



November 10, 2016

TO: Park Board Chair and Commissioners
FROM: General Manager - Vancouver Board of Parks and Recreation
SUBJECT: Access to Park Board Services Without Fear Policy

RECOMMENDATION

THAT the Vancouver Park Board approve the “Access to Park Board Services Without Fear Policy” to support residents of Vancouver with uncertain or no immigration status and who fear detention, psychological or physical harm, or deportation when accessing Park Board services.

BACKGROUND / PREVIOUS DECISIONS

The Vancouver Park Board’s mission is to provide, preserve, and advocate for parks and recreation services to benefit all people, communities, and the environment.

On December 14, 2015, in response to the Syrian refugee crisis the Park Board unanimously approved a motion to work with city and community partners to [welcome and support refugees](#) living in Vancouver.

On April 18, 2016, the Park Board unanimously approved the amendment of the [Economic Access Policy](#), which included replacing all references to “citizens” with “residents”, as resident is a more inclusive term that covers legal citizens as well as refugees, permanent residents, homeless persons without identification or address, and individuals for whom their government issued ID does not reflect their gender identity.

On May 2, 2016, [the Park Board directed staff to report back](#) with recommendations for a policy consistent with the spirit and objectives of the City’s “Access to City Services without Fear for Residents of Uncertain or No Immigrant Status Policy”.

The discussions leading to the Access to Services without Fear policies adopted by [City Council on April 6, 2016](#) and the [Vancouver Public Library Board on April 27, 2016](#) were initiated after the arrest of Lucia Vega Jimenez at Main Street Station for a transit violation on December 1, 2013. She was transferred to Canada Border Security Agency (CBSA) custody when it was learned she was an undocumented hotel worker. CBSA transported her to the Vancouver International Airport detention centre to commence deportation. She took her own life 20 days later while in custody.

DISCUSSION

The Vancouver Park Board is committed to being a leader in parks and recreation by connecting people to green space, active living, and community. Recognizing that Vancouver residents represent a diverse mix of religions, abilities, sexual orientations, ethnicities and cultural groups from all over the world, the Park Board strives to ensure that the parks, facilities, programs, and services under its jurisdiction are accessible and inclusive to all.

The adoption of an “Access to Park Board Services Without Fear Policy” will ensure that residents of Vancouver with uncertain or no immigration status will have the opportunity to participate in Park Board programs and services, and that they may do so without fear that information collected about their immigration status will be shared with other agencies, which could result in detention, psychological and physical harm, or deportation. This policy will outline the guiding principles and directives to which all other Park Board procedures, guidelines, and policies must align.

Current Practices

The Vancouver Park Board collects personal information from residents of Vancouver and other municipalities when they register for a program, complete a rental agreement, apply for the Leisure Access Program, or participate in a planning survey. There are currently only two situations identified where information about, or related to, immigration status may be requested:

- i. when registering children (under 19) for certain activities that require an informed consent form to be completed, and
- ii. when applying for certain Leisure Access benefits via the self-referral process

Informed Consent - Medical Emergencies

Some activities and programs for children (under age 19) require the completion of the Park Board’s *Parent/Guardian Consent, Acknowledgement of Risk, Waiver, Release & Indemnity* form. One section of the form seeks Emergency Information and Medical Consent, which includes a request for the child’s BC Care number or proof of medical insurance. Individuals with uncertain or no immigration status have neither.

Since August 2015, Vancouver Coastal Health Authority has provided emergency treatment without contacting CBSA if the patient is of uncertain or no immigration status. The BC Mental Health Act requires that treatment is provided regardless of immigration or insurance status, and Medical Services will provide a social worker if the patient is uninsured. Fraser Health Authority adopted a similar policy mid-January 2016.

Upon review, City of Vancouver Legal Services have advised there is no legal requirement for the Park Board to obtain BC Care Card or Medical Insurance & Policy numbers for minors with uncertain or no immigration status prior to granting them permission to participate in Park Board programs or to use Park Board facilities. As such, provision of this information will not be required when parents/guardians complete this form in order to provide their informed consent.

Leisure Access Program - Self Referred Applications

Applications received via LAP’s self-referral process request the immigration status of Permanent Residents and Refugees. This information is sought to identify Business or Entrepreneur class applicants who otherwise do not qualify for the leisure access benefit. Individuals in these two classes also provide their landing papers as a proxy for a Canada Revenue Agency Proof of Income Statement.

As outlined in the [Economic Access Policy & Leisure Access Program Update board report](#), an expedited Third Party Referral process was introduced to improve access to vulnerable

residents, including the homeless, victims of violence, undocumented individuals and refugees, as well as to those in the Trans* and Gender Variant community where their government ID may not match their gender identity. Approved organizations complete the Third Party Referral application and the resident brings the form to a community recreation facility which will process their Leisure Access membership the same day. Immigration status is neither sought nor collected by Park Board staff for these referrals.

Policy Implementation

Staff have identified the following implementation actions required to ensure Park Board policies, programs, and services will be aligned to the new policy:

- (a) review and amend current Park Board procedures, guidelines, and policies to replace any occurrences of the word “citizens” with “residents”. Resident is a more inclusive term which includes those with uncertain or no immigrant status;
- (b) update the Park Board’s *Parent/Guardian Consent, Acknowledgement of Risk, Waiver, Release & Indemnity* form to reflect that proof of medical insurance is not required for minors with uncertain or no immigration status; participation will still be permitted if this information is not provided;
- (c) confirm that the immigration status of Permanent Residents and Refugees will only be sought through the Leisure Access Program’s Self Referred Application, solely for the purpose of determining eligibility for the Leisure Access benefit;
- (d) communicate the new policy to staff and community stakeholders to ensure Park Board procedures, practices & services are in line with the principles and directives.

SUMMARY

Staff recommend the Vancouver Park Board approve the proposed *Access to Park Board Services without Fear Policy* as attached in Appendix A. This policy will ensure that residents of Vancouver with uncertain or no immigration status will have the opportunity to participate in Park Board programs and services without fear that their immigration status will be shared with other agencies, which could lead to detention, psychological and physical harm, or deportation.

Improving access supports the Park Board’s strategic initiative of *Parks and Recreation for All* and encourages healthier lifestyles and the building of community connections.

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pc/jk/clc

Access To Park Board Services Without Fear Policy - PROPOSED

PURPOSE

The objective of this policy is to ensure that residents of Vancouver with uncertain or no immigration status will have the opportunity to participate in Park Board programs and services, and that they may do so without fear; unless required by law, no information collected about their immigration status, which could result in detention, psychological and physical harm, or deportation, will be shared with other institutions or orders of government.

SCOPE

This policy will guide the actions of all Park Board staff, including elected officials, in all matters related to access and delivery of programs and services provided by the Park Board to Vancouver residents.

DEFINITIONS

For the purpose of applying this policy to Park Board procedures, guidelines, and policies, four specific categories of immigration status are defined:

1. **Uncertain Status** - for individuals with pending and/or unknown immigration status;
2. **No Status** - for individuals who reside or work without authorization, who have no immigration status, or who are generally referred to as “undocumented”;
3. **Permanent Resident Status** - for individuals who have immigrated with authorization to Canada but are not yet a Canadian citizen;
4. **Refugee** - for individuals who have a well-founded fear of persecution for reasons of race, religion, nationality, membership in a particular social group or political opinion, and
 - i. are outside their country of nationality and unable or, by reason of that fear, unwilling to obtain the protection of their country, or
 - ii. have no country of nationality, are outside their country of former habitual residence (home country) and unable or, by reason of that fear, unwilling to return to that country.

POLICY DIRECTIVES

1. Access to Park Board services is not dependent on immigration status.
 - a. The Park Board will only request the immigration status of Permanent Residents and Convention Refugees for the purpose of determining eligibility for the Leisure Access Program for Self-Referral applications; immigration status will not be required for applications received via approved Third Party Referral organizations.

Access To Park Board Services Without Fear Policy - PROPOSED

- b. Minors without a BC Care Card or medical insurance can participate in Park Board activities with the informed written consent of a legal parent or guardian.
2. The Park Board will uphold and enforce the Freedom of Information and Protection of Privacy Act to ensure any and all personal information is secured and only shared for the purpose it was provided, in accordance with the law.
 - a. The voluntary disclosure of immigration status is outside the scope of the Park Board's jurisdiction;
 - b. Park Board staff are not permitted to disclose personal information.

PRINCIPLES

The following principles, including the Code of Conduct, will guide the conduct of Park Board staff in relation to this policy.

1. **Integrity:** Employees are the keepers of the public trust and must uphold the highest standards of ethical behavior.
2. **Accountability:** Employees are obligated to answer to the responsibilities that have been entrusted to them and the decisions they make.
3. **Responsibility:** Employees must act responsibly, within the law and within the authorities of the Vancouver Charter.
4. **Leadership:** Employees must demonstrate and promote the key principles of the Code of Conduct through their decisions, actions and behaviour.
5. **Respect:** Employees must conduct public business efficiently, with decorum and with proper attention to the city's diversity.
6. **Openness:** Employees have a duty to be as open as possible about their decisions and actions by communicating decision-making processes, encouraging appropriate public participation and appropriate means for providing feedback.
7. **Equity:** This policy addresses the principle of service equity so all residents, particularly those facing the greatest barriers, can access Park Board services without impediment.
8. **Intersectionality:** A "for all" lens will help ensure that initiatives pursued are both universal for all and focused on specific populations most vulnerable to health inequities. Individuals will not be viewed in a monolithic way, by recognizing the complexity of the lived realities of individuals who experience marginalization on multiple and intersecting grounds.

Access To Park Board Services Without Fear Policy - PROPOSED

RELATED POLICIES

[Access To City Services Without Fear \(ACSWF\) Policy - For Residents With Uncertain Or No Immigration Status](#)

[Access to Vancouver Public Library Services without Fear Policy](#)

[City of Vancouver Code of Conduct](#)

APPROVAL HISTORY

ISSUED BY: PB Access & Volunteer Services	APPROVED BY:	DATE:
AMENDED BY:	APPROVED BY:	DATE: