
Recommendations of the Report on "Unaccompanied Children in Emergencies: The Canadian Experience"

1. CAMP — TRANSIT

Selection: CEIC, with assistance of and in consultation with NGOs which operate in the camp locations, should be the exclusive agency to select UM for Canada.

Priority should be awarded to providing resettlement for the greatest number in greatest need, rather than for a specific individual.

Age Verification: Every UM should have age verified prior to arrival, where equipment is available, by means which are easily performed and highly reliable (e.g., wrist X-ray).

Transportation: Costs for transport from the camp to a destination in Canada should be borne by the federal government. No expenses should be billed either to the UM or to prospective sponsor or to any intermediary (e.g., NGO).

Dossiers: Both medical and personal dossiers accumulated by UNHCR should arrive with the UM. Dossiers should be confidential but available for consultation by personnel charged with care of the UM, including government, NGO, and social service workers. Dossiers should also be available to prospective sponsors once they have agreed to sponsorship.

2. JURISDICTION OVER CHILD

Minors 16 Years of Age or Older: Competent minors of this age need not be the subject of wardship, custodial or guardianship orders. Living arrangements should include group homes, foster home and independent arrangements (see "3. PLACEMENT" below).

Minors 15 Years of Age or Younger: Wardship, undertaken from the child's entry into the province and continuing until it is formally removed, the child comes of age, or family reunification occurs, is recommended. A new limited category of Crown wardship directed specifically towards the temporary

situation of the refugee would be necessary. Provision for a concept of "foster guardianship", combined with continuing wardship, would offer both stability to the child and recognition of long-term commitment by foster parents. Living arrangements should include group home and foster home options (see "3. PLACEMENT" below).

Minors 15 Years of Age and Under in Transit: Development of uniform clause, acceptable to most provinces, which would deem refugee minors to be wards during short periods of transit and delay at landing points, is recommended.

Guardianship: Foster parents may assume legal guardianship of the UM if they so desire. This action should be taken at the option of the minor and the foster parent. Legal and associated costs should be guaranteed or assisted by the province.

3. PLACEMENT

Alternative Types of Placement:

Three types of placement should be available: foster homes; group homes or hostels; and independent living. The UM should have the opportunity to choose the preferred living arrangement wherever possible. Coordination of group and independent living arrangements should be undertaken by one or more NGOs in the local community.

a. Foster homes and foster parents should be subject to periodic consultation and evaluation (e.g., once per month) by visits from a qualified social service worker. Interviews should be conducted (separately during the first six months) with at least one parent and the minor during each visitation. Written records should be kept of each such visit. Necessary corrective actions should be monitored.

b. Group homes or hostels under the auspices of an NGO in the local community should be available wherever

possible. They should normally accommodate no more than eight to ten minors, depending upon facilities. Adequate supervisory and counselling service should be available on the premises, including at least one counsellor in residence.

c. Independent living accommodation should be available for older minors (e.g. above age 16) who wish to live in small groups (three or four). Each group would be assigned a host family by an NGO in the local community. Host families maintain sustained contact with the minors during at least the first six months after arrival.

Sponsor — UM Matching:

Matching of prospective sponsor and UM should be made in Canada by the regional office in charge of the overall coordination of the program. Matching should be undertaken in the first instance on a categorical basis, rather than on the basis of matching individually named UM to specific sponsors. The placement process should give both sponsor and UM assurance that the UM's interests are well served in the proposed match.

Interpretation Services:

Adequate interpretation services should be available to UM, regardless of living circumstances, and to foster families and others charged with care of UM. If competent volunteer interpreters are not available, the cost of these services should be sustained by government.

Volunteer interpreters should be given orientation training to ensure appropriate fulfillment of these tasks.

Educational Accessibility:

All UM should be eligible regardless of province of residence for public education without payment of nonresident fees; for college and university admission; for bursary and financial aid programs; and for training programs under conditions specified for landed immigrants resident in the same province.

All UM should be eligible for CEC training programs (e.g., apprentice program) without the present one-year corridor between school leaving age and commencement of the program.

4. CHILD PROTECTION

The recommendations below are written with a view to children coming into wardship care after a breakdown in private care, either within a biological or extended family grouping or within a sponsored foster home placement.

The need for a proper evidentiary base for establishing the relevance of culture as a factor in decision-making must be emphasized when judicial proceedings involving these children are undertaken. Recognition of this is particularly important for lawyers acting either for the children, parents or for provincial authorities.

Information and Counselling:

Foster Parents: Prior to arrival of the UM, foster parents should be provided with ample information and counselling on the rights and obligations of foster parents, and on the background of the UM. Counselling and group discussion sessions should continue after arrival. Professional services should be available to the foster parents on demand.

UM: All minors should receive orientation and counselling prior to placement in Canada. After placement, minors should be informed about what counselling and personal services are available, and should be encouraged to use them when necessary. Particular attention should be awarded to concerns of family reunification.

General Concerns: Consultation with professionals with expertise in dealing with the cultural group in question should be a normal part of decision-making for the care of these children. All counselling activity should take into account not only the immediate problems and needs of the sponsor and UM, but also longer range issues such as reunification of the UM's family members career plans.

Termination of Foster Family Placement:

Disappointed on the part of the foster

family, especially when the child reunites with the biological family, might well be reduced if the temporary nature of the placement were clearly established (via wardship), and if the financial obligation on the foster family were eliminated or reduced.

5. ORGANIZATIONAL

Federal — Provincial Plan:

Plans for UM intake should be an integral component of planning for refugees. This planning process should be adjusted to the frequency and urgency of refugee crisis situations as they occur, in consultation with NGOs active in this field. Target intake figures and timetables should be announced following these consultations.

Contractual Obligations:

Either the federal government, provincial government, or the two governments together should make the commitment to provide support for the UM, rather than placing the primary obligation on an individual family that is willing to serve as a foster family, on a

sponsor "group of five", or on a voluntary agency.

The contribution of individuals and NGOs should be encouraged. Individuals can assist by serving as foster families or as host families. Organizations of churches can take a more substantial role in providing group homes and other forms of support which require sustained agency effort and which integrate young people into ongoing community activities.

Program Evaluation:

In order to evaluate the services offered, the development of accurate and consistent data collection methods together with analysis of those data in research programs is recommended as a long-term goal. The effects of our institutions on culturally diverse groups must be evaluated and understood. Budgetary planning for UM intake should include a portion (e.g. 15 percent of total budget) for a formal evaluation of the undertaking. Such evaluations should be available to all interested parties (government, NGO, sponsors, refugee groups and researchers).

Refugee Status Decision-Making: The Systems of Ten Countries

Christopher L. Avery

This article is being released in October 1984 in the *Stanford Journal of International Law*, volume 19-2.

The article covers each system through October 1983. The body of the text reflects the situation as of 1 January 1983; the updates which appear at the end of each country-section summarize significant developments between that date and 31 October 1983.

The article reflects only the personal views of the author. The body of the text was written prior to the author's employment at Amnesty International.

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Red Tape Stymies Refugee Kids

Lois Sweet (*Toronto Star*)

Lloyd Jones has a mission, and he isn't about to let a small thing like resistance from the provincial government stop him.

War in Central America has resulted in a large number of people escaping to Mexico and the U.S., which are reluctant to accord them refugee status. Jones, 48, is concerned about the plight of those destined to be deported back to the countries they fled.

Provide sanctuary

In the United States, church-affiliated groups are illegally providing sanctuary and shelter to people in danger of being deported, while lobbying the government to give them official refugee status. The Americans in what is known as the sanctuary movement are at some risk; the Reagan government is threatening to prosecute them for aiding illegal immigrants.

Jones decided to follow their example in Canada — but legally. He felt that Canadians could help the refugees — in particular the kids less than 18 years old who are known as "unaccompanied minors." He began to organize in his home community of Thunder Bay.

Helping kids isn't new to Jones and his wife, Willa, 51. They have four children of their own, two adopted children, two foster children, and recently took in an 18-year-old from a Hong Kong refugee camp. At one time, they had four Vietnamese refugee children living with them as well. Space isn't a problem since they run an international hostel.

But the need is great. Jones knew that, under federal government regulations, unaccompanied minors could come into the country under a foster plan arrangement if the provincial government approved of the foster homes.

For every young person coming into Canada, five families are needed — one to be the family with whom the child will live, one to provide back-up and three others to provide financial support.

The complication for Jones and, as he puts it, "other mavericks in the Canadian refugee movement," is that the federal and provincial governments don't have a policy on refugees from Central America. The federal government approves them on a case-by-case basis.

Last January, people in Thunder Bay heard about a 17-year-old El Salvadoran being hidden in the U.S. who was desperately in need of a home. Canadian foster parents were found, all the bureaucratic hurdles were jumped and he arrived safely. So, in April when Jones heard of other boys in the U.S. who needed homes, he assumed it was simply a matter of going through the same process.

Wrong. Immigration told him that Ontario wouldn't admit any Central American youth under the age of 18, even if there were five foster families willing to support them.

Pat Whiteside, manager of policy coordination for the Ministry of Community and Social Services (COMSOC), called the first case "an anomaly" and said the boy in question shouldn't have been accepted.

Jones and other people in Thunder Bay were extremely concerned about what might happen to the hidden refugees, as were the Americans who were sheltering them. In July, the Americans eventually took four Central Americans over the border crossing at Pigeon River, where the youths declared themselves refugees. The immigration department was forced to make a decision. The young people were allowed to stay.

According to Whiteside, the provincial government is unaware of any risks Central American minors might be subjected to if they were forced to return home.

But the first youth to be legally admitted says that from their early teens, boys in El Salvador and Guatemala are pressured to join either the guerrillas or government army troops. "Everyone is paranoid of being prosecuted," he says. "You have to see a lot of the things the military has done to understand how they teach people to kill and rape."

Jones says that York University did a study of 2,000 Central Americans deported from the U.S. Of that number, 50 are known to be dead.

"Unfortunately, Lloyd Jones won't accept the reality of the limitations of what the government of Ontario, charged with serving 8 million people, can do," says Whiteside. "We can't respond on a case-by-case basis, or the legislation would look like a pretzel. Besides, we have children in Ontario that need help. There are only a certain amount of resources and we can't go off raging about two or three or 15 kids."

Has a responsibility

Jones, on the other hand, believes that Ontario has a responsibility to take a firm stand. "This is an important human rights issue," he says. "We can't change American policy, but we can do something about ours. To my mind, it's very cruel."

Tom Clark, co-ordinator of the Inter-Church Committee for refugees, suspects that the Ontario stand is simply "fear of the unknown, because we don't have any bounds worked out. I'd like to see a delegation meet in formal consultation with the provincial government," he says. "We have to get to the bottom of their resistance."

If Whiteside mirrors the feelings of COMSOC, a delegation won't be greeted with open arms. "No one can be infinitely responsible to humanitarian concerns unless you're God," she says. "And even He isn't doing very well."