

## Key Facts

### Secondary Education<sup>1</sup>

- 2007: Toronto District School Board (TCSB) and the Toronto Catholic District School Board (TCDSB) removed immigration status from admission requirements.
- Newcomers pay international fees (up to \$12,000), and immigration status is required.
- Ontario English as a Second Language (ESL) programs require immigration documentation, which is shared with the Ministry of Education (MoE).

### Post-Secondary Education<sup>2</sup>

- Most non-status students will not go to university and do not have access to financial aid.
- 2003: The Canada Student Financial Assistance Act was amended to ensure that refugees were eligible for publically funded student assistance programs (came into effect in Ontario in 2004).

## Introduction

Canada's *Immigration and Refugee Protection Act* and Ontario's *Education Act* affirm that any child under 18 without status or are claiming refugee status can access pre-school, primary and secondary education in Ontario. Children who are non-status (i.e. do not have a recognized status with Citizenship and Immigration Canada) or who are in the process of claiming refugee status in Canada are ensured access to education without having to pay international student fees in the following Ontario legislation: *49.1 A person who is otherwise entitled to be admitted to a school and who is less than eighteen years of age shall not be refused admission because the person or the person's parent or guardian is unlawfully in Canada. 1993, c. 11, s. 21.*<sup>3</sup>

Despite the right to access education in Ontario, non-status children have regularly been barred or their families threatened when attending local public schools. In April 2006, four non-status children were apprehended by Canada Border Services Agency (CBSA) while attending schools in the Toronto Catholic District School board, as a way to locate the parents through apprehending their children.<sup>1</sup> After immense community mobilization, the TDSB and the Toronto District Catholic School Board (TDCSB) passed Don't Ask Don't Tell (DADT) policies, which state that primary and secondary education must be available to all children regardless of immigration status.<sup>4</sup>

*Don't Ask Don't Tell Policies in Public School* allow for parents to enroll their children without having to disclose their immigration status or expose themselves directly to school' administrators. DADT also ensures that families of nonstatus children or refugee claimants would not be burdened with the steep international student fees (up to \$14,000 per student annually).<sup>5</sup> The financial incentive for schools to recoup thousands of dollars in student fees maintains an environment where "foreign" children are scrutinized, jeopardizing their right to attend public schools without fear. Some students without status also face challenges enrolling in high schools where the admission process is linked to specific test scores or language requirements.

*Access to Post-Secondary Education:* Non-status youth are excluded from most universities and colleges. Publically funded scholarships and financial aid programs (such as Ontario Student Assistance Program) offered to citizens and permanent residents are inaccessible to non-status students even if they have been living in Canada for years. They must therefore pay international fees that can be twice as high as the tuition fees paid by in-province or out-of-province Canadian students. Uneven access to education is a large barrier for non-status people living in Canada. This can be addressed through creating new and enforcing existing policies to ensure that education is a human right, regardless of immigration status.



## Community Advocacy

- FCJ Refugee Centre's "Uprooted U: An Open Education Project for Uprooted Youth" is a project that aims to give youth without access to post-secondary education an opportunity to build essential skills and gain knowledge in their chosen field.
- Network for Precarious Migrant and Non-Status Youth: Funded by the Trillium Foundation, this project aims to establish a City-Wide network of stakeholders to better support precarious migrant and non-status youth.
- Education Not Deportation: A campaign led by a coalition of teachers, students, union and community members who organized to ensure that all students regardless of immigration status are able to access education in Toronto. They pressured the TDSB to adopt Canada's first Don't Ask, Don't Tell policy in 2007.<sup>5</sup>
- In 2013, the Quebec Ministry of Education issued guidelines for children with precarious status to be permitted to attend public school in Quebec. The Ministry continues to impose international student fees and ignores systemic racism that immigrants with precarious status face in Quebec. Visit: [www.solidaritycity.net](http://www.solidaritycity.net)

### For more information:

[www.migrantmothersproject.com](http://www.migrantmothersproject.com)

The Migrant Mothers Project is a participatory action research project led by Rupaleem Bhuyan at the Factor-Inwentash Faculty of Social Work (University of Toronto) in collaboration with a network of community based organizations, legal advocates, activists and immigrant women. This research is supported through the Social Sciences and Humanities Research Council's Standard Research; CERIS, and the University of Toronto.

## Case Study

*Diana arrived in Canada in 2012 with her family and made a refugee claim. Thought she completed secondary education in her home country, Diana decided to apply for her Canadian high school diploma so that she could go on to post-secondary studies. Diana was surprised when she was placed in a grade eleven class and into the ESL program to upgrade her language skills. Finding support through a local youth group, Diana persevered and neared graduation a year and a half later. Along with her peers with permanent status, Diana was encouraged to apply for college and scholarships for the following September. Though her family had not yet had their refugee application hearing, Diana felt that she was back on track, embarking on a new career in Canada.*

*Guided by her teachers and guidance counselor, Diana paid her application fees and was accepted to the college of her choice. When asked to pay the \$400 fee to reserve her spot, she called her mentor in the youth group for help with funds. During this phone call, Diana learned that as a refugee claimant, she would be required to pay international fees. With unreliable income and limited access to student loans and scholarships, the international fees were impossible for her family to afford. Being denied access to post-secondary education completely derailed Diana and aggravated her feelings of isolation and inadequacy. She was been forced to piece together volunteer and paid jobs over the next year, while her classmates continued on to college and university.*

## Policy Recommendations

- *Enforce the Education Act:* The Ministry of Education should ensure that all Ontario schools are adhering to provincial law ensuring access to non-status children;
- *Don't Ask, Don't tell:* The Ministry of Education should develop a province-wide policy to ensure that school officials do not ask for or share immigration status of students, their parents or guardians;
- *Make Policies a Reality:* School boards should implement Don't Ask, Don't Tell policies by providing staff training and public education, and establishing evaluation mechanisms;
- *Access to Post-Secondary Education:* The Ontario Ministry of Training, Colleges, and Universities should work with post-secondary institutions to review admission policies and practices;
- *Access to Financial Assistance:* The Federal government should extend the Canada Student Financial Assistance Act to provide loans to all non-status residents of Canada;
- *Access across Ontario and Canada:* School Boards across Ontario and Canada should collaborate with their municipalities and provinces to pass policies ensuring access to education for non-status residents of Canada.

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## References

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