Seeing like a Zone: Privately deputized sovereignty within Toronto’s Sanctuary City

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Abstract
Scholarship is split between seeing the Sanctuary City movement in a progressivist light of anti-border civil society movements, or, viewed as another iteration of citizenship controls. Critics point out how Sanctuary Cities, wherein municipalities provide services regardless of immigration status, do little to guarantee security for undocumented peoples who are at constant risk of deportation. Those who are optimistic about the movement’s emancipatory potential celebrate Sanctuary Cities’ ability to challenge the policing of migration. Why are the interpretations of Sanctuary City policies so polarized? I argue Sanctuary City literature suffers from trying to resolve the contradictions of state-based citizenship, devolving the challenge to the city, thus obscuring how state officials, business, and civil society actors can each possess local sovereignty control over urban space. My paper develops the metric of ‘private deputized sovereignty’ to trace how local policy discretion can implement or contest control over citizenship enforcement powers. I investigate how ‘private deputized sovereignty’ emerges from zoning technology inherent to urban spatial production. Conceptually, I introduce ‘seeing like a zone’ as a heuristic to challenge methodological nationalism and cityism which assume sovereignty resides with corporeal structures. In applying zoning analysis to Toronto’s Sanctuary City policy, the paper identifies economic and sanctuary zones where jurisdictional exceptions empowers local authorities, civil society, and/or private actors to either grant amnesty or exile migrants. Toronto being located within an immigrant federal state and being a global city offers a case for multiscalar analysis where migrants’ well-being and harm depends on the ‘privately deputized sovereign’s’ zoning choices in workplaces, healthcare, schools and the street.

Keywords
Sanctuary city, Agamben, citizenship, sovereignty, Toronto

In the Canadian context, Toronto remains the first and enduring paradigmatic case of Sanctuary Cities. Toronto City Council adopted a series of motions in 2013 and 2014 that have come to be known as ‘Access T.O.’ (City of Toronto, 2018). The motions implement ‘Access Without Fear (AWF) policies across city services and direct frontline city staff to eliminate any citizenship...
requirements to accessing municipal services. These motions built upon the work of The Solidarity City Network of activists who supported the efforts by the Toronto District School Board (TDSB) and women’s shelters to resist the Canada Border Services Agency (CBSA) targeting undocumented students in schools or families fleeing domestic abuse. Despite the Sanctuary City designation, in 2015 the group No One Is Illegal and the Immigration Legal Committee found that the Toronto Police routinely violate their equivalent AWF policies (Moffette et al., 2015). Since enacting their own policy, police have referred 3,278 individuals to the CBSA (Hudson et al., 2017; Keung, 2015). Toronto’s case shows how citizenship and social movement literature highlight different data points to celebrate (Abji, 2013, 2018; Nyers, 2018; Vrasti and Dayal, 2016) or critique (Moffette and Ridgley, 2018; Villegas, 2015, 2018) the possibilities of Sanctuary Cities.

Alongside Vancouver and Montreal, Toronto hosts most of the country’s 500,000 undocumented people (Hershkowitz et al., 2020). Toronto is a global city, a national economic powerhouse, and a provincial capital. Its policy decisions not only reflect how immigration federalism frameworks operate, but also various governmental responses to global migration. Toronto is therefore well suited for a comprehensive and expansive case study analysis of Sanctuary Cities as situated within the globalized political economy. Toronto’s size, influence and jurisdictional positionality facilitates the testing of policy effects in major urban centres, supports theory-building to account for hyper-interconnected local economies, and lends itself for a rich description of policy implementation and political action (Lai and Rocca, 2019). Moreover, the municipality makes it possible to gauge Sanctuary as an (in)dependent variable compared to others, such as; being a global city, being a substate capital, and having a sizeable migrant population. (Ireland, 2017). Sanctuary Cities feature prominently in research on subnational policy interventions into immigration related matters such as healthcare (Barnes, 2011; Magalhaes et al., 2010; Marrow, 2012), education (Villegas and Brady, 2018), activism (Basok, 2009; Monforte and Dufour, 2011), and police services (Ridgley, 2008; Sullivan, 2009). The policy further serves to corroborate trends in international politics/relations (Bulley, 2017), urbanism (Cordes, 2017) and legal/public policy analysis (Bilke, 2009; Noll, 2010) regarding migrant rights and the role of cities (Bauder, 2016a).

Sanctuary City scholarship remains divided with regards to evaluating the policy’s effectiveness and normative consequences. Current literature claims Sanctuary Cities embody an alternative to sovereignty and state-based citizenship (Bauder, 2016b; Cordes, 2017; Darling, 2017; Nail et al., 2010; Roy, 2019). Progressive analysis either celebrates Sanctuary Cities alongside other anti-border civil society movements (McDonald, 2014; Squire, 2011; Zorn, 2014) or derides them for being too preoccupied with state citizenship (Darling, 2013; Houston and Lawrence-Weilmann, 2016; Johnston, 2015; McBride, 2009). Competing claims of Sanctuary Cities as either revolutionary or state-collaborationist each garner a substantive literature presenting subnational immigration governance research with a dichotomized view of the policy and/or the challenge of synthesizing the aporia.

Wherever citizenship or immigration documentation determines someone’s access to public services, or discloses their non-status to potentially reporting authorities, frontline staff effectively operate border checkpoints. Sanctuary policies like AWF appear to appropriate border enforcement powers; the traditional prerogative that epitomizes state sovereignty. This appropriation of sovereign power also applies to employers threatening deportation as a means to control undocumented labourers. I propose labelling this phenomenon private deputized sovereignty to denote when agents perform exile or amnesty powers within given areas that are infused with citizenship jurisdiction. I argue private deputized sovereignty conceptually explains how these ambiguous features of sovereignty undergird Sanctuary City’s contradictory policy effects. I extend critiques of methodological nationalism and cityism to Sanctuary City literature that privileges unitary state/city actors and notions of citizenship. To begin, and to escape state- and city-centric thought, I theorize a seeing like a zone approach in order to disaggregate state and city actors and reveal local spatial
production of multiple, even incongruous, forms of urban relations. Drawing on Agamben’s (1998) ‘zone of indistinction,’ this article charts how cities and states claim sovereign interpretative powers to depoliticize and jurisdictionally draw boundaries and exceptions around urban means of spatial production. Agamben’s insights demonstrate how methodological nationalism/cityism mirrors a sovereign’s capacity for producing knowledge/power (like historical/bureaucratic record/categories). This enables the demarcation of who/what is inside or outside a polity, and thus who is an exception and beyond its politics and law. I outline how cities arguing for urban sovereignty, like states, project a public quality onto their citizenship powers, whilst demarcating the exertion of sovereignty by other actors (in a personal, civil, cultural, social, or economic capacity) as an apolitical private matter. I contend that these invisible sovereignties constitute macro-structural phenomena such as planetary-wide urbanization and globalization, whilst state and city gazes look upon urban sociopolitical-economic realms as their own private domain. Following the theoretical exposition, I trace how tensions and ambiguities in Sanctuary City literature reflect a myriad of conflicting private deputized sovereigns spatially producing zones interlinked by global, national, regional and municipal networks. I conclude by applying my zoning approach to identify the private deputized sovereignty configuring Canadian, Ontarian, and local spaces of immigration services, public schools, universities, health clinics, workplaces and local policing in Toronto.

City limits

When normatively evaluating the potential benefits and harmful risks of Sanctuary Cities, research tends to link the phenomena’s effects to an assumed unit in the word city. ‘Seeing like a city’ methods inform framing Sanctuary urban struggles as a means to explore how cities provide alternative sources of ‘membership, belonging, and identification’ (Darling and Bauder, 2019: 4–5). Looking at the city as a cohesive whole reproduces the problématique of statelessness inherent with state-territoriality (Walker, 2015) by analytically devolving sovereignty from the state downwards to cities. When ‘seeing like a state’ became ‘seeing like a city’, migration scholars exported state sovereignty to the urban. And with such a move, the problématique of fitting human rights within the Westphalian system transmutes into affirming ‘rights to the city’ within municipalities embedded within states. Notions of emancipatory forms of urban governance, scale and empowered subnational bodies appear in geographical theories of the rebel/insurgent cities (Cordes, 2017), ‘right to the city’, local self-government (Magnusson, 2015), and urban citizenship (Smith and McQuarrie, 2012); all perpetuating a homogenized conception of the city. Sanctuary City scholarship theorizing in terms of migrant irregularity (Ellis, 2015), precarity (McDonald, 2014), and illegalization (Hannan and Bauder, 2015) imports the antagonism of state power as the cause and potential solution to harmful citizenship practices. Potentially reproducing state power troubles Sanctuary City scholars. As Moffette and Ridgley (2018: 152) characterize the challenge, ‘Whether we are organizing in Canada or elsewhere, we need to refuse to choose between pragmatic reform and what is portrayed as idealistic radicalism’. Yet, the emancipatory and pragmatic potential of Sanctuary Cities nevertheless transsubstantiates elements of liberatory state power into the conjured unit of the city, capable of solving migrant marginalization without addressing the aporias of sovereignty. As Houston (2019) explains, conflating Sanctuary with a city policy assumes a bureaucratic designation that reflects on-the-ground realities; Sanctuary practices evade a common definition because the movement is more a process than a uniform goal.

Uncovering the hermeneutic of structural gazes of states, cities, or sovereigns, involves engaging the epistemic appropriation of life-forces and production. Examples of epistemological erasures include the ‘territorial trap’ (Agnew, 1994), ‘methodological nationalism’ (Wimmer and Schiller, 2002) and methodological cityism (Brenner, 2014). Scott (1998) describes ‘seeing like a state’ like a grid, as if beaming from the Leviathan’s sight, subsunning societal life-force into linear and
rationalistic modern logic. Magnusson (2011) and Valverde (2011) overcome this by choosing to ‘see like a city’ and thereby resist the Hobbesian monster’s gaze. Thinking as a city no less appropriates material productive forces inherent to the emergence of societal spatial production. A city gaze problematically equates local rhythms as determining place, negating the potential of mobile temporalities to produce space (Massey, 2005). I propose to see like a zone to continue the tradition of disaggregating state, city and territorial gazes that presuppose their respective political units as epistemologically self-evident. In the following section, I will show how city-ness obscures the forces pregnant with ‘planetary urbanism’ which nation-states mystify as their own.

Enter the zone

Conceptually, zones accept the ontological family resemblance between the productive origin of property, frontiers and territory in articulating place. Zones epistemologically marry the constitutive elements within territoriality and enclosure involving a performative act (or ‘event’). Massey (2005) describes how modernity fixes linear and bounded temporalities by repetitively associating a delimited area to a regulative ideal. Public, private, cultural, economic, etc. are scripted customizations attached to qualities that spatial borders enact. The city is a product of a constellation and competition of performed spaces (Amin and Thrift, 2002). So too is the state. Zones iterate and identify the spatial performativity (practices) that when reified, possess the wellspring for institutions and structures (Lefebvre, 2014). The zone is an irreducible unit of political technology emerging from urban social reproductive forces, encompassing social, economic, political, cultural, and other aspects of urban life. Zones are imminent spatial political powers capable of articulating performative sovereignty over locales, ‘others’, and ourselves, and with enough terror and coordination, create macro-zonal connections we recognize as the nation-states of today.

Zoning theory demonstrates micro-machinations of sovereign decision-making creating globalized border geographies and jurisdictions in everyday spaces. Agamben’s theory of the ‘zone of indistinction’ animates interventions recognizing this reality. Murray’s (2017) The Urbanism of Exception and Ong’s (2006) Neoliberalism as Exception use Agamben to show the indistinguishability of local and transnational spaces. Agamben’s work undergirds the seminal works of De Genova (2013) and Edkins et al. (2004) who locate global borders and citizenship structures as being locally instantiated. Agamben (1998) describes ‘the camp’, after the German concentration sort, as a zone produced by sovereign agents representing both the law and an exception to legality. The camp produces ‘bare life’, a figure without citizenship and banished from law, yet still subject to legal sovereign violence. Such sovereignty appears inescapable considering how polities self-constitute by delimiting an ordered internal space contradistinguished by an indeterminate and exceptional outside space beyond their pale of law (Johnson, 2014). Defining what is exceptional becomes the means to constitute (and locate) a sovereign community’s internal regulative ideal exceeding its legal order.

Exceptionality is a misnomer on account of how normal Agamben’s ‘bare life’ and camps are in the function of global capitalism. A typical view is Dauvergne (2009: 28) Making People Illegal: What Globalization Means for Migration and Law, viewing exceptional international legal categories for migrants a ‘trend’ and a departure from pre-globalized politics. Such use of Agamben elides his application of the ‘zone of indistinction’ to describe how political and economic realms interact. Agamben (1998, 2011) contends that politics assumes the administration of the good life by cordonning off a political domain from nature. However, power assuming the need for a cordon precedes erecting city walls segregating citizens from the undistinguishable mass of humanity qua animal. Agamben (2011) in The Kingdom and the Glory shows how sovereign exceptionality traffics in notions of economic providence, where pursuing glorious prosperous cities on earth represents divine blessings. The Western European Catholic Church theologized notions of
citizenship (later secularized) to inscribe glory onto inhabitants being admitted into the City of God. Agamben (2011:282) writes ‘Political Economy is constituted […] as a social rationalization of providential oikonomia’. Oikonomicus connotes household relations providing sustenance and throughout Western political theory is allegorized as a form of rulership when contradistinguishing politics (the realm of equal citizens) from the oikos (the place of slaves, women, children and barbarians) (Owens, 2015). Household space, now read as the economic/private, bifurcates life-production from politics. The former serves as the basis of material power and glory from which sovereignty derives force in claiming its apolitical (exceptional) administration. Exceptionality undergirding citizenship emanates in distinguishing forms of rulership and sovereignty’s claim to sublimate economic power to politics and vice versa.

Converting migratory economic force as a basis for city sovereignty and/or citizenship pervades Sanctuary City literature. Whether in describing migration as economically beneficial or contributing to the community, proponents of urban sovereignty or ‘cityzenship’ cite migrant labour to justify municipal sovereign claims to power (Kuge, 2019). Agamben’s insight pinpoints how sovereignty sublimates the differentiated forms of governance which meet in a ‘zone of indistinction’, that is, sovereigns assume power in administering their demarcated sources. De Genova (2013:1194) identifies how spaces of migrant illegality represent a zone where the ‘universal disposability of all labour’ is revealed and proclaimed, with ghettos and migrant precarity stemming from admitting deportable labour. Citizenship regulations mask (and are indistinguishable from) alien economic powers, akin to how commodity-relations mystify capitalist violent force (1187–8). Sovereignty sublimates migrant illegality (or labour relations) as a ‘private’ individual affair wherein deportation (or work contracts) is depoliticized into legal or economic administration (1189). Someone’s potential deportation results from the ability of a sovereign to convert the indistinguishability of political-economy into a decision; in being able to determine a person’s inclusion/exclusion within and between arbitrary construed public/private spaces. Simply, ‘the phantasm of exclusion is essential to that essentially political process of labour subordination, which in fact is always a matter of (illegализed) inclusion and incorporation’ (1190). Agamben’s exceptionality historically pervades state use of emergency powers to quash labour unrest (Neocleous, 2006). Only in claiming an economic realm crucial to life and prosperity can sovereignty render labour demands beyond the pale of citizenship rights, yet apply such exceptions to the citizenry.

States claiming adjudication over public-ness is a triumph of subjugating urban forms of sovereignty to invisibility (i.e. private) in the eyes of an inter-state society whose members behave as if amongst an assembly of black boxes (Curtis, 2016). International political invisibility reveals both oppressed peoples (the others of international law) and private powers uninterested in the accountability that comes with international legal personality (Cutler, 2001). Western political thought has long suppressed others’ spatial claims by seeing socially reproductive labour as being private (Massey, 1992). ‘Planetary-urbanism’ theory echoes these observations by noting how cities and states assume jurisdiction over urban forces in order to monopolize the zoning means of spatial production (Merrifield, 2014; Schmid and Brenner, 2014). Global urbanization represents a long durée whereby urban zones reorganized global spatial relations to facilitate the rise of capitalism. Murray (2017) describes how colonial outposts of anomalous law established bridgeheads to reconfigure spaces and link them to metropoles. Zones are those spaces endowed with private authority (colonial administrative centres, ports, crown corporations, protectorates etc.) where local sovereign exceptional regulatory control connects to global economic networks, whilst also remaining outside of the inter-state legal system (Murray, 2017). Exceptions included citizenship laws, which contemporarily continue to configure admittance and rights within customized spaces that remain exempt yet contained within the global economy (222–231). Examples may include ‘special economic zones, free trade areas, export manufacturing zones, imported-migrant-labour construction sites, gated tourist resorts, [and] offshore finance centres’ (214). Reading into
exceptional forms of citizenship helps situate other identities within the ‘zones of indistinction’ inside/outside social, economic and political realms obscured by state- and city-centric theories of sovereignty predicated on demarcating household affairs as private.

**Performative exceptionality**

Zones as a unit of analysis describe performances producing political and private objects such as property, urban spaces and jurisdictions networked and amalgamated into cities, states or transnational organizations. The city operates as a difference machine that sorts residents(-ces), and thereby inscribes historicity spatially (Isin, 2002). The decision involved in making any difference official requires historicizing the judgement into the annals of records. Jurisdiction then expresses the extent and reach of claims of where sovereign decision-making locates itself (Davis, 2012). Such a process typifies sovereignty, creating borders between identities, and in turn, requiring these historically noted identities such as race, gender, citizenship, worker, etc. to be performed/reproduced. City-ness describes performing the urban and/or civility difference via technologies of citizenship – such as medical, social, housing, and educational services – demarcating their locales (Isin, 2002). Administratively uniting both providential urban-economy and civil-political realms comes to empower bureaucrats to interpret jurisdictional spaces that conjoin the urban/civil and residents/citizens; but crucially, what lays between these realms are the ‘zones of indistinction’ wherein exceptions to these spaces are in effect.

The exceptionality undocumented migrants experience indicates the purpose of each of the jurisdictional city walls imposed upon them. Nail (2015) observes how agrarian, feudal, colonial and (capitalist) privatized zones correspond to the creation of irregular identities contradistinguished by the administrative zoning of farmlands, fiefs, outposts and property, producing irregular/citizen binaries like farmer/nomad, commoner/vagabond, citizen/barbarian and bourgeois/proletariat. As Isin and Rygiel (2007: 196) succinctly put it, ‘the logic of zones is to act as a filter in the citizenship-making process’ by tying legitimized identities to delimited spaces with customized services, rights and/or networks. These are ‘embodied borders’ (Sampson 2019: 256) where socioeconomic and legal constructs create geographic realities through performing inclusionary or exclusionary measures onto migrant bodies.

Borders delimit zones where officials are empowered to normalize or irregularize identities, which justifies their sovereign decision of who is inside/outside citizenship spaces. Sanctuary City processes extend beyond immigration and seek to eliminate the denial of public services on grounds of documentation, which also concerns people experiencing homelessness, transgender individuals and racialized residents (Houston, 2019). Administrating exceptions enables projecting extra-legal borders onto others who then embody the exceptions local sovereigns exert when exercising exclusionary socioeconomic, racial and gendered categories (Sampson, 2019). It is worth noting how citizenship derives its powers by being an incomplete construction. If the definition of what constitutes a citizen remains indeterminant, then required citizenship documentation is amendable to suit state and zoning ends. Assigning non-citizenship enables articulating spatial power with borders of gender, class, race and nationality embedded in documentation, not solely that of immigration.

**Private deputized sovereignty**

Sanctuary Cities harbour three types of exceptions. First, the exceptionality whenever city officials and/or frontline workers determine regulative identities associated with specific spaces, that is, the norms for admittance to areas and ergo, the exceptions to such rules. Second, the exceptionality of policy inaction wherein Sanctuary City policy functions by
conscientious omission of information pertaining to or avoidance of cooperation with deportation enforcement, thereby making an exception to the ‘rule’ of federal border jurisdictional reach. Lastly, the exceptionality of novel administrative strategies that Sanctuary City stakeholders develop to distance state agents’ presence around local services. Taken together, Sanctuary Cities de facto appropriate, via these exceptional inactions, sovereign-state-actors’ spatial production by rejecting the regulative identity of citizenship as the basis for providing services to city residents.

I postulate the term *private deputized sovereignty*: *private* denotes that an individual or sub-state body is acting; *deputized* signifies the auto-appropriation of any said exceptions (either by business, activists, or frontline city staff); and finally, *sovereignty* means the political performance responsible for creating space through defining a delimited area’s criterion for what constitutes its inside/outside. Together, these appropriations produce the power of suspended exile (held by employers of undocumented people) and the power of arbitrary amnesty (by frontline workers providing services regardless of citizenship status). Both powers differ in their qualitative operationalization of irregularity, or illegalization, operating within urban spatial production. The basis on which (non-)citizenship creates irregularity and/or illegality expresses a sovereign authority’s expectation for migrants and residents. This conceptual design captures how Villazor and Gulasekaram (2018) describe groups adopting Sanctuary City rhetoric or policies to become stakeholders possessing immigration powers. The ability to wield exile or amnesty explains why immigration enforcement agencies and laws monitor businesses, educational and religious institutions that could offer amnesty or help exiling migrants (1272–80). Such potential means holders of authority within these domains could zone their spaces into sources of private power over non-citizens within them.

Property alone differs from zoning, however, when performed with exceptionality, it transforms enclosed areas into zones harbouring *private deputized sovereignty*. Nail (2016) and Rankin (2016) describe how private sovereigns birthed from the capacity to administer property as a form of exercising exile and displacement. Nail (2016) documents how configuring and enforcing trespassing tailors land occupancy, thereby transforming proprieted-spaces into border checkpoints filtering out (un)desirable identities based on socioeconomic and political logics. Public services using private contractors for transit fare checkers, airport security, detention facilities, and healthcare providers, privatize discretionary powers on public property where demands for immigration documentation becomes a means for profiling racialized peoples (Bagelman and Kovalchuk, 2019). Default criminalization of undocumented migrants results in part from their designation as being undeserving of help unless they are admitted within the confines of the refugee-asylum or through sanctioned economic-migration systems, which consequently, spatially confines migration into camps or surveilled workplaces (Johnson, 2014). Conversely, Sanctuary Cities see civil society engage liberal logics to describe migrants as productive members of the community and thus deserving of protection. Villazor and Gulasekaram (2018) document how American Sanctuary homes, universities and workplaces draw from the 4th amendment of the US constitution and common law norms against unlawful entry, search and seizure, to resist immigration enforcement. These city services and businesses are performing ‘acts of citizenship’ (Isin, 2012) and democratization by restricting immigration police entry onto property to protect the undocumented. However, making economic meritocracy or constitutionalism the basis for Sanctuary forms of property also empowers the land owners and/or the community with discretionary exile powers over migrants (if deemed criminal, thus underserving of amnesty) (Kuge, 2019). Herein, the zonal approach explains how federal immigration zoning operates by broadening state network of zones by converting public and private property into border checkpoints. Sanctuary networks represent interconnected zones that are produced by agents using ‘acts of citizenship’ to grant measures of asylum.
Toronto zoning

Zoning deconstruction highlights how the Canadian state and province of Ontario jurisdictionally claim Toronto, which itself seeks political autonomy. Canadian urban political theorists consider Canada’s cities to be legally ‘creatures of the provinces’; however, as Magnusson (2015) interjects, it is more appropriate to say provinces are creatures of cities. Canadian provinces amalgamated previous colonial entities wherein cities were nodes connecting peripheral extractive spaces into the global economy (227). Canadian settler-colonialism depends on disregarding the possibility of multiple overlapping and shared jurisdictions that typify Indigenous land governance (Simpson, 2008). Treaties with Indigenous peoples often seek to impose the hierarchy of property relations and create Westernized citizens by necessitating the conversion of their communal lands into individualized plots available for settler purchase (Lyons, 2010). However, Indigenous polities long configured their zoning as open, fluid and non-exclusionary, Canadian settler-colonialism produces properties and citizens networked by colonial administrative centres.

Historically, provinces representing their industries’ interests came to determine the trajectory of federal immigration policy that in turn formalized industrial private deputized sovereigns’ variegated citizenship criteria. From Confederation until the early 20th century, agents from railroads, manufacturing and landowners primarily recruited contract labour, offering land and residency (Green and Green, 2004). Provincial jurisdiction in the British North American Act of 1867 (Canada’s original constitution) granted provinces the power to incorporate companies and manage land, that is, constituting the very corporate entities who dictated provincial immigration policy (Stevenson, 1979). Canada’s unitary federal immigration policy represented the Quebecois, Manitoban, Maritime and Eastern Ontarian dominant capitalist classes who were seeking to control immigration, recruitment and the internal migration of their labour forces (Green and Green, 2004). Between 1910–1931, Canada entrusted the railways with recruiting migrants while the federal Cabinet dictated restrictions on racial and national grounds (106–10). Canada continues to customize labour control with specialized immigration programs granting businesses sweeping powers over their domains. Federal departments functioned in a networking capacity to coordinate these workplace zones. In 1966, the Department of Labour and Department of Citizenship and Immigration merged, and in 1967, introduced a point-system determining migrant admittance tailored according to industry needs (127–8). Quebec’s use of these powers in the 1970s, to enact linguistic and cultural regulative ideals by preferring French-speaking migrants, demonstrates how the customizable nature of Canada’s federal immigration regime fulfills provincial nation-building or province-building sovereign projects (Paquet and Xhardez, 2020).

Canadian employers and provincial agents assume private deputized sovereignty by controlling the recruitment, drafting contracts and enforcing migrant compliance in sectors with variegated entrance requirements and irregular workplace conditions. Both the ‘Provincial Nominee Program’ and the ‘Temporary Foreign Workers Program’ are employer and province driven whereby each actor submits a ‘Labour Market Opinion’ to determine recruited migrants’ wages (Fudge and MacPhail, 2009). The Canadian government is ‘not a party to the contract’ in either program, relinquishing oversight of employee/employer relations to underfunded and understaffed provincial labour complaint boards (30–31). Here, conditions of irregular and exceptional power over non-citizen migrant labour crystallizes, empowering whomever oversees a migrant contract, that is, a privately deputized sovereign. Provinces intervene and assert jurisdiction in immigration matters by involving and funding semi-autonomous agencies and NGOs (Fudge and MacPhail, 2009). Before 1950, Ontario lacked direct immigration programs and only in 1971 opened Welcome Centres and funded civil society groups working with migrant communities (Paquet, 2019). From the 1990s onward, Ontario addressed sector-specific needs, from municipality partnerships agreements, interpreter and anti-racism programs, or by involving more industry-centered councils and
foundations (102). Provincial engagement in immigration shows the bottom-up nature of existing zones (of NGOs and business) having their private power formalized and networked. Federalization and province-building demonstrates how private agents’ interactions with non-citizens translates into a sovereignty over programs and spaces. Zones are created by Ontarian civil society or employers interpreting immigration jurisdiction to determine migrant admission into a given space. These zones are then networked by provinces and the Department of Immigration, Refugees, and Citizenship of Canada (IRCC).

Four types of zones operate within Toronto Sanctuary City. First, economic regulative ideals for migrants (the basis on which Toronto’s municipal government seeks administrative immigration control) enables workplaces to possess exile powers. Second, the Toronto Police Services (TPS) asserts autonomy from local governance by appropriating federal immigration enforcement powers, thereby deputizing local officers to become border agents. Third, Toronto municipal services implement Sanctuary City policies by refusing to disclose information to the Canada Border Services Agency (CBSA) to produce spaces with administrative amnesty. Fourth, local shelters, clinics and schools exercising non-cooperation with the CBSA produce Toronto’s first instances of Sanctuary spaces. These nascent types of zones are divided into two strategies of exceptionality that define regulative identities: the economic/securitized and the administrative/Sanctuary. In each, policy and administrative inaction (i.e. applying exceptions) transforms schools, frontline services and workplaces spaces into either type of zone. The case analysis begins with securitized exile powers over undocumented labour spatially producing economic zones, and then concludes with administrative amnesty powers producing Sanctuary zones.

Economic and security zones

Toronto migrant labour conditions illustrate the private deputized sovereign status of employers who enjoy an invisibility through being seen as mere ‘economic’ actors whilst benefiting from the city politically administering a connection to the global economy. Nonexistent labour protections and the pervasive threat of CBSA raids come together to create ‘zones of indistinction’ for non-citizen employees situated outside the legal economy whilst participating within it insofar as being excludable at any point.

Administrative exile and labour. The City of Toronto Act of 2006 defines the municipality as a corporation (Siemiatycki, 2015), onto which the province delegates power, with the City Council in turn, further delegating to communities, divisions and agencies (Sancton, 2016). However, because border enforcement is a federal prerogative, any municipal role in the matter (apart from the autonomous police) equates to deputized private citizens (Aoki et al., 2008). To which I argue, sovereignty operates within workplaces dependent on deportable migrant labour lacking documentation. Toronto, without exception, allows this possibility within its Sanctuary policy which stipulates that the city will hand over migrant information if required by federal or provincial legislation (Hudson et al., 2017). Sanctuary City policies can therefore be seen to enact an alternate form of variegated sovereignty already present in Toronto’s migrant labour pool, which empowers employers with workplace exceptionality.

Federal and provincial governments coordinate within the IRCC working group that develops strategy and logistics on immigration policy; there, Ontario demanded to increase economic migrants to 70% of intake in 2012 (Schertzer, 2015). Toronto, as the sole municipality with Memorandums of Understanding (MOUs) with both the province of Ontario and the federal government, demonstrates agency on the matter (Rose and Preston, 2017). Ontario’s refusal to grant voting rights to Toronto’s all non-citizen residents whether documented or undocumented, per the city’s request (Siemiatycki, 2015), indicates Ontario’s policy inaction to cement their place in the
apolitical realm. Market actors, possessing full political rights, are able to secure their household rule in exceptional workplace zones. Ontario’s immigration requests from the federal government are driven by Toronto’s push for more skilled labour (Ellis, 2015) and demonstrates market concerns are defining the regulative ideal of the city. Toronto city officials are conscious of such relations and link the provision of services for migrants to bolster the construction, manufacturing and hospitality industries, which benefit from their workers constantly fearing authorities (Laman, 2015). Municipal politicians lobbying for a larger labour pool, minus protections for those who become irregular/illegalized, deputizes employers overseeing undocumented labour and become exceptionally powerful over vulnerable workers.

Sites employing undocumented migrants in Toronto benefit from endowed power to exile migrants and constitute zones of economic marginalization stemming from irregular citizenship status. As Pekic (2016) observes, Toronto disavows substantive intervention against deportations while providing migrants minimal services to ensure labour wellbeing, insofar as they benefit industries. This reveals how the private sector chooses and delineates migrant economic worthiness for inclusion while assuming sociopolitical exceptionality to exclude undocumented workers. Sanctuary Policy, in effect, enables employers to become the city wall enclosing workers whose escape would result in them facing strict refugee criterion for amnesty. To avoid taking such a risk, many undocumented workers are pushed into the precarious informal sector (Darling, 2017). Employers are deputized when they take advantage of such possibilities, thereby transforming worksites into zones made possible by Toronto’s strategy to attract migrants without guaranteeing protections for them.

Local transnational police. Despite its common practice, the TPS lack jurisdictional grounds to report undocumented peoples’ status to the CBSA. Contravening their 2006 policy Victims and Witnesses Without Legal Status and the Police Services Act, which requires a federal warrant to issue information to the CBSA, TPS officers routinely assume reporting is within their discretion; TPS practice thus ‘can be regarded as extra-legal’ (Hershkowitz et al., 2020: 5–8). These claims to extra-legal jurisdiction correspond to police exerting exceptionality to racially profile migrants in disregard of non-discrimination statutes (Ellis, 2015). Judging by field reports, undocumented peoples experience constant fear when accessing Toronto municipal services (Hudson et al., 2017). Such impressions confirm the conceptualization of cities as a means of producing precarity and illegalizing migrant life so to accomplish specific policy ends (Darling, 2017). Areas with TPS presence become border checkpoints wherein racial profiling deputizes officers to assume exile powers that spatially produce security zones.

Though Toronto Police retain some autonomy from the city, they regularly call the CBSA to check a person’s immigration status with or without cause (Moffette and Gardner, 2015). The willful municipal and provincial inaction on TPS AWF policies result in shuttering undocumented people into exceptional spaces. The TPS claims immigration jurisdiction, in effect deputizing themselves with absolute authority (i.e. sovereign) over undocumented migrants (Hershkowitz et al., 2020). Inaccessible police services affect women and children fleeing domestic violence and sexual assault; risking prolonged shelter stays, the inability to press charges and/or ongoing household abuse (Hudson et al., 2017). Similarly, lack of police protection decreases reporting of workplace injuries/abuses that carry long term health problems (22). This further shields employers from the rule of law, enabling their exceptional exercise of power over undocumented people, to exile them into precarity or back abroad. Such employer autonomy suggests their private sovereignty stems from the TPS enforcing a securitized global border regime. The ordered asylum and refugee regulative ideal by and large defines immigration systems worldwide (Johnson, 2014). Undocumented migrants who refuse to live in and be processed through camps are unrecognizable to the system and become subject to exceptional rule and expulsion (48). The criteria put onto the undocumented people, by a sovereign authority or government, enables auto-deputized immigration police who
assert internal city-walls. Worksite property and policed areas are zones networked to the global economy via provincial and federal immigration programs allowing private actors to define migrant regulatory identities and spatial relations.

**Administrative and sanctuary zones**

To implement Sanctuary policies, Toronto’s civil authorities confer frontline workers with jurisdictional discretion to ensure non-citizens can be included within public services whilst excluding their data within administrative records. Drawing on property rights, omitting identification, or evasive data entry, civil actors perform a sovereign decision with ‘acts of citizenship’ reconciling undocumented people’s civic exclusion and their need for social inclusion. Doing so creates ‘zones of indistinction’ reliant on interpretative administrative categories pregnant with exclusionary potential. Administrative exclusions enable healthcare, educational, shelter and civic institutions to admit undocumented non-citizens’ and ensure inclusive services, but that nevertheless possess the potential for later non-admission.

**Administrative data amnesty.** The City of Toronto bureaucracy refuses to collect data on undocumented residents because, according to the Freedom of Information Act, once collected, all data might be shared to enforce laws governing deportations (Hudson et al., 2017). In that regard, the city shares a specific resident’s records only to authorities submitting a written request to Toronto’s Corporate Information Management because Canadian privacy laws forbid indiscriminate gathering of personal information. City administration requires the CBSA and other agencies to request a suspect’s full name to access any of their files (Hudson et al., 2017). The administrative exception here transforms city governmental infrastructure into delimited areas where undocumented people have limited access to public spaces/services. Lacking an AWF policy, provincial offices such as Ontario Works¹ are unwilling to collect demographic data necessary to serve these communities despite the desire to do so (Atak, 2019). Thus, foregoing information-sharing enables the conversion of these social service spaces into variegated zones of quasi-inclusion.

Data sharing and control represents a direct means to inscribe identities for spatial control. TPS and CBSA officers view information sharing as a tool for immigration enforcement and fulfilling bureaucratic norms by drawing from state citizenship categories to justify their actions (Hershkowitz et al., 2020). Universities and educational institutions recognize how sharing immigration status with authorities renders campuses and schools into border checkpoints. In the United States, they also recognize and withhold such information (Villazor and Gulasekaram, 2018), whereas in Toronto, the strategy involves omitting immigration status during enrolment. The Toronto District School Board (TDSB), informally beginning in the 1960s and culminating in the Education Rights Taskforce in 1999, developed an administrative system labelling undocumented students’ status as ‘visitors’ (who are charged for tuition), only later dropping this strategy and associated fees (Villegas, 2019). York University is exploring similar strategies (Atak, 2019) where administrations deputize themselves with sovereign discretion to control a school’s virtual private space, thus producing Sanctuary ‘zones of indistinction’ imbued with the regulative ideals of a student’s right to education, making them deserving of protection from deportation.

**Discretionary borderless services.** Implementing Toronto’s Sanctuary City required finding a manner to deputize officials to enact the policy with grassroots support. The city working group, which included representatives from 21 agencies/divisions and an Executive Director, oversaw training across city divisions who were each responsible for crafting their own interpretation of AWF (Hudson et al., 2017). As such, AWF depends on a division’s willingness to evoke exceptionality in
their respective policy zone. Likewise, Toronto hosts 15 clinics for individuals without provincial health insurance (Migration as a Social Determinant of Health, 2014). Managers include the undocumented patients by appropriating discretionary policymaking powers within healthcare legal provisions that protect visitors (Landolt, 2019). Such nevertheless determines migrant worthiness in relation to zones where community healthcare services budget for uninsured individuals as opposed to migrants who depend on personal connections to borrow health cards to gain admittance elsewhere (Ellis, 2015). Regulative ideals such as duty to patients or students’ right to education, combined with exercising policy exceptions, zone these spaces into Sanctuaries. Also notable are women’s shelters that refuse to collaborate with the CBSA, who target undocumented migrants fleeing domestic abuse. (Siemiatycki, 2015). The exceptions, embedded in irregular categories such as visitor or uninsured, perform a zoning in schools, select city divisions, shelters, and some clinics where service providers oversee a space beyond border enforcement, granting in a sense, amnesty.

However, as Landolt and Goldring (2019) note, ‘status blindness’ proves insufficient for guaranteeing citizenship rights to undocumented students. The 2007 TDSB policies enabling undocumented students to enrol required coordinating and standardizing administrative discretions due to principles asking undocumented parents prove their deservingness (often in economic terms) to enrol their kids (Villegas, 2019). Despite overall success, there are cases of TDSB administrator error that force students and parents to appeal to the TDSB Student and Community Equity Office or seek legal aid to rectify the situation (Villegas, 2010). In these cases, The Equity Office becomes TDSB’s private deputized sovereign to rezone a given school as a Sanctuary. Teachers and administrators’ powers end at the school zones’ edge, whereupon they lack auto-deputizing powers to halt deportation proceedings underway or help students finance post-secondary studies. Modest successes with versions of AWF in the TDSB and Toronto Public Library are linked to their autonomous status from the city which only appoints/sends representatives to their governing boards (Hudson et al., 2017). Bottom-up events spur spatial counter-interventions when authorities enforce state borders zones. The Toronto Sanctuary movement can be traced backed to civil society protests advocating for Algerian refugees facing deportation in the 1990s, and in the wake of a series of TPS and CBSA raids on Latin American and Portuguese communities in 2006; these events pushed the city government to study and implement limited AWF policies (Atak, 2019). The description ‘place as event’ applied to zones explains why in 2007 the TDSB needed to reassert its Sanctuary policy when the CBSA arrested two undocumented students on high school property (113–4). Beforehand, parents had to know which school zones were offering safe enrolment and protection (Villegas, 2019). The precarity of TDSB’s policy reveals how an administrator’s asylum powers require constant reiteration to spatially produce a zone. These border enforcement encroachments sought to rezone schools into border checkpoints, thereupon provoking countervailing grassroots Sanctuary zoning performances.

**Concluding gazes**

Toronto’s Sanctuary policies prima facie suggest that a city government can diffuse Sanctuary norms among the populace and propel local political change (Villazor and Gulasekaram, 2018; Vrasti and Dayal, 2016). Another reading takes Toronto as a global city with devolved public services (Ireland, 2017) hinting at the linkage between disaggregated social spaces (healthcare and education) and worldwide efforts to enact inclusive global urban citizenship (Merrifield, 2014; Nyers, 2018). For policy/legal-minded analysis, Toronto’s Sanctuary City proffers a model for sub-national citizenship within immigration federalism, where multiple levels of government share jurisdiction on immigration matters (Bhuyan and Smith-Carrier, 2012). Toronto as a case confirms claims by Critical Urban and Migration scholars that sovereignty cannot be fully reduced into either structural or agential terms. For instance, Toronto’s ‘community policing’ of immigrant neighbourhoods stems from and perpetuates colonial discourses developed to pacify oppressed racialized peoples
CBSA operations in Toronto and its implication in transnational information sharing regimes means that the city operates at an intersection where new forms of data technology and the global securitization of migrants (Bigo, 2002, 2019; Hudson, 2019). Yet, Critical Border Studies still lacks sensitivity in recognizing how new surveillance technologies re-assemble racializing categories during data collection (e.g. where databases associate race to policing conflicts, managing traffic, or investigations) (Moffette and Walters, 2018). Zoning theory furthers these research agendas committed to situating the space where local and global knowledge/power co-constitutively take hold.

Literature embracing Sanctuary Cities demonstrates yearning for theorizing past scalar thinking (Isin, 2012; Smith and McQuarrie, 2012) and state-centric notions of citizenship that erase migrant agency (Nyers and Rygiel, 2014; Squire and Darling, 2013). While such research displaces state sovereignty as being the foremost a priori institution, there remains the explanatory task of linking local spatial performances to any given scalar structure. State and city zones enjoy their performative having been reified into hegemonic institutions, norms and corporate bodies. Critical Border and Migration Studies must continue typologizing the diversity of zones resulting from local citizenship powers and micro-sovereign spatial production. Whose power is being overlooked when urban migration and citizenship research adopts methodological cityism? Where are private sovereigns enacting invisible borders that police marginalized peoples? With the advent of digital redlining and algorithmic racial profiling that draws on immigration data (Koopman, 2021; Vukov, 2016), how are the social sciences adapting methods to trace these new borders? What are the risks of discretionality citizenship criteria being enmeshed into data? Citizenship zones rely on and generate the same information that circulates transnationally among police agencies who code migration as an existential threat (Bigo, 2019; Moffette and Vadasaria, 2016). In this critical vein, I apply zoning theory to conceptualize private deputized sovereignty that describes how activists, frontline workers and employers appropriate ‘zones of indistinction’ to create irregular identities to administer exceptions to, or with, immigration enforcement.

Seeing like a zone disaggregates political entities like cities and states whose citizenship categories are too often conflated with empirical data. Enforcing, performing, and projecting social, economic and political citizenships onto self and others is the technology of zoning. Exceptions can be made to citizenship requirements insofar to ensure the inclusion of others whose political exclusion fosters an orderly household. Agamben’s insights reveals the story states and cities tell for what it is. From cities devaluing social reproductive labour or states quelling urban revolt, sovereignty sequesters political economy as internal affairs – rule of the oikonomicus. ‘Zones of indistinction’ are where supposed objective political/economic realms meet and necessitate an administrative translator, that is, the sovereign. Citizenship requirements depoliticize the economic and social violence private actors use to control non-citizens. Asking whether the city can assume citizenship politics mystifies the sovereign claims to administer to economic providence, whether on behalf of the nation, community, or the good of undocumented people. To say private sovereigns dissipated with stateness is to see like a state. To acknowledge that cities possess autonomy vis-à-vis states is to see like a city. Seeing like a zone can be viewed as both critiquing performative assemblage techniques (of cities and states) and describing how citizenship creates spatial configurations through projected identities.

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