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**Submission to the Standing Committee on Social Affairs, Sciences and Technology
Senate of Canada**

Regarding Senate Bill 235:

An Act to amend the Citizenship Act and the Immigration and Refugee Protection Act

By Email: soci@sen.parl.gc.ca

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Introduction

We write in support of Senator Mobina Jaffer's Senate Bill 235, which if passed would amend the *Citizenship Act* and the *Immigration and Refugee Protection Act* to provide a meaningful pathway to citizenship for some of the most vulnerable young people in Canada – people who came to Canada as children, may have no or precarious immigration status, and who are or were seen to be in need of protection of the state by a child welfare agency. These people are members of our communities who are facing significant adversity, including intersecting vulnerabilities marginalization, and barriers to social inclusion and participation. This Bill would remedy an important and devastating gap in immigration law, and a failure of our collective obligation to care for children, and support safe communities.

Justice for Children and Youth (JFCY) is a child rights organization and a Specialty Legal Clinic that protects and advances the legal rights, dignity, and equity of children and youth. We work daily with young people, including those with immigration precarity who are receiving services from child welfare agencies, and who have other intersecting legal issues including education, victimization, mental health, criminal justice, and more. We are acutely aware of the significant improvement that Bill S-235 would make in the lives of our clients and of others similarly situated.

Extensive and well documented submissions have been made to this Committee. We have reviewed, and enthusiastically endorse and adopt the submissions made to this Committee by the Canadian Bar Association (CBA), the Our Children, Our System, Our Responsibility (OCOSOR) coalition, The South Asian Legal Clinic of Ontario (SALCO), and the Border(ing) Practices Research Team with West Coast LEAF, WomanACT, and The South Asian Legal Clinic of British Columbia.

In particular, we commend to you the contextual analysis provided by each of the submissions, and urge you to adopt the specific recommendations for amendments advanced by the OCOSOR coalition, and the CBA.

Bill S-235 brings clarity & stability to an issue Canada has recognized as important and in need of a remedy

We applaud the Government's attention to the issue of immigration precarity of young people receiving services or aging out of child welfare care. Two recent steps have recognized the untenable situation faced by migrant and refugee children who might age out of care without being provided access to citizenship: the issuance in July 2023 of the *Ministerial Instructions for certain individuals in Canada who came to Canada under the age of 19 and were under the legal responsibility of the child protection system*; and the very recent launch in January 2024 of the *Temporary public policy to grant permanent residence to certain individuals in Canada who came to Canada under the age of 19 and were under the legal responsibility of the child protection system*.

These new pathways to Temporary Resident Permits (TRP) and Permanent Residence (PR) will provide hope and relief to some young people. However, they provide only tenuous security – they are temporary and revocable. They are cumbersome, lengthy, discretionary measures that leave young people vulnerable to having their status re-evaluated or removed before citizenship is obtained. Even those who successfully obtain permanent residence through the new policy will have to wait years before applying for citizenship, further delaying full security, and reinforcing the feelings of alienation and 'partial' belonging.

The TRP *Instructions* and the PR *Policy*, while important in the short term, are stop-gap measures. Bill S-235 is the crucial next step. We consider it critical to ensure that a meaningful pathway to citizenship is clearly established in Canada’s legislative framework, has no expiration date, can not be withdrawn by the current or future Ministers, and provides an efficient route to the security of citizenship. Bill S-235 will achieve these ends, and will serve to remedy past harms and prevent future failure and harm. It will serve to build and support healthy and robust communities.

JFCY Perspective

JFCY’s support for Bill S-235 is based on our unique perspective and extensive experience providing services, education, and advocacy for children and youth, our work within communities, and in the legal system, and our systemic approach to promoting and advancing the rights, dignity and equity of children and young people across different legal contexts.

JFCY provides trauma and violence-informed, anti-oppressive, and developmentally appropriate legal services, and takes a multi-disciplinary approach to addressing legal issues. A significant part of our practice is providing legal services to young people facing issues spanning multiple areas of the law including child welfare, immigration, victimization, human trafficking, criminal justice, education, health, mental health, privacy, income maintenance, housing and homelessness, and policing and correctional issues. This includes the interaction between young people’s legal, social, and cultural vulnerabilities and the broader legal and social systems which compound and magnify those vulnerabilities. JFCY is regularly called upon to address the inherent vulnerability of and systemic discrimination experienced by children and youth, including our young clients.

Integral to our legal services, we operate two unique programs addressing the needs of specifically vulnerable groups of young people for whom Bill S-235 is particularly relevant: our **Childhood Arrivals Support and Advocacy program (“CASA”)** that supports children and young people brought to Canada as children but living here with no or precarious immigration status; and, our **Street Youth Legal Services program (“SYLS”)** that supports young people experiencing homelessness and housing instability, many of whom also face immigration precarity.

A significant portion of JFCY clients, including those served through CASA and SYLS, are also or were also children in need of care and protection requiring the care of the state through child protection / welfare services, thus have experienced additional and compounding traumas. The vast majority of these clients are racialized, many identify as Black. Many, despite involvement currently or formerly in the child protection / welfare system, still find themselves homeless, and vulnerable to victimization and violence, including sexual exploitation.

These young people are members of our communities, have deep connections in our neighbourhoods, and plan for Canadian futures. Many have lived here for most of their lives. Importantly, few had any part in the decision to come to Canada, nor the ability or agency, due to their young age, to regularize their status themselves. They lack any blameworthiness for the harsh situation they find themselves in, as the decision for them to come to Canada was for the most part made by adults in their lives.

Specific examples of our work that relates directly to Bill S-235 include:

- Representing children and young people who are or who have been in the care of Children's Aid societies, both with regards to that care, and also on legal matters that intersect with that care
- Representing children and young people seeking voluntary services from Children's Aid societies
- Humanitarian and compassionate applications for permanent residence on behalf of children and young people brought to Canada by parents or others and now needing to regularise their status independently, for a wide variety of reasons
- Acting as Designated Representative for unaccompanied or separated minor refugee claimants and as Litigation Guardians for young people in immigration matters at the Federal Court
- Assisting unaccompanied minors on immigration matters and other legal matters
- Assisting young people whose child welfare arrangements, including foster placements, sponsorships or family relationships have broken down causing significant disruption or breakdown in immigration proceedings
- Applications to amend incorrect information on young people's immigration documents that was provided by parents or others

- Temporary Resident Permit applications for young people who must be in Canada on a temporary basis
- Citizenship applications on behalf of vulnerable young people

What we see

JFCY clients who grow up in Canada with immigration precarity routinely live under devastating strain and marginalization with multi-faceted vulnerability heightened by the threat of their and/or family members' detention and deportation. Immigration precarity creates significant and real external and internalized barriers to opportunities and resources that other Canadians take for granted and rely on. Access to those opportunities and resources provides the foundation for a sense of belonging, for surviving and thriving, for believing themselves worthy of lives of choice, dignity, security, and for being placed to be healthy, engaged members of Canada's communities.

Barriers to these opportunities routinely include grade and high school, healthcare, postsecondary education and training, employment, housing, and systems of support and protection such as services offered by the police, income support, and even child welfare support. This inequity is compounded by being barred from participation in democratic processes such as voting, further engendering a sense of being inferior, temporary, and dispensable.

Conclusion

Bill S-235 will ensure that people who have been cared for by children's aid societies, but do not have immigration security are not unjustifiably prevented from accessing the full privileges, benefits, and security of Canada's citizenship, are not removed from Canada, and are not punished for circumstances beyond their control.

Thank you for your consideration of this submission. We welcome further discussion, opportunity for engagement on measures affecting the rights and interests of children, and further opportunities for protecting and advancing the human rights of children in Canada.

JUSTICE FOR CHILDREN AND YOUTH