

ACCESS WITHOUT FEAR: GUIDING PRINCIPLES FOR REDUCING BARRIERS AND RISK FOR PEOPLE WITH PRECARIOUS IMMIGRATION STATUS

Many frontline organizations in Ottawa are working hard to overcome barriers and ensure immigrants in Ottawa have access to the services and supports they need in order to live healthy and secure lives. Residents with precarious immigration status face specific barriers related to the threat of detention and deportation, and the stress produced by living without permanent status in Canada. Some of these barriers are created by federal, provincial and municipal policy, and systems level changes are necessary to overcome them. In the meantime, there are immediate steps the CHCs can take to improve access and reduce risks for people with precarious immigration status who live, work, and raise their families in Ottawa.

These guidelines were designed as a resource to help frontline CHC staff navigate the collection, storage and sharing of sensitive immigration information, and to help eliminate the barriers and risks that can be created through everyday interactions with clients who face immigration challenges. It is based on a research partnership with Pinecrest Queensway and Somerset West Community Health Centres, and the Ottawa Sanctuary City Network.

What creates barriers for people with precarious immigration status?	What creates risks for people with precarious immigration status?
<ul style="list-style-type: none">• Asking clients about their immigration status• A lack of clarity about what services are available to those without insurance• Public perceptions that service providers share information with the immigration authorities• Ineligibility for services and programs based on status• Discrimination and judgement on the part of staff about the immigration situation of clients	<ul style="list-style-type: none">• The storage of identifiable immigration and sociodemographic data on clients• A lack of clarity about how client data is being used• Sharing client information with organizations that do not have “Access Without Fear” policies, including other frontline service providers, law enforcement, and government agencies such as the IRCC

GUIDING PRINCIPLES FOR REDUCING BARRIERS AND RISKS

1. DO NOT ASK ABOUT IMMIGRATION STATUS.

Frontline service providers often ask clients about their immigration status in order to determine eligibility for various supports and programs, or as a proxy method to assess a client’s needs. Research suggests that people with precarious immigration status may not access services that they are entitled to if they believe that they will be questioned about their immigration status (particularly if they are at risk of detention or deportation). Where possible, try to ask questions about *eligibility* and *need*, rather than status. If questions about immigration status are necessary in order to facilitate access to services, ask only after trust has been established, rather than during the first few encounters with a client. Questions about immigration status should not be included on registration, intake, or assessment forms.

2. REDUCE THE STORAGE OF IMMIGRATION INFORMATION.

The storage of immigration information in databases and client files creates risks for people with precarious immigration status. It is possible for Immigration, Refugees, and Citizenship Canada (IRCC) to subpoena or get a court order for client files, and information stored within the CHC for other purposes might end up jeopardizing a client’s immigration application. The police or courts may seek access to client files in relation to a legal or criminal matter, and inadvertently gain access to unrelated immigration information that would put the client or their family members at risk of detention or deportation. The security of databases, particularly online databases, is an ongoing issue for organizations involved in health and social services. The best way to protect a client’s immigration information is to not store it in the first place. If immigration data must be collected for funding reports or planning purposes, it should be stored separately from any identifying client information.

3. TREAT ALL SOCIODEMOGRAPHIC AND PERSONAL INFORMATION AS IMMIGRATION INFORMATION.

For some people with precarious status, the collection of sociodemographic information also creates fear and risk. Immigration applications can be rejected if there are minor errors in details such as household composition, income, marital status, travel history, etc. People's lives often shift over the course of lengthy immigration processes, and it is difficult to update applications, particularly where there are language or financial barriers. Some clients view CHCs and other public service providers as linked to the government and therefore to immigration authorities. For this reason, they will be concerned about how answers to sociodemographic questions might impact their immigration applications. Where possible, reduce the collection of sociodemographic information unless it is necessary to serve the client. If you must collect it, explain exactly how the information will be stored and used.

4. IMMIGRATION ENFORCEMENT IS THE RESPONSIBILITY OF THE FEDERAL GOVERNMENT.

Immigration law is extremely complex, and enforcement is the responsibility of the federal government. People fall out of status for complex reasons, and often have to make difficult decisions about the immigration process in order to protect themselves and their family members. Barrier free access requires that CHCs are seen to be spaces free of judgement – separate and distinct from government and law enforcement. Personal opinions about a client's migration decisions or their entitlement to support should never shape service provision. Local police regularly communicate and collaborate with immigration enforcement. Under no circumstances should healthcare professionals or frontline service providers report immigration information to the police, or the immigration authorities.

5. CHECK WITH COMMUNITY PARTNERS ABOUT DATA STORAGE AND SHARING PRACTICES.

Immigration information should be treated as extremely sensitive and should be protected by all the privacy protocols that surround the collection and sharing of confidential health information. Not all organizations in Ottawa treat immigration information this way. Before making referrals and sharing client information outside of the CHC, check with partner organizations about their specific practices and protocols. Do they have "Access Without Fear" policies and protocols in place? Getting consent from clients to share information with other organizations should involve clear communication about exactly what happens to the information once it leaves the CHC. Immigration information that is irrelevant to service delivery should **always** be omitted when communicating with other organizations and community partners. CHCs that are committed to instituting "Access Without Fear" principles in their service delivery can play an important role in educating and encouraging their community partners to do the same.

6. INCREASE PUBLIC AWARENESS ABOUT AVAILABLE SUPPORTS.

It is difficult for residents with precarious immigration status to find reliable information about where they can go for services and supports, particularly those who do not have health insurance. This is particularly true for people who are not already connected to community services and supports. CHCs are some of the few places where people without insurance can access healthcare. In order for these services to be equitably accessible, they must be well known to all who may need them. CHCs should publicize available services to residents and community partners.

ABOUT THE OTTAWA SANCTUARY CITY NETWORK

The Ottawa Sanctuary City Network is a coalition of social service providers, lawyers, advocates, migrants, researchers, and activists who are committed to making Ottawa a more inclusive and safe city for all residents. Our current campaign focuses on efforts to make Ottawa a city where all people, regardless of immigration status, are able to access municipal services without fear of discrimination, detention or deportation. Email: ottawasanctuarycitynetwork@gmail.com.



This resource was developed by Dr. Jennifer Ridgley at Carleton University and the Ottawa Sanctuary City Network out of research conducted in partnership with Pinecrest Queensway CHC and Somerset West CHC.
