



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.