



OneCity Policy Brief - The Vancouver Board of Education Leading a thoughtful approach to Sanctuary Schools

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Summary

The Vancouver Board of Education (VBE) has an opportunity to demonstrate its commitment to provide the highest quality learning experience for all students, helping them to reach their intellectual, social, and physical potential in a safe and inclusive environment; they are not immigration enforcement agents. The City of Vancouver has adopted an “Access Without Fear” policyⁱ whereby city staff operating City services and programs commit to offering services and programs without inquiring about immigration status. Vancouver Board of Parksⁱⁱ and Recreation and Vancouver Public Libraryⁱⁱⁱ adopted similar policies.

The City of Vancouver acknowledges the limits of its policy:

The Government of Canada has jurisdiction over immigration policies and regulations including law enforcement activities related to border management and immigration control. As these activities are under the jurisdiction of the federal government, this policy relates only to the areas of access to municipal services under the jurisdiction of the City.

Acknowledging the powerful role of public education in ensuring the safety and protection of children, in February 2017, the New Westminster Board of Education Trustees voted unanimously to adopt a Sanctuary Schools policy, ensuring all children have access to education regardless of their immigration status^{iv}. New Westminster became the first district in BC to adopt such a policy, providing that:

Accessibility of public schools implies that safety and protection of students are a top priority. Educators and elected officials are working to ensure the success of each student. In a city that practices “access without fear” we know that our existing positive relationships with our students and their families inform a solution that is designed for Vancouver Board of Education’s unique and diverse needs, strengths and values.

“[a]ll school age children who are ordinarily residents in the school district, including those with precarious immigration status or no immigration status in Canada, are entitled to admission in school.” The policy states that information *“shall not be shared with federal immigration authorities unless required by law,”* and that the Board *“shall not permit Canada Border Services Agency (CBSA) officials or immigration authorities to enter schools or Board facilities unless required by law.”*

The New Westminster Schools policy includes specific and affirmative directives to ensure staff, teachers, volunteers, and stakeholders, including immigrant communities, are educated about the provisions of the policy, while also ensuring sensitivity regarding the needs of students without immigration status in Canada.

Findings

Below are the findings from a review of existing federal, regional and VBE procedures and practices and relationships with community members that inform the attributes of a thoughtful and relevant policy design and implementation of Sanctuary Schools for the VBE.

The concept of Sanctuary Cities arose in Canada in 2012, in response to the then-Conservative government's Bill C31, *An Act to amend the Immigration and Refugee Protection Act, the Balanced Refugee Reform Act, the Marine Transportation Security Act and the Department of Citizenship and Immigration Act*. Sanctuary Cities and Sanctuary Schools are policy tools that help us enact 1) International Human Rights Treaties such as CERD (Committee on the Elimination of Racial Discrimination, 1965), CEDAW (Committee on the Elimination of Discrimination against Women) and the UN Convention on the Rights of the Child;^{vii} and, 2) the Charter of Rights and Freedoms that ensures each of us equality and security.^{viii} Women, children and those from marginalized populations are vulnerable to harsh detention and deportation laws when status in Canada is precarious including: differing status within a family, asylum seekers, and denied refugee applicants.^{viiiix}

In 2015, "the BCTF encouraged locals to work with school boards to adopt a 'sanctuary school' policy" – a delegation proposed a Sanctuary Schools Policy to Committee III for the Vancouver School District to consider^x. The Board declined to support the policy, believing the District was already well positioned with supports and processes in place for immigrant children and families, regardless of status.

The Ministry of Education determines eligibility for free public education based on residence rather than citizenship or immigration status; each district determines its own enrolment policies under the School Act, and specific rules concerning documentation vary by district. Review of the VBE's current practice show that in accordance with the School Act, students are eligible for a publicly-funded education based on their and their legal guardian's ordinary residency in Vancouver.^{xi}

While families are seen on a case-by-case basis, in a centralized registration location, there is more that can be done to enhance the safety and protection of students who fear approaching public education institutions. The process of a) acquiring an advocate, b) accessing registration, and c) participating in education requires thoughtful consideration from the perspective of the student.

- a) Practice and procedure documents are written in English^{xii} - students without existing advocates would not be aware of VBE Practice and Procedures without the assistance of an advocate. Currently, advocates work with over 80 growing families; they accompany students and their families and work with district staff over three visits totaling approximately 40 hours per family including meeting time, gathering documents, waiting times, follow-up, translations, interpretations, and other tasks related to proving residency for registration.^{xiii}

- b) Returning to registration with an advocate – students and their families fear the public education system and are not assured of their safety and protection without an outside advocate present.^{xiv}
- c) Beyond centralized registration, educators in VBE’s 100+ sites exercise discretion – students cannot be sure that educators including externally funded support workers (e.g. SWIS workers^{xv}) will not track or inquire about immigration status in the delivery of public education services.

Conclusion

The VBE has an opportunity to improve student experience in order to ensure the safety and security of all students who are eligible for a publicly-funded education. From registration to participating in education, equal access to education is our responsibility as educators as we can do more to meet this obligation.

Recommendations

We ask that you reconsider the 2015 decision, and adopt a Sanctuary Schools policy. It is recommended that the VBE reflect the needs of our unique and diverse district by enacting the following:

- 1) Recognize VBE in policy and in practice as a Sanctuary School district.
- 2) Ensure communication tools about Recommendation 1) are in multiple languages and accessible to those with mother-tongue literacy barriers. These communication tools must clearly articulate which documents constitute acceptable proof of ordinary residence in

Observations from a VSB youth worker

“A normal day coasting through the halls, greeting kids as they rush around me laughing and shouting, filling the building like rays of sun through dense forest

A caring colleague pulls me aside to ask me if I could offer advice as she tries to help a young boy register for school

I find a young leader in one of our schools, one that could welcome this new student to the school, introduce them to new friends, offer a tour and even cultural and language support

A few weeks had passed and I asked about the young boy only to find that he had become homeless and was too scared

Too scared of what?

I lean in to find out through her whispers that this young person is alone, unaccompanied, and without any documentation

Just 15 and homeless, wanting to go to school, but hearing that he is not safe accessing education

He never showed

Fear of disclosing status

Fear of school

Fear of school

The warm feeling of sun rays bursting through a dense forest close in bringing darkness

I recognized that at a public education centre I could not guarantee this young boy’s safety and therefore access to education and the supports that are connected within it

I still think about him, the no-name boy and others like him that will remain nameless unless we can take a stand to ensure that Vancouver Schools are Sanctuary Schools where all kids are safe to learn.”

Vancouver and how many are required (e.g. tenancy agreement, landlord letter, community organization letter, etc).

- 3) Ensure communication tools about Recommendation 1) include support and mandatory training for front-line staff across all VBE sites.
- 4) Acknowledge the risk for students and families if VBE cannot declare and train staff in Sanctuary Schools policy and practice ensuring safety and protection of all students regardless of citizenship status.

The benefit of enacting a Sanctuary Schools policy at the public education level is four-fold:

1. Women, children and marginalized populations can be assured that their vulnerabilities will not be heightened and that there is no increase in risks to their safety and security in our schools
2. The need for an advocate in order to register is not necessary to alleviate fear because the policy position and procedures of the VBE are clearly communicated
3. Upon registering for school safely and securely, children and their families are supported by staff who are prepared to offer confidential and private educational and support services without questions about status
4. We live and offer public education in a city that has taken leadership to declare Vancouver an “access without fear” city – where municipal and provincial services are aligned and reflective of the way in which the public interacts with services and programs

Mirroring the values of a Sanctuary Schools approach, accessibility of public schools includes safety and protection of students as essential ingredients. Educators and elected officials know that setting anything up for success requires the use of existing lines of communication and positive relationships with communities. As such, we need a solution that is designed for Vancouver and for our unique situation because we value our relationships with our communities.

The experiences shared with us by students and of the No Name boy reminds us that our decision about this critical issue has a very real impact on the students we serve, the community we operate in and the leaders that we are.

Endnotes & Further Resources

Appendix 6

Bill C31 Legislative Summary

URL: <https://lop.parl.ca/content/lop/LegislativeSummaries/41/1/c31-e.pdf>

i City of Vancouver Access to City Services Without Fear policy

URL: <http://council.vancouver.ca/20160406/documents/pspc3.pdf>

ii Vancouver Board of Parks and Recreation policy

URL: <http://parkboardmeetings.vancouver.ca/2016/20161114/REPORT-AccessstoParkBoardServiceswithoutFear-20161114.pdf>

iii Access to Vancouver Public Library Services without Fear policy

URL: <https://www.vpl.ca/policy/access-vancouver-public-library-services-without-fear-policy>

iv New Westminster Sanctuary Schools Policy 21

URL: <https://newwestschools.ca/wp-content/uploads/2017/11/New-Westminster-Sanctuary-Schools.pdf>

v United Nations

URL: <http://www.ohchr.org/EN/HRBodies/Pages/TreatyBodies.aspx>

vi UN Convention on the Rights of the Child (in child-friendly language)

URL: <https://www.unicef.org/rightsite/files/uncrcchildfriendlylanguage.pdf>

vii Government of Canada

URL: <https://www.canada.ca/en/canadian-heritage/services/how-rights-protected/guide-canadian-charter-rights-freedoms.html>

viii Pers. Comm. Sanctuary Health. March 2018.

^{ix}BCTF, 2015. Teachers are not border police. <https://bctf.ca/publications/TeacherArticle.aspx?id=38020>

^xBCTF, 2015. Teachers are not border police. <https://bctf.ca/publications/TeacherArticle.aspx?id=38020>

xi VSB Memorandum, RE: District Response to Sanctuary Schools Policy Proposal

URL: https://www.vsb.bc.ca/sites/default/files/16May11_op_commIII_agenda_item3_0.pdf

xii VSB Practice and Procedures: Access to City Services Without Fear for Residents With Uncertain or No Immigration Status.

<http://go.vsb.bc.ca/schools/drpc/faq/Documents/DRPC%20Access%20Without%20Fear%20QandA.pdf>

xiii Pers. Comm. Sanctuary Health. March 2018.

xiv Pers. Comm. Sanctuary Health. March 2018.

^{xv} Pers. Comm. Sanctuary Health. March 2018. SWIS Workers are funded by Immigration and Refugees and Citizenship Canada and are required to report students served.