

UNACCOMPANIED REFUGEE MINORS: SETTLEMENT EXPERIENCE IN TORONTO

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ABSTRACT

This paper begins by outlining the legal rights of unaccompanied refugee minors. The paper explores the initial settlement experience of unaccompanied refugee minors who live in Toronto. Their experiences with the Immigration and Refugee Board (IRB), their refugee hearings, and their experiences as they waited to be notified of their immigration status have been examined through primary research. Research questions that frame this project include: 1) How does the asylum process, which includes such elements as their legal rights, hearing date, and waiting for status, impact unaccompanied refugee minors' sense of belonging, their establishment/settlement experience in Toronto, and their overall well-being? 2) How does arriving to a new place challenge and modify an existing identity, and what are the challenges unaccompanied minors face in their transition to Canada that have an effect on their identity? And, 3) How does this time in their life influence their perceptions of their future?

Keywords: Unaccompanied refugee minors, settlement, Convention on the Rights of a Child, best interest, rights, protection, Immigration and Refugee Board

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Chapter 1: Introduction

In 2015, 51 percent of the world's 21.3 million refugees were children – many of whom were separated from their guardians (United Nations High Commissioner for Refugees [UNHCR], 2016). That same year, 98,000 asylum applications were submitted by unaccompanied children to the United Nations High Commissioner for Refugees (UNHCR, 2016). A growing number of these children are separated from their families and are arriving to Canada alone. Many of these children have been uprooted from their homes due to political crises, civil wars, and religious and ethnic conflicts. They often make the long and perilous journey across borders to seek asylum on their own (The United Nations Children's Fund [UNICEF], 2016). The increase in the number of unaccompanied refugee minors (hereinafter, URM) can be partially explained by the overall increase in asylum applications; however, the proportion of URM among all asylum applications has also been increasing (Global Trends, 2015). For instance, the proportion of URM among all asylum applications “increased from just over 2 percent in 2013 to nearly 5 percent in 2015 (Global Trends, 2015, p. 44). UNICEF (2016) reported that in 2015 alone, more than 100,000 unaccompanied minors – a number that is nearly triple the number observed in 2014 – sought asylum in 78 countries. As not all countries report information on the numbers of unaccompanied children seeking asylum, these figures are merely approximations, and thus likely underestimate the severity of the situation (Global Trends, 2015).

While many minors leave their countries for similar reasons as adults, such as political crisis, civil wars, and religious or ethnic conflict, there are many forms of persecution that specifically target and affect young people, including, but not limited to, child labour, human trafficking, and forced military conscription (Luke, 2007). For instance, Amnesty International

(2015) found that in Eritrea – a country responsible for contributing to the large number of URM's arriving in Canada – children aged 16 and 17 are being taken away from their families and schools for military training and assigned military roles. Eritrea's National Service policy is compulsory, indefinite, and gravely oppressive (Amnesty International, 2015). Female recruits are in an especially vulnerable position during their time in Eritrea's National Service, and many young girls are raped and experience other forms of sexual assault, both during military training and during their time in the army (Human Rights Council, 2016). To escape this reality, many Eritrean children who are approaching the age of conscription leave their homes and make the difficult journey to Canada (Horwood & Hooper, 2016). The changing nature of the world, in which more children than ever before are fleeing persecution, demonstrates that childhood is increasingly evolving into an unprotected space (Bhabha, 2001).

URMs are recognized as being an extremely susceptible population, believed to be one of the most vulnerable within the asylum-seeking population. Placed at the intersection of two especially marginalized groups – refugees and children – refugee children “have a strong claim to international concern and attention” (Bhabha, 2001, p. 283). This identity carries complex implications with regards to their protections, agency, and settlement experience in Canada. Despite this reality and the consensus among Immigration, Refugees and Citizenship Canada and different governing bodies of the vulnerability of URM's and the importance of their protection, there is no legislative system in place to receive these individuals, nor is there a uniform, national policy concerning URM's (Bhabha, 2001, Matthew House, n.d.).

As noted above, URM's experience difficult and traumatic events in their home countries, which eventually lead to their need to flee. During their travel to asylum these children continue to be prone to traumatic experiences (Seglem, Oppedal, & Raeder, 2011). Due to the fact that

these children are unaccompanied, and without the protection of their caregivers, they are at greater risk of abuse and exploitation by smugglers and traffickers (UNICEF, 2016). Once they arrive in their host countries, URM's are further subjected to profound discrimination and challenges. Bhabha (2004) notes that children, and especially those who are unaccompanied, face the greatest challenges and are highly at risk in the receiving country. As a result of their precarious and transitioning status, URM's often encounter limited rights in their host countries, contributing to many feeling as though they are not in control of their own circumstances and are therefore unable to look forward to and plan for their futures (Seglem, Oppedal, & Raeder, 2011).

Chapter 2: A Review of the Literature

2.1 Important Terms

The United Nations' *Convention on the Rights of a Child* (CRC) (1989) defines a 'child' as "a person below the age of 18, unless the laws of a particular country set the legal age for adulthood younger" (para.1). The UNHCR defines refugees as people who are outside their country, and cannot return owing to a well-founded fear of persecution because of their race, religion, nationality, political opinion or membership of a particular social group (UNHCR, 1951). This definition is found within the *1951 Geneva Convention relating to the Status of Refugees*, the main legal document that outlines the rights of refugees, as well as the legal obligations of the signatories to protect this population. Individuals who flee from their country to seek refuge in another state, unless they are privately or government sponsored, must apply for asylum once in Canada, in order to receive legal protection and material assistance. The 1951 *Convention* proclaims that refugee claimants cannot be refused admission into a country unless

they have already been granted refugee status in another country, have already been refused, or have been convicted of serious crimes (UNHCR, 1951).

While the precise meaning of the term ‘unaccompanied minor’ is contested, the widely accepted and cited definition proposed by the UNHCR is that: “an unaccompanied child is a person who is under the age of eighteen, unless under the law applicable to the child, majority is, attained earlier and who is separated from both parents and is not being cared for by an adult who by law or custom has responsibility to do so” (UNHCR, 1997, p. 1). Strictly speaking, this means that for an individual to be understood as an URM, there must be a complete absence of adult guardianship (parental or otherwise) at the time that they make their refugee claim in Canada. The term URM is often used interchangeably with separated child/minor. Separated minor, however, means that the child is in the company of an adult when they arrived but the adult is not the parent or legal guardian (CIC, 2009). It is important to note that there is no consensus among the provinces of Canada on determining the age at which an individual is no longer considered a child, and thus the age range for child protection in Canada varies from province to province. The age of majority – which is when an individual is recognized or declared by law as an adult – is 18 in Alberta, Manitoba, Ontario, Prince Edward Island, Quebec, and Saskatchewan; and the age of majority is 19 in British Columbia, New Brunswick, Newfoundland, Nova Scotia, Northwest Territories, Nunavut, and the Yukon (Government of Canada, n.d.). This MRP is specifically situated in the Ontario context, and the protections and services URM are granted in this province.

Canada adopted the *Canadian Charter of Rights and Freedoms* – often referred to as the *Charter* – in 1982, which is a bill of rights incorporated in the Constitution of Canada (Montgomery, 2002). In principle, the *Charter* outlines and grants equal rights to everyone in

Canada (Montgomery, 2002). The monumental *Singh* case of 1985 between the Supreme Court of Canada and seven refugee claimants was instrumental in extending the rights, specifically the personal legal rights outlined in Section 7, to all individuals residing on Canadian soil as opposed to only those who had Canadian citizenship (CCR, 2010). The case solidified the notion that the *Charter* is a fundamentally inclusive document and should be applied as such. This means that refugee claimants ought to be accounted for within Canadian legal documents and respected and treated with the same standards as other individuals residing on Canadian territory.

2.2 History of Child Migration

Though the refugee claims of minors have been steadily increasing in recent years, the migration of children with and without their parents or family members is not a new occurrence. As explained by Rousseau, Montgomery, and Shermake (2001), since the advent of modern wars, children have been forced into exile and separated from their family members. In regards to Canadian history, the immigration of children began in the mid-nineteenth century (Kelly & Trebilcock, 2010). Between 1868 and 1925 it was recorded that over 80, 0000 unaccompanied British youth arrived in Canada (Rosseau, Montgomery, & Shermake, 2001). Termed the ‘British Home Children’, this group of children were sent to Canada by British agencies as they had been orphaned or living in impoverished conditions back home (Molnar, 2017). While these children were not refugees in the strict sense, largely due to the fact that the term had yet to be introduced in international discourse, broadly speaking, these children were unaccompanied minors (Rosseau, Montgomery, & Shermake, 2001). That is, they were separated from their parents, finding themselves “alone in a strange world” (Rosseau, Montgomery, & Shermake, 2001, p. 3).

URMs also arrived to Canada during the displaced migration movement that succeeded the events of World War II (Molnar, 2017). During this time the terms “unaccompanied minor” and “refugee” began to permeate throughout the international vocabulary and public consciousness (Molnar, 2017). In Canada, special programs were created in the early 1940s designated to assist in the arrival of young refugees (Rosseau, Montgomery, & Shermake, 2001). In 1956, the Russian invasion of Hungary initiated a new movement of refugees, and specifically URM to Canada (Kelly & Trebilcock, 2010). The majority of these children were placed in the care of the Children’s Aid Societies (Rosseau, Montgomery, & Shermake, 2001). Several decades later, between 1978 and 1983, the arrival of the Vietnamese, Laotian, and Cambodian, famously termed the ‘boat children’, were met with a large media response and reaction from the general public (Bhabha, 2001; Rosseau, Montgomery, & Shermake, 2001). Close to 900 unaccompanied youth arrived in Canada during this time (Rosseau, Montgomery, & Shermake, 2001). Years later, in 1999, there was an unexpected arrival of 134 Chinese youth on the coast of British Columbia (Montgomery, 2002). Arriving in unseaworthy boats, the Department of Citizenship and Immigration Canada (now referred to as the Immigration, Refugees and Citizenship Canada) decided to detain those who were on the first of two boats, while the Provincial Ministry of Children and Families placed the second boat of minors in group homes (Ali, 2006).

Aside from these specific incidents, there has been relatively little attention given to unaccompanied minors, and the unique experiences of children as refugees and asylum seekers have been largely ignored (Rosseau, Montgomery, & Shermake, 2001; Bhabha, 2001; Bryan & Denov, 2011). This is despite the fact that their numbers have increased steadily since the 1980s. To this day, Canada receives a large population of URM (Sadoway, 2001; Ali, 2006; Bhabha,

2001; Global Trends, 2015). Unlike in previous decades, these youth do not arrive in large numbers from a single area of the world or due to one event; but rather, children arrive from a wide range of countries (Rosseau, Montgomery, & Shermake, 2000). While official statistics are difficult to find, as of 2016, globally there are approximately 100,000 unaccompanied minors with estimates ranging from 2,000 to almost 4,000 in Canada alone (Molnar, 2017). The Canadian Border Service Agency, though they do not provide clear data on the number of unaccompanied minors who arrive each year in Canada, observed that refugee claims filed for minors 17 years or younger have been increasing over the past few years, with the number of youth asylum seekers jumping from 2,011 in 2015 to 3,400 in 2016 (Kalaichandran, 2017).

2.3 Legal Rights of Unaccompanied Refugee Minors

As URM's are simultaneously under age and arrive to Canada alone, they fall under the jurisdiction of the state. It is therefore the responsibility of the state to ensure that these individuals have a successful settlement experience. That is, services and protections granted by the state are URM's primary sources for support and security. The following section will explore and outline the legal rights associated with immigration status, specifically looking at Canada's international and domestic legal obligations as they relate to children in general, and URM's in particular. This section is guided by the following questions: What are URM's protections under international and Canadian law, specifically surrounding the asylum process? In the Ontario context, what resources and legal services are available to this population?

2.3.1 International Legal Obligations: The Convention of the Rights of the Child

Canada became a signatory of the *1951 Geneva Convention relating to the Status of Refugees* on June 4, 1969 (Canadian Council for Refugees, [CCR], 2004). While this document serves as the primary legal document that defines the rights of refugees and Canada's obligations to this population, protections and rights of certain subgroups of refugees, such as children, are not emphasized. Fortunately, in 1989 the United Nations (UN), in recalling their proclamation that "childhood is entitled to special care and assistance", created and adopted the *Convention on the Rights of the Child* (CRC, 1989). The *CRC* was ratified by Canada in 1991, and is currently one of the most widely accepted international human rights treaties, which has greatly impacted the interpretation of domestic law (Luke, 2007). The Convention outlines and draws distinct attention to children's – including refugee children's – inherent right to protection and signatories legal obligations to this population (CRC, 1989). While the *CRC* is a document that concerns itself with rights of a child as a group in general, the Convention specifically addresses the unique circumstances of refugee children. The *CRC* explains that State Parties shall take "appropriate measures to ensure that a child [...] whether unaccompanied or accompanied by his or her parents or by any other person, receive appropriate protection and humanitarian assistance" and enjoyment of the rights and protections set forth in the *CRC* (CRC, 1989, para. 71).

The *CRC* defines the child as every human under the age of eighteen and outlines the civil, political, economic, social, health, and cultural rights of the child (CRC, 1989). With its signature, Canada committed to protecting and advancing the core rights of all children. A fundamental principle underscoring the *CRC*, and one that is particularly relevant to this paper, revolves around the notion of 'the best interest of the child'. Article 3 of the *CRC* declares that the child's best interest should be a primary consideration with regards to policy-making and

decisions relating to the child (Luke, 2007). More precisely, the principle of ‘the best interest of the child’ should guide “all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies” (CRC, 1989). The best interest of the child has been recognized by the international community as a fundamental human right of a child and is cited often when decisions and policies concerning the child, and childhood in general, are discussed and adopted (Luke, 2007; Sadoway, 2001). Article 12 of the *CRC* complements this process by asserting that children have the right to be involved in decisions that affect them (Ali, 2006). Further, Article 12 stipulates that children should be given the opportunity to express their views and wishes; in particular, they ought to be granted the right to be heard in any judicial and administrative proceedings affecting them (CRC, 1989). Although Article 12 highlights the importance of listening to the voice of refugee children, URM’s insight in matters concerning themselves and others in similar situations is missing from the literature and this omission has a great effect on the wider public’s general understandings of this population. Consequently, the child’s voice, and specific to this paper, the refugee child’s, is dismissed and absent in discussions on what constitutes as serving their best interest. My paper, therefore, in focusing on URM’s’ understanding and impressions of the procedures and resources surrounding their arrival in Ontario, aims to elevate and contribute to the invaluable perspective that can only be given from URM’s themselves.

2.3.2 Domestic Legal Obligations: Immigration and Refugee Protection Act

In regards to the Canadian context and domestic law, policies and programs relating to refugees, including unaccompanied refugee children, are generated and administered in accordance with the Immigration and Refugee Protection Act (IRPA) (Wouk, Roach, Thomson

& Harris, 2006). As a result, IRPA dictates the country's moral and legal obligations in reference to immigration and newcomers to Canada. IRPA was passed in Parliament in 2001, replacing the old *Immigration Act*, which had been in force since 1978 (CCR, 2004). IRPA frames itself as a piece of legislation that aims to fulfill its legal obligations with respect to refugees and affirm Canada's commitment to international efforts, granting refugees "a fundamental expression of Canada's humanitarian ideals, fair consideration to those who come to Canada claiming persecution" and to fulfill its international legal obligations (Government of Canada, 2001). In regards to children, IRPA has noticeably been influenced by the *CRC*, specifically in Article 25.1, which requires the Minister, when considering applications for humanitarian and compassionate consideration, to take into account "the best interests of a child directly affected" (Government of Canada, 2001). Further, in situations where detainment is considered, IRPA stipulates that children are to be detained only as a measure of last resort, and that in making decisions regarding this matter, the best interest of the child ought to be considered (Government of Canada, 2001).

The *Act*, however, does not set out procedures or criteria that specifically concern the treatment of URM's or for dealing with refugee claims made by children in general. While this omission is acknowledged by the Government of Canada (n.d.) within the *Act*, the *Act* affirms that the IRPA was intended to "be interpreted and applied in compliance with international human rights instruments", including the *Convention on the Rights of the Child*. In this way, the Government of Canada (n.d.) suggests that as Canada has signed and ratified the *CRC*, it should be understood that the principles within this convention, specifically the best interest of the child, are being considered and hold influential power.

2.3.3 *The Immigration and Refugee Board's Guidelines on Child Refugee Claimants*

While there is little to no mention of refugee minors in IRPA, in September 1996 Canada led the international community in setting procedural standards for processing the claims of unaccompanied children through the development of the Immigration and Refugee Board's *Guidelines on Child Refugee Claimants* (Ali, 2006). The following year, the office of the UNHCR adopted the *Guidelines on Policies and Procedures in dealing with Unaccompanied Children Seeking Asylum* (UNHCR, 1997). These documents recognize the specific vulnerabilities of this population and lay out suggestions on how they should be treated during the asylum process. Further, at the core of these documents is the principle of the 'best interests of the child', which is understood as being essential when dealing with child care and protection action and determining the appropriate procedures for asylum claims of a child (UNHCR, 1997; IRB, 1996).

As outlined in the 1997 UNHCR guidelines, an unaccompanied child who is seeking asylum "should not be refused access to the territory and... upon arrival, a child should be provided with a legal representation" (p. 5). Once the child arrives at a port of entry, the UNHCR (1997) guidelines request that identification of the child must be done immediately. The process of identifying an URM as such is twofold – first, it has to be determined whether the child, specifically in the context of Ontario, is below the age of 18, and then next, is to confirm that the child is indeed separated and alone. As Ali (2006) explains, many unaccompanied minors arrive without identification documents or with false documents. An immigration officer, who is likely not adequately trained to deal with such a task, determines age by the appearance and overall demeanor of the individual in question (Ali, 2006). From a human rights perspective, despite Article 31 of the 1951 *Convention* stating that "the Contracting States shall not impose penalties,

on account of their illegal entry or presence, on refugees who, coming directly from a territory where their life or freedom was threatened [...] enter or are present in their territory without authorization”, detention of URM’s takes place largely as a consequence of the determination process (UNHCR, 1951). Bill C-31 – the *Protecting Canada’s Immigration System Act* – only has increased the incidence of children being detained, further violating the *1951 Convention*, as the bill “imposed mandatory indefinite detention without judicial review for the first twelve months for arriving noncitizens designated part of an “irregular arrival”” (Global Detention Project, 2016). The only exemptions to mandatory detention are children under the age of 16, however, considering that the identification process is not always accurate, unlawful detention is a possibility (Silverman, 2014).

On the occasion that a child has successfully been determined to be an unaccompanied refugee, the next step is making a claim for refugee status. All individuals seeking refugee status in Canada, including children, must demonstrate to the IRB that they have a well-founded fear of persecution if they were to have stayed or return to their country of origin (Sadoway, 2001). Ali (2006) indicates, “...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” (p. 72). Applications by URM’s are prioritized for early hearings and can opt to enter the expedited process, whereby their claim can be accepted without a hearing (Ali, 2006). That is, given their age and the fact that they are unaccompanied, the IRB (1996) reasoned that it is *generally* in the best interest of the child to have their claim processed as quickly as possible. There are indeed circumstances, however, that suggest that an expedited hearing would be a disservice to the child and harmful to their well-being. For instance, gathering and providing evidence in support of a claim is often recognized as being a significant problem for child claimants (Sadoway, 2001).

Additionally, it is possible that due to psychological stress and past traumatic events, URM might not be prepared to share their painful experiences within strict timeframes (Seglem, Oppedal, & Raeder, 2011).

The Canadian guidelines for dealing with child refugee claimants further describe what should occur regarding the obtaining of evidence. The guidelines acknowledge that children may not be capable of presenting evidence “with the same degree of precision as adults with respect to context, timing, importance and details” and specifically, have such a difficult time providing evidence about the “circumstances surrounding their past experiences” (IRB, 1996, para. 30). For instance, for some children, the decision for them to leave is made by their parents and as such they are not always aware of the severity of the situations in their home countries (Rousseau, Montgomery & Shermarke, 2001). With this in mind, the IRB (1996) proposes that during their oral testimonies, the age of the child should be consistently considered, it should be confirmed that the child claimant understands the nature of the procedure, the physical setting of the hearing be informal, and that questions are sensitive to the age of the child. Moreover, as the matter of ‘proof’ often serves as a problem in the refugee status determination process, both the UNHCR and the Canadian-specific guidelines call for a liberal application of the principle of the ‘benefit of the doubt’ (UNHCR, 1997; IRB, 1996). This means that should there be any hesitation regarding the credibility of the facts surrounding a child’s story or uncertainty of their age, the burden of proof is not on the child, but rather, they should be given the benefit of the doubt.

A significant portion of the IRB guidelines (1996) is dedicated to outlining the role of the designated representative (DR). IRPA requires that all child claimants be appointed a DR to safeguard the best interests of the child (IRB, 1996). The appointment and requirement of a DR within the refugee claimant process is standard across all provinces and written into Canada’s

immigration law (Sadoway, 2001). As such, the refugee child must have a DR “at any inquiry or hearing concerning them under the *Act*” (Sadoway, 2001, p. 353). There is not, however, any formal agreement between the IRB and the agency to provide a DR. The DR plays a guardian-like role for the URM claimant and is responsible for the appointment of a lawyer to represent the child (Bhabha, 2001). The duties of the DR are to retain counsel, instruct counsel, to inform the child about the stages and proceedings of the claim, to assist in obtaining evidence in support of the claim, to be a witness in the claim, and of course, to act in the best interests of the child (IRB, 1996). In addition to the DR, the child has a right to be represented by legal or other counsel (IRB, 1996). Sadoway (2001), a lawyer based in Toronto, explains that in Ontario, there is no agreement between the IRB and the principal child welfare agencies (i.e the Children’s Aid Society and the Catholic Children’s Aid Society) to provide guardians or DRs to an URM. Rather, the Ontario IRB has “developed a list of about eleven persons [mainly immigration lawyers] on a panel to be called upon to act as DRs when needed” and to serve the purpose of representing minor claimants (Sadoway, 2001, p. 364). Unfortunately, Ali, Taraban, and Gil (2004) have observed that in some cases, the DR is not appointed until a hearing is about to take place, leaving very little time to properly assist the URM and develop a trusting relationship with them.

2.4 Key Themes within the Literature

I have identified three major themes from the existing literature on URM. These include: 1) the negative construction of a refugee child; 2) the legal and sociological sense of belonging; and lastly 3) the stress that accompanies the period during which these individuals wait for their immigration status. It is important to note that the bulk of the literature that I have reviewed has

concluded that despite the vulnerability of this population, there is an inadequate amount of literature that speaks to unaccompanied refugee minors' experiences in a new country and their distinctive needs.

2.4.1 The Negative Construction of a Refugee Child

Given the limited number of sources on this topic, two main sources will be the focus and guide an understanding of the construction of the notion of the refugee child. The first is Catherine Bryan and Myriam Denov's (2011) article titled "Separated Refugee Children in Canada: The Construction of Risk Identity," and the second is Jacqueline Bhabha's (2001) article "Minors or Aliens? Inconsistent State Intervention and Separated Child Asylum- Seekers." These authors' works explore the discourse on unaccompanied refugee minors, specifically drawing attention to the anti-refugee mentality that results in individuals being constructed as security threats and other negative representations. In Bryan and Denov's (2011) article it is explained that individuals belonging to this group, who have been constructed as 'risky' by the government and general public, do not have to violate the law in order to be labeled as such, as they are perceived as being inherently suspicious. Children, despite their vulnerability, are not immune to this perception and are often prescribed an identity that designates them as being a potential threat to society (Bryan & Denov, 2011). This sentiment is largely echoed by Bhabha (2001), who asserts that this ideology positions refugee children as being undeserving of a secure place in Canada, and at times, labeled as security hazards.

Within the current national imagination and political climate there is an underlying and pervasive notion of mistrust and xenophobia. This regularly results in URM's being understood as anchors sent before their parents who intend to follow afterwards to the same country (Bhabha,

2001). Bhabha (2001) also states that in some cases the unfortunate result of the irrational construction of children as threats and those who are seen as trying to abuse the system, leads to unaccompanied refugee minors being detained in immigration detention centres. Immigration detention centres facilitate an environment in which an already vulnerable population is confronted with more devastating conditions that jeopardize their physical and mental well-being (Silverman, 2014). Their detention is a violation of the rights granted to unaccompanied refugee minors in the *Convention on the Rights of a Child* as well as the *1951 Refugee Convention*.

While a discussion of detention centers lies outside the scope of this paper, detainment is one of the major consequences of the construction of a refugee as a safety hazard. In this research, I will be aiming to understand and evaluate how myths that circulate in the public discourse affect unaccompanied refugee minors' settlement experiences and their feelings of acceptance, especially as young people who are easily impressionable and potentially in a fragile state.

2.4.2 Legal & Sociological sense of belonging

Montgomery's (2002) article "The "brown paper syndrome": Unaccompanied Minors and Questions of Status, and Bryan and Denov's (2010) article titled "Unaccompanied Refugee Children in Canada: Experiences of Flight and Resettlement" serve as important sources that discuss the theme of belonging. The available literature on unaccompanied refugee minors suggests that this population's identity and sense of belonging are called into question as they face hardships navigating through the transitional period and immigration policies (Derluyn & Broekaert, 2008). Unaccompanied refugee minors' immigration status, which at times can be rather precarious, defines and constrains their identity and participation in society. That is,

different positions in society are associated with different immigration categories – those being refugee, permanent resident, or citizen – and “implicit in each of these categories is a hierarchy of rights corresponding to what individuals may or may not do” (Montgomery, 2002, p. 58). Benedict Anderson’s theory surrounding status, as Montgomery (2002) explains, is one that grants an individual membership into an “imagined community” (p. 58). This means that even though individuals in a community do not know or ever meet most of their fellow members, there is an overall sense of community and acceptance amongst them (Montgomery, 2002). In creating this collective identity, the imagined community and the members within it are able to define who belongs to the nation-image and who is excluded. Montgomery (2002) observes that from a sociological perspective, the discrimination that refugee claimants encounter is a result of the discrepancy between the perceived deserving insiders and the subsequently undeserving outsiders. The refugee claimant’s status as outsider translates to a situation in which they not only receive fewer rights, but can also be rejected from the community, and the security membership often offers.

Denov and Bryan (2010) conducted research in Canada that highlighted the isolation and discrimination experienced by unaccompanied refugee children. Their work demonstrates that unaccompanied refugee minors, who have often left their primary support systems and have experienced traumatic events, come to a new place and find themselves left to occupy a space in society that is removed from sources of protection, care, and belonging. Denov and Bryan (2010) also note that “among refugee children, those who are unaccompanied are at the highest risk, because of the interplay between traumatic experiences and separation from significant emotional relationships” (p. 67). Not surprisingly, it has been widely documented that unaccompanied refugee minors’ experiences of immigration and settlement contribute to the

development of mental health issues (Seglem, Oppedal, & Raeder, 2011; Seglem, Oppedal & Roysamb, 2014; Huemer et al., 2009). Montgomery (2002) explains that minors get anxious surrounding their testimony and are intimidated by the hearing process and procedures that surround it. Montgomery (2002) also documented that several unaccompanied minors perceive the hearing as a confrontational environment and that the technical and legal jargon throughout the process is alienating. Crawley (2009) also contributes research to this discussion of isolation and belonging. According to Crawley (2009), the part of the asylum process that demands a narrative that is coherent, chronologically consistent, and relevant to international protection is concerning as it can compromise the welfare of the child. It has been observed that refugee claimants, and specifically refugee children, use protective shields such as remaining silent or talking in guarded ways in situations whereby they feel as though their sense of safety and belonging are in jeopardy (Crawley, 2009). While a child refugee's silence can serve as a coping mechanism, "the refusal or inability of children to articulate a clear and 'thick' story about their experiences can cause suspicion among decision makers in the asylum process" (Kolhi, 2005, p. 96). Therefore, while in theory the IRB hearing is not meant to be adversarial, echoing Montgomery (2002), Crawley (2009) concludes that the procedures surrounding a child's testimony can create a hostile environment and reflect a 'culture of disbelief' that often pervades the discourse surrounding refugees and can reveal itself in the asylum process.

2.4.3 The Stress of Waiting for Status: An Identity in Limbo

Many unaccompanied minors wish to put their past behind them and move forward from the situations that forced them to leave their homes. However, as argued by Ali (2006), waiting for their immigration status – which can take up to several months – creates significant barriers

to integration and makes looking to the future an almost impossible task. Karen Francis, executive director of *Matthew House* – a centre in Toronto that has been receiving an influx of unaccompanied refugee minors in the past several years – confirms this, explaining that the minors at the shelter are often “really scared and unsure of the future” (Kalaichandran, 2017). This tension surrounding status, referred to by Homi Bhabha as a ‘third space’, denotes the in-between space individuals enter, where they are forced to negotiate between their past and present identity (Marciniak, 1994). This gravely affects unaccompanied refugee minors’ sense of self (Marciniak, 1994). The time between unaccompanied refugee minors’ arrival and their refugee determination hearing is categorized as highly overwhelming and stressful, as well as one of the most painful periods of the claimant process (Seglem, Oppedal, & Raeder, 2011). The possibility of settling and creating a new life in Canada is entirely dependent on receiving a positive decision from the IRB (Lacroix, 2004). Before this decision, unaccompanied refugee minors’ precarious status often limits their opportunities and participation in society and is a major barrier to the integration process (Lacroix, 2004).

In the book “Seeds of Hope: Creating a Future in the Shadows”, a collection of stories of the youth from FCJ house (a refugee centre based in Toronto), a young boy explains that it “took [him] a long time before [he] found out that [he] could not go to school [any longer] because [he] wasn’t ‘legal’” (FCJ Youth & Allies, 2016, p. 36). This young boy describes this realization as being alienating and causing him to feel disconnected from his friends at school (FCJ Youth & Allies, 2016). His sentiment echoes many others, who during their time of waiting for status, feel as though their life and future are put on hold (FCJ Youth & Allies, 2016).

The limited literature also discusses the fact that uncertainty of unaccompanied refugee minors’ immigration status increases their vulnerability and incidences of mental health issues.

Studies of unaccompanied refugee minors, such as that by Seglem, Oppedal and Roysamb (2014), suggest that this population employs “disengagement coping strategies”, which include avoidance, wishful thinking, and social withdrawal, which is closely linked to psychological distress and negatively associated with an individual's well-being (p. 296). Ali (2006) notes in her article “Children Alone, Seeking Refuge in Canada”, that when they arrive to their destination country, over 50 percent of refugee minors suffer from post-traumatic stress disorders, which result in “maladaptive affective, physical, cognitive, and behavioural symptoms” (p. 77). This observation is echoed by Montgomery (2002) who found that during the waiting period, URM's have a difficult time concentrating in school and sleeping throughout the night. One refugee minor that Montgomery (2002) interviewed explains that the day he was accepted as a refugee was the day “he started living” (p. 6).

While the literature is limited, the themes that have emerged have provided great insight into the connection between the first several months and years in Toronto and the long-term well-being of refugee minors. As well, they inspired several questions I asked my participants.

Chapter 3: Limitations of Topic & Research Outline and Purpose

3.1 Limitations of Topic

Despite the notable vulnerability of unaccompanied refugee minors, there is far too little literature and research conducted on this important population. Though there is little doubt that the experience of becoming a refugee at any age, but especially at a young one, places individuals at a high risk of developing mental health problems and encountering emotional and legal hardships, there is a severe lack of empirical studies regarding the well-being of unaccompanied refugee minors (Derluyn & Broekaert, 2008). Further, in debates and

conversations surrounding migration and refugee protection, unaccompanied refugee minors are largely excluded from the discourse (Bhabha, 2001). It is also noted that there is a lack of reliable data on the number and ages of unaccompanied minors and how they are received and protected in Canada (Wouk, Roach, Thomson, & Harris, 2006). The absence of statistical data surrounding this population can be attributed to refugee children's invisibility – their stories and circumstances are not often on people's radar. Consequently, URM's traditionally were grouped either within the broad category of refugees or children and no specific attention, particularly in the form of data collection, was given to them as a distinct group (Bryan, 2008). Accordingly, one of my goals for this project is to make URM's more visible.

Further, data can be difficult to find, as URM's need to register as such at a border or a port of entry. Ali (2006) explains that children may not know the risks or the benefits of declaring their status, or moreover, may not know how to do so (p. 69). URM's in many circumstances do not have the required documents on them, which in turn make it difficult for authorities to classify them as an URM. Bearing in mind that there is an insufficient amount of literature on this important population, this paper is speaking from a restricted lens.

Moreover, it is important to acknowledge that this paper is written from a semi-detached and outsider perspective. While I have interacted with URM's in my work at Matthew House, I am observing URM's' lives as opposed to this experience having been part of my personal experience, and thus there is a limit to knowing and understanding their lived experiences. This position can result in collapsing and essentializing multiple identities as opposed to representing individual identities (Spivak, 1988). To avoid speaking on behalf of others, the sections that follow will include the voices of URM's to exemplify the multiple layers of this complex and diverse population.

3.2 Research/ Project Work Statement

My Major Research Paper (MRP) concerns unaccompanied refugee minors and their initial settlement experiences in Toronto. More specifically, my paper explores unaccompanied refugee minors' experiences with the IRB, their refugee hearings, and their experiences as they waited to be notified of their immigration status. As a result, my research questions are:

1) How does the asylum process, which includes such elements as their legal rights, hearing date, and waiting for status, affect unaccompanied refugee minors' sense of belonging, their establishment/settlement experience in Toronto, and their overall well-being?

2) How does arriving to a new place challenge and modify an existing identity, and what are the challenges unaccompanied minors face in their transition to Canada that have an effect on their identity? And lastly,

3) How does this time in their life influence their perceptions of their future (i.e. future planning)?

To help answer these questions my goal was to interview individuals who fell within one of two categories of unaccompanied refugee minors. The first group was to represent individuals who had already received their acceptance from the IRB in the last several months or recent years and are currently living in Toronto. The second group was to be composed of individuals who are now permanent residents of Canada but were unaccompanied refugee minors when they arrived to Toronto. I recruited individuals who have been in Toronto from one to three years. Accordingly, the second group of participants reflected on their experiences arriving as a child refugee and the implications of that status. Initially, I wanted to include a third group of unaccompanied refugee minors – those who have recently arrived to Toronto and are currently undergoing the process of waiting for their hearing date or expecting the results of their hearing.

However, given the vulnerability of this community, and the added layer of complexity that is attached to unaccompanied refugee minors with precarious status, I decided to interview only individuals who have already had their hearings and were granted refugee status.

3.3 Purpose/ Significance of Project

There are several factors that have influenced this project and contributed to my decision to research unaccompanied refugee minors for my MRP. First, unaccompanied refugee minors have a strong claim to attention, concern, and protection. Their distinct needs and resiliency ought to be understood and amplified whenever possible. As aforementioned, these individuals find themselves at the intersection of two vulnerable populations as they are both refugees and children (Bhabha, 2001). The result of this is a status that carries with it complex implications in regards to protections, agency, and settlement experiences in Canada. Consequently, I believe this is an important topic that warrants more attention, particularly from the perspective of those who arrived as unaccompanied refugee minors.

Further, I have found that discussions and literature on refugee issues are largely discussed without an age-sensitive lens. Very little is known about the experiences of young newcomers to Toronto. This study will help us to understand their experiences better. This paper shares unaccompanied refugee minors' experiences in Canada and their specific stories, needs, and accomplishments. In doing so, my paper adds to the existing knowledge that speaks directly to the lived experiences of unaccompanied refugee minors. My project asked participants to use their past experiences to suggest improvements for services available to unaccompanied refugee minors. Accordingly, my paper uncovers some of the specific risks and discrimination unaccompanied refugee minors encounter and are exposed to during their time in Toronto.

My work in Chapters 1 and 2 examined how the theoretical legal framework and rights of unaccompanied refugee minors in Canada unfolds in real life practice, and evaluated whether Toronto's reception and protections of this population are reflective of the best interest of the child or if policies need improvement. Moreover, my MRP aimed to reveal how the systems in place and legal rights granted to unaccompanied refugee minors are perceived for those for whom these measures claim to be serving and protecting. I did this in Chapter 1 and 2 by outlining URM's legal rights as specified in the *Convention on the Rights of a Child*, *The Immigration and Refugee Protection Act*, and the *IRB Guidelines* for minors. Next, and most importantly, in Chapter 6 and 7, I presented my findings of URM experiences of being an URM in Toronto and their interactions and dealings with the IRB. My work provides a window into how the policies and initiatives surrounding URM's unfold in practical ways and how they are received by URM's themselves.

My experiences as a volunteer at *Matthew House*, a Toronto refugee shelter that provides a home, settlement support, and assistance with the asylum process to newly arrived refugee claimants, serves as one of the most significant reasons for taking on this project. Before I began volunteering at *Matthew House*, I knew very little about the distinctive experiences of unaccompanied refugee minors, including their journeys to Toronto and their settlement experience upon arrival. Having now worked and volunteered at *Matthew House* for almost two years, I have witnessed many children arriving to Canada alone, and have been able to learn more about this population of refugees. While I have observed the benefits of what a supportive community like *Matthew House* can do in regards to helping youth with their paper work, school registration, and generally feeling cared for and supported, I have also noticed how difficult the asylum process is for unaccompanied refugee minors. Accordingly, my time at *Matthew House*

and specifically my time working with unaccompanied refugee minors, have inspired and solidified my commitment to this critical issue and to these young people.

Chapter 4: Theoretical Framework/Orientation

I have decided to take a children's rights approach to my study. While it is critical to acknowledge the distinctive needs of children refugees and the importance of URM's receiving proper protection, viewing this population only through the lens of the injustices they are subjected to, without recognizing what these individuals have overcome by arriving to Canada, would be an immense disservice to the courage and resilience they embody. These children are not simply victims nor are they a fundamentally vulnerable population that is susceptible to harm, but rather, they are individuals who surmount immense obstacles and hardships in leaving their home countries and arriving to Canada. Without any proper system in place to receive them, these children enter into a new life and navigate through these challenges, showing profound strength and resilience. As such, this study does not follow the deficit model, in which URM's vulnerabilities, challenges, and losses are the sole focus, but rather, it is aimed to create a space of strength and empowerment. Indeed the participants were asked to look back on their experiences and discuss the obstacles; the interviews, however, were largely guided by the understanding that in order for the participant to be where they are now, they overcame many difficulties and displayed profound strength and agency.

The new sociology of childhood serves as important groundwork for this approach. Older, more traditional sociological approaches, which focused mainly on the socialization process, have typically viewed children as 'incomplete adults' or 'in process of becoming (adults)' rather than as full, rights-bearing members of society (Matthews, 2007). Traditional

sociological approaches have, for the most part, treated children as “potential outcomes rather than as social actors who are not only affected by but also affect social structures and relationships” (Matthews, 2007, p. 323). In contrast to this more traditional approach, the new sociology of childhood treats children as social actors and active agents who are “capable of making sense of and affecting their societies” (Matthews, 2007, p. 324). Consequently, the new sociology of childhood emphasizes the reality that children understand what is going on around them and play an active role and are invested in constructing their world, initiating change, and creating meaning (Matthews, 2007; Prout, 2011).

Further, concerned that the “old sociology” of childhood homogenizes children, the new sociology of childhood aims to search for and reveal the diversity among children and childhoods (Matthews, 2007). That is, the new sociology of childhood opposes the idea that single and universal truths about the ‘the child’ exist, and instead encourages scholars and researchers alike to find the personhood that exists within each child and groups of children (Matthews, 2007). Following this line of reasoning, scholars of the new sociology of childhood advocate adding an ‘s’ to childhood to signal the variety of children’s experiences (Jenk, 1996; Matthews, 2007; Prout, 2011). This concept of childhoods stresses the fact that they are plural and not unitary, and vary greatly depending on context, including factors such as political climate, historical period, social group, culture, economic location, and geography (Prout, 2011). This ideology avoids misinformed and trite assumptions that all children are united in their experiences and fall under the perceived category of “vulnerable children”, always acted upon and rarely agentic ‘human becomings’ rather than ‘human beings’ (Albanese, 2016).

Accordingly, in my study, specifically during the interviews and presentation of such interviews, I was mindful of not homogenizing this diverse population and paid caution to the

fact that young refugees are active agents, both socially and politically. While part of my project was to gather patterns and themes from the interviews, I did my best to avoid collapsing multiple stories into one; instead, I anticipated and appreciated diversity in their stories and treated each narrative as important and unique. Further, as the new sociology of childhood cautions, in my paper I refrained from speaking for children and rejected the notions that allow adult views and voices to be privileged over children voices about issues related to children's lives (Matthews, 2007). Instead, I regarded the participants as the "main informants on their own particular experiences" and as "active participants in their stories" (Alanen, 1998, p. 35; Matthews, 2007, p. 330). The questions I posed to the participants – past unaccompanied refugee minors – called upon their knowledge and experiences in order to educate others and myself on the asylum process for young refugees. Their insight and stories are the most appropriate way to exemplify the multiple layers of this complex and diverse population that is often invisible, misunderstood, or dismissed. Further, obtaining an understanding of their experiences and impressions of the immigration system, specifically on the asylum process for child refugees, led and will continue to lead to a greater appreciation of the welfare of the child and what fulfilling the best interest of the child truly means.

Chapter 5: Research Methods

5.1 Participant Selection and Recruitment Process

This project includes participants who are unaccompanied refugee minors – meaning children who arrived to Canada without their primary caregivers or legal guardians. The participants were 18 years old or younger when they first arrived to Canada, however were over the age of 18 when I interviewed them. The participants were included regardless of their gender,

sexual orientation, or country of origin. My research excluded refugees who arrived with family members or who were older than 18 when they arrived to Canada. Given the vulnerability of unaccompanied refugee minors, no one under the age of 16 was interviewed. Further, because individuals with precarious status are in an especially fragile state, only those who had already had a successful hearing at the IRB, and thus have received refugee status, were contacted.

I chose to do qualitative research, because as mentioned above, in the existing literature there is very little information on how unaccompanied refugee minors view the asylum process, and few studies that examine their interactions with the judicial system, the IRB, and the wait for their immigration status. Qualitative interviews also allowed for the inclusion of the voice of young people, which is in line with my broader orientation and children's rights approach, as embodied in the new sociology of childhood.

Following Ryerson University's Research Ethics Board approval, *Matthew House* began to help me recruit unaccompanied refugee minors who had previously lived at *Matthew House*. Individuals who had received refugee status, were currently living in Toronto, and who were believed to be interested or willing to participate in my study were contacted. The recruitment component of this project was fairly informal, as *Matthew House* staff members reached out to former residents via phone calls explaining my research and asking if they would be willing to participate. Through these initial phone calls and the subsequent consent forms, I made it clear to the participants from the very beginning that their identity will remain completely confidential throughout the study. When making the phone calls, staff members at *Matthew House* outlined to the potential participants the exact nature of the research, including the research questions, interview questions, and the writing process that follows. After this call – once they made a commitment to participating and provided their email address – I emailed a copy of the consent

form to them and encouraged participants to ask any questions they may have had. Once first contact was made with potential participants, a meeting was scheduled. Considering the scope of the research, one interview (no follow-up interviews) was all that time limitations permitted. In my email that provided participants with the consent form I asked that they read it over carefully and get back to me shortly with any questions or concerns. I asked that the participants bring the signed consent form to me on the day that we met for the interview. I also had extra copies of the consent forms with me.

I recruited three individuals. Initially I planned on recruiting participants that fell under two groups – those who had very recently arrived and had been granted refugee status and then those who had received refugee status and had been living in Toronto for a few years already. During the recruitment phase, however, it proved to be difficult to recruit individuals that were still relatively new to Toronto. Many of these individuals (the younger group of URM)s were still navigating the immigration process and settling into their new lives. This led to many being either reluctant to participate for comfort reasons or engaged with other events going on in their lives. Thus, the individuals that I ended up interviewing already had lived in Toronto for on average three years.

5.2 Data Collection

Interviews were conducted by me and took place in a private room in the Ryerson University's Student Learning Centre. Before beginning the interviews, I went over the consent form with the participants, specifically stressing that they could skip any questions they did not want to answer and informed them that the audio-recordings (audio recorders were provided by Ryerson University) would be deleted immediately after I transcribed the interview. I also

reminded them that their identity would remain completely confidential throughout my paper. Once the consent form was understood and signed, I began the interview.

The interviews ranged from 45 minutes to one hour in length. Following the interviews, I transcribed the interviews and data was stored in a password protected and encrypted personal laptop. Data collected from the audio-recordings of the interview were then deleted from the audio-recording device. Signed copies of the consent forms were stored separately from coded electronic transcripts in a personal locked desk. More specifically, names were coded and kept in separate documents. Pseudonyms were assigned and real names were not collected or published. All participants had the right to review and edit the transcripts. All data will be kept for one year after I successfully defend my MRP and then will be destroyed. I assured all participants that if they withdrew from the study, all their information would be deleted. One of the participants did not want to be audio-recorded. Their immigration case was complex and they asked that questions related to pre-migration be kept to a minimum. For this interview I transcribed as I was conducting the interview. While this made getting direct quotes more challenging than my other interviews, after I had finished asking all my questions the participant asked that I read back what we had discussed and what I had recorded. Though this made the interview last almost twice as long as the others, it provided a way to ensure that I had represented the participant accurately and to their standards, had not recorded anything that made them uncomfortable, and also enabled me to fill in parts that I had missed initially.

The research questions stated above motivated interview questions such as: *Do you remember how you felt your first night in Toronto? Do you remember how long you waited for a hearing date? If so, how long was the wait? How long did it take for the IRB to tell you the results of your hearing? What could have been done to support you more? What additional*

services do you think are needed to help unaccompanied refugee minors? Has this experience changed the way you think about yourself?

5.3 Data Analysis

Themes were identified from the interview scripts and selected due to their similarity to those found in the existing literature. These themes include: 1) First Night in Toronto; 2) Making a Refugee Claim; 3) Immigration Hearing Date; 4) Immigration and Refugee Board; 5) Support and Protection; 6) Sense of Belonging and Identity; and 7) Upcoming Years. The parts of the interviews that I used were determined by common themes in responses, and answers that participants highlighted as important. After I had completed all the interviews and transcribed them I sorted them into different documents. First I organized the quotations from the interviews into separate documents depending on which research question they corresponded with or best answered. I also looked for common themes amongst the three interviews while also highlighting unique cases, or accounts that stood out to me and/or the participant. This process was done in order to gain a better understanding of what I wanted and what was important to include in the final paper to produce a meaningful, comprehensive, and coherent study on URM.

There are many factors I had to consider and be mindful of throughout my research. For instance, there are possible psychological risks ingrained in my research, mainly manifested in the potential of retraumatization due to the nature of the interview questions. As such, I was acutely aware that my questions had the potential of resurfacing difficult experiences and memories. In order to mitigate the possibility of this occurring, in my consent form, I clearly and simply outlined the purpose of my research, what participation means (including a sample of the interview questions I asked and the length of the interview), the participant's rights, including

their right to skip any questions or withdraw from the study at any time (I reminded them of this right throughout the interview), the potential benefits of my project, and the potential risks to them as participants. I attached a pamphlet to the consent form with mental health services available to them. There was the possibility that participants would hesitate to be critical of the immigration system. For instance, I thought some might be uncomfortable or worried that their answers, if they are critical, it could in some way negatively affect their experiences in Toronto or be misunderstood. To avoid wrongly quoting or misunderstanding a participant, I made sure to check in with the participants and ask if I had presented them accurately. As the interviews went on, however, I did not discover this to be a problem. Some participants, to my surprise, were not at all critical of the immigration system and therefore did not have to suppress their words. Others were not fearful of being critical of the system and used the interview as a platform to express their frustrations with the system. The participants also shared that certain negative events that transpired throughout their immigration process was not solely due to faults in the system.

Chapter 6: Findings

6.1 Leaving Home: Reasons behind Coming to Canada

The participants I interviewed were either 16 or 17 when they arrived to Toronto.¹ After inquiring about their age upon arrival, I asked if they felt comfortable telling me why they had to leave their home. While one participant was smuggled and others made the journey entirely

¹ Given the circumstances, in order to maintain confidentiality, I will not provide more of a biographical or demographic profile of each participant (which is typical in qualitative research), and will only share characteristics that are relevant at various parts of this analysis, as the need arises.

alone, all arrived without family members or without knowing anyone in Toronto or having anywhere to stay. Participant #1 explained that his outspoken nature in regards to politics and his involvement in an opposition party made his living situation at home dangerous. Participant #2 said that political unrest ultimately led to her need to leave her country. Her father was involved in politics, opposing the newly elected president, and she shared that this involvement put her family in danger. She told me that her father was killed and after this their family started receiving threats and attacks. Having been associated with her father and publically promoting his politics on a television station that she worked at, Participant #2 explained that she became a target and that in order for her to survive, she had to escape. Participant #3 wished to not speak about his history prior to arriving to Canada. They did share though that severe racism, xenophobia, and overall persecution is what led them to have to flee.

6.2 First Night in Toronto: Initial Impressions

Participant #1 did not make a claim at the airport and was directed to stay at a man's house that the smuggler had organized. After a night or two there, Participant #1 spent some of his first few nights in Toronto in a youth shelter, which he described as: "not a place for refugees." He continued to explain that it was very scary and that his roommates would often shout in the middle of the night. From this shelter, he was sent to Matthew House.

Participant #2 had an extremely traumatic experience within her first few hours arriving to Toronto. She arrived at the airport and was immediately interrogated by security agents. She was speaking French, however, no one working at the airport spoke the language. Instead of finding a translator, Participant #2 was sent to immigration detention. When asked about this experience and the confusion surrounding her arrival, Participant #2 shared that:

“I did not know why, I didn’t even know that I was not supposed to go to detention but I didn’t know what was going on. I didn’t know it was illegal so I went to detention and they were kinda forcing me to put on the handcuff on me, and I even knew back home that you do not put handcuffs on young teenagers because it is not legal. I was like “why are you guys putting handcuffs on me? You guys searched me and I don’t have any drugs, I don’t have anything, I don’t have any recorder”.... At a young age like that, obviously I am not coming to break the law.... I was saying it in French and I was crying and it was very frustrating, it was really sad because we were young teenagers too.”

Participant #2 was not given anything to eat or drink for more than five hours after her arrival and was escorted by police to a room in detention. She explained that she did not know whether she was in a horror movie or if this was real life, as she had no idea what was going on and what would happen next. She told me:

“I just went into my room for 30 seconds and went blank and then after that I cried for like an hour because I didn’t know what to do and this place. I didn’t know whom to speak to, I was even scared to open the door and go out there because I didn’t know what to expect because even when we were there, I saw a couple fighting and the police have to come and separate them. I was just like “oh yes, I’m in prison, my life is done. So I escaped the prison there [her country of origin] but I ended up in a prison here. So well, what am I going to do? What are my parents or my family gonna do? They don’t even know I am here, they don’t even have an idea what is going on with me. I started imagining these things in my head – they probably think I am dead and are crying. But I am still alive, I am still here. So that was my first impression in Canada.”

Participant #3 did not know if he should declare that he was a refugee at the airport, as he had read stories of people being detained and was thus fearful of being deported or questioned and having to talk about his story. Participant #3 ended up not making a claim at the airport. He had been put in touch with an immigration lawyer who lived in Toronto who then contacted Matthew House on his behalf. At first Matthew House was completely booked so Participant #3 had to go from couch to couch until Matthew House had a room for him. Participant #3 had imagined his arrival in Canada quite differently than how it unfolded. He had thought (and was looking when he arrived) that there would be a sign for newcomers, like himself, that informed them where and how to make a refugee claim. His hope was that one day there would be a sign

directing people where they would make a claim and that would include the greeting: “Don’t be nervous – you are now on Canadian soil.” He explained that in retrospect, now that he knows more about the immigration system and the value in having a proper amount of time to prepare for your hearing date, he would not make a claim at the airport, he said a sign would make the experience more welcoming and far less frightening.

6.3 Making a Refugee Claim: Seeking Protection

Making a refugee claim was a different process for each participant I interviewed. Participant #3 was aware that he would have to make a refugee claim and while Participant #2 did not know ahead of his arrival that he would have to make a refugee claim, he said that it was not a difficult process as he had a lawyer right away that helped him fill it out. Both Participant #3 and Participant #1 mentioned that the fact that they knew some English helped them navigate the initial paperwork and procedures. Participant #1 mentioned that the most stressful part was waiting for his papers back home that proved that there was political unrest and that he was being targeted. After he was sent this evidence, he said that he felt much better and knew that he had a strong case. Participant #3 explained that: “there is a big expectation for you to speak English. They have interpreters but it is hard to organize and will slow down your immigration process.” In regards to the process surrounding making a refugee claim and gathering evidence to support your claim, Participant #3 recalled that “they [the Canadian government and the IRB] ask for too many things...there are some things you cannot get, for instance, a birth certificate, and some people have never had formal identification before getting here... it’s absurd. The system really pressures you to provide proof that doesn’t always exist”.

Participant #1 contributed to this discussion by adding that although he had a birth certificate, many people around the world are not born in hospitals and do not register their birth. He also succinctly explained that: “if you don’t think about leaving your country [which many refugees do not], you don’t think you will need a birth certificate, you don’t expect to leave. Things just happen.”

Before coming to Canada Participant #2 did not know what a refugee was. She was overwhelmed at the airport and knowing that Canada was a bilingual country, she was confused why she was not able to communicate with anyone in French. During her stay at detention she was eventually interviewed by a French speaker who asked Participant #2 if she was a refugee. Participant #2 shared that:

“The woman interviewing me kept using that term, and I asked “what is a refugee? Can I look it up?” and then they gave me the information, and I was like “oh yeah, yeah, yeah. Yes, that is what I am! I need protection, I need someone to protect me.”

An immigration officer at the detention centre gave Participant #2 a list of shelters, and Participant #2 picked out Matthew House. Matthew House was explained as a very welcoming environment that offered her a bed, food, and help with her paperwork. While Participant #2 recounted that Matthew House staff members helped her with the immigration process and gathering evidence, collecting documentary evidence to support her claim was a very frustrating part of her settlement experience. Participant #2 explained that the only document she would be able to get was her birth certificate and because she had lost contact with her family, she was not even sure she could retrieve that. She eventually reached one of her friends back home who was able to go to the hospital where she was born and claim her birth certificate. The friend also went to Participant #2’s high school and was able to locate her diploma. Like Participants #1 and #3, Participant #2 expressed that immigration officers asked her to provide a list of documents that

were impossible to obtain. She explained that having to prove herself and where she was from was very stressful and frustrating.

6.4 Immigration Hearing Date: Waiting for Status

When asked how the participants felt during the time before their IRB hearing date, Participant #1 reiterated that because he felt as though his case was strong, once he received his papers that he would present to the IRB, he did not find the time waiting for his hearing to be stressful. He was able to concentrate on school, and even went to write a math test right after his hearing. Here, it is worth noting that Participant #1 received his positive decision from the IRB member on the day of his hearing.

In contrast, Participant #2 described this waiting period as “very stressful”. At the same time that she was worried about her hearing, Participant #2 had lost contact with her family, which she said scared her the most. Participant #2 further added that due to her experiences in the first few days in Canada, specifically her detainment, she had convinced herself that she was not safe and that she would not be protected. This feeling of instability was magnified through Participant #2’s experience of immigration officials asking her to provide papers that they knew would not be possible to acquire given her country of origin and the situation that she escaped. She explained that: “obviously immigration told me that they were going to protect me, eventually, but it was like “if you don’t give me this, we don’t give you that. No proof that they will protect me.”

Participant #2, with the help of Matthew House, was able to enroll in school. Participant #2, however, explained that she was not fully able to concentrate on school, as she had to miss

several classes and days of school because of the immigration process. While she shared that falling behind depressed her, she explained that:

“in terms of the government it looks like it will take my entire life [to receive status] so why not focus on school, even if it will happen or not happen, school is also important to do right now. So yeah, I went to the library near Matthew House and study for 4 or 5 hours in the library. Sometimes I would miss dinner because I wanted to concentrate on my studies because the next morning I go to class I don’t want to fall behind again, so yes, it was a lot to balance. That is the only thing I have as a hope to motivating myself because everything around me was unstable, I couldn’t help the situation and I can remember those days that I was just crying, crying – I feel like I am going to cry now – and I didn’t know what to do and who can I talk to this about, I feel like people didn’t understand me enough so the only thing I did after crying, was just say “just do it” I keep repeating that in my mind, every time that is what keeps me going – even to today.”

Similar to Participant #2, Participant #3 stated that the waiting period was extremely stressful and that he spent the majority of the time leading up to his hearing, reading his story over and over again. Participant #3 also mentioned that during this time he felt segregated from others at Matthew House, specifically those who had received refugee status. He feared that he was falling behind academically and that his life was slowing down. Participant #3 said:

“I wanted to go back to school, I didn’t feel part of the Canadian community. I felt very isolated – my whole world was MH and trying to pass the hearing. You don’t want to feel like a burden on the Canadian system, but all these people are putting their lives at risk, they are the true Canadians. I think the government needs to be more accommodating. Refugees are coming here for a life where they are safe.”

6.5 Immigration and Refugee Board: Procedures and Policies Surrounding the Hearing

Several of my questions in the interview were in regards to the hearing date and the IRB. That is, URM’s impressions of the roles of the Designated Representative (DR) and/or guardians, the atmosphere of the room, and whether they believed that their best interest were being valued and prioritized. In asking questions of this nature, I was interested to see how the policies and guidelines set forth by the IRB and the UN unfolded in practice.

All participants had different experiences with the DR. For instance, Participant #1 was assigned a DR and met them once before the hearing. Participant #1 explained that in his opinion, the role of the DR was fairly invisible. In this way he was grateful that he also had someone from Matthew House who served as his guardian. He also discussed his concern for those URM's who did not have a support system like Matthew House that could provide additional services to those that the DR was responsible for. Participant #2 explained that although it took her a while to warm up and start trusting her DR, she appreciated her DR very much. Participant #2 shared that her DR wanted to "be viewed as someone that was there to help me through this situation, so she was making me feel like she is not against me but that she is with me, with me in this journey – wants to help me feel better or getting help as much as I can."

As aforementioned, the IRB guidelines requires that the setting of the hearing be informal and that the member of the IRB respect a liberal application of the benefit of the doubt and best interests of the child. However, the literature I previously reviewed, and the testimony of several of the participants I interviewed, reveals a different narrative. Participant #1 explained that his case and the fact that he was born in a capital city, had a birth certificate, and good supporting evidence allowed him to feel fairly comfortable and confident in the hearing room. Participant #1 did, however, mention that the IRB is "trying to intimidate you, but you have to show them you have confidence." The mock hearing that took place at Matthew House, whereby staff members organize a simulation hearing and prepare the URM for the questions that will be asked of them, was very helpful for Participant #1. Participant #2 recalled that she was scared on the day of her hearing:

"I was shaking and they asked why are you shaking, and I said it is because I am scared – I don't know what is going to happen to me now. Because I am seeing these serious people taking notes and I am just like why are these people taking notes and what is going on! They did not make me feel comfortable enough to talk. It was not a friendly environment, it was a movie

where the person is committing a crime, a terrible, terrible crime... and it was tense because the judge was really intimidating, he gave me a question and I didn't even finish answering it and they would give me another one...it kinda destabilized my mind... so I was like "what is going on".

Participant #3 explained that he viewed the immigration system as one that was more concerned about “bureaucracy and making a strong case” and about “my story and how I was able to tell it” as opposed to expressing compassion. He said that unlike Matthew House, the immigration system was not there for him – it was an intimidating time in which he “felt very unsafe.” When I asked Participant #3 if he thought that his views were being considered and if his voice was being heard – as stipulated in Article 12 of the *CRC* – he elucidated that he had to ask to speak during the hearing, as most of the questions were not directed at him, but rather the board member would look to the DR for the answers. Participant #3 said that it seemed as though what he had to say did not hold “the same power or influence”, and that he “wanted to have the floor” and speak out for himself as he could speak with more “passion” than his DR could. He concluded this thought by saying that he had to remind himself and the others that: “I am here, I came alone – I did this all on my own.”

6.6 Support and Protection: Suggestions for Improvement

The last few questions of the interview were dedicated to learning if, overall, the participants felt as though Ontario supported and/or protected their needs and rights during their settlement period in Canada, and what additional resources or changes are needed to improve the system. When it comes to protections and safety measures – who gets to ask the questions of what is needed and who decides what protections looks like? This section of the interview questions were largely inspired by the inappropriate trend of policies and decisions being made without the input of those they would affect the most. Participant #1 explained that Matthew

House was a huge help, telling him “when to go and where to go”, helped him register at school, assisted him in filling out his paperwork, and notified him of the next steps forward. Participant #1 further explained that Matthew House, and the people he met there, especially other residents and the information he obtained from the staff, were the most positive parts of his experience. Participant #1 said: “it’s not about the resources or amount of money, no – it’s the trust... and of course, friendship” that matters the most. Participant #1 mentioned that what URM’s need is information. Participant #1 recalled that URM’s that came and did not have a place like Matthew House were constantly confused and “never knew what was next” or how to complete the paperwork required for their claim or school registration.

Participant #2’s experience at the airport and with detention left a lasting impact and severely tainted her initial experiences in Canada. When asked to comment on whether she felt like her best interest was being valued, Participant #2 said:

“no, not being valued, not at all. It’s [the CRC and articles within in] not real – you can’t touch it. And you go, are you really sure about this? Because it seems opposite of what you experience.... I was angry after I found out about that I was supposed to have this, I was supposed to get this, and I was just like “so, if you’re part of the government and you know the law, why did you treat me that way when I arrived? It does not make any sense to me.”

Participant #2 wants to see an organization that is dedicated to helping teenagers in similar situations as hers, who come on their own with very little information. She explains that many “don’t even know the term refugee, all they know in their own language is that “I want to be safe” and hope that Canada will provide that. She also called for an end to detention, especially for minors, as it profoundly traumatizes people and leaves wounds “that will not heal.. [the scars] are still there and they will have to go through it for their whole life.” As such, similar to Participant #1, Participant #2 mentioned that Matthew House became a source of comfort and provided her with the right information and educated her on her rights. Participant #2 wants more

places like Matthew House to exist so that minors coming will not have to go through what she went through or be sent to an unsafe shelter.

Participant #3 suggested that Canada should establish more shelters that are specifically for assisting refugees. He explained that: “the refugee experience needs support group, knowledge, connections, community, and love. Matthew House helped me fall in love in Canada.” Participant #3 was disappointed that he was not given a formal guardian and said that this should be an option for every URM arriving to Canada. Participant #3 also mentioned that having information, such as what to do at the airport, is essential. He said that instead of interrogating URM’s at the airport, the URM should be sent to a shelter and given time to relax and recover from their journey to Canada.

6.7 Sense of Belonging and Identity: A Warm Welcome?

As mentioned before, the literature proposes that URM’s sense of belonging is challenged when they arrive to a new place and their precarious immigration status constrains their identity. Participant #1, despite the fact that he spent a few nights in a youth shelter amongst troubled youth, shared that he felt secure in Canada. He largely equated this feeling of welcomeness to Matthew House and the fellow minors he met during his time there. Participant #1 did follow this thought by explaining that he does not feel Canadian yet, but might “in a few years in the future.” Participant #1 further elaborated by describing that he remains very patriotic to his country of origin and that many refugees never wanted to leave their home, but rather were forced to flee.

Participant #2 explained that she did not feel welcomed at all when she first arrived. She told me that:

I was even thinking it is better to go back home, even though I am starving and I'm running from people trying to kill me, I will still be surrounded by people who love me and protect me by the end of the day, rather than being here by myself and without knowing what is going to happen next to me and seeing all this police. So I was not feeling welcoming. And I have to learn, I don't know if it is social or racial discrimination or these things, I was like why, and I had to learn these things. I asked myself, why do I have to learn this – when I was back home, I knew just about love and protect each other and fight if the other person is in danger and try to help them as much as you can.

Participant #2 shared that when she was little she used to love Canada and read all about it. She thought that Canada was the “most peaceful country and that they protect people.” When she came here, however, and was detained, her impressions of Canada as being a safe haven quickly diminished. She added:

“It took my 3 years just to receive the confirmation that you belong somewhere, because I felt like no one knew me, no one was fighting for me and I did not matter, so my life did not matter enough and so I was like, who am I again? How am I supposed to develop as a human being if I don't matter? And that really hurt me a lot and was having debate and thought in my mind, like I don't matter, my life doesn't matter.”

Participant #3, who was a stateless person for the majority of his life, described feeling like a nomad before he arrived to Canada. Although he had concerns about the situation at the airport and the immigration system as a whole, upon arriving to Canada he discovered a country he could believe in. He said: “I went from not believing that I could belong somewhere to belonging...and feeling like I am Canadian.” After this, however, Participant #3 emphasized his belief that newcomers should be looked at more positively and not be viewed as illegal until they pass their hearings as they are the ones that become “great Canadians.”

To gather a sense of how the experiences surrounding their settlement experience in Toronto have impacted how they view themselves, I asked participants if they think about themselves differently/identify with different qualities. Participant #1 said that after becoming a refugee in Canada and going through the immigration process, he now considers himself as a:

“big man. A full man. I never thought I would go to the kitchen and chop some onion, maybe it seems like small things to you but it was a big thing for me. Now I buy my own groceries, I go to school, and have my own money – very independent.”

Participant #2 discussed mental health issues in great length and how acknowledging her struggles with this was a major shift in identity. Participant #2 recalls:

“I remember at MH, they told me to get counsel because I have seen people in my family been killed in my eyes, I have seen people in my neighbourhood being raped, cutting them – it’s all traumatizing me – your parents can’t protect you from seeing that, you are all exposed to see it. So you have been already in a tough life and you have seen a lot, even traumatized at your age so when I come here and that really has made me think I have grown up a lot, I have to make decisions. I have to make adult decisions, not up to my mom to make decisions for me or my sisters, or even MH, I have to protect myself. I have to grow mentally and be an adult at a young age. So it was really challenging.”

Participant #2 shared that trying to only be strong and keep things to herself destroyed her as a person. Through Matthew House and people around her, Participant #2 said that she learned that talking through her thoughts and allowing herself to feel weak and open up profoundly altered her identity. Participant #2 explained that:

“Talking about it makes me feel stronger. In my weakness I am strong; I can survive. Before coming to Canada, I had never experienced weakness but in Canada I confronted it so many times and it made me so strong, it made me so strong and I am not afraid of seeing my weakness and don’t see it as failing or I did this wrong. I say, good, I can take something from it, can learn something from it.”

Participant #3 says that the feelings of being a refugee still follows him, and will continue do so until he becomes a legal Canadian citizen. Further, Participant #3 explained that prior to his arrival to Canada he had always been a pacifist. He then told me that: “I fought for something – I fought to be here. Fought the immigration war, and so it put a fighter mentality in me.” In addition to this, Participant #3 used this question to importantly remind us that:

“All they [children] are doing is trying to be recognized. Children have a mind, they know the problems in the world and concept of survival. Refugee children are very aware; they

had to be very aware. Talking down to them is humiliating – they have already done so much and are trying to do it all without their parents. Refugees are the most resilient people I know.”

This question about identity was followed by asking if the participants had any advice for URMIs or individuals in similar positions as their previous experiences. Participant #1 shared that he would tell others to get as much information as they can and to know the next step. He also would tell them that even though it will be difficult, “life doesn’t end, it continues.” Participant #2 said she would tell others to not be afraid of trusting people who are willing to help and that URMIs should be educated about their rights. She also added that:

“you have to let yourself feel those feelings you are feeling in that moment – it’s going to help your heart and your mental state heal and build yourself up. Keeping it inside, you will get to a point that it will get tougher and tougher and then it breaks you.”

Participant #3 added that URMIs should know their stories very well and learn to be independent. He also said that minors should find people they trust and trust that everything will work out eventually.

6.8 Upcoming Years: Plans for the Future

The final part of the interview revolved around discussing with the participants what they are looking forward to in the coming years and what their future plans are. Participant #1 is currently pursuing his undergraduate studies, and told me that: “first, let’s finish school... I have no idea [what is next], I don’t know because my life is so full of good and bad surprises.” Participant #2 recently graduated from high school and was very excited by the idea of working and saving up money for the next few months. At the time of our interview she had enrolled as a student at a college for mathematical engineering. Participant #3 was also completing his undergraduate degree. He said that in the upcoming years he looks forward to becoming a permanent resident and eventually a citizen of Canada. This way, he explained, he can “stop feeling like a refugee.”

Chapter 7: Discussion & Recommendations

7.1 Small Sample Size

The final sample size was three individuals. Though smaller than I had originally anticipated or hoped for, this sample size still allowed for in-depth and thick descriptions of URM's experiences in Toronto. While there are commonly held opinions that one cannot generalize from one case, and more importantly, one should not attempt to draw conclusions, qualitative research, and specifically my MRP, was not aiming to do so. My intention by conducting this research and writing this paper was to provide a platform for URM's to tell their stories about their settlement experiences in Toronto and to add to the existing literature. That is, in the spirit of Article 12 of the *CRC*, I wished to provide a space whereby URM's voices can be heard and their opinions could be expressed. Narrative research – a subsection of qualitative research and the form my MRP research takes – allows stories and lived experiences to be heard and considered as valid information, thus revealing essential parts of human existence and what it means to the individuals that make up society (Polkinghorne, 2007). In this way, the goal is not to make expansive conclusions, but rather, to highlight individual cases and to expose the power and influence of one person's personal narrative. For instance, Participant #2's experience with being detained is compelling evidence that immigration detention is no place for a minor and the lasting impacts it had on her shows that the best interest of the child is not always of primary consideration. Boddy (2016) contributes to this discussion by explaining that "qualitative research often concerns developing a depth of understanding rather than a breadth" of information (p. 430). Boddy (2016) extends this thought explaining that a single case study can be of great importance and can produce vital insight that furthers knowledge.

Further, though more participants would certainly have been welcomed and appreciated, having a smaller sample size allowed for more space for each individual participant. I was able to present more quotes and thoughts from each person, ensuring that their stories and views were honored and given a proper amount of space. URM's stories and impressions of the immigration system and procedures surrounding it are regrettably missing from discussions surrounding them, consequently impeding the discussion on how to better understand and support this population of refugees.

7.2 Construction of a Refugee Child

The literature surrounding refugee children draws attention to the fact that many refugee populations are viewed as security threats and intrinsically suspicious. Bryan and Denov (2011) explain that the public's anti-refugee mentality has led to an environment whereby refugees are assumed to be violating the law or the general public's safety as soon as they step foot on Canadian soil. While this notion should be problematized, it is important to understand that this anti-refugee mentality becomes internalized within the individual refugees themselves. During my interview with Participant #1, he explained that throughout his initial years in Canada he came across the anti-refugee discourse. Instead of being angered by this, Participant #1 told me that he understands where it is coming from and does not criticize or judge those who have these beliefs. In his comments it was revealed that not only does the anti-refugee mentality frame refugees and refugee children as threats, it can lead the individual seeking asylum to question their entitlement to safety and belonging.

Bhabha (2001) mentions that the construction of children as a threat can lead to URM's being detained in immigration detention centres. While initially I did not know that I would be

interviewing someone who had experience with being detained, Participant #2 opened up to share that she had been detained for her first few nights in Canada. In addition to her detainment being a violation of Article 31 of the *1951 Refugee Convention*, it severely negatively affected Participant #2's long-term well-being. Participant #2's experience with detention exposed the inconsistency between the principles of the *CRC* and the practices of the immigration officer in that her concerns were not been listened to, nor were they taken seriously so much so that immigration officers did not even attempt to understand her or discuss the importance of an interpreter. Moreover, detention was used as a punitive measure and thus was absolutely not in Participant #2's best interest. While the UNHCR (2017) guarantees that "for a child who is seriously distressed as a result of past events... no decision that could cause even more distress to the child can be considered to be in his/her best interest", the practice of detaining minors when they have reached Canadian soil exposes the betrayal of Canada's pledge to uphold these guarantees (p.13).

While the interviews, especially Participant #2's, supports the literature that speaks to the devastating effects detention has on a child's physical and mental well-being and that it is a direct result of the construction of the refugee as a threat, the interviews also uncovered areas that had not been adequately addressed in the literature. To begin, it has to be asked in the literature and general discussions surrounding immigration detention what it means and says about our society if one is so quick to judge someone, especially a child and refugee, as a threat. That is, if detainment of children is illegal and undoubtedly antithetical to the child's best interest, why has it yet to be abolished? Non-rights based arguments, such as immigration control and national security/protection, appear to have disallowed best interest considerations, and subsequently the protection of asylum seekers. Furthermore, there is not enough practical

literature on durable alternatives to immigration detention. The literature and studies surrounding immigration detention have shown that it is not the place for children, and thus we are past the point of confirming what we already know and must now put in place practices that ensure that children are never detained. The conversation ought to concern itself with what measures and procedures have to take place at the airport to ensure that refugee claimants are properly informed of their rights and next steps. As well, the *CRC* does not mention the importance of a trusting community or home, which every participant confirmed was the major component that made their experiences in Toronto less difficult. Accordingly, the presence of more refugee shelters and knowledge of these shelters in Toronto would help guarantee that an URM arriving at the airport would be sent to a safe home instead of a detention centre.

7.3 Legal and Sociological Sense of Belonging

The literature suggested that refugee claimants, upon their arrival to Canada, encounter feelings of rejection and outsider status. The findings from my research project are fairly consistent with this, particularly as it relates to first impressions of Toronto with the URM's I interviewed. Like Montgomery's (2002) discussion of the "imagined community" and the way this concept translates into some individuals being excluded secure membership, the participants explained that their arrival was not one that could be defined as being welcoming. While one participant was sent to a homeless shelter, and another sent to detention, all three addressed the issue of the lack of a warm welcome to Canada. Their arrival, especially in Participant #2 case, were contributing factors to the development of mental health issues. As the literature suggested, the occurrence of mental health issues is not uncommon for URM's and is a barrier to their settlement experiences. Participants I interviewed explained that while they were provided a

space to confront and work through these matters, many URM's do not have the resources or information to get help. As refugee claimants as a whole are not the most visible population within society and/or the imagined community, their needs can often go unnoticed and untreated.

The participants, specifically when the conversation was focused on the positive experiences, or what resources were helpful, expressed that Matthew House, and having a supportive and caring community were invaluable. The participants used words such as 'luck' and 'fortunate' when referring to themselves and the fact that they ended up staying at Matthew House. Their arrival at a place like Matthew House, however, should not be a matter of luck; there should be a system in place to receive URM's that ensures that no one falls through the cracks of the immigration system and a large city like Toronto. Most importantly, shelters like Matthew House would ensure that all newcomers are supported and welcomed when they arrive. Wall's (2008) observations are notable here as he states that "societies humanize themselves not just by freedom, equality, or rationality, but most importantly by welcoming others in their fullest possible diversity, difference, and otherness" (p. 542).

While much of this paper has been – and will continue to be – about promoting children's established and evolving capabilities, as well as their autonomy, the importance of relationships between people and a supportive community cannot be stressed enough. As Wall (2008) explains, within the *CRC*, there is a bias towards the western or minority world's systems of social organization, which is largely individual driven and one that praises independence. Participants shared that throughout their initial experiences in Toronto, having friends and people they trusted was essential to their successful asylum process. Therefore, the attention on independence should not supersede the significance of caring relationships and refugee shelters that offer the love, care, and support that Matthew House exemplifies.

The interviews largely confirmed that despite the *IRB Guidelines on Child Refugee Claimants* specifying that the hearing is not a hostile environment, this part of the immigration process was described as being intimidating and stressful. Likewise, following on Montgomery's (2002) observations that the technical jargon and practices of the hearing facilitate an alienating environment, participants were quick to express that the hearing was unsettling and that they felt as though they were put on trial. Furthermore, the findings support Crawley's (2009) remarks that the asylum process, and specifically a successful asylum process, is highly dependent on the refugee claimant's ability to produce a coherent, consistent, and near perfect account of their past and what led to their need to flee home. Though I spoke to only three participants, it was evident that the immigration system caters to very specific circumstances and groups of refugees. For example, Participant #1 had a birth certificate on him, was able to track down convincing evidence of his situation back home that exemplified the danger he would be in if he had stayed or went back, and was able to find a good lawyer to help him defend his case. For the other participants, especially Participant #2, the period surrounding and during her hearing was much more stressful, as her documentary evidence and story were less clear-cut. These parts of the interview illustrate the need for more thorough training of immigration officers and IRB members on such things as country conditions and psychological elements of the refugee experience so that the gap between what URM's can provide and what is asked of them is removed.

Further, throughout the interviews, all three participants mentioned the importance and helpfulness of the mock hearing program that Matthew House provided. This program walks refugee claimants through the hearing process, including what to expect in terms of the questions that will be asked, how they should answer certain questions, and the importance of presenting

themselves as a reliable and credible individual. From these answers, it was made clear that there needs to be more studies that concern themselves with ways that refugee claimants experiences differ from the guiding principles of the asylum process and suggestions as to how to rectify the disparities between the policies and the way they unfold in practice.

Crawley's (2009) and Kolhi's (2005) work touched on refugee children's use of protective shields such as silence and limited talking and the consequences of this practice in regards to seeking asylum and receiving refugee status. The literature I found, however, does not account for the repercussions of repression on the mental well-being of refugee children. As several of the participants explained, at first it was challenging for them to open and trust people, but talking through their experiences later became very helpful and a source of strength. The conversations surrounding mental health presented a strong case for more mental health services that serve refugee populations, specifically ones that are sensitive to the needs of a diverse group of individuals.

The interviews and discussions concerning the concept of silence also confirm themes in the literature. That is, during the recruitment phase and the actual interviews it became clear that many URM's were reluctant to speak to me about their experiences – some did not accept the invitation to participate and even amongst those who did, there was hesitation when speaking about certain topics, and at times, a complete dismissal of certain questions. This is something that must be addressed, especially in light of the new sociology of childhood and children's rights advocates' emphasis on the need and importance of children's voices being heard and taking precedence over others for decisions that directly involve them. That is, there is the reality (as I discovered) of the likelihood that many URM's are unwilling to talk about their experiences. This could be for a variety of reasons, such as lack of trust, fear of the consequences on their

immigration status, or the desire to put the past behind them. Nonetheless, as important and meaningful as refugee children's views are, scholars, researchers, and advocates alike cannot infringe on their privacy. Instead, they ought to do their best to provide platforms and safe spaces in which children feel as though they can speak up and that their voices matter.

7.4 Upcoming Plans and Future Aspirations

While the findings of the interviews supported the literature on the struggles of waiting for status and how this time in limbo affects URM's ability to look ahead to the future, the participants shared stories that challenged it as well. Montgomery (2002) and Seglem, Oppedal, and Raeder (2011) explained that during their initial experiences in Canada, URMs have a difficult time concentrating in school and making plans for the upcoming months. The interviews, however, demonstrated that school and the desire and *ability* to think about their future (i.e. the day the immigration process ends) could also be a profound source of comfort and motivation. It was noted that the immigration process delays their schooling, as it becomes much more difficult to graduate from high school without the proper immigration paperwork. For instance, participants said that their appointments related to their immigration process were often scheduled in the mornings when their classes took place, leading many to have to miss several classes. Their goal, however, to keep receiving an education was extremely important to them and all completed high school with many accomplishments. All three participants have dreams of continuing their education and becoming Canadian citizens. With this in mind, more literature that can lead to measurable successes should concern itself with the importance of making education accessible and convenient to URMs.

The discussion surrounding the gravitation towards thinking of children in strict binary terms as either ‘human becomings’ or ‘human beings’, should also be addressed. The participants that I interviewed did not anticipate becoming a refugee – it was an involuntary decision, and thus an identity that was imposed on them by external forces. While at the time of the interviews all participants identified as a refugee, most shared that they expect to not always feel like a refugee; that it is a temporary identity. Before their arrival to Canada they were beings in their own right and on their own respective paths to adulthood. Although the circumstances that led to their decisions to leave their countries and their time in Canada has ruptured this process, each participant – and child at large – represents a contributing and active member of society. As Prout (2011) contends, “children must be seen as becomings without compromising the need to respect their status as beings or persons” (p. 8). This status as beings, however, is not timeless – as the participants demonstrate, like all human beings, their past, as much as their expected future define who they are and will become.

7.5 Recommendations

This next section is dedicated to outlining a few suggestions for changes that should take place in order to better serve this population of refugees. The suggestions are to a great extent inspired by the findings and the conversations that took place with URM.

7.5.1 The Role of the DR and the Importance of a Guardian

Though Canada’s efforts and policies are far superior when compared to other countries, and it is evident that Canada has been influenced by the human values concerns as stipulated in

international human rights treaties and refugee law, consequential defects and gaps exist with regard to the country's protection and care of URM's (Ali, 2006; Sadoway, 2001). To begin, while the DR is presented as a measure to safeguard the best interest of the child and as a way to improve the asylum process for URM's, in actuality, this provision, especially in Toronto, is not satisfactory. As was understood by the interviews, the DR can have a fairly inconsequential role. Sadoway (2001) explains that the role of the DR in Ontario is limited to providing support during the actual legal process and that financial compensation for serving as a child's legal counsel is much higher than serving as a DR. Therefore, many experienced immigration lawyers are reluctant to include themselves on the panel, and those who do agree to serve play a cursory role in the legal proceedings (Ali, 2006). Further, as the duties of the DR are contained within the context of the hearing process, "the DR [in Ontario] appears to fill a nominal formal role at the refugee hearing in order to comply with the legislation, rather than to take an active role in establishing the special needs the child might have and providing evidence of this to the Board" (Sadoway, 2001, p. 364).

With this in mind, Sadoway (2001) suggests that the most appropriate system would be one in which the DRs would be social workers or lawyers who specialize in working with children or youth, and there would also be adequate legal counsel for each child seeking asylum. In this arrangement, it is more likely that social service workers, such as social workers, would extend the role they play in the child's life outside of the hearing process, and be invested in their emotional well-being and overall settlement experience (Sadoway, 2001). This notion was supported specifically by Participants #1 and #2, who believe that DRs ought to be properly educated and have a strong investment in the well-being of the child. For instance, Québec has an organization called Service d'aide aux refugies et aux immigrant du Montreal metropolitain

(SARIMM). When an URM arrives in Quebec, IRCC officials immediately contact SARIMM and two social workers are assigned to them, many of which are former refugees themselves (Bhabha, 2001). Further, SARIMM has an agreement with the IRB in Montreal to act as the URM's DR, and they subsequently supply a social worker that provides "psycho-social support [...] and ensures appropriate placement or accommodation and access to education and health services" (Sadoway, 2001, p. 357). A comparative study of the different provinces in Canada and how they protect and care for URM's would help to reveal where service gaps exist and how they can be improved.

Ali (2006) contributes to this discussion by indicating that a repeated suggestion by scholars is to emphasize the importance the appointment of a guardian is in addition to the DR to a URM. Participant #1, when asked for his opinion on the role of the DR, said that he had met with his selected DR only once before the hearing. Participant #1 also explained that he thought the DR's role was fairly invisible and that the guardian that was appointed to him took on a much larger role. His guardian was repeatedly mentioned as being a great source of help and support. While providing a guardian is not legally mandated, the presence of the guardian would ensure that the child is being cared for in all aspects of their life, including accommodation, health and medical services, education, and the possibility of family reunification (Ali, 2006). The significance of a guardian has been confirmed by the UNHCR, who considers the appointment of a guardian as soon as an URM arrives to their destination country as "a fundamental aspect of child protection" and a way to truly ensure that the child's best interest are being fulfilled (Elgersma, 2007; UNHCR, 2000).

7.5.2 Complicating the Notion of Best Interest of the Child

In any discussion surrounding the protection and care of children in general, and URM specifically, the principle of the ‘best interest of the child’ ought to be complicated. Age is evidently the sole consideration in defining a child; that is, maturity level and psychological abilities are not often assessed. Considering that the literature informs us that URM have experienced traumatic life events and leave their primary emotional support systems at such a young age, conceptions of what constitutes ‘childhood’ ought to be expanded. On one hand, this implies that due to their transformative experiences, in which a child becomes a refugee, they could have grown and matured in ways that makes them less of a child in the conventional understanding. On the contrary, one must also consider that in the case of URM and their distinctive experiences and needs, the difference between an individual arriving to Canada as an 18 year old versus a 19 year old appears to be inconsequential. Thus, if humanitarian aid is really the objective of the immigration system, liberal application of protection – regardless of arbitrary age limits – must be the priority, especially when dealing with such a complex population as children refugees (and given the fact that there are provincial variations underscoring the point). Similarly, as all three participants’ stories and knowledge highlighted, the immigration system and those involved in decision-making, must seriously consider what child refugee claimants can present in the form of documentary evidence to support their claim. For example, as it was explained, birth certificates are in many cases either non-existent or difficult to track down. Focusing on the paperwork and the bureaucracy, as Participant #3 said, takes away from the fundamental purpose of a refugee claim – seeking safety and protection.

Furthermore, it cannot be stressed enough that the ‘best interest’ of one child does not necessarily extend to all children; every child is different. The *CRC*, which conceptualizes childhood from a Western or minority world lens, presents the child as a universal subject

without paying attention to the nuances within and variety amongst the child and childhoods (Reynaert, Bouverne-De Bie, & Vandeveldel, 2012; Kenneally forthcoming/2018). Consequently, the *CRC* is layered with assumptions and ideologies that expose a normative standard of what constitutes a childhood, and more specifically, what would be defined as a positive childhood. This is often disconnected from the majority of the lived experiences of children around the world (Kenneally, Forthcoming/2018). Depending on specific circumstances, age, gender, cultural background, religion, economical situation, historical roots, and/or past experiences, the best interest of the child varies (Bhabha, 2001). Additionally, as Reynaert, Bouverne-De Bie, and Vandeveldel (2012) explain, even though they are largely ignored, differences that exist amongst children due to the above factors, often have a larger impact than the effect age has on defining a child.

As it stands, the principle of the ‘best interest of the child’ is fairly vague and without contextualization, especially when dealing with a heterogeneous group such as refugees who arrive from all over the world. As a result, URM’s experiences run the risk of being interpreted only through a westernized lens. Kenneally (Forthcoming/2018) explains that once it is understood that childhoods are contextual, the idea of a universal child no longer makes sense. Instead, childhoods and children’s rights should be situated in lived social worlds (Kenneally, Forthcoming 2018).

Reynaert, Bouverne-De Bie, and Vandeveldel (2012) offer a suggestion of how to actualize the acknowledgment of the great diversity of children through “the Mestiza conception” of children’s rights. Reynaert, Bouverne-De Bie, and Vandeveldel (2012) explains that “because of the existence of a diversity of social contexts, very different constructions of children’s rights can exist and even co-exist, depending on these contexts”, and thus, “different

understandings of human dignity may exist” as well (p. 164). “The Mestiza notion” surrounding children’s rights promotes a “from below” approach to children’s rights, whereby child’s rights are linked with daily experiences of children (Reynaert, Bouverne-De Bie, and Vandeveld 2012). Meaning, instead of external forces and stakeholders deciding what protections and rights for this population looks like, children are encouraged to define this for themselves. In this way, the policies, practices, and outcomes are reflective of children’s experiences, needs, and achievements.

7.5.3 Ratification to Implementation

To date, the CRC is the most ratified, and most *quickly* ratified, international human rights treaty, demonstrating the importance that is currently attached to promoting children’s rights around the world (Lansdown, 1996). While the ratification of the CRC was an important breakthrough and promotion of children’s rights, without proper implementation measures/systems of enforcement and assessment strategies, ratification borders on being merely a symbolic step. What is more, the current form of the *CRC* allows for a significant amount of discretion on how state parties implement the principles within it. The option of interpretation also runs the risk that the impact of the Convention becomes diluted. In the report titled “Right in Principle, Right in Practice”, the Canadian Coalition for the Rights of Children (the CCRC) urges more transparency and accountability, specifically in the form of systemic mechanisms that would ensure implementation of children’s rights across Canada. They call for assessments of how policies contribute or detract from the fulfillment of child-specific obligation to occur among leaders of government at all levels of government who are responsible for policies that affect children (CCRC, 2012). Further, as mentioned in the literature review, data collection

from children in Canada, including refugee children, is gravely lacking. Accordingly, the CCRC (2012) advocates for the development for regular collection and reporting of comprehensive and relevant data on children in Canada.

Similarly, in order to guarantee that the rights outlined in the *CRC* are being implemented, the CCRC recommends monitoring measures, such as reports on government initiatives, evaluations being conducted by a variety of stakeholders (e.g. government officials, civil society, and children), and reports on a regular basis. With Article 12 of the *CRC* in mind, CCRC (2012) endorses the development and implementation of an appeal mechanism that would address specific issues that concern children and that were raised by children. Even more, the CCRC (2012) wants Canada to establish an independent office with mandates to ensure that children's views are being considered and accepted at the national level. These monitoring mechanisms would encourage and allow children and civil society to be more involved in matters concerning the well-being and rights of children, and would help reveal a clearer understanding of children's lived experiences across the country and where improvement is needed (CCRC, 2012; Kenneally, forthcoming 2018).

7.5.4 Reconsidering the image of a child

Within the general literature children are often understood as being vulnerable members of society in need of protection from adults, and who lack the ability to understand and engage with the world around them (Kenneally, forthcoming 2018; Di Santo & Kenneally, 2014; Albanese, 2016). Bhabha (2001) explains that the emphasis has been on children's incapacities,

their status as victims, and their reputation as being particularly dependent and legally incompetent. Bhabha (2001) explains that for children, these considerations and impressions are a “double edged sword: eligibility for beneficial extra protection brings with it skepticism about competence, reliability, access to ‘knowledge’” (p. 296). Conventions and documents, such as the *CRC* and the articles within it, largely frame children as incomplete individuals, and childhoods as spaces that are solely a course of development. For example, Articles 6 and 27 of the *CRC* focuses on the need of children to have the ability to develop physically, mentally, morally, and socially. While children’s vulnerabilities should not be dismissed, the trite conclusions surrounding children seriously undermines children’s legitimacy and their already established agency. Further, the emphasis in conventions such as the *CRC* is on protections needed for what is perceived as an inherently vulnerable group. Children are not presented as capable and contributing members of society who are in need and deserving of rights and protections that enable them to continue to fulfill this role in society. Rather, the *CRC* and common perceptions of children position them as individuals who are inactive members of their social worlds and views them through the lens of what they “*are not yet*, namely developed adults” (Wall, 2008, p. 527). The participants’ stories are in direct opposition to this narrative as the reasons behind the urgency to leave their homes and their arrival to Canada are due to their moral and often political agency. For instance, this agency is manifested in participants’ political activism and their role in travelling to Canada to make a refugee claim. Their arrival and subsequent encounters with the immigration system demonstrates their courage and tenacity as developed human beings.

The sociological approach to children and childhoods, which views children as “engaged social actors who should be considered contributing citizens within their contexts” and

emphasizes child's rights is an important framework to push this conversation forward (Di Santo & Kenneally, 2014, p.397). Following the principles of the sociology of childhood, Alderson (2008) stresses the importance of the personhood of children and considers children's rights as an appropriate measure to acknowledge their agency and involve them in social life. Further, Alderson (2008) asks that adult power-holders reconsider their assumptions regarding children, and specifically the assumption that children are vulnerable and incapable of being social actors. At the same time, Alderson (2008) is asking adults to examine how these presuppositions may be interfering or obstructing children's rights and best interest. The children's rights movement also makes important contributions to this discussion as it rejects the paternalistic claims on children and instead recognizes the agency exemplified by children, deeming them co-constructors of the world around them (Reynaert, Bouverne-De Bie, & Vandeveld, 2012).

In the children's rights movement, the child is represented as an autonomous figure as opposed to an incompetent one (Reynaert, Bouverne-De Bie, & Vandeveld, 2012). These individuals and their experiences ought to be considered when thinking of differing childhoods and the varying rights that are needed for this phase in one's life. Treating children seriously and as "complex and increasingly responsible social persons" can help policy-makers, educators, and service providers re-vision and extend protections to this group and also create "deliberate provisions" that reflect lived experiences (Wall, 2008, p. 525;538). When strictly regarded as passive victims with very few capacities, children can be at risk of receiving protection that is disconnected from their specific needs and overall reality.

It is important that a balance be achieved between society's responsibility to take care of and protect children versus fostering agency in children. Wall (2008) warns against the tendency to dehumanize children, in which they are viewed "as requiring humanization and civilization by

wiser adults” (p. 525). This discourse also presents children as not yet full citizens, suggesting that they have not reached full moral reason or competency (Wall, 2008). This, as Wall (2008) asserts, can potentially “obscure children’s own distinctive moral voices and agency” (p. 527). During the interviews, I regrettably caught myself thinking that the stories I was hearing and the way they were being presented did not seem as though the story-teller was a child. It seemed as though they ought to be classified as something else. The reality, however, is that their stories are just as representative as those of the more traditional narratives of, and discourse surrounding, children. As such, the definition of what it means to be a child ought to be extended to include a variety of children and capacities. With this shift in mentality, children’s agency ought to be considered more often, and their ability to make decisions about themselves and their right to have these decisions respected must be honoured.

In a similar vein, policy-makers and children's rights advocates must find a balance between creating and implementing practices and policies that center around the premise that children are vulnerable individuals and because of this need protections, and then on the other hand, presenting this demographic only as autonomous social and political agents that have rights that ought to be preserved. One cannot dismiss the fact that children have certain vulnerabilities that require attention and protection. The participants that I interviewed said it themselves; that as children they wanted to be protected and recognized as a group that needed special attention and care. However, painting children as passive victims can result in abstract and often misleading protections and understandings that are disconnected from their realities. For example, children and their testimonies about why they had to leave home (e.g. for their political activism, outspokenness, or because they are viewed as a political threat) can be dismissed because of their minor status. There is thus a refusal to see children as political agents

or targeted subjects of human rights violations, leading to cursory care of these individuals. In other words, in order to protect this population properly and advance their rights, it is important to critically engage with the idea of the independent child, while also questioning the underlying notions behind the narrative of the child as being a vulnerable victim. In doing so, we begin to ask questions such as, *how do we protect this group of individuals and see their vulnerabilities, while also ensuring that they are not defined as a fundamentally vulnerable group to the extent that it erases their agency? When conceiving the rights and protections of the child, what do these look like when we think of children as political and social agents? What do rights and protections look like when children are accepted as being active and co-constructors of the world?*

Chapter 8: Conclusions

The purpose of this research was to examine URM's initial settlement experiences in Canada, specifically their impressions of the immigration system and asylum process, including their legal rights and hearing date, and the many waiting times throughout. Primary data in the form of interviews was used to show how these experiences impact URM's sense of belonging and overall well-being. Throughout the interviews, URM's lived experiences, needs, resiliency, accomplishments, and suggestions were expressed and showcased. In this way, the research adds to the (very limited) existing knowledge surrounding this population and adds to the information and understandings that speak directly to the experiences and opinions of URM's.

As previously stated, the discourse surrounding immigration issues is often framed without an age-sensitive lens. Colbert (2012) also draws attention to the unfortunate reality that young newcomers to Canada receive an inadequate amount of attention, despite the fact that

initial experiences to a new place have long-term consequences and determine future outcomes. In addition to disregarding the unique experiences of this population, the lack of attention does not give URMs, and children as a whole, the credit they deserve as a worthy and important group to study and learn from. Moreover, it deprives minors of their participation rights and right to be heard in matters concerning them and affecting their lives.

In exploring how URMs perceive the resources available to them and the systems in place to protect and safeguard their best interest, this paper also served as a critique of the policies and practices concerning URMs in Canada, and specifically Ontario. Here, Reynaert, Bouverne-De Bie, & Vandeveld (2012) remind us that a critique should be “understood as a practice of questioning and analyzing presuppositions underlying practices in the broad field of children’s rights” (p. 156). Accordingly, this paper intended to make explicit the underlying assumptions surrounding children and URMs, which consequently influence their reputation, treatment, and protections. In challenging the ideology of the universal child and the image of the child as a passive victim, this paper proposes a different paradigm that allows for multiple narratives and versions of childhoods to be accepted and sought out.

Furthermore, given the circumstances surrounding URMs, and the experiences of this population, more research and resources ought to be invested in learning more about the experiences of young newcomers to Toronto. This would ensure that the best interest of the child and protection of unaccompanied refugee minors is prioritized and accounted for within immigration and settlement policies and practices. What is more, this research cannot be generalized or used to foster a reductionist approach; but rather, it is meant to encourage others to explore different subgroups of refugee minors and take into consideration the nuances found within this fundamentally heterogeneous group of individuals. To do this, an understanding that

childhoods are contextual and greatly influenced by political, social, economic, and historical forces is essential. The goal of this research is to foster the development of policies that are reflective of URM's and their right to a self-determined identity, and to ensure that the specific needs of this population are addressed.

In this regard, while URM's needs and potential vulnerabilities ought to be acknowledged in this process, a human rights approach, whereby the child's agency and their role as a co-citizen and meaning-maker of the world around them, must also be taken into account. That is, children need to shape how human rights and their protections are to be understood (Walls, 2008). The success of these policies will be measured by their ability to promote the wellbeing of the child and ensure that the government's mandated promise of preserving unaccompanied refugee minors' identity, rights, and safety are upheld and respected.

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