



# Centre for Refugee Children

Refugee and Migrant Children:  
Part I – Context and Considerations

*Wednesday, June 23, 2021*

# Centre for Refugee Children

- Provides **direct settlement services** to unaccompanied and separated children (UASC) in Ontario, with a specialized focus on ensuring **access to justice** for refugee and migrant children who are navigating the refugee claim process or other immigration proceedings.
- Engages in **public education and advocacy initiatives** in response to issues impacting unaccompanied and separated children in Ontario and throughout Canada.
- To request an appointment, make a referral or schedule a presentation, please call the Centre at **416-469-5067** or email **contact@CRCrefugee.ca**

# Webinar Details

- This webinar is being recorded.
- Recording and presentation slides will be made available on FCJ Refugee Centre's website.
- Questions can be posted in the chat/Q&A features during the webinar. We will have some time to respond to questions following the presentation.

# Today's Focus

- Defining Unaccompanied and Separated Children (UASC)
- A Brief Overview of Child Migration
- Refugee Children in the Canadian Context
- Navigating Canada's Immigration System
- Settlement Priorities and Challenges for UASCs

# Who is a Child?

## ■ Child

- An individual under the age of 18.
- While in practice older children (e.g. 15 to 17 year-olds) might not identify as children, and we likewise may view them as youth, it is important to maintain that a child is anyone under 18.
- This distinction is important for immigration (legal) purposes, and connects all children under 18 with the rights and opportunities outlined in the *UN Convention on the Rights of the Child*.

# Defining UASCs

- **Unaccompanied Child**

- A refugee or migrant child who is in Canada **alone** without their parent(s) or legal guardian.

- **Separated Child**

- A refugee or migrant child who is in Canada **living apart** from their parent(s) or legal guardian, but is under the care of another family member/relative/caregiver.

# Refugee and Migrant Children: Facts and Figures

- As of 2020, **34 million children** were international migrants.
- **Half** of the world's refugees and asylum seekers are children.
- In 2014, **28%** of all detected trafficking victims were children.
  - 20% girls + 8% boys = 28% total
- At least **300,000 UASCs** who moved across borders were registered in 80 countries in 2015 and 2016.
- Refugee children are **five times more likely** to be out of school than other children. Only **50%** of refugee children are enrolled in primary school, and less than **25%** of refugee adolescents are enrolled in secondary school.

# Video Spotlight

UNICEF Innocenti – Children on the Move (2016)



Video Link: <https://youtu.be/PLCFjpj9YgQ>



# Drivers of Child Migration: Push and Pull Factors

PUSH FACTORS	PULL FACTORS
War/Conflict	Safety/Stability
Violence (State, Gang, Domestic)	Family Reunification
Climate/Environmental Factors	Better Future/Opportunities
Persecution/Discrimination	Social and Economic Rights

*Any combination of push and/or pull factors may drive a child to migrate, and depends on both the local/regional context and individual circumstances.*

# Convention on the Rights of the Child

- International human rights treaty which sets out the civil, political, economic, social, health and cultural rights of children.
- Ratified by Canada in 1991.
- The *UN Convention on the Rights of the Child* includes:
  - The child's right to life.
  - The child's right to protection from harm.
  - The child's right to express their own opinion and participate in decision-making.
  - The child's right to have decisions affecting them to be made in their best interests.

# Refugee and Migrant Children: A Stateless Existence?

- Most UASCs and migrant children have a nationality, but their status where they reside is often not regularized because they have temporary/undocumented/precarious status in their current location.\*
- This *de facto statelessness* can limit access to services and impede the realization of the rights, protections and opportunities children ought to be afforded.
- Even citizen children in mixed-status families can find themselves *effectively stateless* insofar as their parent(s)' immigration status may prevent or deter them from accessing services and supports.

\*Source: Jacqueline Bhabha – Children Without a State: A Global Human Rights Challenge (2011)

# UASCs in Canada

- While the number of unaccompanied and separated children arriving in Canada to make a refugee claim (or regularize their status) is small compared to other regions, UASCs continue to settle in Canada.
- Due to Canada's geography and its immigration policies/regulations, there is no one pathway of arrival for UASCs.
  - Claim for protection upon arrival at port-of-entry (airports, land borders).
  - Arrival under different status (student visa, visitor visa, etc.) and subsequent inland claim.
- In Ontario, our recent experience is that the vast majority of UASCs are older children (15-17 years old), and the majority are proceeding with inland refugee claims after arriving with a different status.

# UASCs by the Numbers

Claims Referred to the Immigration & Refugee Board (IRB) by  
“Unaccompanied Minor” Refugee Claimants (2017-2019)

YEAR REFERRED	CENTRAL	EASTERN	WESTERN	NATIONAL
2017	194	235	47	476
2018	171	123	42	336
2019	182	218	53	453
GRAND TOTAL	547	576	142	1,265

# Invisible and Overlooked: Children in Immigration Systems

- A **fundamental challenge** for refugee and migrant children in Canada (and in many countries throughout the world) is that they are navigating immigration processes/systems that have been designed for adults.
- As a result, in refugee/immigration systems, children are at **specific risk** of invisibility and incorrect assessment.\*
  - *Invisibility* – a failure to consider a child as a refugee in her own right.
  - *Incorrect Assessment* – a failure to interpret the Refugee Convention in a manner that takes into account the fact that an applicant is a child.

# Refugee Children: Standing at a Crossroads of Human Rights

- Refugee and migrant children occupy a unique position in international and domestic law, as they ought to be afforded rights, protections and opportunities under both the *Convention on the Rights of the Child* and the *UN Refugee Convention*.
- In Canada, we need to continually examine if the procedures, protocols and specific measures put in place for children are sufficient to ensure access to justice and the upholding of their rights (both as children and as refugees).

# Settlement Priorities for UASCs in Canada

- Upon arrival in Canada, many UASCs are confronted with distinct barriers that pose challenges to their successful settlement:
  - *Access to Justice*
    - Refugee Claim Process
    - Alternative Immigration Processes
    - Permanent Residency, Family Reunification, Removal Proceedings
  - *Basic Needs and Income Security*
  - *Shelter/Housing Accommodations*
  - *Access to Education and Healthcare*
  - *Social Connections and Supportive Relationships*



# Questions and Reflections

Thank you for attending the session!

In 'Part Two' of this workshop, we will be addressing the following topics:

*The 'Best Interests of the Child' Principle*

*Immigration and Legal Needs of UASCs*

*Role & Responsibilities of the Designated Representative*

*Refugee Children and the Child Welfare System*

*Housing, Basic Needs and Access to Education*

*Available Services and Resources*



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