

Our System, Our Children, Our Responsibility:
A Campaign against the Deportation of Child Welfare Survivors

Temporary public policy to avoid deportation of any foreign national in Canada who came to Canada as a child and spent any period of their childhood in the child welfare system

Background

There are a number of the people currently facing removal orders who came to Canada as children and spent time in the care of a child welfare agency or foster family, or in kinship care. The State has an obligation to children who are in its care to take on some of the functions and responsibilities of a parent, including obtaining citizenship. However, in the circumstances noted above, the State failed to seek citizenship for children in its care. This has led to an increased risk of deportation from Canada to countries where they do not have a connection.

The majority of recent immigrants are racialized.¹ Given the nature of immigration, and systemic racism and anti-Black racism in the criminal justice system, racialized people in general, and Black people in particular, are more likely to be punished twice by serving a criminal sentence and being forced to leave the only country they have ever really known.

Black children are overrepresented in child welfare systems relative to their proportion in the general population. For example, a 2018 report by the Ontario Human Rights Commission found that “the proportion of Black children admitted into care was 2.2 times higher than their proportion in the child population.”²

¹ Statistics Canada, “Visible Minority (15), Immigrant Status and Period of Immigration (11), Age (12) and Sex (3) for the Population in Private Households of Canada, Provinces and Territories, Census Metropolitan Areas and Census Agglomerations, 2016 Census - 25% Sample Data”, online: <https://www12.statcan.gc.ca/census-recensement/2016/dp-pd/dt-td/Rp-eng.cfm?TABID=2&Lang=E&APATH=3&DETAIL=0&DIM=0&FL=A&FREE=0&GC=0&GID=1341679&GK=0&GRP=1&PID=110532&PRID=10&PTYPE=109445&S=0&SHOWALL=0&SUB=0&Temporal=2017&THEME=120&VID=0&VNAMEE=&VNAMEF=&D1=0&D2=0&D3=0&D4=0&D5=0&D6=0>.

² Ontario Human Rights Commission, *Interrupted childhoods: Over-representation of Indigenous and Black children in Ontario child welfare* (Toronto: Ontario Human Rights Commission, 2018), online: <https://www.ohrc.on.ca/en/interrupted-childhoods#:~:text=Overall%2C%20the%20proportion%20of%20Black,27%20agencies%20or%2056%25>).

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Because Black children are disproportionately admitted into the child welfare system, Black children who were not citizens at the time that they became involved in the child welfare system are also more likely to be disproportionately impacted by a failure of the state to seek and obtain Canadian citizenship on their behalf.

This public policy will:

- Suspend the enforcement of removal orders against foreign nationals (e.g. people without immigrations status or people who have only temporary immigration status) who came to Canada as children and spent any period of their childhood in a child welfare agency or foster family, or in kinship care.
- Provide an expedited pathway to permanent resident status through a public policy under s. 25.2 of the *IRPA* for any former permanent resident in Canada who came to Canada as a child and spent any period of their childhood in a child welfare agency, foster family, or in kinship care.
- Grant an expedited Temporary Resident Permit and accompanying work or study permit, and waive any associated fees, for any former permanent resident in Canada who came to Canada as a child and spent any period of their childhood in a child welfare agency, or foster family, or in kinship care, where permanent resident status cannot immediately be granted.

Conditions (eligibility requirements)

This public policy applies to any foreign national and/or current or former permanent resident in Canada who came to Canada as a child and spent any period of their childhood in the care of a child welfare agency, or foster family, or in kinship care, whether or not they have been issued a removal order.

Start and End Date

This Public Policy will be in effect until there is legislative change guaranteeing a pathway to citizenship for people who came to Canada as a child and spent any period of their childhood in the care of a child welfare agency, foster family, or in kinship care.