



CANADA'S PERIODICAL ON REFUGEES

REFUGE

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INDOCHINESE UNACCOMPANIED MINORS The Canadian Response

This issue of *Refuge* is devoted to the topic of Canadian assistance to refugees who are unaccompanied refugee minors from Indochina. It is a tale of suffering and desperation on the part of the refugees, commitment and compassion on the part of the private sector in Canada, and concern and bureaucratic conscientiousness — sometimes to the point of exasperation — on the part of government officials.

Unaccompanied minors occupy a unique place in refugee settlement. These children are under the age of 18 and have become separated from their parents. They are not in the care of a legally recognized adult who has primary responsibility for them. In the nineteenth century, many such Irish and Scottish minors made their own way to Canada. My late stepfather left Russia at the age of 11 on his own and made his way across Europe while it was undergoing the agonies of the First World War. He arrived in Canada by himself at the age

of 15. These nineteenth and early twentieth century unaccompanied minors were not unique. Yet their contemporary equivalents from Asia or Central America are a particular problem to modern society. Why?

The answer has more to do with the barriers we construct to entry to our country, the self-protective provincial/federal relations we have developed, our extensive protectionist welfare policies and our complex legal systems.

In other words, the uniqueness resides not so much in the situation of these teenaged refugees as much as in the complexities and institutionalized caring of our society.

Thus, this issue is an examination of Canada more than of the refugees, of its compassion and the political, social and legal structures which at one and the same time facilitate and handicap the expression of that compassion.

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Introductory Notes

Status

Unaccompanied minor refugees are not orphans. Some were separated from parents during flight. Some were abandoned. Some were left on their own or sent by their parents as a kind of advance party for the rest of the family. Orphans either died or were adopted by close relatives or other families.

Age

Unaccompanied minor refugees with few exceptions are not children, except in the legal sense of the term. They are overwhelmingly teenagers, many 16 and 17 years old.

Sponsorship

In Canada, unaccompanied minors are not refugees in the legal sense. They are designated class immigrants, meaning they are brought in under a humanitarian program which relaxes our immigration criteria. Further, within this program very few unaccompanied minors are sponsored by the federal government under the joint assistance program; they must have private sponsors.

Support

Since, under private sponsorship, the immigration criteria still required that individuals have an ability to establish themselves, the twelve-month financial obligation of private sponsors was deemed insufficient to enable a teenager to become self-sustaining. This meant the private sponsors had to guarantee assistance not merely for one year, but until the minor reached the age of 18.

Federal/Provincial Jurisdiction

With the exception of Quebec, where responsibility is shared, the federal

government has exclusive jurisdiction over immigration. Outside Quebec, the cooperation of the provinces had not been a necessary precondition for developing an immigration policy, though, of course, provincial cooperation was sought. In the case of unaccompanied minors, where the provincial governments retained jurisdiction over child welfare matters, provincial agreement became a prerequisite to bringing unaccompanied minors into the province.

Mode of Settlement

A form of foster care was used overwhelmingly rather than group homes or self-contained apartments. In this plan the foster parents, rather than the government, guaranteed support for the teenagers until the age of 18. The private sponsorship mode of entry into the country and the necessity of federal/provincial cooperation determined the mode of settling the child more than any consideration of what was best for the teenager.

To recapture the situation myself and in own imagination, I sometimes try to picture the effects on my late stepfather if, at the age of 15, after surviving on his own across war-torn Europe for four years, he had been placed, upon arrival in Canada, under the care of a very kind but very paternalistic Christian family.

Private Organizations

One of the differences between Quebec and other jurisdictions was the extensive use of private organizations such as Families For Children or *Terre des Hommes* in organizing the resettlement of unaccompanied minor refugees.

The analysis in this issue arises out of a detailed research study of the settlement of Indochinese unaccompanied minor refugees undertaken by the Refugee Documentation project at York University as part of a much larger international study. We are grateful to Professor Michael Lanphier, the Coordinator of the Ethnic Research Programme at York University, Professor Diane Pask of the Law School at the University of Calgary, Anne Jayne, Director of the Alberta Civil Liberties Research Centre, Dr. Catherine May and Dr. Lawrence Lam, post-doctoral scholars from York University who served as senior researchers, Janice Kellner of the University of Calgary and Danielle Rouleau of the Université de Montréal who served as research assistants.

Approximate Facts and Figures about Indochinese Unaccompanied Minor Refugees

Resettled in Canada and Europe

Country	Approximate Total of UM From S.E.A.	Age upon Arrival	no. Refugees from S.E.A. in Resettlement Country	Initial Placement		
				Joined Family Members in Resettlement Country	Settled with Peer Groups (Group Care)	Foster Family Placement
CANADA*	500	11 - 17	80,000		5%	95%
FRANCE	6,500 (3,588 between '79-83)	15 - 18	approx. 100,000/ 6.5% UM	55% (3,575)		10% (650)
GERMANY (Fed. Rep. of)	approx. 1,482 1,350 Vietnamese 132 Cambodians	12 - 16	25,000 6% UM		75 - 80%	20 - 25%
DENMARK	153 Montagnard 141 Vietnamese approx. 294	6 - 22 10 - 18				a few younger children
NETHERLANDS	870 Vietnamese	14 - 18	15% of S.E.A. refugee population	52% (502)	27% (235)	6% Dutch 2% Viet. families
SWEDEN	150 S.E.A. approximately	14 - 18				
UNITED KINGDOM	222 S.E.A.	3 - 17	17,000 1.3% UM			
BELGIUM	154 S.E.A.		3,250/5% UM			100%
ITALY	12 Cambodians	10 - 16				100%
SWITZERLAND		13 - 17				

*NOTE: Figures do not include minors arriving with relatives or joining relatives.

The statistics are somewhat misleading since many jurisdictions, unlike Canada, count minors arriving with relatives or rejoining relatives as unaccompanied minors.

Europe versus Canada

Europe, in many cases, utilized different considerations in the resettlement process, such as keeping the minors in their own ethnic group and taking the minors' preference into account in the mode of placement.

The arguments favouring group living versus foster care were:

(i) enables the minors to act as a mutual support group;

(ii) allows them to communicate, retain cultural and ethnic links, deal with traumatic experience collectively over a period of time;

(iii) ethnic and cultural differences are the core of the children's identity and must be preserved on their terms and not on those of the resettlement country;

(iv) permits gradual adjustment to the new culture;

(v) facilitates preservation of culture and language, which in turn facilitates reintegration in case of family reunion;

(vi) no loyalty conflicts between natural family and foster family;

(vii) no pressure to integrate too fast;

(viii) most unaccompanied minors wished to live together in groups, especially if they had escaped together.

Historical

1. 1977 *Terre des Hommes*, in response to a request of the American organization, Friends of Children in Vietnam, offers to match sponsoring Ontario families with suitable 16 to 18-year-old Laotian refugees.
2. 1978 UNHCR raises the issue of unaccompanied minors (UM) with Canadian government authorities.
3. July 1978 *Terre des Hommes* identifies seven young refugees and seven sponsoring families, and Canada Employment and Immigration Commission (CEIC) approves the project for a maximum of 20 young refugees.
4. Oct. 1978 Thai government draws up a list of 300 refugee "orphans" for adoption in other countries.
5. Oct. 1978 First UM arrives in Quebec. The total by the end of the year is 44; 32 under the guardianship of *Centre de Services Sociaux* and 12 adolescent girls in a group home under the auspices of an Ottawa religious community, the Order of Jeanne d'Arc. The federal government provides \$1,200 per child.
6. Feb. 1979 Bangkok post reports that the Thai list is unreliable, the children's orphan status is questionable and the list was compiled by loud speaker recruitment.
7. May 1 1979 Ten more UM receive visas for Ontario, though there is no federal/provincial agreement.
8. May 31 1979 The first detailed proposal is made outlining the program guidelines and procedures for the sponsorship of unaccompanied minors.
9. July 1979 The first meeting of CEIC officials and representatives from the Ontario Ministry of Community and Social Services (COMSOC) is held.
10. July 1979 The Ontario cabinet agrees to accept up to 400 minors. This does not entail, as it turned out, the province accepting responsibility for 400 minors, but only that the province would act to oversee and facilitate the process of resettlement.
11. Aug. 1 1979 Second of many subsequent meetings is held to hammer out a detailed agreement between the federal and provincial authorities for unaccompanied minors.
12. Aug. 1979 Three representatives from Families for Children enter the camps and request permission to assist in the selection and resettlement of the children.
13. Aug. 8 1979 Ontario rejects a temporary group placement/reception centre.
14. Aug. 1979 *L'institut Jeanne d'Arc* in Ottawa proposes to sponsor seven girls in a group home under the Joint Assistance Program.
15. Sept. 17 1979 The Ontario Federal Preliminary Agreement on the process of admitting UM and the respective responsibilities of each jurisdiction is decided.

Chronology

16. Oct. 1979 Seven girls (15 to 17 years of age) arrive at Jeanne d'Arc.
17. Oct. 16 1979 The outstanding issue between the federal authorities and the province of Ontario — the division of financial responsibilities in cases of breakdown — is settled. The province is to be responsible in cases of social breakdown; the federal government is to be responsible in cases of financial breakdown. (In fact, the federal authorities always assumed the responsibility even though the overwhelming number of breakdowns were caused by social factors.)
18. Oct. 22 1979 The Quebec *Ministère des Affaires Sociales* (MAS) and four non-governmental organizations (NGO's) conclude a protocol of agreement on a sponsorship model, for minors. The four NGOs are: AMIE (*Aide médicale pour l'enfance*), FFC (*Familles pour enfants*), SdN (*Soleil des Nations*), and TdH (*Terre des Hommes*).
19. Nov. 1 1979 The Indochinese Designated Class Regulations of the Immigration Act are formally amended to extend the designated family sponsorship undertaking from one year to the age of majority of the child.
20. Nov. 1979 A *Terre des Hommes* representative arrives in Bangkok with 280 names, informing the UNHCR that the children would be sent to Canada without normal processing. (This list included "hard-core" Khmer Rouge teenagers who had purportedly been indoctrinated since the age of 12 and involved in the Pol Pot massacres. This resulted in tension, conflict and suspicion between the federal authorities and the private sector.)
21. Dec. 1979 The first *official* UM arrives in Ontario, five months after the Ontario cabinet had agreed to accept the 400 unaccompanied minors.
22. May 1980 Six more girls arrive for a group home run by the *Institut Jeanne d'Arc* in Ottawa.
23. Oct. 1980 *Frères des Ecoles Chrétiennes*, a religious order in Ottawa, offers to set up a group home for Cambodian adolescent boys. Ottawa agrees to pay \$100.00 per month for each boy under the Joint Assistance Program.
24. Dec. 30 1980 Ontario and federal representatives both agree that neither the backup family nor the "group of five" requirements accomplishes the purposes of providing support and minimizing breakdown.
25. June 1981 Ottawa recommends a halfway house or group home approach to all provinces.
26. Nov. 1981 The first four of eight boys arrive at *les Frères* group home in Ottawa.
27. August 1981 TdH representative is accused by the Bangkok post of selecting 30 Cambodian minors (aged 12 to 17); Quebec advises that nine of the minors are approved, but CEIC is unable to find homes in the other provinces.

Quebec NGOs

Acronym	Full Name	Capsule	Total no. of UM
AMIE (francophone)	<i>Aide Médicale pour l'enfance</i>	<ul style="list-style-type: none"> • founded in 1969 • Catholic • directed towards needy children in the Third World • 1300 active members and 300 associates 	140
FFC (mainly anglophone)	<i>Familles pour enfants</i>	<ul style="list-style-type: none"> • incorporated in 1974 • involved in international adoption and international aid 	55
SdN (francophone)	<i>Soleil des Nations</i>	<ul style="list-style-type: none"> • founded in May 1977 • international adoption • 100 active members 	59
TdH (mainly anglophone)	<i>Terre des Hommes Canada Inc.</i>	<ul style="list-style-type: none"> • an international NGO with autonomous national bodies • relieve childhood suffering throughout the Third World 	115
TOTAL			369
LESS KNOWN FALSE MINORS			50
			319
LESS FAMILY REUNIFICATIONS			54
FINAL TOTAL			<u>265</u>

Weaknesses of The Unaccompanied Minors Program

General

1. There is a delay between the initial publicity and application to sponsor, and the arrival of the child. The delay results in a large dropout of sponsorship applicants.
2. Insufficient documentation of the unaccompanied minors.
3. Discrepancies existed in the actual age of the unaccompanied minors and the expected age by the sponsors.
4. The worldly experience of some unaccompanied minors in Indochina and in the camps exceeded the expectations of the sponsors.
5. The sponsors wanted young female children, yet unaccompanied minors were mainly male (two males : one female) and older teenagers.
6. The breakdown was primarily age dependant, with a much higher proportion of breakdowns and early departures among older adolescents.

Differences Between Ontario and Quebec

	Ontario	Quebec
	Federal/provincial delays occur because of disagreements over the financial liability in cases of breakdown.	Inadequate follow-up which was done on demand rather than on a systematic basis; therefore, there was inadequate documentation evaluation.
Average Age	14.5 years (1979-1980) 13.4 years overall	16.5 years (1979-1980) 14.4 years overall
Total	175	265 (this figure excludes false minors and those reunited with family)
Male/Female Ratio	2 to 1	3 to 1
Placed in a Second Family	14%	18%*

*Quebec took more children and as well took a higher proportion of older and male children.

Division of Responsibilities

Responsibilities	Federal Gov't	Ontario Gov't	Private Sponsors	Federal Gov't	Quebec Gov't	NGOs	Private Sponsors
Selection	X				X		
Medical Screening	X			X			
Matching	X					X	
Travel Arrangements & Loans	X			X			
Accommodation Pending Placement	X			X			
Financial Assessment of Sponsors	X					X	
Placement Follow-Up	X					X	
Provincial Coordination		strong			weak		
Home Studies		X				X	
Provision of Educational, Health & Welfare Benefits		no formal arrangements			granted to UM as permanent resident		
Orientation of Sponsors		X				X	
Interim Legal		A gap				assumes legal responsibility which is then delegated to the sponsor if and when the legal guardianship is arranged	
Guardianship		assists the families with the legal process of obtaining guardianship				assists the families with the legal process of obtaining guardianship	
May sign legal guardianship agreement			X				X
Financial Support			X				X
Human, Social & Psychological Support			X			X	X
Contractual Financial and quasi-legal obligation			X				X

Initially the NGOs participated in the selection by designating names from a list provided by (MIQ), but the procedure was too cumbersome and took too much time. This arrangement was withdrawn in January, 1980, but reinstated on February 2, 1981 when the NGOs were overwhelmed with too many UM.

Policy Issues

1. Why did Canada have the slowest record with respect to processing time for unaccompanied minors?

2. Who should be responsible for the transportation loan?

- The minors were not of legal age to contract for a debt.
- The federal government was unwilling; the permission of the Treasury Board to waive outstanding loans was denied in April of 1981.
- The NGOs in Quebec undertook to reimburse the federal government, but they assigned the costs to the sponsors.
- In Ontario, the sponsors signed an indemnity agreement; there was a question of whether one could indemnify a loan where the primary lender was a minor and where there was no means of legally enforcing the primary responsibility of the minor. In any case, it was very unlikely that the federal government would come after any private sponsor, particularly in cases of breakdown.
- The loans were in the minor's name, though in fact many did not sign the agreement. The minors could not be held legally responsible because of the situation under which they signed the agreement.

3. Was the medical survey necessary?

- The hepatitis B checks were eliminated in November of 1980; not one child was rejected by a sponsor because of suspected hepatitis B.

4. Should group homes and independent living arrangements be used as well as foster homes?

5. To what degree was Ontario's concern to make sure that it was not a party to the arrangements and would not become financially liable for the unaccompanied minors, since it was a volunteer responsibility, a hindrance to the intake of larger numbers of unaccompanied minors envisioned in the original project. In other words, did the efforts of the provincial government to protect itself from any financial responsibility interfere with the purported Ontario goal of reinforcing the voluntary sector?

6. Who should take care of the home studies, the orientation of sponsors, counselling for sponsors and follow-up; the NGOs or provincial governments?

Causes of Breakdown

1. Unaccompanied minor status was used as a stepping stone to come to Canada and seek reunification with relatives.

2. There are age discrepancies; that is, there is a difference between the actual and the reported age so that an 18-year-old arrives as a purported 15- or 16-year-old.

3. Language barriers and inadequate interpretation services.

4. A mismatch of minors with the wishes of foster families.

5. The different expectations of sponsors and those of the minors concern-

ing respective commitments, roles, conduct, etc. That is, who is right, the sponsor who wants the child to learn English or French for the long term, or the very young adult who is subject to pressure at age 15, and feels the responsibility to work, send funds home, help the rest of his or her family escape from Southeast Asia?

6. There is a lack of a detailed description on the background of minors.

7. The different types of family authority structures in Canada and Indochina, for example are maternal authority in Quebec contrasted with the paternal authority dominant in Southeast Asia.

Processing Time*

Country	Time	Conditions
Austria	immediate	?
Belgium	?	final and unqualified
Canada	2 weeks	conditional on medical**
France	1 - 2 days	final and unqualified
Italy	immediate	?
Sweden	1 week	final and unqualified
Switzerland	immediate	final and unqualified
U.S.A.	1 - 5 days	?

*UNHCR Report: July 1980

**This process is speeded up in exceptional cases. Informed on a Friday about a young girl raped in a refugee camp, Canada organized the home study over the weekend and the post was instructed on Monday to send the girl immediately.

Legal Responsibility for The Unaccompanied Minors

Possibilities		
1.	unaccompanied minor him/herself	With some exceptions, the unaccompanied minor cannot assume legal responsibilities to sign contractual obligations until the age of 18.
2.	the parents	The parents are not in a position to sign; on the other hand, they have neither relinquished their legal responsibilities nor demonstrated that the care they did provide fell below a minimum level thereby providing grounds to justify state intervention.
3.	the foster parents	The foster parents, in some cases, assumed the responsibility, but in many cases they did not sign guardianship papers.
4.	non-governmental sponsoring agency	In Quebec, the NGO's officially accepted responsibility from the state guardian; in practice they were unable to effect responsibility since in almost all cases they had little contact with or responsibility for the child. In many cases they lost track of the child.
5.	the state — federal — provincial	The federal government is constitutionally not responsible for the welfare of children. The provincial governments wanted this responsibility to be assumed by NGOs in Quebec and indirectly the private sponsors, and, in Ontario, directly by private sponsors.

Is guardianship necessary?

Prior to the Children's Reform Act (1982) in Ontario, persons under the age of 18 defined as minors had a limited capacity to act for themselves in property or contractual matters, marriage or consent to medical treatment. Married and self-supporting minors as well as those nearing the age of majority had greater independence. The two key issues with respect to unaccompanied minors are education and medical consent.

The Education Act assigns responsibility to "any person who has received into his home another person's child who is of compulsory school age and is resident with him or in his care or legal custody." Thus, foster parents have a duty to send the unaccompanied minor to school. However, foster parents may not have the right to do so without payment of the non-resident fee unless they

are also *legal* guardians who reside in the educational district or pay taxes in the school division. The Children's Law Reform Amendment Act provided a complementary amendment to the Education Act by defining a guardian, for fee purposes, as "a person who has lawful custody of a child," enabling anyone with a custody order and not full guardianship to be exempted from fees. (The Children's Law Reform Amendment Act was introduced in 1982; and although there was an issue about education fees there is no longer one.)

With respect to medical treatment, a minor capable of appreciating the nature and consequences of the proposed treatment (usually when one is aged 16 or 17), can give valid consent. A doctor would almost certainly require the consent of an adult with that responsibility for all other minors, and

sometimes even for 16- to 17-year-olds. Further, *The Public Hospital Act* in Ontario requires the written consent of a responsible adult for hospitalization.

The latter issue was apparently resolved with the amendment of Part Three of the Children's Law Reform Act of 1982 in recognizing the child's views and preferences and the right of the child of 16 or 17 to withdraw from parental control and in general to speak and act alone. Thus, a 16- or 17-year-old would have the right to choose or refuse needed treatment, and, in fact, this might extend to any minor deemed to have sufficient knowledge and understanding to make a reasoned decision.

The issues of responsibility for education and medical treatment, particularly in cases of older unaccompanied minors, seem to have been overcome in the last several years by amendments to Ontario law.

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."