



# Centre for Refugee Children

Refugee and Migrant Children:  
Part II – Services, Support and Access to Justice

*Wednesday, June 30, 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](mailto: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

- Recap of UASCs and the Canadian Context
- The 'Best Interests of the Child' Principle
- Immigration and Legal Needs
- Role & Responsibilities of the Designated Representative
- Refugee Children and the Child Welfare System
- Housing, Basic Needs and Access to Education
- Available Resources

# Recap: Definitions

- **Child**
  - An individual under the age of 18.
- **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.

# Recap: A Fundamental Challenge

- A fundamental challenge for refugee and migrant children in Canada is that they are navigating immigration processes/systems that have been designed for adults.
- Other systems that refugee and migrant children navigate (education, child welfare, healthcare, etc.) may not be designed to take into account the settlement needs and circumstances of children, which creates challenges/barriers, and risks impeding their rights.
  - Ineligibility based on immigration status
  - Lack of culturally-sensitive care
  - Limited access to interpretation
  - Systemic racism, discrimination and xenophobia

# Takeaways from Previous Session

- While numbers are comparatively lower than other parts of the world, UASCs continue to arrive and settle in Canada (3-4 refugee claims per week 2017-2019).
- UASCs and refugee/migrant children are navigating multiple systems that were not designed to be responsive to their particular needs and circumstances.
- In the immigration/refugee context, children are at particular risk of being overlooked and/or assessed incorrectly.
- In all areas of their settlement, refugee and migrant children can face barriers that impede their access to needed support and opportunities.

# Best Interests of the Child

## **CHILD'S WISHES**

The Child Advocate should always advocate for the child's wishes unless there's a clear risk to the child's safety.

## **CHILD'S SAFETY**

The Child Advocate should always advocate for the child's safety.

## **FAMILY INTEGRITY**

Child's right to be with parents, siblings, children.

## **LIBERTY**

Child's right to be free from detention.

## **DEVELOPMENT**

Child's right to food, shelter, education, and medical care.

## **IDENTITY**

Including religion, language, gender, sexuality.



# Immigration & Legal Needs for UASCs: Refugee Claim Process

- Access to appropriate legal counsel and designated representative
- Eligibility and Admissibility Interviews
- Submission of *Basis of Claim* (BOC) form and other applications
- Support in collecting evidence to support refugee claim/immigration application
- Completing an immigration medical examination
- Attending refugee claim hearing at the IRB
- Next steps based on IRB decision
  - *Permanent residency if determined to be a convention refugee/protected person*
  - *Appeals process if refugee claim is rejected by the IRB (RPD division)*
- Family Reunification (if in best interests).

# Designated Representative: Role and Responsibilities

- The designated representative is not a legal guardian for the child, but is responsible for decision making and protecting the rights of the child as it relates to refugee claim process and subsequent immigration proceedings.
  - Deciding whether to retain counsel and, if counsel is retained, instructing counsel or assisting the represented person in instructing counsel;
  - Making other decisions regarding their case or assisting them to make those decisions;
  - Informing them about the various stages and procedures in the processing of their case;
  - Assisting in gathering evidence to support their case and providing evidence, including being a witness at their hearing if necessary;
  - Protecting their interests and putting forward the best possible case to the IRB;
  - Informing and consulting them to the extent possible when making decisions about their case.

# Designated Representative: Best Practices

- Although not a legal guardian, it is recommended that the designated representative monitors the UASC's welfare as it relates to meeting basic needs and completing first steps in Canada.
- Acting as the UASC's designated representative for the duration of their refugee claim process and subsequent immigration proceedings if applicable.
- Being in communication as required with the unaccompanied minor's support network (lawyer, shelter, NGOs, schools), based on the child's specific needs and circumstances.

# Children's Aid Society: Mandate and Role

- In Ontario (as of January 1, 2018) for **any child 16 or 17 years of age**, CAS may be involved if it is determined that there is a child protection issue.
- In Ontario, for **any child under 16 years of age**, CAS **must** be involved if it is determined that there is a child protection issue.
- If it is determined by CAS that there exists a child protection issue, they will intervene to provide critical case management services, referrals and follow-up supports for the unaccompanied child.
- If, however, no child protection issue is identified, the child may not fall under the mandate of CAS, and will require these supports elsewhere.
- In June 2018, Peel Children's Aid and OACAS partnered to open the Child Welfare Immigration Centre of Excellence. The Centre is available to consult on any child or youth aged 17 or younger, in Ontario, that is unaccompanied.

# Video Spotlight

## Los Angeles Times – 19 Hours (2016)



Video Link: <https://www.youtube.com/watch?v=gaBfyVFHJOg>

# Housing & Basic Needs Supports

## ■ Housing

- *In recent years, housing has become the biggest challenge for many refugee and migrant individuals/families*
- *Barriers to housing are magnified for UASCS and refugee youth, who often face discrimination by landlords and have other settlement priorities to balance (education, legal/immigration, social development, etc.)*

## ■ Basic Needs Supports

- *UASCs may access income from social assistance programs, employment, the child welfare system, or a combination of these sources.*
- *With high costs of living (especially for UASCs living on their own), these children and youth may be at significant risk of poverty, food insecurity and precarious housing/homelessness.*

# Access to Education

- Moving forward with education is often cited as one of the top priorities for UASCs and refugee youth, but there are significant barriers to accessing education, including:
  - *Access to primary and secondary education for refugee claimant and migrant children who are in the beginning stages their immigration process, but have entered into Canada as a visitor.*
  - *Access to post-secondary education for refugee claimant and precarious migrant children and youth, who do not have access to student assistance loans and are charged international student fees by colleges and universities.*

# Public Policy Issues: Enhancing Access for UASCs

*The following public policy issues have been identified as priorities by the Centre for Refugee Children*

- **Access to Justice:**
  - *Establishing a National Framework for UASCs in Canada*
- **Access to Opportunity:**
  - *CCB Eligibility for Refugee and Migrant Families*
- **Access to Family:**
  - *Removing Barriers to Family Reunification for UASCs*
- **Access to Resettlement:**
  - *Creating Pathways to Resettlement in Canada for UASCs*



# Available Services and Supports for UASCs and Refugee Children

- **Centre for Refugee Children**

- *Settlement services and legal support for refugee and migrant children in Ontario, including UASCs and accompanied children with exceptional needs.*

- **FCJ Refugee Centre**

- *Settlement and legal services for refugee claimants and precarious migrants in Toronto, including Access to Education and Anti-Human Trafficking programs.*

- **Matthew House Toronto**

- *Emergency accommodations, transitional housing and settlement services for UASCs and refugee youth in Toronto.*

# Available Services and Supports for UASCs and Refugee Children

- **Child Welfare Immigration Centre of Excellence (Peel CAS and OACAS)**
  - *Province-wide resource for children, youth, and families, involved with child welfare, who have unresolved immigration status.*
- **Justice for Children & Youth – CASA Program**
  - *Legal services for children and youth with undocumented/precarious immigration status, with expertise on access to post-secondary education.*
- **Canadian Red Cross – First Contact Program**
  - *General orientation and front-end referrals to shelter and settlement services for refugee claimants in Ontario.*

# Questions and Reflections

Thank you for attending the session!

We would like to give special thanks to staff members at Covenant House Toronto and Romero House, who worked with us in developing parts of today's presentation.



# Centre for Refugee Children

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