



Who is who?

Identifying Law Enforcers

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Asian and
Sex Workers

LIVING AND WORK
IN SAFETY AND DIGNITY

Contents

Introduction.....	1
Royal Canadian Mounted Police.....	2
Toronto Police.....	3-4
Canadian Border Services Agency.....	5
City Inspector (Licensing).....	7-8
Make a Plan (in case of arrest).....	9-10

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Support Network
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Introduction

This document is designed to help you:

1. Identify the officer coming to your workplace.

By law an officer must tell you who they are when they come to your workplace. When you come into contact with an officer try find out the department they are from.

You can ask:

“ Excuse me officer, what department are you from?”

3. Be Better Prepared

In case you are arrested it is helpful to have a plan of action. Who is your key contact? Who can you trust with important information?

2. Understand the limitations and powers of the different officers.

By knowing this information you can avoid telling officers more than you need to and better protect yourself.

You have the right to remain silent. However lying about your identity is a criminal offense.

RCMP

Royal Canadian Mounted Police

The RCMP is a national police force of Canada and is responsible for enforcing federal laws especially criminal laws.

- hat with gold stripe
- gold strip on dark blue pants
- grey shirt



1. RCMP are concerned with criminal matters.

They may also enforce municipal laws or even immigration laws. RCMP are responsible for investigating human trafficking cases and sex work related cases.

2. They are NOT immigration officers.

They cannot arrest you because you are a sex worker or seen as a sex worker. However, they may arrest you if they think you are a trafficker, agent or a manager of other sex workers.

Activities such as advertising for and benefiting from other sex workers e.t.c. will be considered by police as breaking the law.

Toronto Police

Municipal Police are concerned with criminal matters. They are authorized to carry out criminal law investigations and enforce criminal law.



- hat with red stripe
- dark blue shirt
- name tag: initial and last name
- red strip on dark blue pants



1. Although they are not authorized to enforce immigration laws, in reality, like the RCMP they often enforce the immigration law by trying to detain you or pass your information to immigration officers.
2. In some cities, police will also be in charge of enforcing municipal laws similar to a City Inspector. (See the part on City Inspector). If this is the case in the city you work in be aware these officers have greater power to investigate and arrest as they may enforce criminal laws and municipal by-law at the same time.



The Police may try to make you stay and wait for an Immigration officer to arrive and arrest you. They may try different tactics to make you wait around for immigration. For example, saying they need to hold your passport or to verify something.

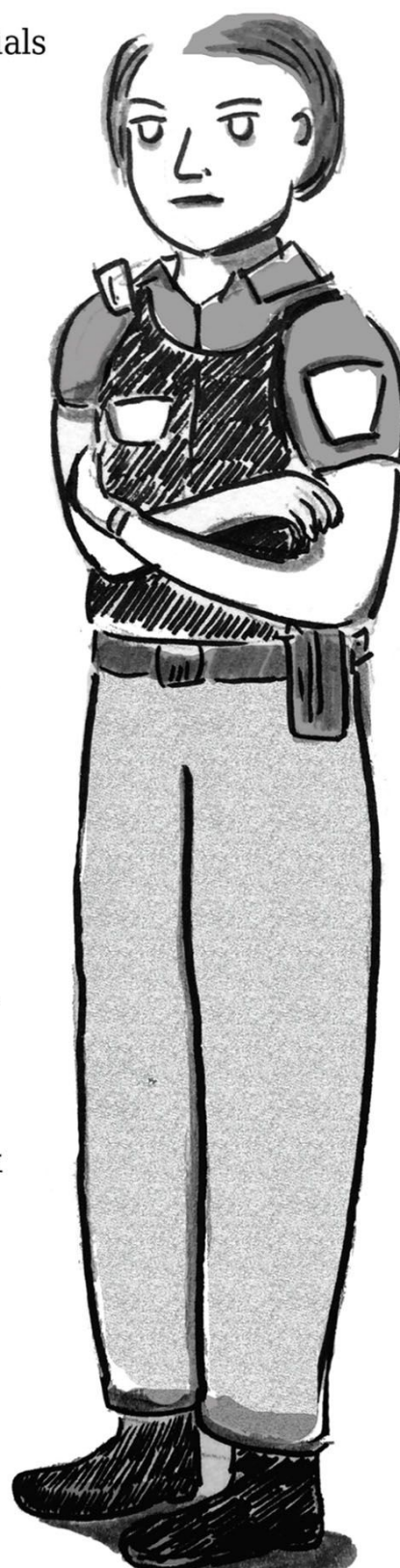
Regardless of what they say, if they are not actually “forcing” you to stay, you may want to leave.

CBSA

Canadian Border Services Agency

CBSA are Immigration Enforcement Officials which mean they are at your workplace because of an immigration matter.

- dark blue shirt and pants
- may wear baseball cap
- may wear jacket with "CBSA" on the back



1. CBSA have very wide reaching powers. This includes powers to arrest you if they have reason to believe you don't have status or have overstayed, if they can't identify you or suspect you are breaking immigration law (or conditions of your visa).

2. If CBSA believe you do not have legal status to be in Canada they may ask you the following:

To show your documents (for example: passport, work permit). They may also ask you if you are working in Canada and other information, such as your date of entry, birthday, address etc.

3. They have the power to arrest you. If the CBSA believe you do not have status or that you breached an immigration law in Canada.



Example of how law enforcers work together:

A police officer is carrying out an anti-trafficking investigation. He finds a phone number from an advertisement of an Asian woman. He calls and goes to a hotel to meet a woman (Lucy). After entering the hotel room, the police officer discloses his identity and asks Lucy if she is working in Canada and if she is a trafficked victim.

The Officer concludes that she is not a victim of human trafficking. He tells Lucy to show him the content of her phone (photo, text message and phone numbers) and he takes a record of the content. He tells Lucy to give him her passport to verify if it is a genuine passport and asks her to wait for the CBSA. After one hour, an immigration officer arrives at the hotel and arrests her for working illegally in Canada.

City Inspector

(i.e. Licensing Officer)

City Inspectors enforce municipal bylaws, such as license, health and safety standards.



- Dark blue jacket
- Dark blue pants
- may wear baseball cap
- sometimes 'BYLAW' written on back of vest

1. They may ask your name and ask you to show your license. You are required to show them your licenses. Although they may not have the legal power to do so, they may also ask you to provide additional identification (eg. ID cards, driving licenses, or other documents), to confirm information such as your name and the address where you live.

2. It is unclear whether they have the legal power to ask you for additional identification documents. But if you do not provide it, they may give you a hard time.

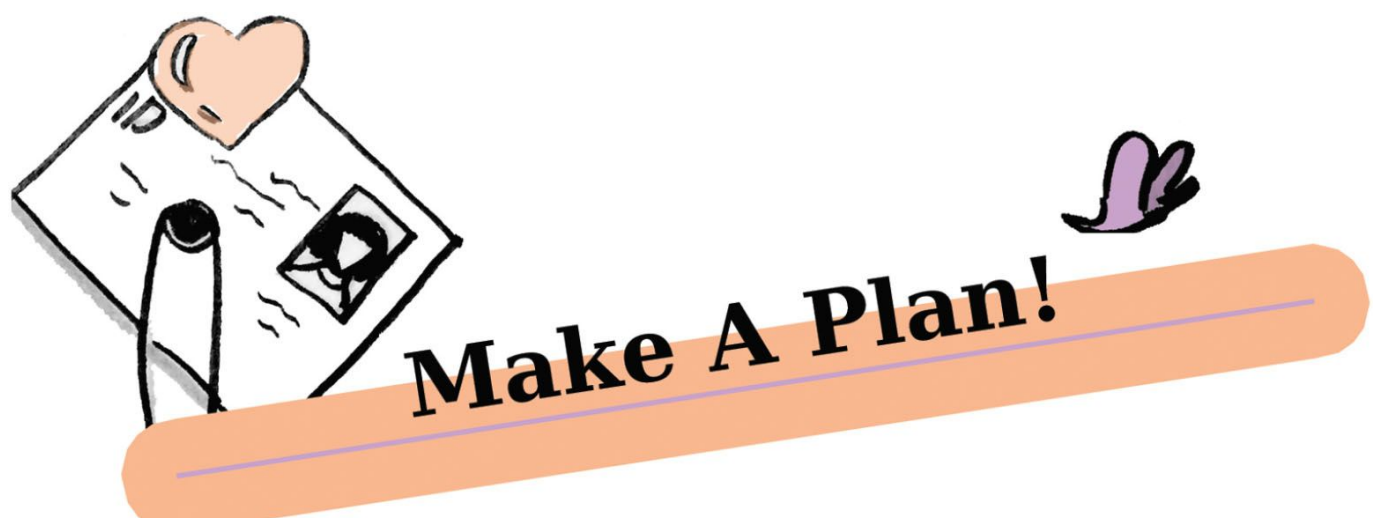
Consider the different identification you can show them, what information is contained in each of these documents, and what are the risks associated with giving that information.



3. If you are found breaking municipal bylaws they will issue a 'ticket' (fine). Such as offering unlicensed services, not meeting clothing requirements.

4. They do not have powers to investigate your immigration status. However, they may *still* ask for information relating to your status and report to the CBSA. They may also report to the Police if they find out about criminal activity.

5. They cannot arrest you or detain you for breaking the municipal laws, you are free to leave anytime. However, they may use different tactics to try to make you stay and wait for the other law enforcement (police, CBSA) to come and arrest you.



Once you are arrested it is a lot harder to make contact and organise what you will need. ***Make a plan*** and share it with people you can trust so you can be more prepared.

1. Let someone know your full name and that they may support you in case of arrest.



* Note: the law enforcement may suspect your friend/support person of trafficking, they may be questioned or investigated.

2. Arrange for someone to hold a key to your apartment.

That way you have someone who can access and collect your important papers and belongings for you.



3. Remember names & numbers of important contacts.

Memorise the numbers of community outreach workers, friends, family, lawyers.

* This is important because you might not be able to access your phone or address book in detention

4. Organise your bond person.

Your bond person will need to be able to attend your bail hearing or detention review hearing.

5. Know your rights

Learn about the laws and rights related to you (e.g. sex work law, trafficking, immigration and bylaws)



For further information and legal support contact:

Butterfly
(Asian and Migrant Sex Workers Support Network)

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website: butterflysw.org



This is NOT a legal document.
Developed by Butterfly: Loretta Mui & Elene Lam

Reference: Stella (2015) Immigration Status and Sex Workers/Working in Canada without Citizenship. See more information and documents by Stella at:
www.chezstella.org