

Access & Success for Students with Precarious or No Immigration Status

Presented by:

Justice For Children and Youth

Website: www.jfcy.org - Phone: 416 920 1633



Justice For Children and Youth Legal Clinic

- Legal Clinic – free services for young people
- Part of the Legal Aid Ontario legal clinic system
 - Some legal clinics are geographic – i.e. there is one assigned to each community in Ontario
 - Some are speciality – for example ethnicity or race – BLAC, SALCO, Metro Chinese, or issue – e.g. HALCO, ACTO, and JFCY – child rights experts
- JFCY provides:
 - Summary advice: any young person under 18 years or still at school can call and get advice
 - Representation – low income, up to 18 or up to 25 if unstably housed or a CASA client
 - Public legal education – for young people, and also people working with young people
 - Online WIKI - provides information about your rights on topics such as education (suspensions and expulsions), criminal charges, leaving home, housing, child protection, immigration
- Referrals to other helpful services
- Law reform – challenging unfair laws - Supreme Court of Canada, Court of Appeal
- Lawyers, social work supports, and specialised programs including CASA, SYLS, YWF

What does CASA do?

- Supports young people without precarious or no immigration status
- Confidential and free
- Provides summary legal advice
- Connects young people to ongoing legal representation
 - JFCY
 - Other clinics
 - Private bar lawyers (legal aid or private retainer or pro bono)
- Provides trusted intermediary services to help young people navigate the legal system, gather information and support documents for immigration applications and access services such as healthcare, and education (K-12 and PSE)
- Law reform and advocacy



Today's Agenda

1. Legal framework for education access in Ontario
2. TDSB perspective on education access issues
3. Experiences of young people living with precarious or no immigration status in high school
4. How to support young people with precarious or no immigration status
5. Q&A

Ontario: Grade and High School Access

- School access is a **legal** issue
- Starting point - **all children should be in school**
- Two main pieces of legislation to consider:
 - *Immigration, Refugee Protection Act (IRPA)*, federal law - governs peoples' immigration status, what they can do here, and how long they can stay
 - *Education Act*, Ontario provincial law - governs who is entitled to attend Ontario's public grade and high schools, and who is fee exempt
- Ministry polices and school board directives – do not replace the law

IRPA – Realities of the Immigration Process

- Immigration journeys can be very **long** and **complex**
- Many **different** pathways, processes and statuses
- Immigration is a **very weighty issue** for families – need to make informed decisions, hopefully with legal advice
- **No firm timelines** for application processing
- People's status may **change**
- Processes, procedures, and pathways at IRCC can **change**
- Children are often included as dependents on parents or other adults applications, **but sometimes need to navigate the system on their own (e.g. unaccompanied or separated minors)**
- Immigration laws **intersect** with many other laws and complicate or bar access to other systems (e.g. education, healthcare, youth criminal justice, financial supports etc.)

Legal Framework for Education Access (K-12)

- Education Act 49.1 Persons unlawfully in Canada: *a person who is otherwise entitled to be admitted to a school and who is less than eighteen years of age shall not be refused admission because the person or the person's parent or guardian is unlawfully in Canada.*
- Fees - Section 49(6) of the *Education Act* (6) - *Despite any other provision of this Part but subject to subsection (7), if a board admits to a school that it operates a person who is a **temporary resident** within the meaning of the *Immigration and Refugee Protection Act (Canada)* or a person who is in possession of a study permit issued under that Act, the board shall charge the person the maximum fee calculated in accordance with the regulations.*
- (7) exceptions – *a person if his or her parent or someone else with lawful custody of him or her on a TRP, work permit, study permit (publicly funded institution), has PR, or has made a ref claim or a PR claim*

Fee Exemptions

- Work permits
- Study permits
- Refugee claims
- PR applications
- People whose status has expired (no status)

Recent Trends in Education Access (K-12)

- School access is a legal issue. We strongly recommend people access **legal advice** where possible!
- We see many clients having **more challenges registering in schools**
- Difficulties applying complex provisions of the Education Act as they intersect with the immigration system
- Children out of school for months and, in some cases, years
- Difficulties providing documents:
 - Date of entry – passport stamps
 - Refugee claim documents
 - Proof of address
- Lack of translation and interpretation services

Postsecondary Education Access

- Life after high school – everything changes!
- Postsecondary education
 - Student visas
 - International vs domestic fees
 - OSAP and bursaries
 - SIN numbers
- Access programs
 - York University
 - Queen's University
 - Toronto Metropolitan University
 - Other options
- Employment



Impact of Immigration Precarity in School Settings

- In-class learning
- Extracurricular activities
- Employment
- Relationships students and school staff
- Post-secondary education plans
- Mental health

Impact of Immigration Precarity in School Settings

What we've learned from research:

- Anxiety about status being revealed and/or status information shared and negative consequences of that
- Impacts course selection and postsecondary planning
- Loss of motivation, isolation, and other mental health concerns
- Worry about drawing attention – may impact engagement and attainment
- Some students might be excluded from opportunities or services because of status
- Little to no resources are available for students with precarious immigration status
- Anxiety about graduation

Supporting Students With Precarious or No Immigration Status

- **Access to reliable and safe information, support, and resources**
 - CASA workshops are a good way of highlighting these issues and legal resources for students who may have status issues
- Ensure young people are connected to **settlement supports and legal supports**
- Care around information gathering and sharing
- Have safe and inclusive conversations
- Being aware that some students might be excluded from opportunities or services because of status issues

Supporting Students With Precarious or No Immigration Status

CASA Workshops:

- Free, curriculum-linked workshops designed to engage ALL students while providing important info and resources to vulnerable students in the class.

- Please scan this QR code to request a CASA workshop:





CASA
CHILDHOOD ARRIVALS
SUPPORT & ADVOCACY



JUSTICE
FOR CHILDREN
AND YOUTH

WHO IS CASA?
CASA serves young people who were brought to Canada as children, and live in Ontario without immigration status.



WHAT DO WE DO?

-  Provide free and confidential legal support
-  Help accessing services like healthcare & education
-  Host free workshops for high school classrooms

FREE WORKSHOPS:
CASA provides free high school workshops that are curriculum-linked and engage all students, while sharing resources and supports for young people without immigration status. Below are the workshops we offer:

MIGRATION & ALLYSHIP	Explore migration and belonging to understand migrant experiences, history, and debunk myths. GOOD FIT FOR: Gr. 9 Geography, Gr. 12 Equity & Social Justice
NAVIGATING ADULTHOOD	Developing personal agency through learning how to acquire government IDs, navigate systems, and build a chosen future. GOOD FIT FOR: Gr. 10 Careers
AGE BASED MILESTONES	Exploration of the age-based legal milestones and youth rights that impact young peoples lives. GOOD FIT FOR: Gr. 10 Civics
IMMIGRATION & THE LAW	Critical examination of laws, policies, and systems pertaining to immigration using legal principles. GOOD FIT FOR: Gr. 11 Law, Gr. 12 Law

Here's what teachers are saying about our workshops:

"This workshop had a big impact on my students' view of Canada, of migration and of allyship."

"It was an exceptional presentation and was very engaging"

"It was great to discuss such an interesting and important topic. Several students were very impacted by it. Well done!"

To request a workshop, please scan this QR code:



For CASA workshops or outreach questions:
gnonu.krishnapillai@jfcy.cici.ca
416-920-1633 ext. 8233

For JFCY/CASA legal services:
info@jfcy.org
416-920-1633
1-866-999-JFCY (5329)

JFCY's CASA program is supported by the Law Foundation of Ontario



Supporting Students With Precarious or No Immigration Status

JFCY & CASA Contact Info:

- PHONE: 416-920-1633
- EMAIL: INFO@JFCY.ORG
- VISIT: www.jfcy.org/CASA

CASA MAILING LIST:

If you'd like to get in touch with us to talk about school access and support for young people with precarious immigration status, please scan this QR code:



Systemic Advocacy

- Protecting and advocating for young people's rights and interests in the immigration system
- Borderless Access to Education project at CASA
- CASA/OISE Research project
- School Access Coalition
- The Sanctuary Students Solidarity and Support Collective (S4)
- Contact Talayeh Shomali at Talayeh.Shomali@jfcy.clcj.ca



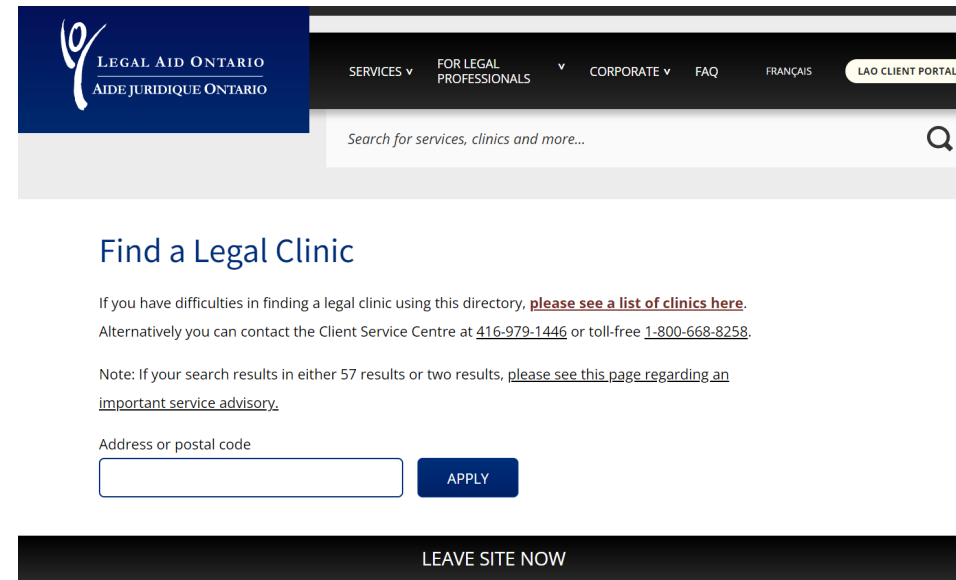
Borderless Access to Education Project Survey



- This survey is designed to provide us with a better understanding of policies, practices, supports and services that obstruct or assist students and their families.
- **Your responses are voluntary and will be kept confidential.** Responses will not be identified by the respondent. All responses will be compiled together and analyzed as a group.
- The information you provide will only be used to help us understand the experiences of students and their families with respect to accessing public education in Ontario. No information that you provide will be shared with anyone outside of the B.A.T.E. project team.
- You may skip any question that you do not want to answer.

Other resources:

- JFCY “Your Legal Rights” Wiki:
www.jfcy.org/rights
- Legal Aid Ontario – clinic system:
www.legalaid.on.ca/legal-clinics
- Settlement services near you:
services.settlement.org
- The S4 Collective: www.s4collective.org
- New permanent residence pathway for people in or formerly in the care of children’s aid:
<https://www.canada.ca/en/immigration-citizenship/services/application/application-forms-guides/guide-0204-pathway-permanent-residence-minors-care.html>



Q&A

Thank you!