

*REVISITING THE SANCTUARY CITY: CITIZENSHIP OR ABJECTION? SPOTLIGHTING THE
CASE OF TORONTO*

Abstract

It is suggested that the sanctuary city constructs local citizenship. In this perspective, it reflects a space of enfranchisement for undocumented migrants. This essay problematizes this notion by introducing a political economy aspect to the discussion – namely how the contemporary neoliberal governance of cities enclose undocumented migrants within a space of domination and oppression. This essay concludes with a theoretical proposition that the sanctuary city represents a form of abject space.

The term sanctuary generally still refers to public and private safe spaces for unauthorized immigrants because sanctuary policies, for the most part, are still implemented by local governments and private groups such as churches – Rose Villazor¹

The term “sanctuary city” is not defined by federal law, but it is often used to refer to those localities which, as a result of a state or local act, ordinance, policy, or fiscal constraints, place limits on their assistance to federal immigration authorities seeking to apprehend and remove unauthorized aliens – Michael John Garcia, Congressional Research Service²

As the above quotes suggest, the term sanctuary is typically understood to include three elements.

First, sanctuary relates to undocumented migrants who are without legal status and may be unsuccessful asylum applicants, persons with no official identity documents, persons whose sponsorship relationship “may have broken down,” or persons who overstayed their visas (school, work, visitors, etc.).³ Second, sanctuary is the practice or set of practices whereby undocumented migrants have entered into and remained in spatial protection to avoid consequences of being undocumented, such as detention or deportation.⁴ The second aspect of sanctuary is often compared to “don’t ask, don’t tell” and non-cooperation ordinance policies. “Don’t ask, don’t tell” is meant to conceal the legal status of undocumented migrants. Non-cooperation ordinance policies minimize assistance with federal immigration authorities in seeking to detain and deport

undocumented migrants.⁵ Third, sanctuary is linked to social and political mobilizations and movements because it entails “strategic efforts to expose” the problems of undocumented migrants “to mass media, communities, and political authorities.”⁶ These elements of sanctuary were fundamental to the emergence of contemporary sanctuary spaces in North America. As these temporal and spatial reaches suggest, it would be incorrect to assume that sanctuary spaces of the past are the same as the present, or indeed that sanctuary spaces in one setting are the same as another. For this reason, hereinafter, while through this essay I use the phrase “sanctuary city” without quotations, I do so with the full knowledge of the importance of such specificities. Indeed, one of my goals, as explained below, is to investigate how sanctuary is operating in the context of one city at one point in time: contemporary Toronto.

While sanctuary spaces have grown since the 1970s, there was an exponential rise during the 1980s in the US when thousands of Central Americans were seeking asylum as a result of mass conflict and prolific violations of human rights in their home countries. At this time, Central America was a primary area of interest within US foreign policy.⁷ The overthrow of the Somoza dictatorship by the Sandinistas in Nicaragua and the revolutionary movements of El Salvador and Guatemala were a major focus of attention for the Ronald Reagan administration.⁸ Reagan oversaw billions of dollars of aid distributed to the Salvadoran military and contra rebel groups in Nicaragua in an effort to subdue revolutionary movements.⁹ It is estimated that between 1980 and 1983, 1.5 million Central Americans were displaced from their homes, including 400,000 to 500,000 Salvadorans which at the time was one tenth of its population.¹⁰ Central Americans seeking asylum were labelled “economic migrants” by the US government which resulted in the denial of many.¹¹ It was politically unstable for the US to otherwise label such migrants as “asylum seekers” as doing so would acknowledge human rights violations by governments they financially aided.¹² As

sanctuary author Ann Crittenden points out, of the more than 10,000 Salvadorian and Guatemalan applicants between 1980 and 1985, only 2.6% and 0.9% respectively were granted asylum.¹³ The denial of thousands of Central American asylum-seekers were perceived by many to be wrongful. It was in this context that the contemporary US sanctuary movement took form.

In the context of the US, sanctuary practices were predominantly faith-based. The assassination of Archbishop Oscar Romero (who spoke against the abuses of the Salvadoran government) and the rape and murder of four American female missionaries by the Salvadoran National Guard galvanized religious groups in the US.¹⁴ As a result, churches began educating themselves on the political events in Central America, which included questions about border passing.¹⁵ In many instances, US church groups were first to act and provide assistance to people fleeing violence and unrest. On March 24, 1982 – the second year anniversary of the assassination of Archbishop Oscar Romero – churches across the US declared themselves as “sanctuaries” for asylum seekers. This marked the “official” beginning of the 1980s American sanctuary movement.

Secular individuals, groups, and institutions also played a role in shaping the contemporary sanctuary movement in the US. Cities and other sub-national jurisdictions across the US followed suit in declaring themselves as sanctuaries. In 1985, San Francisco became the first US city to declare itself a sanctuary through the passing of a non-cooperation ordinance. By 1987, there were more than 440 sanctuary zones in the US.¹⁶ This included twenty cities and two states (New York and New Mexico).¹⁷

During this time, Canada also saw the rise of a sanctuary movement. Similar to the US case, most sanctuary cases in Canada arose from unsuccessful asylum claims.¹⁸ However, unlike their US counterparts, sanctuary practices were never adopted by sub-national authorities. As Lippert puts it, sanctuary incidents in Canada were a “wide geographical dispersal...more

consistent with a local rather than a national or regional character.”¹⁹ Unlike in the US, undocumented migration has been a less predominant issue, remaining largely in the periphery of the public’s attention, until 2013. That year, the City of Toronto became the first Canadian government entity to declare itself a “sanctuary.” The City of Hamilton followed a year later. Together, these declarations signified a level of momentum for sanctuary spaces that had hitherto never been in Canada.

The context of sanctuary today is different from that of the 1980s both in Canada and the US. From being a distinctive movement organized around protecting Central Americans, today, sanctuary practices have been broadened to include all migrants. As indicated above, the analysis to follow focuses on how sanctuary operates in one specific setting – Toronto – by addressing the following central question: “what are the governmental and political purposes of sanctuary spaces operating in contemporary Toronto?” This question is addressed in relation to the emerging literature connecting sanctuary spaces and local citizenship. The question of how the sanctuary city relates to wider political movements is important, but given space limitations, this assessment does not dive into the political mobilization aspect, but leaves open the possibility that such a line of investigation could be pursued in the future. Toronto is an ideal example to focus this study because it was the first Canadian city to declare itself a sanctuary. In addition, it is estimated between 100,000 and 250,000 undocumented migrants are within the Greater Toronto Area.²⁰ These figures are likely to climb due to recent changes in Canada’s immigration policy. Thus the effects of sanctuary city will be acutely visible in Toronto.

It is argued by some legal and urban scholars that sanctuary spaces can construct citizenship on a sub-national level.²¹ In this perspective, it is suggested that sanctuary enfranchises undocumented migrants as it enables them to partake in “everyday practices” of citizenship. These

notions are specifically directed towards contrary literature conceptualizing sanctuary as a static space in which undocumented migrants are helpless immobile depoliticized subjects.²² My analysis will however, problematize such literature by providing an additional lens to the sanctuary city. This analysis specifically problematizes standard theories linking sanctuary and local citizenship by bringing into the discussion a political economic element, namely how neoliberal forms of rule promote and require a precarious labour force willing to accept low-wage and low security employment. By placing emphasis on this political economic aspect, we can see how sanctuary spaces are far from being sites of potential emancipation and empowerment. Instead, they are places that normalize precarious forms of employment and indeed precarity and insecurity more generally. In making this argument, the assessment draws upon the extent secondary literature on sanctuary cities, as well as primary documents that give insight into the purposes and operation of sanctuary spaces in Toronto. While there are limitations to this approach, including gaps that would require ethnographic data to fill, document analysis allows for several observations to be made. First, the secondary literature can be assessed to ascertain how sanctuary practices relate to sovereign power. This is important because undocumented migration is orientated around the question of sovereign power. Departing from traditional conceptions of sovereignty tied to the nation-state, this research seeks to establish that sovereign power extends beyond this model reflecting an assertion of non-state sovereign power that is linked to political and governmental objectives of sub-national authorities. Second, an evaluation of secondary literature brings to light how sub-national authorities extend political economic objectives in the implementation and operation of sanctuary policies. By making these connections, the analysis to follow shows that theories connecting sanctuary spaces with forms of enfranchisement are missing the oppressive elements operating through sanctuary practices in relation to political economic

pursuits, including the naturalization of precarious labour. The aim of this research is not to patently undermine the sanctuary city. Rather, the goal is to advance a more nuanced evaluation that shows the limits of sanctuary's apparent progressivity. In this capacity, important questions about sanctuary and citizenship can be answered differently, thereby extending the empirical and theoretical literature.

In developing this argument, this paper is organized in five sections. The first section will introduce the theoretical frameworks informing the research. Specifically, it will explore the emerging citizenship literature connecting sanctuary spaces with local citizenship. I then interrogate this literature by placing this connection within a wider historical context of urban neoliberal governance, which includes an examination of sovereignty. The second section will then take implications derived from this context and entertain the potential of sanctuary spaces as what citizenship theorists Engin F. Isin and Kim Rygiel confer to as "abject space." Finally, the third section will examine the case of Toronto as a sanctuary space and explore how the above considerations operate within this one example.

Citizenship, Abjection, and the Sanctuary City: Theoretical Considerations

This section situates my analysis within the emerging literature on new forms of citizenship beyond the nation-state model. At the core of this literature is the notion of local citizenship, elaborated upon below. Sanctuary and citizenship scholars have begun to theorize a connection between local citizenship and sanctuary spaces. This section will set the stage for a critique of this linkage by placing sanctuary spaces in a wider historical framework of capitalist urbanization and its relationship to non-state forms of sovereignty in major urban centres.

The term citizenship is usually understood in relation to the nation-state and national citizenship. Through this lens, it underscores its formal and legal aspects including civil, political, and social rights. Notable Sociologist T.H. Marshall expounded on these varying aspects of formal citizenship. Marshall has however, been criticized for exclusively focusing on citizenship as rights.²³ In consequence of this, it dichotomizes those who have rights and those who do not, making formal citizenship inherently exclusive. Many citizenship theorists from diverse disciplines have built upon Marshall's ideas and have expanded citizenship beyond the realm of rights. For instance, it is commonly suggested that citizenship can also be "a set of practices."²⁴ As Isin and critical urban theorist Myer Siemiatycki state "citizens actively struggle to change both the meaning and boundaries of citizenship itself."²⁵ Of particular significance for Isin and Siemiatycki is examining the polities in which groups make a claim.²⁶ Citizenship studies on global cities have pointed out its unique feature as "political spaces where concentration of different groups and their identities are intertwined with the articulation of new claims and citizenship rights."²⁷ It is against this backdrop that cities have become an emerging interest in citizenship studies.

From this, some scholars have begun to conceptualize local citizenship. Although the precise definition of this is still hotly debated, many citizenship theorists agree that in its most basic sense it entails a form of membership grounded on presence within a particular sub-national territory.²⁸ There is a normative impulse in such analyses, which seek to advance more inclusive forms of political membership than that of formal citizenship produced by the nation-state model, equipping "local residents with a sense of autonomy and control over things that would have immediate effects on their lives."²⁹ Local citizenship thus need not be a process linked to sovereign states and their legal authority. Drawing upon theories of local citizenship, some legal and urban

scholars argue that the sanctuary city marks a space of citizenship for undocumented migrants. Legal and sanctuary theorist Rose Villazor argues that sanctuary policies and practices to the effect that they are honoured and upheld, in effect, provide legal status for undocumented migrants.³⁰ In her research of San Francisco's non-cooperation ordinance, Villazor argues how such a policy has entitled the city's undocumented migrants with "rights, privileges, and obligations" and therefore signalling the construction of local citizenship.³¹ Another legal scholar Monica Varsanyi frames this connection as "local citizenship" policy.³² For Varsanyi, "local citizenship" policies signify "a de facto consent for the formal membership of [undocumented migrants]" which are grounded on "local and national conceptions of justice, as well as local and state practicalities."³³ Similarly to the research conducted by Villazor, Varsanyi examines how specific local policies such as driver licenses and in-state tuition have constructed local citizenship for undocumented migrants.

While theories of local citizenship are often penetrating and compelling, this analysis herein seeks to overcome one of their main limitations. Such literature has often failed to systematically evaluate how the sanctuary city and the construction of local forms of membership interrelate within the context of neoliberal governance. From an ideological standpoint, neoliberalism refers to the favouring of "individual private property rights, the rule of law, and the institutions of freely functioning markets and free-trade."³⁴ By connecting the sanctuary city and the broader movement to this wider neoliberal setting, the analysis to follow significantly extends local citizenship theories. As shall become clear below, neoliberalism may produce progressive things on the surface but beneath it we find complex but also problematic dynamics. Examining the sanctuary city in tandem with urban neoliberal governance is therefore a productive endeavour. We can begin to study the sanctuary city in relation to urban neoliberal governance by first considering the wider historical context.

The emergence of neoliberalism is highlighted by many political economist as a shift from Fordism (mass production and mass consumption supported by a form of welfare state) to flexible accumulation.³⁵ Political economist Zoran Slavnic characterizes flexible accumulation as state promotion of innovation and flexibility in which social policy becomes “subordinated to economic policy.”³⁶ This is in stark contrast to the preceding era of Fordism defined by Keynesian welfare policies in which state redistribution primarily drove state economic policy.³⁷ Nevertheless, neoliberalism has sought creative and active roles in promoting flexible accumulation. Of particular significance is the process of urbanism. Urban theorists following geographer David Harvey have pointed out that in recent decades sub-national policy-makers have oriented towards an entrepreneurial stance of governance. While the growth of sub-national spaces arose from the successes of Fordism, it was later abandoned amidst increasing unemployment, dwindling markets, technological and financial reorganization, and a deeper integrated global division of labour.³⁸ It was in this context that sub-national spaces geared to become more competitive through entrepreneurial governance. This according to Harvey manifested along four central areas; position in the international division of labour, position as centers of consumption, control and command functions (financial and administrative powers in particular) and governmental redistributions.³⁹ Urban theorists Stephen Kipfer and Roger Keil have further elaborated this notion as the “competitive city” in which cities compete with each other for capital investment through cost competition that entails “fiscal conservatism tax incentives, cutbacks, deregulations or land-use planning, privatization, and the marketization of the local state.”⁴⁰ Competition in essence can serve to discipline sub-national spaces to become competitive in which economic growth becomes prioritized.⁴¹ In consequence of this, distribution and social investment become undermined.⁴²

It is within this historical context that legal scholar Gregor Noll understood the contemporary political-economic significance of undocumented migrant. There is a clear agreement amongst many migration scholars that undocumented labour has become a defining aspect of flexible accumulation. As Slavnic notes “[t]here is a clear tendency towards so-called ‘flexploitation’, which includes different anti-worker aspects of the labour market that aim partly to reduce the labour rights of those who are employed, and partly to increase the demands on those who are looking for work.”⁴³ This is precisely why according to Noll that states allow the circumvention of state sovereignty by undocumented migrants. States are willing so long as undocumented migrants offer their flexible labour in return.

In developing his theory, Noll utilizes a Hobbesian conception of sovereignty to establish this connection. Specifically, the contemporary relationship between states and undocumented migrants is analogous to that of the master-slave nexus developed in political theorist Thomas Hobbes’ defense of war slavery.⁴⁴ Hobbes articulated the master-slave relation to be mutually beneficial. Using the backdrop of war (which Hobbes confers to as the state of nature), in return for the submission of the vanquished, the victor will preserve his or her life. The vanquished however, must enter a ‘covenant of servitude’ with the victor. Entering this covenant is not automatic, as it is ultimately the choice of the vanquished to do so. As Hobbes states:

It is not therefore the Victory, that giveth the right of Dominion over the Vanquished, but his own Covenant. Nor is he obliged because he is Conquered; that is to say, beaten, and taken, or put to flight, but because he commeth in, and Submitteth to the Victor.⁴⁵

Migration scholar Antje Ellermann, theorizes this voluntarily obedience “upon the availability of meaningful incentives that ensure that the benefits of compliance outweighs the costs.”⁴⁶

The power of the victor is wielded in its ability to terminate the covenant. As Hobbes states

“[nor] is the Victor obliged by an enemies rendring himselfe (without promise of life,) to spare him for this his yeeding to discretion; which obliges not the Victor longer, than in his own discretion hee shall think fit.”⁴⁷ Noll’s analysis of the link between the master-slave relationship and contemporary forms of sovereignty is where the assessment herein begins by extending what is meant by sovereignty as it relates to the sanctuary city.

In recent decades, an emerging literature has extended the notion of sovereignty to other non-state powers. Once deemed exclusive to the nation-state, sovereign power can also be exercised by sub-national authorities, such as cities, communities, institutions, and individuals. The increased autonomy of non-state actors have resulted in part from the forces of neoliberalism. Lippert argues that the general practice of sanctuary is an assertion of sovereign power.⁴⁸

Sanctuary cities can therefore reflect forms of non-state sovereign power which have often been unaccounted for in theories of local citizenship. Sub-national authorities have the power to make exception through the implementation of sanctuary city policies but they do so in a manner that is beyond conventional notions of legality and illegality, state and non-state power, citizenship and aliens. It is within this retheorization of sovereignty highlighted above that the sanctuary city may represent much more than a space of enfranchisement for undocumented migrants. While the assertion of non-state sovereign power through sanctuary practices may be grounded on notions of social justice (as in the case of the 1980s sanctuary movement), shifting contexts problematizes this reasoning. Contemporarily, the sanctuary city can be understood through the framework posited by Noll, signalling a ‘covenant of servitude’ between undocumented migrants and sovereign powers. The case of the sanctuary city represents an assertion of sub-state sovereign power.

In connecting the above analysis with urban neoliberal governance, we can potentially see the political and governmental purposes of sanctuary spaces. A key principle of cost competition has been the establishment and maintenance of a flexible labour force. This division of labour has been a roll-out regulatory measure directed at low-income residents (including undocumented migrants) for the purpose of polarizing labour-markets.⁴⁹ A source of flexible labour can attract new sources of capital as well as alluring existing capitalist firms in staying. The sanctuary city therefore serves a meaningful purpose by providing a window into the capacities of cities to produce and reproduce flexible labour. To this extent, undocumented migrants become enclosed within an exploitative relationship with sub-national authorities grounded on their ability to provide cheap and disposable labour. Of course, this is only made feasible by rendering undocumented migrants as apolitical subjects through denying them formal status and rights. Sanctuary then, is a form of abject space.

Abjection

Isin and Rygiel conceptualize abject space as “extraterritorial spaces where international and national laws are suspended...which include various frontiers controlled by state authorities, zones where special rules and laws apply, and camps where laws are suspended.”⁵⁰ Building on a dialectical elaboration of the theories of political theorists Hannah Arendt, Giorgio Agamben, and Jacques Rancière, they argue that new forms of abject spaces attempt to “prevent individuals from exercising political subjectivity by holding them in spaces of existential, social, political, and legal limbo.”⁵¹ In alignment with their theory, sanctuary spaces are what Isin and Rygiel would constitute as a “zone.” These spaces enact certain citizenships rights to those without formal citizenship status. Of particular significance, zones are spaces where claims of rights to the city

can be made by those with no formal citizenship status.⁵² It is within this perspective that sanctuary spaces can be seen as a mode of governing. It governs what rights are extended to migrants and conversely, what rights are not. The extension of rights in this perspective serve a political purpose as they are meant to deny the extension of formal rights and status to undocumented migrants. The denial of such banishes undocumented migrants to political disenfranchisement.⁵³

We can also see how abject spaces serve a governmental purpose linked to the political economic pursuits of sub-national authorities. Sanctuary spaces not only produce, but also reproduce processes of domination and oppression. Through this scope, sanctuary spaces can also be seen as a normalising institution. Of course, this builds on the research conducted by citizenship and migration scholars Luin Goldring, Carolina Berinstein, and Judith Bernhard who argue that certain state practices and policies contribute to the production and reproduction of precarious status of migrants.⁵⁴ In their analysis of contemporary Canadian immigration policy and practices, they point out that precarious migratory status “like citizenship, is...constructed by specific state policies, regulations, practices of policy implementation, activism, discourses.”⁵⁵ The production and reproduction of precarious status can be quite purposeful as it establishes and maintains a flexible labour force. Sub-national governments, like the state, have the capacity to reproduce precarious status. The implementation of sanctuary policies has provided sub-national authorities a means to achieving this. They are helpful in two following ways. First, they normalizes precarious forms of employment. Second, they help conceal precarious status. The compounding of these two aspects reproduces an underclass of residents who are vulnerable on numerous fronts such as inadequate healthcare, workplace exploitation, and deportation.⁵⁶ In this way we can start to see how sanctuary can operate as abject space. The rendering of certain people as invisible and inaudible is acutely what Isin and Rygiel constitute as abject space.⁵⁷

Citizenship or Abjection in Toronto?

In the 1950s, Toronto was a modelled city for metropolitan governance.⁵⁸ The City was characterized by mass production, downtown urban renewal, suburbanization, and modernist planning.⁵⁹ By the 1970s however, in the wake of rapid integration of national economies, Toronto began to implement a series of reforms and re-orient itself towards global competition. It is within this period that Toronto as a “competitive city” emerges. It would not be until the 1980s that competitiveness became a focal point for Toronto’s policy-makers. Specifically, then Mayor Art Eggleton emphasized a need for “entrepreneurial” governance. In alignment with Harvey’s theory of entrepreneurial governance, Toronto city planners were “preoccupied with with developers and extracting density exactions from the downtown office boom.”⁶⁰ Entrepreneurial governance grew even starker in the following decade. The Mike Harris reforms of the mid-1990s subjected Toronto to a series of market-reforms which was coupled with cuts to social spending, transferring of social and transits costs to the city, and the undercutting of Toronto’s power to tax and raise funds.⁶¹ Such factors have precipitated current city planning revolving around economic growth through urban intensification and strategic real estate development.⁶²

It was against this backdrop that in February 2013 Toronto became the first Canadian sanctuary city with the passing of CD18.5 – a policy representative of “don’t ask, don’t tell.” This unprecedented move distinguished Toronto as “the first Canadian city with a formal policy allowing undocumented migrants to access services regardless of immigrations status.”⁶³ To declare Toronto as a sanctuary city was in large part made possible by the efforts of community groups and individuals, most notably organizers from No One is Illegal – a radical political advocacy group comprised of “immigrants, refugees, and allies who fight for the rights of all migrants.”⁶⁴

Currently, there are several chapters of No One is Illegal in Canada. In addition to Toronto, there are chapters in Montreal, Ottawa, and Vancouver. This advocacy group has been at the forefront of migrant justice issues in Canada. The broader demands of the group include; “an end to all deportations and detentions, the implementation of a full and inclusive regularization program for all non-status people, access without fear to essential services for all undocumented people, the recognition of indigenous sovereignty, an end to the exploitation of temporary workers, an end to all imperialist wars and occupations, and an end to the use of Security Certificates and secret trails.”⁶⁵ They have been a main catalyst in sanctuary efforts and certainly one of its most vocal proponents.

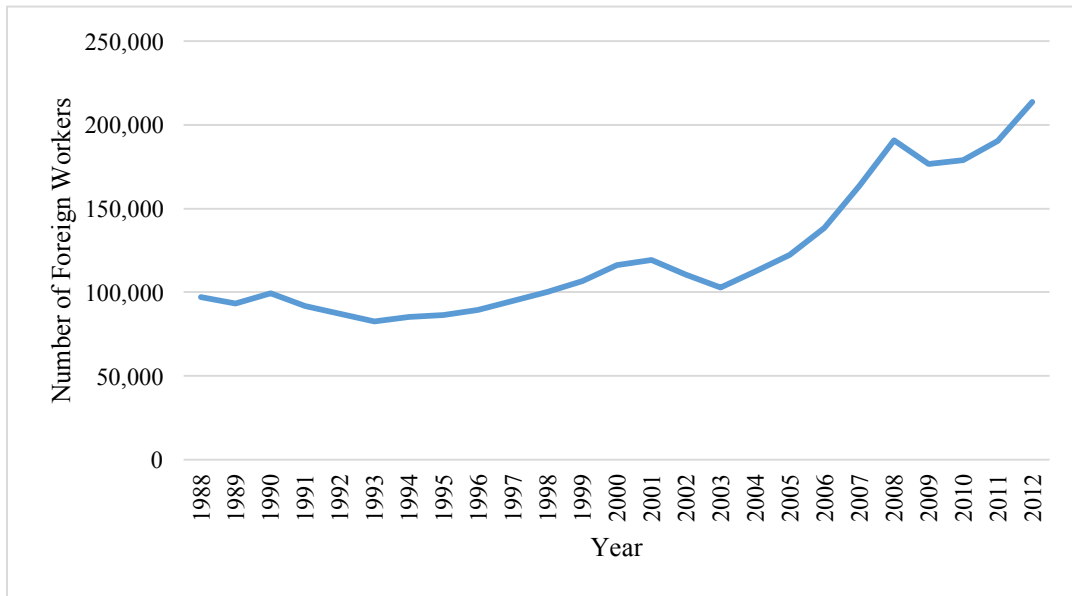
Towards Citizenship or Abjection?

If together CD18.5 and CD29.11 demonstrates the construction of local citizenship, to what degree can we outline the content of this form of membership? To address this question, we can begin by delineating what it offers undocumented migrants. First, these policies enables access to the city’s services which is “guaranteed” through its embedded “don’t ask, don’t tell” policy. Second, undocumented migrants now have access to public schools, emergency and public health services, food banks, emergency shelters, and other various city services.⁶⁶ Third, while yet to be implemented, sanctuary can provide membership cards to the city’s undocumented migrants and thus invoke a form of status. In these ways, undocumented migrants can now partake in the “everyday practices” of any other Toronto resident.

The declaration of Toronto as a sanctuary space comes amidst significant changes to Canada’s immigration law and policy. Specifically, under the Conservative government of Stephen Harper, these changes have gone hand-in-hand with the neoliberalization of immigration law and

policy, underpinned by a stronger emphasis on temporary forms of immigration. It is suggested that these changes will provide Canadian businesses with “affordable” foreign labour so they can “continue to grow” and “create more opportunities for Canadians.”⁶⁷ As *figure 1* demonstrates, the entrance of foreign workers into Canada has doubled since the 1990s. In 2012, 213,573 migrants entered Canada through the Temporary Foreign Workers Program. This program “allows Canadian employers to hire foreign nationals to fill temporary labour and skill shortages when qualified Canadian citizens or permanent residents are not available.”⁶⁸ This is in stark contrast to the 21,232 migrants admitted under humanitarian streams. Granted, these numbers constitute various types of foreign workers ranging from “high-skilled” to “low skilled.”⁶⁹ Despite this, the majority who enter Canada are “low skilled.” In 2011, the Conservative government furthered its commitment to the use of foreign labour through limiting the stay of workers to only four years.⁷⁰ As migration scholar Sarah Marsden writes “this legal shift is likely to affect low-skilled workers disproportionately, not only because they lack access to permanent regularization but also because of the potential to lose status through the cumulative time period.”⁷¹ In other words, these changes will undoubtedly “fast-track” migrants to precarious status.

Figure 1. Number of Temporary Foreign Workers by Year (1988-2012)



Source: Number of Temporary Foreign Workers. From *Citizenship and Immigration Canada* website. Facts and Figures link. Retrieved May 29th, 2014. From <http://www.cic.gc.ca/english/resources/statistics/menu-fact.asp>.

Such changes within Canadian immigration law and policy offers a glimpse into the political and governmental functionality of sanctuary spaces. As precarious status continues to be normalized under such practice (but not limited to), foreseeably, undocumented migrants will continue to congregate to cities in increased numbers in search for employment and other means to sustain their livelihoods. The passing of sanctuary policies by Toronto city council only further adds to this likelihood. CD 18.5 and CD29.11 potentially presents itself as an opportunity for undocumented migrants to enter “covenant” with the City of Toronto.

Consistent with the exigencies of the “competitive city,” undocumented labour has been a growing aspect of Toronto urban neoliberalization. Many of the City’s small and medium capitalists firms continue to rely on undocumented migrants for cheap flexible labour. Undocumented labour can be commonly found within the construction, manufacturing, and hospitality industries.⁷² For instance, undocumented labour has been vital for hotel companies because it provides them with cheap and flexible workers. Undocumented workers in these

industries are typically non-unionized, making their job particularly vulnerable to workplace exploitation. Other factors such as language barriers and unfamiliarity with Canadian labour regulations further adds to the susceptibility of workplace exploitation.⁷³ In a 2011 survey of precarious workers, the Wellesley Institute – a Toronto-based think tank committed to “urban health” – reports that 22% were being paid less than minimum-wage.⁷⁴ While the survey did not specifically target undocumented migrants, as the reports states, “it is reasonable to assume that these rights violations are even more prevalent amongst these workers.”⁷⁵ Migration scholar Sarah Gleeson highlights how illegal status only intensifies economic insecurity of undocumented migrants.⁷⁶ In her ethnographic research of undocumented workers in San Jose, California, she reports that many undocumented migrants are passive about speaking out to employers in fear of reprisal, particularly losing their jobs or even worse – being reported to authorities. In addition, undocumented migrants experience a variety of health issues such as depression, anxiety, and trauma, to name a few.⁷⁷

It is through this systemic form of domination and oppression that undocumented migrants become apolitical. Undocumented migrants must assess the risks involved in becoming political actors. Many however choose not to do so because being exploited subjects enables undocumented migrants to remain in their host countries and make a living to support themselves and/or their families abroad. Mentioned scholar Luin Goldring and Sociologist Patricia Landolt have conceptualized this as a “work-citizenship matrix” in which precarious migrants (undocumented included) become lodged in a legal limbo with no real chance of attaining status. As they state:

In the global age of migration efforts to control, manage, and regulate migrant workers’ mobility and permanence have given rise to national policies and international management strategies that are revamping the regulatory and normative framework that organizes

citizenship and migrant legal status as a source of state control and of employer strategies of exploitation and labor market segmentation.⁷⁸

In a Hobbesian perspective, domination and oppression is a necessary stipulation that “guarantees” self-preservation. Otherwise, the sovereign (in this case, sub-national authorities) holds the right to terminate “covenant” as continuing may become politically risky. The expansion of rights beyond the current boundaries contrasts the current neoliberal governmental and political objectives of sub-national authorities. Therefore, contrary to what local citizenship may denote, sanctuary policies encloses undocumented migrants within a space of abjection. In conformity with Isin and Rygiel’s conceptualization of abject space, undocumented migrants under sanctuary are granted some rights but at the same time, and most importantly, they are de-politicized to prevent the possibility of attaining further rights – ones that could implicate the socio-political organization of society. While sanctuary spaces in connection to local citizenship may seem to reinvigorate democracy, at least on a sub-national level, it is more likely to be diminished. Purcell asserted caution around the trending strategy of using sub-national spaces for political mobilization (as in the contemporary sanctuary movement) as this often limits the scope in which questions of equity are addressed.⁷⁹

Conclusion: The Sanctuary City Reconsidered

This analysis has extended theories linking sanctuary to citizenship by adding a political economic component. Sanctuary is typically theorized as a progressive practice that opens up new modes of citizenship beyond conventional understandings centred on the nation-state. When political economic considerations are brought to bear, the apparent progressiveness of sanctuary is seriously problematized. The analysis has shown that the political and governmental purposes

of sanctuary creates abject space under the watchful eye of sub-national authorities. Rather than fostering forms of local citizenship, it renders many undocumented migrants apolitical. First, through the maintenance of precarious status and secondly, through the further rendering of undocumented migrants invisible. Together, these reinforce a relationship of being dominated and oppressed by sub-national authorities. Indeed, sub-national authorities in this context denotes them as sovereign powers. Undocumented migrants in light of the “competitive city” and more broadly, the neoliberal context, are a functional component as they provide flexible labour to capitalist firms. Therefore, what this suggests is that sanctuary spaces, despite its potential emancipatory features, becomes, in effect, a mode of governing whereby sub-national authorities produce and reproduce flexible, insecure, and precarious labour vis-à-vis undocumented migrants. In this perspective, sanctuary spaces can be viewed as a normalising institution serving political economic goals. This poses important questions for the further consideration of sanctuary practices by cities, particularly in the case of Canada, as they may be poised to follow suit in the near future – especially if the number of undocumented migrants in Canada is expected to climb.

NOTES

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¹ R. Villazor, “What is Sanctuary?,” *Southern Methodist University Law Review*, 61/133(2008), pp. 133-156.

² M. Garcia, ““Sanctuary Cities’: Legal Issues,” Congressional Research Service, <www.crs.gov>.

³ P. Nyers, “No One is Illegal between City and Nation,” *Studies in Social Justice*, 4/2(2010), pp. 127-143.

⁴ R. Lippert, *Sanctuary Sovereignty Sacrifice: Canadian Sanctuary Incidents, Power, and Law* (Vancouver: UBC Press, 2005), p. 16.

⁵ R. Villazor, ““Sanctuary Cities’ and Local Citizenship,” *Fordham Urban Law Journal*, 37/2(2009), pp. 573-598.

⁶ Lippert, *Sanctuary Sovereignty Sacrifice*, p. 16.

⁷ N. Chinchilla, N. Hamilton, and J. Loucky, “The Sanctuary Movement and Central American Activism in Los Angeles,” *Latin American Perspectives*, 36/6(2009), pp. 101-126.

⁸ Ibid.

⁹ Ibid.

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- ¹⁰ A. Crittenden, *Sanctuary: a story of American conscience and the law in collision* (New York: Weidenfeld & Nicolson, 1988), p. xvi.
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