

Children Alone, Seeking Refuge in Canada

MEHRUNNISA AHMAD ALI

Abstract

Using comparisons with international policies and practices, this paper highlights the ambiguities in the identification, case processing, care, and protection of separated children in Canada. It calls for systemic studies of government policies and institutional practices that impact separated children, so that Canadians can take more principled positions towards them. Our current lack of knowledge about separated children puts this highly vulnerable group at greater risk of exploitation and neglect.

Résumé

À l'aide de comparaisons entre les politiques et les pratiques internationales, l'article met à jour les ambiguïtés concernant l'identification, le traitement, le soin et la protection des enfants séparés au Canada. Il demande que soient menées des études systémiques sur les politiques gouvernementales et les pratiques institutionnelles qui touchent les enfants séparés afin que les Canadiens puissent adopter des positions mieux informées. Notre méconnaissance actuelle au sujet des enfants séparés rend ce groupe déjà vulnérable encore plus à risque d'être exploité et négligé.

Introduction

In international comparisons, how a country takes care of its vulnerable populations is often used as an indicator of its human and social development. In most instances, children and refugees are both counted among vulnerable populations. However, when children separated from or unaccompanied by adults responsible for their care seek refuge in a country, they are viewed from two very different perspectives. People who see them as the cargo of human traffickers, or as “anchors” sent ahead by parents wanting to follow them, tend to believe that their good care and protection will

only encourage exploitative adults who have used them for their own interests. Others, who see them primarily as children, claim they are in “double jeopardy” because of the circumstances under which they have left their countries and the absence of supportive adults in countries where they have arrived. Very little is empirically known about them. They continue to remain invisible and voiceless, not only because of their inability to speak for themselves, but also because of societal ambivalence towards them, in Canada as well as in other countries.

Bhabha suggests that inconsistent treatment of these children in North America is based on “two opposing normative frameworks – immigration control preoccupations on the one hand, and welfare protection (including child rights) concerns on the other.”¹ This ambivalence is reflected in social policies and public services available to separated children seeking asylum in Canada. We have yet to confront what Bhabha and Young call the Janus-like position of societies, on the one hand wanting to protect the rights of children and, on the other hand, wishing to protect the rights of the government.² Using comparisons with other countries, this paper identifies some ambiguities in policies and practices towards separated children seeking asylum in Canada. In doing so, it makes a case for a more coherent effort to fill the gaps in our knowledge so that we can take a more principled position towards these children.

International Context

In general, armed conflicts, political upheavals, radical climatic changes, economic hardship and deprivation, and global economic restructuring are considered major reasons for international migration. The 1951 *Convention on the Status of Refugees* and its 1967 Protocol were the first major international treaties designed to accommodate refugees in the aftermath of World War II. These were followed by other international agreements such as the 1989 *UN Convention on the Rights of the Child* (CRC) which relates specifically to

the protection of separated children. Article 2 of this document states that all rights identified in the CRC must apply to all children in the State; Article 3 emphasizes that “the best interest” of the child should guide all actions of the States concerning unaccompanied children; and Article 12 states that the children have the right to participate in decisions affecting them.³

Internationally, there seems to be less disagreement about the normative principles of the CRC than the debate about whether and how its principles should be applied in the face of competing concerns. In the European Union, a step towards harmonization of state policies was undertaken in 1997 with the adoption of *Resolution on Unaccompanied Minors who are Nationals of Third Countries*. This document lays out a set of basic criteria and procedures for their admission, services, asylum procedure, return, and final provisions. Equally important, it represents the EU member states’ acknowledgement that unaccompanied children have specific needs and rights requiring particular attention. However, in contradiction to the guidelines developed by the United Nations High Commissioner for Refugees (UNHCR), which recommend that unaccompanied minors should not be refused access to a territory, one of the resolutions in the EU document states:

Member States should take appropriate measures, in accordance with their national legislation, to prevent the unauthorized entry of unaccompanied minors and should cooperate to prevent illegal entry and illegal residence of unaccompanied minors on their territory.⁴

In the United States the *Guidelines for Children’s Asylum Claims* were issued in December 1998. Building upon the guidelines developed by the UNHCR and by Canada, which focus only on procedural and evidentiary issues, this document also incorporates substantive legal standards for assessing children’s claims. However, according to several reports the lack of state funding for legal services, the absence of guardian-like adults appointed to safeguard the interests of separated children, and the lack of priority given to processing their cases make it very difficult to effectively use these guidelines.

Canadian Context

In 1986 Canada received the Nansen Medal from UNHCR for its outstanding effort on behalf of refugees. It was also the first country in the world to develop special guidelines in 1996 for dealing with unaccompanied minors. Advocates of human, refugee, and children’s rights have applauded Canada for this initiative and for the support it provides to unaccompanied children. However, the dilemma that

Bhabha has pointed to became sharply focused in the Canadian response to the 134 separated Chinese youth who arrived on the shores of British Columbia in 1999 in unseaworthy boats.⁵ The Department of Citizenship and Immigration Canada had decided to detain those who arrived after the first boat, but the provincial Ministry of Children and Families placed the minors in especially established group homes. Many of the youth subsequently disappeared, including those whose applications for refugee status had been turned down. Using the above case, Kumin and Chaikel point to the difficult question of what is in the “best interest” of such children. Should they be returned to parents who knowingly (?) had sent them on the dangerous journey?⁶ Should they be allowed to “go free” right into the arms of traffickers? Would public services in Canada serve them better than public services or familial networks in countries of their origin?

The development and implementation of policies regarding separated children in Canada are also complicated by the distinct legislative and administrative responsibilities of different levels of government. Two related issues seem to account for most of these complications. First, immigration policies and procedures are generally developed at the federal level while child welfare is a provincial responsibility. The priorities, and resources available to address these priorities, are different at the federal and provincial levels. Second, variations among the provinces, such as the official age until which a person qualifies for child protection services, and the varied structures of the institutions that provide such services make it difficult to develop uniform policies and procedures.

Due to a variety of reasons, little is reliably known about the exact number of separated children arriving in Canada or in other countries. First, children who arrive in a new country unaccompanied by a legal guardian may not know the risks and benefits of declaring their status, or may not know how to do so even if they wanted to. Documented examples of such children include: a fourteen-year-old boy who moved to different city without leaving an address when he heard he could find there members of his own community; a sixteen-year-old who, upon the advice of a compatriot, began working to save for legal fees for a lawyer, and as a result failed to report to the local authorities; and a nine-year-old who was abandoned when his aunt, with whom he had arrived, could no longer care for him because of poverty and stress.⁷ Second, adults who may have smuggled the children, or do not want the disclosure for other reasons, may prevent them from reporting their status. Third, authorities responsible for documenting their arrival may have not have sufficient information to assess their status, as in the example of a teenage girl whose age could not be determined because she had

travelled under false documents. Fourth, the different definitions of unaccompanied/separated children used by various institutions may create discrepancies in the data. For example, children who travel with an adult, such as a family friend, relative, sibling, or an agent who arranges their travel, but are subsequently abandoned by the adult, are not necessarily recorded as unaccompanied/separated children. And lastly, the case-processing procedures in receiving countries impact the accuracy of the data. For example, at the port of entry unaccompanied children are asked by Citizenship and Immigration Canada (CIC) to report to the Immigration and Refugee Board (IRB). For a number of reasons, such as those listed above, not all children do so. The figures recorded by the CIC are therefore different from those recorded by the IRB.

In the following sections the responses of various institutions to these children are discussed along with comparisons to other countries.

Identification and Entry

The process of identification of unaccompanied/separated children involves determining whether the person is below eighteen years of age and whether he/she is actually separated from parents or other competent caregivers. CIC defines an unaccompanied/separated child as one below eighteen years of age who arrives in or is already in Canada, is alone or is accompanied by a person who is not a member of “the family class” [according to the current *Immigration and Refugee Protection Act* (IRPA) – A42], or is not going to join her/his father, mother, or guardian already in Canada.⁸ The Immigration Manual requires that “young children accompanied or alone, who arouse concern about the purpose of their trip to Canada or their welfare in Canada” be referred to Senior Immigration Officers. In her study, commissioned by the UNHCR, Ayotte claims that her interviewees, including CIC officials and representatives of non-governmental organizations (NGOs), expressed concern about whether there was sufficient and consistent attention paid to the assessment of a child’s relationship with the adults she or he accompanied or was supposed to join in Canada. Immigration Officers’ lack of training in interviewing children was cited as one reason for this gap.⁹

According to the 1997 UNHCR guidelines, specific procedures to identify unaccompanied children should be put into place at the points where refugee claims are made. Furthermore, if the applicant’s exact age is uncertain, she or he should be given the benefit of the doubt and treated as a minor. Russel tells us that in the UK there is no guidance as to how to identify unaccompanied minors at the port of entry.¹⁰ Because many unaccompanied minors arrive without identification documents, their age is determined only

on the basis of their appearance and demeanour by untrained immigration officers. This determination may lead either to their detention or unsupported release. In some countries bone assessment tests are done to determine age but the accuracy of the test for people from different races has been consistently questioned. In the Netherlands, for example, X-ray examinations are used to determine whether the collarbone of the person tested has fully joined the breastbone or not. If it has, the person is considered to be twenty years old or older. Based on an extensive literature review and the opinion of the Board of Science and Pediatric Sub-Committee of the British Medical Association, Bhabha and Young claim that there is no “objective” test to accurately determine age.¹¹

Even more complicated than the age factor is the determination of whether the child is really “unaccompanied/separated” or not. The UNHCR guidelines imply that the relationship of a child with an adult who is not a parent should be routinely scrutinized. However, varied definitions and interpretations of this term, across and within different countries, make it difficult for immigration officers to use a set of standard criteria and procedures to make this assessment. In the UK, a child travelling with an adult who is not a parent is not considered unaccompanied or separated. In his article “Unaccompanied Refugee Children in the United Kingdom,” Russell concludes, “This [practice] is clearly unsatisfactory, as the identification of children relies upon the subjective assessment of an untrained border official.”¹²

In Canada, refugee claimants coming from countries other than the country in which they were nationals or habitual residents were, until recently, not refused entry on the grounds that they were coming from a “safe third country.” However, according to the new *Immigration and Refugee Protection Act*, which came into effect June 28, 2002, an agreement was reached between the governments of Canada and the United States which allows immigration authorities in each country to turn away refugee status claimants to the other country, unless they meets certain conditions, one of which is that of being an unaccompanied minor. In this document the term “unaccompanied minor” is defined as “unmarried refugee status claimant who has not reached his or her eighteenth birthday and does not have a parent or legal guardian in either Canada or the United States.”¹³ Thus the determination of the applicant’s age and the presence of his or her legal guardians in either country become more significant than before.

According to the 1951 *Convention on the Status of Refugees*, refugee claimants cannot be refused admission into a country unless they have already been given refugee status in another country, already refused, or convicted of serious crimes. The 1997 UNHCR Guidelines affirm that unaccompanied mi-

nors seeking asylum should not be refused access to a territory.¹⁴ In practice, the admission of such children varies from country to country and is often not regulated by specific national policies. In many European countries the option of returning an asylum seeker to a “safe third country” is used to send unaccompanied children to countries they are coming from or from which they have had a visa in the past. The *Immigration and Asylum Act* introduced in Britain in 1999 allows refugees to be sent to “safe third countries” without right of appeal. These include all EU countries, Switzerland, Norway, Canada, and the US. In Denmark, however, unaccompanied children below the age of eighteen are not refused permission to enter.

Making a Claim for Refugee Status

Any person seeking refugee status in Canada is required to demonstrate a well-grounded fear of persecution to the IRB, a quasi-judicial, independent tribunal whose members are appointed by the government. The applicants must submit a personal information form to the IRB within twenty-eight days of receiving the form and no distinction is made between children and adults with respect to the standards used for presenting their case. However, applications by separated children are prioritized for earlier hearings. A well-founded claim may enter the “expedited process,” where it could be accepted without a hearing, or heard by a single member. In addition, other privileges, some of which are also accorded in other countries, are provided to applicants below the age of eighteen years.

Guardians / Designated Representatives

In the case of separated children several countries (including Canada, Finland, Norway, France, Switzerland, and the Netherlands) now require the appointment of legal counsel as well as a Designated Representative (DR) to safeguard the interests of the child. In some places, such as the UK, a person selected from an established panel of “advisors” is appointed to support and advocate for the child, in the legal process as well as in procuring health care, education, housing, etc. Individuals with expertise in education, social services, health, and legal work are usually selected as guardians. In the Netherlands guardians are recruited from among social workers with refugee background and with the same language and culture as unaccompanied children. They receive additional training and have regular contacts with immigration authorities and other organizations working with unaccompanied children.

The Canadian Guidelines do not specifically recommend the appointment of a guardian, but do specify the responsibilities of the DR:

to retain counsel; to instruct counsel or to assist the child in instructing counsel; to make other decisions with respect to the proceedings or to help the child make those decisions; to inform the child about the various stages and proceedings of the claim; to assist in obtaining evidence in support of the claim; to provide evidence and be a witness in the claim; to act in the best interest of the child.¹⁵

Each one of the three major provinces that receive separated children, however, has a different support mechanism for separated children.

When an unaccompanied minor arrives in Quebec, CIC officials immediately contact Service d’Aide aux Réfugiés et Immigrants de Montréal Métropolitain (SARIMM), a parapublic organization that derives its authority from the Ministry of Social Services. SARIMM provides two caseworkers for each child, one to act as the DR (under a formal agreement with IRB Quebec) and the other to provide other supports such as procurement of housing, education, and health services. Many of the social workers of SARIMM are former refugees themselves. The DRs appointed by SARIMM have accumulated a lot of legal experience and continue to support a child through the subsequent steps of applying for landed immigrant status, of appealing a decision on humanitarian and compassionate grounds, of tracing her/his family through the International Red Cross, or of applying for reunification of the child’s family in Canada.

In British Columbia the Ministry of Children and Family Development (MCFD) has set up a Migration Services Team which acts as the DR at IRB hearings and is also responsible for protection and support services for children up to the age of nineteen. Because of its dual role as guardian and DR, and its strong relationship with the IRB and CIC in British Columbia, the team is able to ensure that the children’s protection and care takes precedence over enforcement procedures.

According to Sadoway, a staff lawyer at Parkdale Community Legal Services, Toronto, the provision of legal and other services for those arriving in Ontario, which receives the largest proportion of separated children, is the least satisfactory.¹⁶ Unlike Quebec and British Columbia, Ontario has no agreement between the IRB and the Children’s Aid Society or the Catholic Children’s Aid Society (the two social service agencies mandated by the Children and Family Services Act of 1984 to provide child protection services up to the age of sixteen) to provide guardians or DRs for unaccompanied children. Instead, a panel of about eleven persons, consisting mainly of immigration lawyers, is called upon by the IRB to act as DR for unaccompanied children. Because the role of the DR is limited to providing support during the legal process, and the financial compensation for

acting as a child's counsel is much higher than for acting as the DR, many experienced lawyers are unwilling to serve on the panel, and those who agree to serve on it play only a perfunctory role in the litigation process. Sadoway points out that in some cases the DR is not appointed until a hearing is about to take place, which leaves very little time for him or her to safeguard the interests of the child.

Among the common challenges regarding the appointment of DR and/or guardians is the shortage of trained people, inadequate financial incentives for them, and lack of specifications for their roles. Some people have suggested that instead of depending upon professionally trained individuals, adult friends or relatives of the applicant should be engaged as the DR. However, Sadoway observes, "When a relative or friend is named as Designated Representative, concerns arise as to whether a DR is properly representing the best interests of the child."¹⁷ The DR may lack sufficient information or credibility, or may have interests that conflict with the child's interests, as in cases where the adult is engaged in exploitation or trafficking of the child. Sadoway suggests,

A better solution would be to appoint an unrelated DR from the Board's panel to act in the best interests of the child *in every case in which the child is accompanied by an informal guardian* [emphasis in the original] who is not a parent and who does not have legal guardianship of the child.¹⁸

She also recommends that the DR be a salaried employee who takes on this work as a part of his/her other work, as a social worker, children's lawyer, or manager of a group home.

Other scholars emphasize the importance of appointing guardians, either instead of, or in addition to, DR. Hunter suggests that the role of guardian "should be comprehensive and stretch to all aspects of a child's life, including ensuring suitable accommodation, education and health-care, ensuring suitable legal representation and to ensure that the possibility of family retracing and reunification are carried out."¹⁹

Halvorsen put forward recommendations for the development of national guardianship systems. According to her, a guardianship system must ensure that:

- (1) all separated children have guardians appointed;
- (2) appropriately trained guardians are appointed within a month; and
- (3) guidelines are developed for all guardians.²⁰

Procedural and Evidentiary Issues

Separated children, like other refugee claimants, are first interviewed by Immigration Officers at the port of entry, and

some of them file their formal claims at the same place. However, where the law permits, refugee claimants make their formal claims at an inland office, rather than at the port of entry. The period between the date of entry and application allows the applicant to receive legal advice and other supports, which she or he may lack at the port of entry. This provision is especially important for minors, who need more support in collecting and presenting appropriate information.

Immigration officials are sometimes criticized for the methods and approaches used when dealing with unaccompanied children (e.g., during interviews, refugee claim hearings or appeals hearings). The general situation of unaccompanied children in the refugee determination system is reflected in the decision of the California District Court on *Perez-Funez v. District Director, INS*. It states:

... unaccompanied children of tender years encounter a stressful situation in which they are forced to make critical decisions. Their interrogators are foreign and authoritarian. The environment is new and the culture is complex... In short, it is obvious to the court that the situation faced by unaccompanied minor aliens is inherently coercive.²¹

The question of whether unaccompanied children have to be interviewed during the asylum process remains a subject of much discussion in the international legal community. Although the CRC calls for the inclusion of the children's voices in the decision-making process, there are several challenges associated in speaking with and listening to their authentic voices. First, many of the separated children come from cultures where they are rarely encouraged to express their ideas,²² much less to adult strangers, speaking in a strange language, in a strange environment. Second, they may not have the necessary detailed information or understand the significance of the details that could have an impact on the decision regarding their application. Third, the trauma they are likely to have experienced in their home countries, and/or during their journey, could affect the accurate recall of events and hence their credibility.

At present, the methods used when interviewing adult refugee claimants continue to be used during interviews with unaccompanied children. In this procedure, immigration officials place a great emphasis on credibility. Hence, "... no account is taken of the fact that the applicant is an unaccompanied child when assessing credibility."²³ It does not come as a surprise then that the success of an unaccompanied child's refugee claim largely depends on his/her ability to provide a coherent and evidence-rich account of the past events. Anderson has commented on the enormous pressure faced by unaccompanied minors to get all the details exactly right and keep them consistent:

Regardless of the fact that they [unaccompanied children] or their families have suffered real persecution precipitating the desperate measure of flight... they have been told that only a particular version of the truth will enable them to remain, because this is what the interrogators want to hear.²⁴

In many cases, the officials conducting the interviews do not have the appropriate training in use of developmentally and culturally appropriate modes of questioning children. When interviewing unaccompanied children, it is important to keep in mind that the experience of trauma can affect “the cognitive competence of the child and the ability of the child to pass on information.”²⁵ At the same time, it is important not to dismiss the evidence presented by children simply on the assumption that their age renders them unbelievable. The Canadian Guidelines recommend that objective evidence may be given more weight in cases where sufficient and reliable information is not available and, as always, that children be given the benefit of the doubt.

The setting in which the interviews and hearings take place can also influence the comfort level and therefore the evidence presented by child interviewees. Bhabha and Young report that in the US, immigration judges conduct interviews in courtrooms, and in some instances child asylum seekers have been brought in handcuffed and shackled.²⁶ The Canadian Guidelines recommend that interviews be conducted in informal rooms and that a trusted adult be permitted to accompany the child and be permitted to speak with him or her during the hearing. The Guidelines permit flexibility in deciding who will question the child and also allow for use of videotaped interviews. In the UK, child asylum seekers can submit their testimony through a written application prepared by their attorneys and are thus spared the trauma of an interview altogether.

The Canadian Guidelines also set a higher standard for other countries by calling for the prioritization of separated children’s claims in scheduling hearings. While it is not clear who monitors the duration of this period, concerns have been expressed both for ensuring that there is sufficient time for seeking and considering all the available evidence, and for the time that these children “lose” due to their uncertain legal status.

Russell also suggests that insufficient information about the situation in the countries from which the separated children come could lead to decision making *in vacuo*.²⁷ Bhabha and Young identify three kinds of situations that make children in these countries especially vulnerable:

a. situations which adults are expected to deal with, but children cannot because of their “unique dependence” on adults. These

would include loss of, or forced separation from, parents or guardians; deprivation of food, housing, schooling, or health-care;

b. situations in which children are specifically targeted as victims, e.g. conscription as child soldiers, infanticide, female genital mutilation, child marriage, bonded or hazardous labour, incest, or sexual servitude;

c. situations which amount to persecution both for adults and for children, such as their political affiliations or religious beliefs, as in the case of the Intifada or the Soweto schoolchildren.²⁸

Immigration authorities are advised to design and to offer training modules for immigration officers, lawyers, and judges dealing with children, with the support of universities, NGOs, or other training organizations. As Sadoway puts it, “Since separated children are less able to speak for themselves ... they are an extremely vulnerable group of children in Canada. There is a great need for specialized training for all those who have contact with these children...”²⁹ Immigration authorities are also advised to develop country profiles that would offer comprehensive, up-to-date information on the situation in the main refugee-producing countries with a special emphasis on situations of children and human rights violations against children. Foreign embassies as well as international organizations in these countries may assist the governments in producing country assessment reports. In addition, reports produced by organizations protecting human rights of the children, for instance by Amnesty International, can be used as additional sources of information. Overall, unaccompanied minors have a lower success rate in asylum claims than accompanied children or adults. According to the British newspaper *The Independent*, unaccompanied children are seven times less likely to be given full refugee status in Britain than people in their twenties.³⁰ The same source explains that this is because “the stringent proofs of political persecution that the immigrant authorities require can rarely be supplied by children.”³¹

Bhabha points to the disturbing practice of the receiving states treating unaccompanied children as adults:

It is often claimed that these children are ‘really’ much older and can be treated as adults, that they are not children like ‘our’ children, but rather manipulative impostors... Heightened skepticism and hostility rather than compassion are thus, paradoxically, typical official responses.³²

Bhabha attributes the low numbers of children who are granted refugee status to two factors: “Procedurally, the lack of access to adequate legal representation and substantively,

the refusal to see children as political agents or targeted subjects of human rights violations.”³³

Options for Unsuccessful Applicants

Most countries allow for some mechanisms to appeal for reversal of initial decisions made by the immigration authorities. However, the reported statistics show that only a small number of children are able to successfully appeal the decisions on their refugee application.³⁴ Nevertheless, the appeals system remains an important venue for unaccompanied children and therefore:

it is vital that an effective appeal system must be staffed by people who are expert in international human rights law and refugee law, who should have knowledge of the human rights situation in the asylum seeker’s country of origin and who should be aware of cross-cultural communication problems.³⁵

Several reports claim that, although children’s claims are unsuccessful more often than those of adults, children somewhat paradoxically have a much greater chance of avoiding deportation than adults whose claims have been rejected. This raises the question of how much effort enforcement agencies should invest in making sure such children do not stay on in the country. Illegal immigrant children can become the most vulnerable group of all because they cannot access services that are considered “essential” in most developed countries. The state therefore needs to ensure that those who stay on by default have some mechanism in place to legalize their status.

According to the UNHCR 1997 Guidelines on the return of unaccompanied children to the country of origin,

[t]he best interests of an unaccompanied child require that the child not be returned unless, prior to the return, a suitable caregiver such as a parent, other relative, other adult care-taker, a government agency, a child-care agency in the country of origin has agreed, and is able to take responsibility for the child and provide him/her with appropriate protection and care.³⁶

The circumstances and consequences of deportation of unaccompanied minors have been a focus of heated debates in official and popular discourses during the last decade. In many Western countries there are no clear policies or procedures outlining the circumstances and conditions of deportation of unaccompanied children. With reference to the UK, Russell remarks that its immigration and refugee policies on children are “silent on the question of whether an unaccompanied refugee child can be removed.”³⁷ In the Netherlands, for example, if the unaccompanied minor turns eighteen within three years of his/her application for

refugee status she or he forfeits the right to be considered a minor and is therefore more likely to be deported.

In Canada a number of options are offered to those who are refused asylum by the IRB in the first instance, and their removal order becomes enforceable. These options are:

A. As directed by the removal order, leave Canada of their own accord within thirty days or be removed from Canada by CIC as soon as practicable.

B. Submit an application to the Federal Court to review the refugee protection decision made by the IRB within fifteen days of receiving the decision. If a timely application is submitted, the removal will be stayed until a determination by the court is made. Prior to removal the majority of individuals are entitled to and are offered an opportunity to submit an application for a Pre-Removal Risk Assessment (PRRA) by CIC. This process allows for the review of any risk factors that the person may be subjected to on return to the country of origin/habitual residence. Provided the application is submitted within the appropriate timelines, the removal is deferred until a final decision is rendered.

C. Appeal for a Humanitarian and Compassionate Review.

In the case of separated children it is often difficult to ensure that the deported children will be protected while travelling back to their home countries and will have families able and willing to take care of them when they have arrived. Immigration officials may have insufficient information and/or resources to ensure their safety. In Canada the above concern has been addressed in the Guidelines (updated on June 22, 2002) by requiring that:

Unaccompanied minors under the age of 13 should be removed with an escort. Unaccompanied minors between the ages of 13 and 18 can be returned on direct flights to their country of origin, without escort, where the airline will accept responsibility for the child during the trip and where no other safety and security risk exists. An escort should accompany children between the ages of 13 and 18 on non-direct flights or on direct flights where the airlines cannot accept responsibility for the child’s care en route or where other safety and security risk exists. In all cases of removal of minors, reception with the family members or representatives of government departments or agencies responsible for child welfare should be arranged prior to departure.³⁸

Another concern related to the removal of unaccompanied minors has to do with the fact that their removal often occurs after all possibilities of obtaining permanent residence status are exhausted. This process could take up to several years during which the associated uncertainty could have a very destabilizing effect on their well-being.

Some studies have found that in trying to escape deportation, the children often go underground, either with the help of their compatriots or on their own, while their cases are being processed.³⁹ The case of the Chinese youth who arrived in British Columbia by boat in 1999 is a classic example. As reported by Kumin and Chaikel, although the care provided by the British Columbia ministry was exemplary, many of the youth disappeared, especially after their applications for refugee status had been turned down.⁴⁰ When immigration authorities in any country believe that separated children who are refugee claimants may (a) try to go underground while their cases are being processed or (b) be at risk of being exploited by traffickers or other adults, they may put the children in custody.

Detention

The detention of unaccompanied minors has been a subject of much heated debate. The 1997 UNHCR Guidelines prohibit the detention of separated minors and Article 37 of the CRC requires that detention be used only as a last resort and that children be held separately from adults.⁴¹ In countries such as Denmark, Finland, Italy, Norway, and Spain they are rarely, if at all, detained. However, detention is more common in the UK, Austria, Belgium, France, and Portugal. In some countries (e.g. France, Germany, Portugal) the children are detained in “waiting zones” along with adults, while in others they are put into jails or “correctional facilities” for young criminals. In Sweden a child cannot be detained for more than seventy-two hours, while in the UK and in Germany children can be detained for as long as six months.⁴²

Supporters of detention claim that keeping these children in “protective custody” reduces their vulnerability to exploitation by unscrupulous adults, facilitates the determination of their claims, meets their basic needs for food and shelter, and allows for investigations of conditions in their country of origin. Its detractors claim that detention violates the rights of the children, makes them more vulnerable to exploitation by the criminals with whom they have to live, and has a damaging effect on their psychological and social health. Most reports recommend that separated children should be accommodated in appropriate facilities such as group homes, foster homes, or similar settings and be provided with adequate resources for education, health, recreation, and legal aid.

In most countries, it appears that detention is most commonly used in two cases: when there is concern that the age of a child is more than she or he claims it to be, and when there is fear that she or he may become a victim of traffickers if released. Strongly opposing the practice of detaining unaccompanied children, Russell argues that

“Detention of unaccompanied refugee children exacerbates any trauma they may have suffered in their home countries and is itself a traumatic experience for children.”⁴³ Other experts concur and recommend alternatives such as the “safe houses” used in Britain.

In recent years, the strengthening of anti-refugee sentiment and negative portrayal of refugees in official and popular discourses resulted in increased numbers of unaccompanied children being detained by Western states. Halvorsen reports that separated children are often detained in France, Germany, and Switzerland.⁴⁴ The US and, to a lesser extent, Canada also have been criticized for the detention of unaccompanied children in their territory. In some cases, the US officials put children in detention to trap their parents, who were presumed to be illegally in the US.⁴⁵

Writing about the situation in the US, Morton and Young state that the eight shelters run by the Immigration and Naturalization Services offer an environment of “soft detention” to separated minors.⁴⁶ The shelter staff closely monitor the movements of the children, but they also provide the children with street clothing, educational classes, and occasional off-site trips. However, many separated children are also put in juvenile jails because there are not enough places available in shelters or appropriate foster care homes. These children have to endure prison uniforms, handcuffs and shackles, and sudden transfers from one facility to another, which sever their links with their counsels and other supportive adults.

At the time of ratifying the CRC Canada reserved the right not to detain children separately from adults where it was not feasible to do so. In general, Canadian immigration authorities have strongly discouraged the detention of minors. For example, the IRPA – A60 states, “For the purpose of this Division, it is affirmed as a principle that a minor child shall be detained only as a measure of last resort, taking into account the other applicable grounds and criteria including the best interests of the child.”⁴⁷ In addition, IRPA Regulation 249 outlines the special considerations for minor children, *i.e.* availability of alternative arrangements, anticipated length of detention, types of detention facility, segregation facilities, and availability of services such as education, counselling, recreation, *etc.*

Removal

Canada’s *Guidelines on the Use of Escorts for Removal and the Reporting Requirements of Escorting Officers* (introduced in January 2000) suggests that children below the age of thirteen years should be escorted to their countries of origin, and those between thirteen and eighteen years may be unescorted if they are going by direct flight and the airline can ensure their safe passage. In all cases their reception by

family members or legitimate welfare agencies has to be ensured prior to their departure.

Based on interviews with Canadian immigration officials, Ayotte reports that visa officers or international organizations are requested to contact the family or the local authority in the destination country prior to the removal of separated children.⁴⁸ However, there are no written instructions for CIC officials regarding such contacts and no accurate data about the removed children.

Deportation of separated children remains a controversial issue. Little is known about children who have been returned to their countries of origin. There is, however, a general consensus that every effort must be taken to ensure that appropriate care is available in the home country and that the best interests of the child, rather than political agendas, guide the actions of immigration officials.

Care and Protection

Article 2(1) of the CRC reminds us that that the state must ensure that *all* children are entitled to the rights identified in this document; Article 20 calls for provision of alternative care for children deprived of their family environments; and Article 39 recommends the rehabilitation of child victims of war and violence.⁴⁹

Testimonies of separated children, however, speak of frequent incidents of racism, social exclusion, and marginalization. In many Western countries, individual and systemic intolerance makes it very difficult for these children to integrate in the receiving societies. Stanley interviewed 125 separated children in the UK, and found that nearly one-third reported incidents of harassment, many of which took place in educational institutions.⁵⁰

In Ontario, the 1984 *Children and Family Services Act* provides the legal framework for statutory child protection services by the fifty-two units of the Children's Aid Society (CAS), up to the age of sixteen years. Sixteen- and seventeen-year-olds therefore do not routinely receive assistance by the CAS. Some of them are cared for by their ethnic communities, NGOs, or unrelated adults, or they survive on their own or with other young people in similar situations. They can, however, voluntarily seek care at a CAS unit but there is no documentation to indicate if they do so, or if the CAS responds to their needs. Between the ages of eighteen and twenty-one years, they can also seek Extended Care Maintenance, which provides social work support and financial assistance.

Sadoway reports that many of the separated children in Ontario are referred to the Peel CAS, possibly because the Pearson International Airport is located in the Peel region of Greater Toronto.⁵¹ In order to care for the child, the CAS has to apply for a temporary or society wardship that is valid

for twelve months. During this time, CAS tries to investigate the possibility of family reunification. If this effort fails, CAS can apply for crown or permanent wardship of the child that allows it to take care of the child until the age of eighteen years. Sadoway states that the agency must obtain a wardship order from the Ontario court to have parental authority for separated children, but according to a recent judgment this cannot be done until the child becomes a permanent resident in Canada. The implication arising from this is that if a sixteen-year-old refugee claimant does not receive permanent resident status within twelve months, she or he will no longer be entitled to statutory care within Ontario.

Sometimes child welfare agencies are reluctant to take responsibility for these children because their uncertain legal status can be a barrier in accessing the full range of public services made available to other children. Some of the challenges in caring for unaccompanied minors are described below.

Housing

Housing provided to separated children includes special reception centres, group homes, children's homes, bed and breakfasts, foster families, etc. In some cases separated children are also placed in detention facilities for juvenile offenders, immigration detention centres or prisons.

According to the Refugee Council and the British Agencies for Adoption and Fostering, unaccompanied children in the UK are housed mainly in bed and breakfast hostels and hotel annexes.⁵² Stanley reports that children placed in hostels, bed and breakfasts, or private rented apartments have a considerably lower standard of care than those placed in foster homes or residential home accommodation.⁵³ The shortage of foster care homes, especially ones that are culturally appropriate, is common in many parts of the country. The monitoring of housing facilities for sixteen- and seventeen-year-olds by the Social Services Department is very inadequate. Some children have also been placed in unsupervised facilities with adults, which raises questions about their protection. In southeast England the Social Services Department has established a model called a "safe house" which has been cited as a very desirable option by some researchers. In this house adults are always present to support and monitor the children, the children are chaperoned when they go out, and schooling is provided in-house.⁵⁴

Some scholars have argued that service providers might do better placing unaccompanied children in ethnically matched foster families because language and cultural barriers create significant problems, especially at the initial stage, for the establishment of good relations with foster families.

Other authors, however, argue that placing such children with others in similar conditions under supervised care is a safer and less costly option. Sadoway claims that children who are sent to live with distant relatives or family friends are often the most vulnerable, especially with regard to their legal guidance.⁵⁵ Macaskill and Petrie suggest that it is crucial to determine housing for the children immediately upon their arrival; to keep them there until permanent housing is found; and to place them “near others in similar situation to themselves and from whom they can receive mutual support.”⁵⁶ Steinbock points to the tension between restoration of a child to his original ethnic, linguistic, and cultural background and the care provided by foster families from different backgrounds. He recommended that instead of making decisions about groups of children, each child and the options available for him/her be individually assessed; that these decisions be collectively made; that the “best interests” of the child be used as a normative principle at all times; and that mechanisms for monitoring the child’s living conditions be put in place irrespective of whether she or he is placed in a foster home, a group home, or any other facility.⁵⁷

Information about housing for separated children in Canada was not available, except that some Chinese and Pakistani youth were initially placed in youth detention centres in Ontario. Representatives of the Catholic Children’s Aid Society and the Peel Children’s Aid Society confirmed that they dealt with separated children, but they did not have, or did not provide, any further information about their housing.

Schooling

The first problem encountered by separated children, after housing, is registration in a school. Anecdotal information suggests that some school districts in Canada require documents for establishing the student’s identity (e.g. a passport, birth certificate, or immigration forms), immunization status, and residence (e.g. bank statements, telephone bills, rent agreements). It seems reasonable to assume that separated children may not have any of these, may not know how to get them, or may not want to contact the appropriate institutions for fear of being reported to immigration authorities.

Macaskill and Petrie report that schools in Scotland have little experience and knowledge in educating separated children.⁵⁸ Their presence is simply ignored in areas such as staff development or curriculum planning. Even at schools where multicultural and anti-racist policies are in place, unaccompanied children have reported racist attitudes and prejudices towards them on the part of teachers and students.

Yau identified the following challenges encountered by refugee children in Toronto schools, likely to be exacerbated in the case of separated minors: little or no prior formal

schooling; interrupted schooling; tendency to stay away from school for fear of authority/deportation; unfamiliarity with official languages in Canada; lack of parental supervision; financial difficulties; anxiety and stress related to past trauma and future uncertainty; social isolation; and joining of school in the middle of the academic year.⁵⁹ Other studies related to newcomer youth have found that the many academic and social challenges encountered by immigrant and refugee youth in Canadian schools lead to high levels of failure and dropping out.⁶⁰ These studies suggest that strong support by parents and ethnic communities helps to mediate the negative experiences of schools for the newcomer children. It seems reasonable to assume that for separated youth, whose pre-migration, migration, and post-migration experiences are all likely to be more traumatic than those of other newcomers, and who do not have the kinds of familial and community supports that other newcomers are likely to have, the situation is far worse.

Health

Separated children seeking asylum in Canada are not entitled to the provincial health care system, available to all other landed immigrants and citizens, but rely on a federal plan.⁶¹

The research on the acculturation of immigrant children emphasizes the role of parents as the crucial agents of socialization of their children into the host society. Unaccompanied children have to go through this process on their own, relying only on the support of previously unknown caregivers and service providers. Cole estimated that up to 50 per cent of children who have experienced trauma in war-torn countries suffer from post-traumatic stress disorders resulting in maladaptive affective, physical, cognitive, and behavioural symptoms.⁶² Stanley found that mental health services were not available or accessible to separated children in England, and whatever emotional support was provided, was done sporadically through individual efforts of concerned adults (e.g. teachers who are taking on a pastoral role, social workers) rather than through institutional mechanisms.⁶³

Unfortunately, the post-migratory experiences of children in the receiving societies are often no less traumatic than the experience of displacement itself. It is not uncommon for unaccompanied children to wait for years while their claims for asylum are processed. Anxiety and uncertainty associated with the lack of secure status and detention can have re-traumatizing effects on the child’s psyche.⁶⁴

Beiser *et al.* provide a useful model for understanding the “vulnerability-exposure” of separated children, which includes: (1) pre-migration stressors, (2) circumstances surrounding the migration, (3) personal characteristics (age, gender, ethnicity), (4) post-migration stressors (poverty, ra-

cism), (5) personal resources (language skills, identity), (6) social resources (social supports, education programs) and (7) the nature of the host society.⁶⁵ Although separated children may be highly vulnerable, they may not realize their needs for mental health services, may not be aware of such services, or may be reluctant to ask for them, for fear of labelling or of being reported to immigration authorities. Not surprisingly the emotional and psychological well-being of these children is a prominent concern in many studies.

Follow-up of Successful Applicants

Children who are granted asylum then have to proceed to next step of legitimating their continued presence in the country. In some European countries, unaccompanied children who are granted asylum are given a temporary immigration status (e.g., Exceptional Leave to Remain in the UK; Temporary Residence Permit in the Netherlands; Temporary Permission to Stay in Denmark). Nykanen notes, in "Protecting Children? The European Convention on Human Rights and Child Asylum Seekers," that these children end up in a "limbo-status" with insufficient entitlements attached to it.⁶⁶

In Canada, everyone who is granted asylum is eligible to apply for permanent resident status within 180 days. In fact, the printed application form for this is enclosed with the letter from IRB granting them asylum. Some community and para-governmental organizations (e.g. SARRIM) continue to provide support to minor applicants in preparing and submitting the appropriate forms. However, in cases where minors do not have the support of well-informed adults who can help them through this process, there is a strong likelihood of their not moving on to this next step in formalizing their status as permanent residents of Canada, which would also allow them to apply for citizenship once they have met the residency requirements.

Conclusion

As the above review shows, there is much we do not know about separated children, in Canada and elsewhere. However, further inquiry in this area can be grounded in what we do know. First, we do know that there are competing imperatives for policy makers regarding separated children and we need to acknowledge and to address them. In international agreements, for example, the need for the protection and care of separated children is strongly articulated, but the concerns regarding gatekeeping of international boundaries are largely ignored. This may be so because it is easier to defend one rather than the other imperative on moral grounds. However, policy research that takes multiple perspectives into account, and then makes a case for why

some principles should override others, is likely to be more effective in guiding institutional practices.

Second, we also know that various competing priorities, structures, human and other resources, and legal jurisdictions mediate the implementation of policies at different levels. However, the urgent needs of vulnerable children cannot wait until all of these are sorted out. Research focusing on a few key policy issues, such as the identification, care, and protection of separated children, and key institutions that deal with them will help to locate specific ambiguities and conundrums. Questions about definitions of separated children, substantive and procedural guidelines for evaluating their claims, mechanisms for information gathering, training of personnel and seeking expert advice need to be addressed. We need to find out how particular policies (or lack thereof) shape decision-making processes in various institutions. At the same time we need careful analyses of institutional practices: what works and why, under which circumstances, what is further needed, and who can meet that need? Lessons learned from institutional studies can then be used to develop new policies.

Third, it is important to remind ourselves that research plays an important part in advocacy. Separated children are evidently a very vulnerable group of children whose rights can be violated by exploitative adults, inadequate public services, and inappropriate state regulations. However, without finely grained studies of their individual experiences illuminated with systematically compiled data from multiple sources, it is difficult to advocate on their behalf. Initiatives such as Bhabha's proposed multinational study,⁶⁷ the Round Table on Separated Children Seeking Asylum in Canada,⁶⁸ and Montgomery's work with separated children in Quebec⁶⁹ are likely to help Canada develop a more principled position towards separated children. Otherwise, individual adults will continue to exercise inordinate power over these children while civil society remains silent because it has not yet figured out whether the children need to be protected from adults or punished because of them.

Notes

1. Jacqueline Bhabha, "Inconsistent State Intervention and Separated Child Asylum-Seekers," *European Journal of Migration and Law* 3, no. 3/4 (2001): 283–315.
2. Bhabha, "Inconsistent State Intervention and Separated Child Asylum-Seekers"; W. Young, "Not Adults in Miniature: Unaccompanied Child Asylum Seekers and the New U.S. Guidelines," *International Journal of Refugee Law* 11, no. 1 (1999): 84–125.
3. *Convention on the Rights of the Child*, 20 November 1989, Can T.S. 1992 No. 3 [hereinafter CRC].

4. "Refugee Children: Guidelines on Protection and Care," United Nations High Commissioner for Refugees, <http://www.savethechildren.net/separated_children/other_resources/legal_policy/RefugeeChildren.pdf> (accessed 1 November 2004).
5. Bhabha, "Inconsistent State Intervention and Separated Child Asylum-Seekers."
6. Judith Kumin and Danya Chaikel, "Taking the Agenda Forward: The Roundtable on Separated Children Seeking Asylum in Canada," *Refuge* 20, no. 2 (2002): 73–78.
7. Wendy Ayotte and Louise Williamson, *Separated Children in the UK: An Overview of the Current Situation* (report commissioned by the UK Refugee Council and Save the Children), <http://www.asylumsupport.info/publications/refugeecouncil/separated.htm> (accessed 1 December 2004).
8. *Immigration and Refugee Protection Act*, S.C. 2001, c. 27 [hereinafter IRPA].
9. Wendy Ayotte, *Separated Children Seeking Asylum in Canada* (Ottawa: United Nations High Commissioner for Refugees, Branch Office for Canada, 2001), <<http://www.web.ca/ccr/separated.pdf>> (accessed 1 November 2004).
10. Simon Russell, *Most Vulnerable of All: The Treatment of Unaccompanied Children in the UK* (London: Amnesty International, 1999).
11. Bhabha, "Inconsistent State Intervention and Separated Child Asylum-Seekers"; Young.
12. Simon Russell, "Unaccompanied Refugee Children in the United Kingdom," *International Journal of Refugee Law* 11, no. 1 (1999): 126–54.
13. IRPA.
14. "Refugee Children: Guidelines on Protection and Care."
15. IRPA.
16. Geraldine Sadoway, "Canada's Treatment of Separated Refugee Children," *European Journal of Migration and Law* 3, no. 3/4 (2001): 347–82.
17. Sadoway, 365.
18. *Ibid.*, 366.
19. Alison Hunter, "Between the Domestic and the International: The Role of the European Union in Providing Protection for Unaccompanied Refugee Children in the United Kingdom," *European Journal of Migration and Law* 3, no. 3/4 (2001): 383–410.
20. Kate Halvorsen, "Separated Children Seeking Asylum: The Most Vulnerable of All," *Forced Migration Review* 12 (2002): 34–36, <<http://www.fmreview.org/FMRpdfs/FMR12/fmr12.pdf>> (accessed 1 November 2004).
21. Russell, "Unaccompanied Refugee Children in the United Kingdom," 128.
22. Bhabha, "Inconsistent State Intervention and Separated Child Asylum-Seekers"; Young.
23. Russell, "Unaccompanied Refugee Children in the United Kingdom," 139.
24. Philip Anderson, "You Don't Belong Here in Germany...': On the Social Situation of Refugee Children in Germany," *Journal of Refugee Studies* 14, no. 2 (2001): 187–99.
25. "Unaccompanied Children in the Danish Asylum Process," Danish Refugee Council, <http://www.drc.dk/fileadmin/uploads/pdf/English_site/Publications/Unac_ulfrapport.pdf>. (accessed 1 November 2004).
26. Bhabha, "Inconsistent State Intervention and Separated Child Asylum-Seekers"; Young.
27. Russell, "Unaccompanied Refugee Children in the United Kingdom," 126–54.
28. Bhabha, "Inconsistent State Intervention and Separated Child Asylum-Seekers"; Young.
29. Sadoway, 348.
30. Editorial, *The Independent*, September 18, 2000.
31. *Ibid.*
32. Bhabha, "Inconsistent State Intervention and Separated Child Asylum-Seekers," 294.
33. *Ibid.*, 312.
34. Ayotte.
35. Russell, "Unaccompanied Refugee Children in the United Kingdom," 148.
36. *Guidelines on Policies and Procedures in Dealing with Unaccompanied Children Seeking Asylum* (Geneva: United Nations High Commissioner for Refugees, 1997).
37. Russell, "Unaccompanied Refugee Children in the United Kingdom," 145.
38. "Child Refugee Claimants: Procedural and Evidentiary Issues," Immigration and Refugee Board of Canada, <<http://www.irb.gc.ca>> (accessed 5 March 2002).
39. Anderson.
40. Kumin and Chaikel, 73–78.
41. *Guidelines on Policies and Procedures in Dealing with Unaccompanied Children Seeking Asylum*.
42. S. Ruxton, *Separated Children Seeking Asylum in Europe: A Program for Action*. (Stockholm: Save the Children, 2000).
43. Russell, "Unaccompanied Refugee Children in the United Kingdom."
44. Halvorsen.
45. D. Montero, "Feds Use Kids as Bait to Snare Immigrant Parents," *New York Post*, January 29, 2001.
46. Andrew Morton and Wendy A. Young, "Children Asylum Seekers Face Challenges in the United States," *Refuge* 20, no. 2 (2002): 13–20.
47. IRPA.
48. Ayotte and Williamson.
49. CRC.
50. K. Stanley, *Cold Comfort: Young Separated Refugees in England* (Save the Children, UK, 2001), <http://www.savethechildren.org.uk/temp/scuk/cache/cmsattach/1228_coldc_ch1.pdf> (accessed 1 November 2004).
51. Sadoway.
52. "Where are the children?: A mapping exercise on numbers of unaccompanied asylum-seeking children in the UK," Refugee Council and British Agencies for Adoption and Fostering, http://www.refugeecouncil.org.uk/downloads/rc_reports/w_here_children.pdf (accessed 1 November 2004).
53. Stanley.

54. *Ibid.*
55. Sadoway.
56. Sandra Macaskill and Margaret Petrie, *I Didn't Come Here For Fun... Listening to the Views of Children and Young People who are Refugees or Asylum Seekers in Scotland* (Save the Children, UK, 2000), <<http://www.asylumsupport.info/publications/savethechildren/viewsofchildren.htm>> (accessed 1 November 2004).
57. D. Steinbock, "Unaccompanied Refugee Children in Host Country Foster Families," *International Journal of Refugee Law* 8, no. 1/2 (1996): 6–48.
58. Macaskill and Petrie.
59. M. Yau, "Refugee Students in Toronto Schools: An Exploratory Study" (report, Research Department, Toronto Board of Education, Toronto, 1995).
60. P. Anisef and M. Bunch, *Learning and Sociological Profiles of Canadian High School Students: An Overview of 15 to 18 Year Olds and Educational Policy Implications for Dropouts, Exceptional Students, Employed Students, Immigrant Students, and Native Youth* (Lewiston, NY: Edwin Mellen Press, 1994); also Kenise Murphy Kilbride *et al.*, *Between Two Worlds: The Experiences and Concerns of Immigrant Youth in Ontario* (Toronto: Joint Centre of Excellence for Research on Immigration and Settlement, 2001), <<http://ceris.metropolis.net/Virtual%20Library/other/kilbride2.html>> (accessed 1 November 2004).
61. Catherine Montgomery, "The 'Brown Paper Syndrome': Unaccompanied Minors and Questions of Status," *Refuge* 20, no. 2 (2002): 56–58.
62. E. Cole, "Immigrant and Refugee Children and Families: Supporting a New Road Traveled," in *Dynamic Assessment for Instruction: From Theory to Application* (North York, ON: Captus Press, 1996), 35–42.
63. Stanley.
64. Anderson.
65. M. Beiser *et al.*, "Immigrant and Refugee Children in Canada," *Canadian Journal of Psychiatry* 40 (1995): 67–72.
66. Eva Nykanen, "Protecting Children? The European Convention on Human Rights and Child Asylum Seekers," *European Journal of Migration & Law* 3, no. 3/4 (2001): 315–46.
67. Jacqueline Bhabha, "Seeking Asylum Alone: Treatment of Separated and Trafficked Children in Need of Refugee Protection," *International Migration* 42, no. 1 (2004): 141–49.
68. Kumin and Chaikel.
69. Montgomery.

Mehrunnisa Ahmad Ali is an Associate Professor in the School of Early Childhood Education of Ryerson University in Toronto. She is also the Education Domain leader for the Joint Centre of Excellence for Research on Immigration and Settlement in Toronto.

Funding for this study came from Citizenship and Immigration Canada. The author would also like to thank Svitlana Taraban and Charity-Anne Hannan for their assistance in completing this work.
