB agent, leaves Canada after 6 years in Vancouver church.” *CBC News*. August 17. <http://www.cbc.ca/news/canada/british-columbia/mikhail-lennikov-former-kgb-agent-leaves-canada-after-6-years-in-vancouver-church-1.3193326>. (January 21, 2017).
- Canadian Press. 2016. “Mikhail Lennikov, Ex-KGB Agent, Will Have Deportation Order Reconsidered.” *The Huffington Post*. January 5. http://www.huffingtonpost.ca/2016/01/05/mikhail-lennikov-2016_n_8919522.html. (January 21, 2017).
- Canadian Sanctuary Network. 2013. “Guidelines for Church Groups and Congregations Considering Sanctuary.” <http://www.sanctuarycanada.ca/userfiles/downloads/Sanctuary%20guidelines%20Canadian%20network.pdf>. (January 22, 2017).
- Canadian Sanctuary Network. 2014. “The Legal Implications of Offering Sanctuary.” <http://sanctuarycanada.ca/userfiles/downloads/Legal-implications-of-offering-sanctuaryMay302014.pdf>. (January 16, 2017).
- CBC News. 2009. “Former KGB officer takes sanctuary in church to avoid deportation.” *CBC News*. June 2. <http://www.cbc.ca/news/canada/british-columbia/former-kgb-officer-takes-sanctuary-in-church-to-avoid-deportation-1.816221>. (January 21, 2017).
- CBC News. 2017. “Becoming sanctuary cities being discussed in Saskatoon and Regina, but what does that mean?” February 6. <http://www.cbc.ca/news/canada/saskatoon/saskatchewan-sanctuary-city-1.3968319>. (February 17, 2017).
- Chester Ronning Centre. 2014. *Church as Sanctuary Lennikov-Hergesheimer*. YouTube. August 11. <https://www.youtube.com/watch?v=nqaSCB6GJxk>. (January 21, 2017).
- Chmielewski, Michael. 2012. “Students’ Deportations Causing Talk in House of Commons.” *The Carillon*. November 12. <http://www.carillonregina.com/students-deportations-causing-talk-in-house-of-commons/>. (January 26, 2017).
- City and County of San Francisco. 2016. *Chapter 12H: Immigration Status*. <http://sfgov.org/ocea/sites/default/files/Documents/SF%20Admin%20Code%2012H-12I.pdf> (April 13, 2017).

- City of Toronto. 2017. *Access T.O. for Undocumented Torontonians*. <http://www1.toronto.ca/wps/portal/contentonly?vgnextoid=9dfc33501bac7410VgnVCM10000071d60f89RCRD>. (March 15, 2017).
- Craggs, Samantha. 2014. "Understanding Hamilton's pledge to serve undocumented immigrants." *CBC News*. February 12. <http://www.cbc.ca/news/canada/hamilton/news/understanding-hamilton-s-pledge-to-serve-undocumented-immigrants-1.2534903> (February 17, 2017).
- Creal, Michael. 2009. "What is entailed in offering sanctuary? Findings from a consultation held at Romero House Toronto, November 2007." *Refugee*. 26: 71-72.
- Cross, Allison. 2007. "Refugee claimant returns to Sikh temple." *The Globe and Mail*. December 12. <http://www.theglobeandmail.com/news/national/refugee-claimant-returns-to-sikh-temple/article4093046/>. (January 26, 2017).
- Cunningham, Hillary. 1998. "Sanctuary and Sovereignty: Church and State Along the U.S.-Mexico Border." *Journal of Church and State* 20: 371-386.
- Darling, Jonathan. 2010. "A City of Sanctuary: The Relational Re-imagining of Sheffield's Asylum Politics." *Transactions of the Institute of British Geographers*. 35: 125-140.
- Deshman, Abigail. 2009. "To Serve Some and Protect Fewer: The Toronto Police Services' Policy on Non-Status Victims and Witnesses of Crimes." *Journal of Law and Social Policy*. 22: 209-235.
- Federal Court of Canada. *Lennikov v. Canada*, [2007] FC 43.
- Federal Court of Canada. *Mikhail Lennikov and The Minister of Public Safety and Emergency Preparedness*, [2009] FC 942.
- Fisher, Gavin. 2016. "Vancouver approves 'Access Without Fear' policy for undocumented immigrants." *CBC News*. April 7. <http://www.cbc.ca/news/canada/british-columbia/vancouver-approves-access-without-fear-policy-for-undocumented-immigrants-1.3523962> (February 15, 2017).
- Griffith, Bryan and Jessica Vaughan. 2017. "Map: Sanctuary Cities, Counties, and States." Center for Immigration Studies. February 10 <http://cis.org/Sanctuary-Cities-Map> (March 18, 2017)
- Hamilton. City Council. 2014. *Access to Services for Undocumented Individuals*. February 14. <http://www2.hamilton.ca/NR/rdonlyres/FDD884F4-9872-494C-A323673E3A1E893A/0/Feb1081CES14003.pdf>. (February 15, 2017).

- Hannan, Charity-Ann and Harald Bauder. 2015. "Towards a Sanctuary Province: Policies, Programs, and Services for Illegalized Immigrants' Equitable Employment, Social Participation, and Economic Development." *RCIS Working Paper*. 3: 2-23.
- Holcomb, K.E., C.L. Stull, and P.H. Kass. 2014 "Unwanted Horses: The Role of Nonprofit Equine Rescue and Sanctuary Organizations." *Journal of Animal Science*. 88: 4142-4150.
- The Holy Bible. New Revised Standard Version: Catholic Edition*. Nashville: Catholic Bible Press.
- House of Commons Library. 2016. *Policy On the Dispersal of Asylum Seekers*. <http://researchbriefings.parliament.uk/ResearchBriefing/Summary/CDP-2016-0095> (April 3, 2017).
- Hoye, Bryce. 2017. "Should Winnipeg become a sanctuary city? Bowman says city may be welcoming enough." *CBC News*. February 3. <http://www.cbc.ca/news/canada/manitoba/winnipeg-bowman-sanctuary-city-1.3965621> (February 17, 2017).
- Hudson, Graham and Idil Atak. 2017. "Sanctuary cities can't run on goodwill alone." *The Globe and Mail*. March 6. <http://www.theglobeandmail.com/opinion/sanctuary-cities-cant-run-on-goodwill-alone/article34205391/> (March 16, 2017).
- Hudson, Graham., Idil Atak., Michele Manocchi., and Charity-Ann Hannan. 2017. "(No) Access T.O.: A Pilot Study on Sanctuary City Policy in Toronto, Canada." *RCIS Working Paper*. 1: 2-38.
- Kassam, Ashifa. 2017. "Refugees crossing into Canada from US on foot despite freezing temperatures." *The Guardian*. February 7. <https://www.theguardian.com/world/2017/feb/07/us-refugees-canada-border-trump-travel-ban> (February 17, 2017).
- Keung, Nicholas. 2013. "Toronto declared 'sanctuary city' to non-status migrants." *Toronto Star*, February 22. <https://www.thestar.com/news/gta/2013/02/21/cisanctuarycity21.html> (January 16, 2017).
- Kim, Seung Min. 2016. "Senate rejects 'sanctuary cities' defunding bill." *Politico*. July 6. <http://www.politico.com/story/2016/07/senate-rejects-sanctuary-cities-defunding-225181> (March 18, 2017).
- Klingbeil, Annalise. 2017. "Nenshi seeks info on 'sanctuary cities.'" *Calgary Sun*. February 28. <http://www.calgarysun.com/2017/02/28/nenshi-seeks-info-on-sanctuary-cities> (March 18, 2017).
- Larsen, Karin, 2016. "Nanaimo stepping up to help relocate 450 exotic birds from parrot refuge." *CBC*. June 24. <http://www.cbc.ca/news/canada/british-columbia/>

nanaimo-stepping-up-to-help-relocate-450-exotic-birds-from-parrot-refuge-1.3650905 (January 18, 2017).

- Lasch, Christopher N. "Sanctuary Cities and Dog-Whistle Politics." *Criminal and Civil Confinement*. 42:2 (2016) 159-190.
- Lau, Andree. 2012. "Mikhail Lennikov, Ex-KGB Officer, Supported by BC NDP MPs." *The Huffington Post*. October 17. http://www.huffingtonpost.ca/2012/10/17/mikhail-lennikov-kgb-bc-ndp-don-davies-peter-julian-opitz_n_1972542.html. (January 21, 2017).
- Lindsay, Bethany and Nick Eagland. 2017. "'We had to run': Refugees walking across B.C. border in fear of U.S. crackdown." *Vancouver Sun*. February 11. <http://vancouver.sun.com/news/local-news/we-had-to-run-refugees-walking-across-b-c-border-in-fear-of-u-s-crackdown> (February 17, 2017).
- Lippert, Randy. 2004. "Sanctuary Practices, Rationalities, and Sovereignities." *Alternatives: Global, Local, Political*. 29: 535-555.
- Lippert, Randy. 2005. "Rethinking Sanctuary: The Canadian Context, 1983-2003." *The International Migration Review*. 39: 381-406.
- Lippert, Randy. 2005a. *Sanctuary, Sovereignty, Sacrifice: Canadian Sanctuary Incidents, Power, and Law*. Vancouver: UBC Press.
- Lippert, Randy. 2009. "Wither Sanctuary?" *Refuge*. 26: 57-67.
- London. City Council. 2017. *Sanctuary City*. January 31. Provided by Heater Woolsey, Administrative Assistant at the City of London's City Clerk's Office.
- Maclean's. 2017. "'Sanctuary cities' import dysfunction into Canadian politics." March 14. <http://www.macleans.ca/society/sanctuary-cities-import-dysfunction-into-canadian-politics/> (March 18, 2017).
- Maloney, Patrick. 2017. "London, Ont. Unanimously backs call to declare itself a sanctuary city against Trump." *National Post*. January 31. <http://news.nationalpost.com/news/canada/london-ont-unanimously-backs-call-to-declare-itself-a-sanctuary-city-against-trump> (February 17, 2017).
- Mancina, Peter. 2012. "The birth of a sanctuary-city: A history of governmental sanctuary in San Francisco." In *Sanctuary Practices in International Perspectives: Migration, Citizenship, and Social Movements*, ed. Randy Lippert and Sean Rehaag. Abingdon: Routledge.
- McBride, Keally. 2009. "Sanctuary San Francisco: Recent Developments in Local Sovereignty and Spatial Politics." *Theory and Event* 12: 1-12.

- McDonald, Jean. 2012. "Building a sanctuary city: Municipal migrant rights in the city of Toronto." In *Citizenship, Migrant Activism and the Politics of Movement*. ed. Peter Nyers and Kim Rygiel. Abingdon: Routledge.
- Meissner, Dirk. 2016. "Vancouver Island parrot refuge set to close Aug. 1, hundreds of birds in need of homes." *Vancouver Sun*. June 27. <http://vancouver.sun.com/news/local-news/b-c-parrot-refuge-set-to-close-aug-1-hundreds-of-birds-in-need-of-homes>. (January 18, 2017).
- Moffette, David and Karl Gardner. 2015. "Often Asking, Always Telling: The Toronto Police Service and the Sanctuary City Policy." *No One is Illegal-Toronto*. 1-47.
- Morgera, Elisa. 2004. "Whale Sanctuaries: An Evolving Concept within the International Whaling Commission." 35: 319-338.
- Mumford, Lewis. 1961. *The City in History: Its Origins, Its Transformations, and Its Prospects*. New York: Harcourt, Brace & World, Inc.
- Mussa, Idil. 2017. "Ottawa could become a sanctuary city." *CBC News*. February 1. <http://www.cbc.ca/news/canada/ottawa/ottawa-sanctuary-city-catherine-mckenney-1.3961539> (February 17, 2017).
- Ontario. Legislative Assembly of Ontario. 1990. *Police Services Act, RSO 1990*. Toronto.
- Pirie, Sophie H. 1990. "The Origins of a Political Trial: The Sanctuary Movement and Political Justice." *Yale Journal of Law and the Humanities* 2: 381-416.
- Presbyterian Church in Canada. 2006. "Sanctuary: A Statement and Guidelines for Congregations." https://www.google.ca/url?sa=t&rct=j&q=&esrc=s&source=web&cd=&ved=0ahUKEwjo9oftsDRAhWm34MKHZ4qDaYQFgghMAE&url=http%3A%2F%2Fsanctuarycanada.ca%2F%3Fdownload%3DPresbyterian%2520Sanctuary%2520Guide.pdf&usg=AFQjCNEJ0TyzQ3jyHo8MpJp8TCoDd9_sQ&sig2=TIdrWCY5LwsJfcKlk0snJQ. (January 26, 2017).
- Preston, Julia. 2015. "San Francisco Murder Case Exposes Lapses in Immigration Enforcement." *New York Times*. https://www.nytimes.com/2015/07/08/us/san-francisco-murder-case-exposes-lapses-in-immigration-enforcement.html?_r=0 (April 13, 2017).
- Rehaag, Sean. 2009. "Bordering on Legality: Canadian Church Sanctuary and the Rule of Law." *Refuge* 26: 43-56.
- Reuss, Sophia. 2016. "Hamilton's sanctuary city languishes as political will fades." *Rabble*. July 28. <http://rabble.ca/news/2016/07/hamiltons-sanctuary-city-languishes-political-will-fades> (February 15, 2017).

- Rieti, John. 2017. "‘You are welcome here,’ councillors tell immigrants in wake of U.S. ban." *CBC News*. January 31. <http://www.cbc.ca/news/canada/toronto/you-are-welcome-here-councillors-tell-immigrants-in-wake-of-u-s-ban-1.3960716> (March 27, 2017).
- Robinson, Matt. 2016. "City of Vancouver grants access without fear." *Vancouver Sun*. April 6. <http://vancouver.sun.com/news/local-news/vancouver-considers-access-without-fear> (March 16, 2017).
- San Francisco. 2008. *Ordinance No. 279-08*. November 18. <http://www.sfbos.org/ftp/uploadedfiles/bdsupvrs/ordinances08/o0279-08.pdf> (March 18, 2017).
- Sanchez, Ray. 2016. "San Francisco death: Kate Steinle’s family files lawsuit." May 28. <http://www.cnn.com/2016/05/27/us/kate-steinle-wrongful-death-suit/> (March 27, 2017).
- Shingler, Benjamin. 2017. "Montreal becomes ‘sanctuary city’ after unanimous vote." *CBC News*. February 20. <http://www.cbc.ca/news/canada/montreal/montreal-sanctuary-city-1.3990835> (March 18, 2017).
- Staff Torstar News Service. 2014. "Canada deports more than 10,000 each year, some to wars and repressive regimes." *Calgary Metro*. August 20. <http://www.metronews.ca/news/canada/2014/08/20/canada-deports-more-than-10000-each-year-some-to-wars-and-repressive-regimes.html>. (January 25, 2017).
- Star Phoenix. 2016. "Long Read: Two Nigerian students in trouble. The rest of the story." *The Star Phoenix*. May 14. <http://thestarphoenix.com/storyline/long-read-two-nigerian-students-in-trouble-the-rest-of-the-story>. (January 26, 2017).
- Ted Opitz MP. 2013. *MP Ted Opitz on former KGB captain Mikhail Lennikov*. YouTube. June 6. <https://www.youtube.com/watch?v=Xm9EmF3bVZg>. (January 21, 2017).
- Thomas, Megan. 2016. "Vancouver Island parrot refuge faces uncertain future." *CBC*. May 18. <http://www.cbc.ca/news/canada/british-columbia/vancouver-island-parrot-refuge-faces-uncertain-future-1.3586839>. (January 18, 2017).
- Toronto. City Council. 2013. *Undocumented Workers in Toronto*. February 20. <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2013.CD18.5> (January 16, 2017).
- Toronto. City Council. 2014. *Access to City Services for Undocumented Torontonians*. June 10. <http://www.toronto.ca/legdocs/mmis/2015/cd/comm/communicationfile-52767.pdf> (March 27, 2017).

- Toronto. City Council. 2015. *Access to City Services for Undocumented Torontonians: Progress of the Access T.O. Initiative*. December 9-10. <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2015.CD8.4>. (February 16, 2017).
- Toronto. City Council. 2017. *Toronto for all – United as an Inclusive Sanctuary City – by Mayor John Tory, seconded by Councillor Joe Cressy and Councillor Joe Mihevc*. January 31. <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2017.MM24.23> (March 27, 2017).
- Toronto Police Services Board. 2006. *Victims and Witnesses Without Legal Status*. May 18. http://www.torontopolice.on.ca/publications/files/victims_and_witnesses_without_legal_status.pdf (March 15, 2017).
- Toronto Police Services Board. 2010. *Victims and Witnesses Without Legal Status*. November 15. <http://www.tpsb.ca/policies-by-laws/board-policies/send/5-board-policies/124-victims-and-witnesses-with-legal-status-don-t-ask> (March 15, 2017).
- Toronto Police Services Board. 2017. *Board Mandate*. <http://www.tpsb.ca/about/board-mandate> (March 17, 2017).
- Vancouver. General Manager, Community Services. 2016. *Access to City Services Without Fear for Residents With Uncertain or No Immigration Status*. <http://council.vancouver.ca/20160406/documents/pspc3.pdf> (March 18, 2017).
- Villazor, Rose Cuison. 2010. “‘Sanctuary Cities’ and Local Citizenship.” *Fordham Urban Law Journal* 37: 573-598.
- Watson, Rodney. *War Resister*. Facebook. <https://www.facebook.com/yendor77/?fref=ts> (January 27, 2017).
- White House. 2017. *Executive Order: Enhancing Public Safety in the Interior of the United States*. January 25. <https://www.whitehouse.gov/the-press-office/2017/01/25/presidential-executive-order-enhancing-public-safety-interior-united> (March 18, 2017).