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# Separated Minors In Ontario: The ONes Who Fall Between Laws

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SEPARATED MINORS IN ONTARIO:

The Ones Who Fall Between Laws

By

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A Major Research Paper

presented to Ryerson University

in partial fulfillment of the requirements for the degree of

Master of Arts

in the Program of

Immigration and Settlement Studies

Toronto, Ontario, Canada, 2013

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# SEPARATED MINORS IN ONTARIO:

## The Ones Who Fall Between Laws

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Master of Arts

Immigration and Settlement Studies

Ryerson University

### ABSTRACT:

With Canada becoming more accessible due to travel, the number of separated minors fleeing to Ontario is increasing. Under provincial legislation *Child and Family Services Act*, Ontario's child protection system unfortunately only has an age of protection up to 16 years. Consequently any separated minor arriving in Ontario who is 16 or 17 years old is left unprotected and alone. This paper will explore the settlement experiences of these specific separated minors through two perspectives. The opinions and criticisms of associates who work with Ontario's protection system and with separated minors will be explored, as well as the lived experiences of separated minors settling in Ontario will be examined. Ultimately this paper will highlight the importance of protection for all minors up to the age of 18.

Key words: Separated Minors, Child Welfare, Refugees, Child Protection, Children's Rights, Ontario.

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## ***Introduction***

Separated minors are arguably one of the most vulnerable groups of humanity. Their rights are often violated by exploitative adults, inadequate services and inconsistent national policies. Several academics have written about these violations and the perception of separated minors within Canada, yet research on this topic is still fairly new. Separated minors are often overlooked through the generalizations of refugees and/or children, and their experiences are categorized accordingly; however, the experience of a separated minor is like no ordinary refugee or child. These minors are unique because of their experiences; particularly ones aged 16 and 17 years old, as they are often alone without guidance, support, and most importantly without provincial protection.

Ontario's *Child and Family Services Act* defines a minor for protection to be under the age of 16 thus making anyone 16 and 17 not eligible for provincial protection. This definition is inconsistent with Article 1 of the *United Nations Convention on the Rights of Children*, provincial legislation *Parental Responsibility Act*, and federal legislation *Divorce Act* (OACAS, 2010), which all define a minor to be under the age of 18 years. The *Child and Family Services Act* actually defines a minor to be under 18 in its general clause; however, part 111, s. 37(1), which applies to a child in "need of protection" modifies this definition: "'child' does not include a child as defined in subsection 3 (1) who is actually or apparently sixteen years of age or older," (College of Occupational Therapists of Ontario, 2012). Thus, a minor who is 16 cannot receive protection from the same abuse a 15 year old may be experiencing.

According to Statistics Canada, children aged 16 and 17 were responsible for 53% of all cases before youth courts in 2002-03, which rose to 56% in 2006-07 (OACAS, 2010). Statistics Canada also reported that 2,770 unaccompanied and separated children arrived in Canada

between 2000 and 2004, with the numbers increasing over the years (Toronto Star, 2013). Ali (2006) indicates that the “number of 16 and 17 years olds arriving is proportionally higher than the other age ranges of separated minors. This is not surprising, given that children in this age range are more likely to be able to travel to a new country on their own and can be expected to learn to make a living upon their arrival” (pg. 24).

The age of protection clause is significant to separated minors; especially ones aged 16 and 17, as they would not be eligible for provincial protection. Thus, these minors are left to protect themselves, and are expected to assume the responsibilities as an adult, yet they are still seen as children under all other pieces of legislation. This is problematic as separated minors need substantial support as they will encounter several challenges while settling; such as emotional stress, constant state of crisis, language barriers, cultural differences, and the fact that they are completely alone in a foreign country. These minors need parental guidance as they are still minors, and should not have to face these challenges alone.

This paper will explore the lived experiences of three separated minors who are 16 and 17 years old, and examine the challenges they face as a result of them not being eligible for provincial protection. It will also explore the opinions of three associates who have experienced working with separated minors aged 16 and 17 years. It will identify the ambiguities with the current system, and examine how it affects the settlement of these minors from the two perspectives of the associates and the minors themselves.

This paper will explore the settlement experiences of separated minors through a literature review, primary research, a discussion of the research, and will offer some recommendations based on the findings. The literature review will encompass articles and reports that identify the issue surrounding separated minors in Ontario and will explore opinions



of professionals and academics about how to address the challenges these minors face. Following, the structure of my primary research will be explained, and participants are asked to describe their experiences settling in Ontario or working with minors, while offering recommendations about the child protection system. Next, a discussion of the responses from all the participants is provided. It will offer theoretical explanations for specific experiences, and identify any differences between the perspectives of the associates and the minors. Then recommendations will be offered about how the system could better support and protect separated minors aged 16 and 17 years old.

### ***Objective***

The objective of this paper is to explore the settlement experiences of separated minors aged 16 and 17 years old from two perspectives. The first perspective will be examined through the opinions of associates who have had experience working with separated minors and who are familiar with Ontario's child protection system. Through this perspective, this paper will explore the preconceived notions associates have about separated minors, and it will also indicate common opinions about Ontario's ability to protect them. The second perspective explored will be through the lived experiences of a few separated minors. These experiences will be examined as unique circumstances while also finding common threads through their challenges when settling in Ontario. Using both the experiences of associates and separated minors, this paper will evaluate the effectiveness of the current structure of Ontario's child protection system and its policy the *Child and Family Services Act*. It is important to note however, that the sole purpose of this paper is not to advocate for policy change, but to explore Ontario's child protection system and the experiences of the individuals working or living within. This paper will also offer

suggested recommendations towards Ontario's system and policy exclusively from the discussions of the participants.

### ***Literature review***

This literature review will explore reports, publications, and government procedures dealing with separated minors in Canada, specifically Ontario. Numbers of separated minors in Canada are rising, and more voices are criticizing Ontario's support and protection for these minors. In Canada, the treatment and procedures for separated minors varies from province to province, and one of the most criticized systems is the one of Ontario. Scholars and international organizations have endless criticisms towards Ontario's methods of support or lack thereof; however, one of the main concerns is with regards to the age of protection in Ontario.

Being considered a minor only up to the age of 16, causes several challenges for 16 and 17 year olds who virtually left to protect themselves as adults. This is a significant issue as Canada has acknowledged the national age of a minor to be up to the age of 18; this is in accordance with the United Nations Convention on the Rights of the Child (Unicef Canada, 2012). Despite this national acknowledgment, the province of Ontario only protects separated minors under the age of 16. This can be problematic for separated minors as "they do not have a family support network, they have limited or no financial resources, they are often lacking in life skills, they usually have not completed school, they often suffer from low self-esteem, and they bear emotional scars from the trauma of childhood neglect and/or abuse," (Tweedle, 2005). This literature review will explore Ontario's justifications for this distinction in age and the academic criticisms of its affects on vulnerable minors.

## Search Methodology & Key Terms

When initially searching, I had identified some key terms after reading the first couple articles. I had started searching for articles with the terms “unaccompanied youth”. With this search I had received several articles, but only a select few that focused on this topic. Many of the others had included “unaccompanied youth” in some paragraphs but it was not the main focus. After reading the first article, the OP 5 manual (2009) set out by Citizenship and Immigration Canada (CIC), I learned the definition of the terms I was using.

An unaccompanied minor refers to the minor that is unaccompanied by an adult. It is usually used in a context of traveling, if the child is alone. For instance, if a child is alone traveling to visit family, that child is still considered to be an unaccompanied minor. This was not the kind minor I was intending to research. CIC sets out another definition, the “separated minor”, who is a minor under the age of 18, separated from both parents, and not with or being cared for by a legal guardian. This also includes minors who are in the company of an adult but is not the parent or legal guardian (CIC, 2009). This significantly changed my searching terms, as I was looking for articles referring to the latter definition of a separated minor, and not so focused on unaccompanied minors. Interestingly, after reading the article “Unaccompanied minors” by Mehrunnisa Ali (2003), I found her and other scholars to use the two terms interchangeably. This complicated my search terms as I alternated between the two terms depending on what result I was looking for. For example, when searching for government documents or international organization reports, I used the term “separated” and when searching for peer reviewed articles I used either term for various results.

Additionally, the term “youth” I was using also became problematic. The words “youth” and “minor” have different age attachments to them. According to the Ontario Association of Children’s Aid Services (2008), “youth” could be up to the age of 21 or even 25 in certain cases. However, under Ontario’s *Child and Family Services Act*, which protects these separated children, a minor is only up to the age of 16. Therefore, I adjusted my search from “unaccompanied youth” to “separated minors”, which proved more fruitful results.

In order to narrow down my search results to specifically an Ontario focus, I changed my search to “separated minors in Ontario”. With this search I found numerous critics about Ontario’s child protection system. Many articles focused on Ontario’s weaknesses referring to detention of minors, the system weighing too heavily on the community and organizations, and the system’s lack for providing the minor with a guardian or a designated representative (Ali, 2003; OCASI, 2012; Ayotte, 2001). Many articles mentioned one significant difference about Ontario from other provinces as the limit of 16 years for the age of protection. Although this was mentioned in several of the articles, it was not discussed in further detail than a paragraph or two; therefore, I added “age of protection” to my search of separated minors in Ontario. Once I had added this self explanatory term, new articles had surfaced that focused heavily on Ontario’s age requirement, and even provided some recommendations for a new age of protection for minors (OACAS, 2010; OACAS, 2008; OPACY: Unicef Canada, 2012; Kumin & Chaikel, 2002).

I attempted to use the Ryerson library catalogue search engine, when I was using “unaccompanied minor” and “separated minor” as my search terms but I was having difficulty locating a variety of articles. I discovered that there had been a movie created with the title “Unaccompanied minors” in 2006. Many articles that I found on this search engine had relevance to that film, or they were newspaper articles written about unaccompanied minors and

travelling. I was having difficulty locating peer reviewed articles, and turned to Google Scholar as my next search engine option. Once using Google, I was able to modify the search to PDF publications and government documents. Here, I found numerous articles and had to narrow my search terms as previously described.

When searching, I had to limit my findings to sources that were published no later than the year 2000. This allowed my research to have a twelve year span of criticisms, and for researching reasons, allowed me to find relatively “recent” quantitative data. Most of the quantitative data that I found was taken from the early to mid 2000s. Unfortunately, I was expecting to find more quantitative research conducted more recently, as many scholars claim that the number of separated children entering Canada is increasing and needs to be prioritized (Kumin & Chaikel, 2002). I found quantitative data in the form of charts in very few of the peer reviewed articles, with data primarily from the early 2000s (Ali, 2003; Bryan, 2008). Even government statistics were incredibly vague or limited; CIC offered a report listing numbers only from 2007 and before that did not specify the category of separated minors in their demographics (CIC, 2008). This is one of the gaps in literature that I have identified. There are ample sources of qualitative data referring to the challenges of separated minors in Canada; however, when it comes to the statistical demographics to support the qualitative claims, it is very limited. Bryan (2008) explains that this is because only until the early 2000s, the concern of separated minors was not a priority and they were grouped either within the category of refugees or children. Thus, information specific to separated minors was scarce.

Another gap in the literature that I found was the lack of personal cases documented. Many of the reports and articles indicated that separated minors are a particularly vulnerable group as they are young, suffer from trauma, have additional integration barriers, and a weak

support system; yet, there were almost no personal statements of these difficulties from separated minors. Ayotte (2001) had conducted interviews, and Ali (2003) had mentioned interviews done by others, but the personal statements by the minors were left out. From the interviews that were accessible, only conclusions or inferences were made from the data. I found this gap in the literature to be interesting because separated minors are a specific group with a unique vulnerability. With several advocates to change the age of protection in Ontario, I had expected there to be an abundance of personal interviews to be accessible in order to support the age of protection to be beyond the age of 16, especially with regards to separated minors.

### Dominant Themes & Arguments in the Literature

The overarching theme of all non-governmental articles that I have found is that the concern for separated minors needs to be prioritized. As years continue, the number of separated minors entering Canada is rising. With the number growing, separated minors can no longer be placed into the general categories of refugees or children. They need their own category and acknowledgement of specific needs and services. Authors Ali (2003), Ayotte (2001), Kumin & Chaikel (2002), Bryan (2008) and organizations OCASI (2012), OACAS (2008 & 2010), OPACY, and Unicef Canada (2012) have highlighted the specific needs for separated minors. They indicate that these minors face additional challenges due to their age or gender, the way they arrived into Canada, and because of their unique psychological needs. With improved and more accessible travel, the growing myth of “bullet children” (a child sent ahead to secure the migration of the family later), and the advocacy for children’s rights, many children are becoming mobile. Therefore, with only an expected increasing number of separated children, Canada’s provincial governments need to reassess their systems for supporting separated minors.

As the services and systems for separated minors vary from province to province, it is difficult to install a national system. Some provincial systems are more satisfactory than others; however, they are custom to the province's needs and resources (OP5 Manual, 2009). Despite these variations, one aspect of all provincial systems should be a national expectation: up till what age can one be considered a minor. British Columbia has a protection age for minors up to 19 years, Quebec has one up to 18 years, but Ontario has one only up to 16 years (CIC, 2009). This is a major gap between provinces, and with Ontario receiving most of the separated minors in Canada (Ali, 2003), a large number of these minors are left without protection. According to Ayotte (2001), in the year 2000, 52% of all separated minors in Ontario were aged 16 and 17 years old. This means that over half of the separated minor population is left in a precarious status, between the protection of a refugee adult or of a minor.

This precarious status of a 16 or 17 year old separated minor leads to another large theme found in all articles; consistent definition. Each article, government and nongovernmental, all clarify what definition they are following. Interestingly, in federal government documents the definition of a separated minor is an individual under the age of 18 (CIC, 2009). Even on the CIC website, on their report of facts and figures for 2007, children are referred to as anyone under 18 (CIC, 2008). However, despite these federal definitions, under Ontario's *Child and Family Services Act* the definition of a minor is under the age of 16. This is conflicting with the national expectation that a minor under 18 would be protected.

Not only is Ontario's definition conflicting with Canada's federal definition of a minor, it also does not coincide with the UNHCR definition of a minor. The UNHCR advocates for Canada to adopt a standard definition for all unaccompanied and separated minors that should be applicable to all provincial systems (UNHCR, 2000). Additionally, if the separated minor is

under the age of 18 the United Nations Convention the Rights of a Child applies to them; they are entitled to the right of protection and respect for their views (Justice for Children and Youth, 2012). Unicef (2012) and other organizations also indicate that although Ontario's definition of a minor under the *Child and Family Services Act* conflicts with Canada's federal, and international definitions, it also conflicts with its own provincial legislation. Ontario recognizes an adult to be over 18 years of age, with the right to vote, be sued, criminally charged, etc; therefore, it is unclear how Ontario perceives its 16 and 17 year old population.

What I found to be lacking in this discussion of definition in most of the articles, is an analysis of *why* Ontario had its age of protection at 16. No author or organization went into detail about the structure and justifications of the *Child and Family Services Act* maintaining the age of a minor to be under 16. Moreover, if a standard definition for the age of protection were to be established for all provincial systems, separated and unaccompanied minors would not face discrimination based on their age, and it would eliminate the "limbo" like status for separated minors who are 16 and 17 years old in Ontario.

Finally, another theme I found to be dominant amongst many articles criticizing Ontario's protection system, or Canada's lack of a national system, is the argument for a revamp of priorities (Ali, 2003: Ayotte, 2001: Kumin & Chaikel, 2000: Bryan, 2008: OCASI, 2012: OACAS, 2008 & 2010: OPACY: Unicef Canada, 2012: UNHCR, 2000). These recommendations are not limited to the critics surrounding the age of protection, but rather the system as a whole. Organizations such as Unicef and OCASI recommended updating the language in the *Child and Family Services Act* by incorporating the principles of the United Nations Convention on the Rights of a Child principles into the *Act*, as well as changing the age of protection. Other authors such as Ali (2003) and Bryan (2008) recommend that there should



be more research on separated minors; therefore, the province of Ontario can structure their *Child and Family Services Act* in accordance to the specific needs of separated minors. More research would create more awareness and support for the concerns of separated minors, and with anticipation would advocate for a reevaluation of the *Child and Family Services Act* of Ontario.

### Conclusions from the literature

The literature I have reviewed has demonstrated that there certainly is a prevalent issue with regards to separated minors in Ontario. Countless organizations and scholars have attempted to draw attention to the needs of these minors that Ontario has neglected. Over the past twelve years there have been many reports and articles written about the increasing number of separated minors; however, there still needs to be more documented quantitative data and personal statements.

I believe that I have reached a point of saturation with the literature I have reviewed as each article addresses similar issues regarding separated minors and Ontario's protection system. Every article indicates the importance of a definition of the minor in question, whether it is the federal government defining who constitutes as a minor, or an academic advising reform for a definition. The importance of definitions and clarity is dominant in each article. The only significant differences I began to find after collecting my articles were in the areas of recommendations. Each organization or academic had their own ideas for recommendations to the Ontario's protection system, or Canada as a whole; however, the importance of prioritizing *any* of these recommendations to protect minors was synonymous with every article.

### ***Theoretical framework***

In addition to the literature on Ontario's system and how it affects separated minors, it may also be beneficial to understand the unique challenges that these minors may go through with a theoretical lens. The distinctive challenges that separated minors experience can be explained and reasoned through the theories of adultism and the theory of threat prejudice. The barriers that separated minors experience may be more difficult to navigate due to the equality imbalance between adults and children, which can be theorized as adultism.

Adultism can be defined as "...a belief system based on the idea that the adult human being is in some sense superior to the child or of greater worth, and thus the child, by default, inferior or of lesser worth. These beliefs find support in a persistent view of the child as an object, and not a human rights holder," (Shier, 2012:9). This theory is significant when examining the structures and practices regarding separated minors. For instance, separated minors' human rights are violated when they can be put into detention for "protective and security" measures (Ali, 2006). This is not to say that youth and children do not have rights; however, all their rights may not be upheld to the full extent. For example, under the Convention on the Rights of the Child, each minor up to the age of 18 qualifies to be protected by the state, which some Canadian provinces, namely Ontario, only indicate the age of protection to be 16 years of age (Unicef Canada & Provincial Advocate for Children and Youth, 2013). Additionally, it is evident through adultism that the minor is not seen to be a priority in comparison to the adult. The needs of the adult are often met before the needs of the minor, such as securing employment, finding a home, and supporting the family, which can leave the needs of separated minors at a lower priority than their adult counterparts (Shier, 2012). Therefore, it is

crucial that more research is done around separated minors so that their needs are addressed, and prioritized to avoid further challenges when they transition into adulthood.

Another theory that can offer potential reasoning for the unique challenges that are faced by separated minors is the theory of threat prejudice. This theory “highlights the relationship between prejudice and perceived threat. They suggest a number of factors that influence the perception of a particular group as ‘threatening.’ These include the prevalence of negative stereotypes, the perception of the group as ‘different’ and as corresponding to those stereotypes, and the existence of a status imbalance between groups,” (Bryan & Denov, 2011: 245). This theory can be strongly applied to separated minors in the educational system. Many struggle to navigate smoothly through school with challenges varying from building relationships, reaching academic goals, and proving themselves to others. This theory is significant as it can describe the perception of separated minors exerted from their teachers and peers. When a separated minor is perceived to be ‘different’ there is an imbalance between the separated minor and his or her peers. This can develop into negative stereotypes from the stigmas of having a dual identity of being both a refugee and a youth, ultimately categorizing the separated minor as a perceived threat (Bryan & Denov, 2011). It is crucial that separated minors are protected by the province to ensure they have guidance and support when facing these barriers whether it be in school, employment, or in society. With provincial support, guidance and even shelter the separated minor can be saved from the feelings of being lost, frustrated and ultimately alone.

### ***Methodology***

There are several ways to conduct empirical research; with two main methods being qualitative analysis and quantitative analysis. These methods have different purposes for research, and depending on the research question, one method may become better suited to

showcase the findings. Qualitative analysis is a method used primarily for research that emphasizes the quality or details of its findings; whereas, quantitative analysis understands the research through a study of large cases, numbers or quantity (Archer & Berdahl, 2011:125).

This major research paper (MRP) topic is surrounding separated minors. Separated minors are a growing issue as our world is becoming smaller. Methods of transportation have expanded to allow for an increased number of these minors to seek refuge in Canada. Specifically, my research will have emphasis of these minors in the province of Ontario. Ontario is the only province in Canada that considers a minor anyone to be under the age of 16. This is problematic as Ontario's legislation is conflicting with Canada's federal legislation that outlines a minor to be anyone under the age of 18. Therefore, the separated minors who arrive in Ontario are left in a precarious status between being considered a minor or an adult.

My research will encompass the challenges and barriers 16 and 17 year old separated minors experience as well as how Ontario's policy inconsistencies negatively affect their lives in Canada. Furthermore, my research will explore why it may be beneficial for Ontario to raise their age of protection to 18 years of age, ultimately making it consistent with federal and international legislation. There are several ways to gather empirical research related to separated minors, and below I will discuss different methods I could use to present my findings, ultimately indicating which method of analysis I will use for my own research.

### Quantitative Analysis

Quantitative analysis approaches research through the methods of "data collection, processing, and analysis stages with predefined postulates, which they actively seek to disconfirm," (Archer & Berdahl, 2011:127). Quantitative analysis allows the researcher to verify

or disprove any answers they may be researching by producing widely applicable results through numerical findings. This enables the researcher to “generate generalizable findings based on a wide range of cases,” (Archer & Berdahl, 2011:128). Furthermore, this method of analysis requires the researcher to be more structured with her analysis. Every case must be treated in an objective manner, in order to get “trustworthy” numbers (Archer & Berdahl, 2011:137). Certainly, quantitative analysis is surrounding the quantity of findings.

The topic of separated minors can be quantified, as there have been several cases documented in past years. When separated minors arrive in Canada, immigration officers attempt to determine their identity and status, and then indicate to the minor that he must report to the Immigration and Refugee Board (Ali, 2003). Therefore, the Immigration and Refugee Board, as well as Citizenship and Immigration Canada can document the numbers of separated minors coming into the country. This is evident as Ali (2003) has offered numerous charts displaying the gender, age, and ethnicity of separated minors, ultimately displaying that the number of these minors is growing. Therefore, Ali has demonstrated that she can be successful in using quantitative analysis to verify her research.

For my research purposes, I could generate numerical evidence that there are many separated minors aged 16 and 17 in Ontario. I could conduct research determining how many minors use welfare, how many are working full time, how many are struggling to support themselves, how many attend school, how many are in foster homes, and the list could go on. In order to gain this information I would be interviewing Ontario children services, such as the Children’s Aid Society, or I could ask within the Ontario welfare system. Having numerical charts to verify my research claim would be strong evidence that Ontario is not supporting these minors as it should be.

If I were to obtain numerical evidence of separated minors for my research I would analyze it through correlation coefficients (Archer & Berdahl, 2011:131). I would analyze how the number of separated minors aged 16 and 17 years old, working/not working, supporting themselves, using welfare, or attending/not attending school relates to the lack of protection and support offered by Ontario. If there are a large number of these minors using welfare, attempting to support themselves, while not attending school, I could easily argue that these minors need the additional support from Ontario, thus, they should still be protected until at least the age of 18. This would ensure that they are supported and protected until the age where they should graduate high school, thus, giving them an equal chance to start their lives as other youths, instead of prematurely starting their life as an adult where they may need to support and protect themselves. I could also demonstrate that if these separated minors had access to the services offered by Children's Aid Society, it could help with not only their financial and academic stability, but also with their psychological stability. I could analyze the numbers of separated minors to indicate that they may have better settlement experiences with the support and protection offered to other minors in Ontario.

Despite this advantage to displaying numerical charts and evidence through a wide number of cases, generating these numbers can be difficult and not completely accurate, thus, in my opinion making them less trustworthy. Conducting a quantitative analysis for the topic of separated minors, especially because my research shall be age specific, can be a challenge for various reasons. Firstly, not all separated minors who land in Canada are documented. This is because authorities may not have sufficient information to assess their status, as some may be travelling under false documents (Ali, 2003:21). Secondly, the adults who may have smuggled the minor into Canada may prevent them from reporting their status (Ali, 2003:21). Thirdly, the

definition of who a separated minor is varies between institutions, thus those who may arrive with an adult, and is abandoned may not be documented as a separated minor (Ali, 2003:22). And lastly, as mentioned previously, the initial immigration officer advises the minor to report to the Immigration and Refugee board; however, this does not always happen. Thus the numbers produced by CIC and the IRB are inconsistent (Ali, 2003:22).

Also contacting services such as the Children's Aid Society may pose challenges as this service does not offer support to minors aged 16 and 17 years; therefore, the numbers they may be able to produce would not be specific to the age requirement I am researching. I could develop a general number from other separated minors under the age of 16 but this will not verify my research claims. The issue with also contacting child protection services is that they vary within cities, clients may not come daily or consistently, thus it could be difficult to secure a quantifiable number of 16 and 17 year olds, who may or may not even use welfare services.

Additionally, if I chose to conduct quantitative research in a structured interview form, I would need to find a larger sample of separated minors who are within my age requirements. This can be challenging as many separated minors are told by their lawyers not to speak with anyone, and may not want to be identified. Certainly, there would be participants willing to do the interview; however, I trust I would not be able to find a sufficient amount of participants in order to make generalized findings. This process could also be extremely time consuming, as discovering and interviewing a large sample of participants may not be feasible in the short timeframe I am allotted for this research.

### Qualitative Analysis

Another option would be to conduct my research through a qualitative analysis. This analysis allows the researcher to "approach the process with problems she seeks to address or

understand,” (Archer & Berdahl, 2011:128). With qualitative analysis, the researcher can draw explanations from the data they have collected, as well as identify any theory that emerges from the findings (Archer & Berdahl, 2011:129). Thus, qualitative research would report the “plausibility of its findings, based on conceivability and fitness of the results logic to establish the soundness of their findings,” (Archer & Berdahl, 2011:131). Ultimately, using a qualitative method would allow for further depth of analysis in each case, as it would be treated in a subjective manner, flexible to suit the research question.

For my research topic, a qualitative method would be “conducive given the inherent nature of discrimination and closure,” of the participants (Bryan, 2008:80). My research purpose is to explore the settlement of separated minors who are 16 and 17 years old in Ontario, with the hopes to use the findings to question the provincial age of protection. In order to gather data from specific cases, I have interviewed a few separated minors, as well as associates who have had experience working with separated minors and who are familiar with the child protection system. I have interviewed the separated minors about their settlement experience without the support and protection of Ontario, and ask them to reflect on their experiences and determine if their settlement journey would have significantly differed if they were protected as a minor in Ontario. This has allowed me to ask questions subjective to each minor’s experience, as well as gave them a chance to reflect on how their settlement experience was impacted due to the premature age cut off. Additionally, by including associates into my qualitative methods, I was be able to analyze their experiences and knowledge about the system, policy, and their experiences working with separated minors. With this information, I can examine the plausibility of the benefits or disadvantages of raising Ontario’s age of protection to 18.



For the purposes of my research, I would then analyze the findings I have gathered through common themes. Although each case and experience will be unique, I expect dominant themes to emerge during this ‘open coding’ process (Archer & Berdahl, 2011:350). I have develop common threads that exist in each experience of the separated minors, as well as examine if the associates have similar opinions about the policy and protection for minors in Ontario. These themes then will be justified through an ‘axial coding’ process where I can employ theories, such as adultism or threat prejudice to support these themes, as well as my overall research objective. Finally, I would process my findings through ‘selective coding’ where I can conclude all my findings through a core category encompassing a central story (Archer & Berdahl, 2011:352). This process serves as my final argument of central evidence from both separated minors and associates. This argument would suggest Ontario’s age of protection to be 18 years and for legislation in Ontario to be consistent with federal and international legislation regarding the protection of minors.

Furthermore, qualitative research provides a more in depth analysis of experiences and exploration of opinions on policy; however, it does pose some limitations to my research. Since I have chosen to not conduct qualitative research through the method of a survey I will lack a wide diversity of experiences. I do not wish to use a survey as I trust that I would lose the depth of the experiences and the explanations of opinions, as well as it would be difficult to ensure that several surveys met the hands of my research specific participants. Therefore, by selecting a few participants, I can conduct in depth interviews, but with the sacrifice of having only a limited amount of participants for this due to time constraints. Additionally, I would not conduct my qualitative research in a focus group setting due to the personal experiences I wish the participants to share. Experiences and opinions can be private to an individual, and one may hold

back some details or perspectives due to additional audiences. I believe that the method of qualitative research conducted through in depth interviews will allow me to explore the experiences of separated minors further, as well as gain the perspectives and opinions of the associates on current policy.

### Ethical considerations

Given the topic of my research, and the participants chosen to participate, there are several ethical considerations that must be identified. Separated minors are a vulnerable population, especially those who are not protected as minors. Therefore, it is crucial to consider any ethical issues. Since separated minors could be in the process of claiming refugee status, or have been denied, the question of their status will not be questioned. These interviews are conducted under the premises of “Toronto’s don’t ask don’t tell” policy. Additionally, there are many ethical considerations when interviewing vulnerable minorities; however, being 16 and 17, and seen as adults in Ontario, their consent may be valid as an adult. The ethical concern about interviewing a minor can also be addressed by finding participants who are now over the age of 18 but who have had the experiences of a 16 or 17 year old separated minor. Despite their age of “maturity” to consent, it is important to keep in mind that just because the participant is over the age of 18 does not mean he or she is no longer vulnerable (Bryan, 2008: 82). One must also take into consideration the issue of trust for refugees and the potential to be re-traumatized (Bryan, 2008: 82). Some participants may have issues with trusting the researcher, or may feel uncomfortable recounting certain experiences; therefore, it is crucial to indicate that to the participants that they may refuse to answer any question for any reason. Additionally, I have obtained written consent indicating that the participants understand the purpose of my study, and the role their experiences and opinions will have in it.

Some ethical considerations for interviewing stakeholders may be trust and confidentiality. It is important to ensure the participant that their opinions on policy or experiences working with separated minors are kept confidential and will not affect their current occupational position. In order to ensure confidentiality for all participants, name codes will be used in order to keep the identity of the individual confidential. With these considerations, I trust that my research will allow the participants to be free to voice any opinions or experiences without the fear of having their identity revealed. I have also ensured that the participants will be free to refuse any questions, as a qualitative analysis approach allows for flexibility and tailors the method to the “nature” of the findings (Archer & Berdahl, 2011).

For the purposes of my research, I believe that a qualitative analysis approach through the method of in depth interviews provided the best findings. Quantitative data would be difficult to obtain as well as may be inaccurate. The purpose of my research is to explore the experiences and opinions of the participants, and I trust that a qualitative research and analysis process will best enable my research questions to be addressed and justified.

### ***Structure & Recruitment***

The study conducted for this research includes six individual face to face interviews. The participants were recruited through e-mail and telephone format with an approved script from Ryerson’s Research Ethics Board. Participant contact information was retrieved through the snowball affect starting from the contacts supplied by Dr. Francis Hare. Each participant contacted was given a general overview of the research topic and was asked for consent to be interviewed. Each interview was conducted in English, and lasted approximately 40 minutes. The interviews took place at the associates’ place of employment, or in the circumstances of the

separated minors, the interview was conducted in a place chosen by the participants. All the participant's answers were audio recorded, transcribed, and then analyzed using the coding methods described previously. Some of the main interview questions for the associates were the following:

- 1) Are separated minors aged 16 and 17 disadvantaged when settling in Ontario by not being considered minors?
- 2) What do you believe to be some of the major challenges 16 and 17 year old separated minors may face when arriving to Ontario?
- 3) Across the provinces, the age of majority differs from 16 to 19 years of age. Do you think that Canada and its minors would benefit if the age of majority was consistent across the country?

And some of the main interview questions for the separated minors were the following:

- 1) Do you feel that Ontario supported and/or protected your needs during your initial settlement in Canada?
- 2) Would you have used Ontario's children services to help you with any settlement problems?
- 3) Do you feel safe in Ontario? Did you feel alone or lost at any point?

### ***Limitations***

When conducting this research there are several limitations that need to be considered. Firstly, the interview sample was incredibly small and focused. With only three associates and three separated minors, it can be difficult to make generalizations. As a result, this research is limited to extracting common themes amongst experiences that can contribute to the growing research upon separated minors and their settlement in Ontario. Secondly, the subjectivity of each experience should be taken into consideration. Each associate participant has had different interactions with separated minors and has worked with them in different ways; therefore, their opinions may be a reflection of specific interactions. Additionally, each separated minor has a unique story of how they settled in Ontario; therefore, the challenges, relationships, and concerns

will vary between individuals. Ultimately, the opinions and experiences of Ontario's system and how separated minors are protected are varied. Thirdly, the answers the associates had given may reflect how they wish to present themselves as a representative of their employment. For example, a participant who worked at the Provincial Advocate for Children and Youth shared very strong opinions on the ambiguities about Ontario's system; in comparison to another who worked at The Toronto Covenant House, who believed the system was functional with all its flaws and was more reserved with his opinions. Finally, the separated minor participants were not selected at random. Due to the difficulty of locating these participants, the ones interviewed know one another and are from the same shelter. This could have influenced their responses as they may have discussed before the interview of what to disclose, or information may have been withheld for the simple reason of fear of other participants finding out. It may also have resulted in similar settlement experiences among the participants as they all are sheltered at Matthew House.

### ***Associate Participant Results***

This section will indicate the results of the three associate participants identified as these four themes; trust and relationships, guardian vs. guidance, finances, and system structure.

#### **Trust and Relationships**

Associate participants agreed that when separated minors are initially settling in Ontario, they can have difficulty building trust and relationships with others. The associates indicate that it is difficult for the separated minor to maintain relationships with family back home while also trying to build new ones in Canada. Associate #1 states that "one female minor dropped out of school and didn't make any friends because her family would call her everyday and verbally abuse her to get them over." According to this associate, family pressure is very common and

can influence the self esteem of the minor tremendously. Separated minors may have the pressure from their parents of who to speak with, what to say, and who to call a friend. The familial pressures can be strong enough to make a separated minor not even want to attend school, and deprive herself of interacting with her peers. Associate#2 highlighted that “...keeping up with the family connection is really important; however, it can also be consuming.” The family pressure on a separated minor can evidently negatively influence their ability to develop new relationships in Canada that could have made the settlement process easier.

The importance of building relationships and trust are essential for separated minors as they have no family network to rely on in Canada (Tweedle, 2005). Separated minors are a “vulnerable group and they want to be accepted and cared for,” (Associate #1). This is especially true for female separated minors. Associate #1 indicated that in her experience working with separated minors both in Canada and in England, the females often get into romantic relationships where they are not treated well, but they stay because they want that feeling of being cared for. She is concerned that when separated minors do trust someone, it is usually the wrong person. Associate #3 contributed that the minors may also have difficulty trusting people within their own ethnic group: “It can be hard for these minors to trust people, particularly of their own kind, because they don’t want to put anyone at risk back home or say something that can come back and hurt them, their families, or their status of staying in Canada.” It can be incredibly stressful for separated minors to trust friends or non-officials when applying for status in Canada, as they do not want their words or actions to jeopardize their potential of gaining status.

It may also be difficult for separated minors to open up and trust authorities or people who may be trying to assist them with their settlement. Associate #2 indicates that many

separated minors may have fled persecution from authorities or people of the state, and “it may be hard for them to trust the state or authorities again to support and guide their lives in Canada.” This trust is crucial to build as 16 and 17 year old separated minors may be coming from a state where their lives were not protected, to a province of another state that also will not protect their rights because they are over the age of protection.

All three associate participants signified the importance of trust and strong relationships during the settlement of 16 and 17 year old separated minors in Ontario. Relationships need to be sustained, and new ones need to be developed. Stronger relationships with friends and available associates may opt for a smoother and safer settlement into Ontario for these vulnerable minors.

#### Guardian vs. Guidance

When separated youth are trying to settle in Ontario, the associates mentioned that there is an issue with people wanting to be a guardian figure for them; similar to how Ontario’s child protection system is structured. With a guardian figure one may assume that the separated minor may be getting the support and assistance he needs even if not under the protection of Ontario’s system. This is problematic for the associate participants, as they concur that the separated minor is not in need of a parental figure, but someone to “offer guidance as an uncle would.” Associate#2 struggles with the definition of support as he questions “what kind of support should 16 and 17 year old minors have in our society?” At first one may assume that the nature of adolescence requires a parental figure, someone to enforce rules, expectations, and morals; however, the circumstances that separated minors are coming from set their needs aside from Canadian born adolescents. Associate #3 notes that, “these minors have often traveled far distances alone, and may have been in an adult role before even coming to Canada. Many of

these youth are often mature for their age and are just looking for someone to talk to, support them, and guide them. They do not want to feel alone.” The associates believe that the idea of forcing rules or expectations on a separated minor may have a negative effect on the settlement of the youth, and what they really need is the support and guidance.

Associate #1 did note however, when it comes to education and attending school, having a parental figure constantly with the youth may be beneficial. She indicates that “the priorities of the youth are all over the place. They want to gain status, they may be trying to get their family here, and may be struggling with emotional stress from any experiences of trauma. The ones that I have worked with find it very hard to wake up for school, and when they do attend they cannot focus. Their minds are somewhere else.” Associate #1 believes if the separated minors had a parental figure that would wake them up every morning and ensure they are attending school, and possibly helping with homework, the minor would have a better transition into Ontario. Additionally, at school there are available guidance counselors and settlement workers who would be able to answer questions and advise the minor through their settlement process; however, these individuals are of no use for the minor if he is not attending school. Thus, as Associate #1 notes, it would be beneficial to have this guiding figure at home.

Despite having mature life skills and responsibilities prior to coming to Canada, all associate participants affirm that these minors are indeed still on the pathway to adulthood, and still need an adult to process things with them. Associate #3 indicates that when a separated minor first arrives in Ontario “they are in survival mode. Some have seen their parents killed, and they become numb. It is once they start to settle that other issues start to bubble up because they have a chance to deal with it. This is when a parental figure would be good to have.” Having a parental figure to rely on has been noted as an essential support system for the minors,



as this figure can become a protective factor for the minors to open up to and ultimately build a relationship with; they are no longer alone (Salehi, 2010). Associate #2 notes that while a parental figure may ease the settlement for separated minors, they must also be sensitive to the minor's autonomy. It is important to acknowledge that these minors do not want to be viewed as victims or in need of protection, according to Associate #3. Separated minors need support, guidance, and care, but they do not need to be saved or coddled.

The idea of a parental figure or family structure can be reassuring to some separated minors. Associate #1 explains that she has worked with one minor in particular who was greatly disappointed and worried when he found out he was too old to go into the child protection system. She explains further that this minor and many others like him are worried how they will manage and prioritize their lives on their own in Canada, and they wish they had that one consistent person they could report back to with any issues.

### Finances

The theme of finances was also talked about as a main concern for the associate participants. They unanimously agreed that the separated minors aged 16 and 17 years old are financially disadvantaged when settling in Ontario. Initially they are burdened with the application fees. Once they have received their status of a Convention Refugee, the application to apply for the status of a Permanent Resident has a fee of approximately \$500, and according to Associate #1 this fee and all others (for passports, pictures, etc) come out of the minor's pocket. In contrast, if the minor was in protection, these fees would be paid for by Children's Aid Society. Associate #1 highlights that this is "a disadvantage created by the system because if the

minors had arrived in Ontario before turning 16, they can apply and receive support up until the age of 21, if they arrive being older than 16 they get nothing.”

Associate #2 also indicates another system disadvantage for these minors around accessing tuition rates. He states, “Their life is on hold when going through the refugee process. They are treated as foreign students, not as residents.” Until granted permanent residency status in Canada, these separated minors cannot access any financial aid for post-secondary school (Brouwer, 2000). Whereas, if the separated minor has been in child protection when he arrived to Ontario, extended care would be available to him with accessible tuition fees and financial aid. This is a crucial financial setback as the opportunity for full time studies may pass these minors by, which can arguably effect their full participation in the economy of the future (Brouwer, 2000).

Another financial concern for 16 and 17 year old separated minors was the amount that Ontario Works expects them to live on per month. Being outside of child protection, these minors are given \$600 a month from Ontario Works, and up to \$400 of that amount is allowed to be spent on shelter (Daily Bread, 2011). With this little amount to live on per month, it is crucial that these minors are able to budget and prioritize their needs. Associate #1 highlights that many 16 and 17 year olds are not experienced with managing their own finances. For one, these separated minors have to pay their own application fees, as well as budget for rent and food; such costs would not be incurred if they had the opportunity to be in child protection. “They are young teenagers, trying to fit in. Teenage girls especially have budgeting issues because they want to be fashionable and buy clothes. As a consequence, they cannot afford food and eat very poorly,” according to Associate #1. She also explains that they can get caught up in credit card debt, and are unaware of contracts and interest: “They want to keep up with technology and get the newest

phones. They see a contract to get that phone for free, and they sign. What they do not fully understand is the contacts and interest on credit cards that follow.”

The concept of financial literacy for separated minors is a concern among all the associate participants. They believe that by being a youth, priorities are unorganized and the amount that Ontario Works supplies is not enough for these minors to comfortably settle in Ontario. When asked if 16 and 17 year old separated minors can financially sustain themselves, Associate #2 answered saying:

*“There is no way they can support themselves. They can’t get any good jobs without a high school education. They have the same difficulties as other youth. It [OW] doesn’t pay enough. Each minor is given \$600 per month and two thirds of that money is what they can spend on shelter. Our province expects that someone can live on \$600 a month. ...all these costs are so foreign to these minors, they need money skills on how to budget and learn the finances of the western world. They need to have guidance, they need financial literacy; it’s all part of a cultural adjustment to Ontario.”*

The cost of living in Ontario will vary from the country where the minors have come from, therefore it is essential for them to receive financial guidance on how much they should be saving for rent, food, and clothing. Some minors may have never had an allowance to manage themselves; therefore, as the associate participants had mentioned in the previous theme, these minors need guidance.

### System Structure

When speaking about their experiences with separated minors, the associates could not go without criticizing Ontario’s child protection system, more commonly referred to as Children’s Aid Society foster care system<sup>1</sup>. The associates indicated that the system is flawed in various ways. It not only fails in supporting 16 and 17 year old separated minors, but it also

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<sup>1</sup> The term “foster care” is what CAS calls Ontario’s child protection system. Foster care and child protection system will be used interchangeably.

needs to be completely restructured. Associate #2 explains that the “system is designed to deal with abuse and neglect issues for immediate born residents, not to deal with issues that are from a foreign country that deal with persecution. To support separated minors, of any age, there will be legal and psychological issues that the child protection system does not prepare the workers to recognize or to work with.” Associate #3 adds that the system’s “current model does not have the expertise or resources to support these minors. It is built as a protection model to minimize risk, and the kind of supports these minors need is not a protection support but a youth development support.” This would have to be a new framework developed within the system to effectively support separated minors.

The system structure can be problematic when supporting separated minors, or any newcomer youth, as there is no intersection of immigration and child protection laws. The systems related to immigration are under federal jurisdiction, and child protection systems are under provincial jurisdiction. According to Associate #3 “immigration law is about getting certain people in and keeping some out. Child protection law is setup to protect children and nurture them, build the roots and have a permanent family.” Both immigration and child protection laws need to intersect to ensure that the support offered to separated minors and all newcomer youth is effective and supportive as they settle into Ontario.

A start to lessening the gap between the two laws would be to adopt a national legislation outlining the protection and resources for minors across Canada. This idea was supported by all associate participants as they believe that there should be a national children’s strategy to install child protection standards. A national strategy would eliminate the distance between federal and provincial laws and provide a standard of care and support for minors across the country. It would also eliminate the variety of age of protections determined by each province. Associate #1

states that where separated minors “land should not be based on where they will receive support. They should be viewed the same across the country.”

Another adjustment that was mentioned about the system was if the age was raised to 18 years of age, the 16 and 17 year olds should have the choice if they wanted to enter foster care. As discussed previously, some minors may feel that they do not need the full support from foster care while others would opt for it. Despite the preference, these minors are old enough to make a choice if they would like to be in care or not, the real adjustment here would be having the opportunity to be cared for. Associate #3 suggests that the system can make an agreement with older and at risk youth such as separated minors, “about what they are going to do, for example attend school and join teams, and in return they would get full support.” Therefore these minors would not only have the choice to the foster care system, but also the encouragement to succeed.

Associate #2 suggests that the system needs restructuring within its staff. He indicates that the employees deal with issues of neglect and abuse, and are not trained to deal with traumatic psychological issues from persecution. He further explains that “the system doesn’t have the resources or staff to deal with the specific needs of separated minors. You wouldn’t use a developmental treatment model on someone who has substance abuse issues.” Associate #3 agrees with this perspective and urges for re-training of child protection workers. He states that “it is not only about being in care, it’s about ensuring their needs will be met.” The concern of the system being flawed signifies that it may be outdated, and its model should be reassessed. The needs of separated minors aged 16 and 17 have to be met if they had the option of going into care, and Canada as a country needs to adopt a national children’s strategy to ensure standards, expectations, and rights are being held.

### ***Separated Minor Participant Results***

This section will indicate the results of the three separated minor participants identified as these four themes; continual stress, the want to be in foster care, budgeting and finances, and school.

#### **Continual Stress**

When describing their settlement in Ontario, each participant talked about how they constantly feel stressed. There are many factors that add to this stress such as; finances, school, status, etc, but each minor specifically outlined that the emotional scars from back home are one of the most stressful. Separated minor #1 indicated that it is hard to fall asleep at night, “I keep thinking I may have to go back, but I don’t want to go back. There are too many bad things over there.” She has trouble focusing and talking about what happened to her in her home country. It can be difficult for separated minors to face the emotional trauma they have been through, and some try to forget it.

Separated minor #1 says that she wants to try and talk about what happened to her, but she has issues with trusting people. She explains that when she first came to Canada, that the immigration officers put her in handcuffs and detained her for two days before speaking with her; “I don’t know why they did this. I cried like a baby, I said I was going to die here. I have never felt so alone. I have no family or friends to help me. I was scared of what my life was going to be like in Canada.” As a result of that experience it is hard for this minor to trust Canadian authorities; she is scared that they will remove her from Canada. Separated minor #2 also talks about her stresses back home as she is constantly worried for her family; “I was separated from my family in the Congo, and then I made it to Canada. They do not know that I am alive, and I am always scared for their lives.” She explains that the stress of thinking her

parents could be dead keeps her from focusing on her life in Canada. Separated minor #2 wishes she had contact with her family, so she could have support and guidance even in spirit.

Although the minors are now in a different country, there are still triggers that provoke their emotional pain. Separated minor #3 notes that he does not feel completely safe in Canada; he explains that the fear of police and authorities still haunts him. Police were corrupt in his home country and he has bad memories associated with them; “I know these are Canadian police, but when I walk alone my heart still races when I see one. I am afraid at any moment they may turn on me.” Separated minor #3 indicates that he feels that there is no one to protect him personally. He often does things on his own, and will never feel 100% protected. He indicated that even some Canadians make him doubt his protection because of his desperate ways to get into Ontario. Separated minor #2 shares similar feelings towards Canadians;

*“I feel like the people here don’t care about you. They know you and they see you, but they don’t really care. No one wants to talk to someone like me...I come from back home with so many stories, you know so much has happened to me. They give me shelter and some money here, but they don’t really care what I have been through. They think you know ‘she is alive, she will be alright’ but I really don’t know.”*

She explains that Canada does not feel like home. She is safer in this country but she feels empty because she is alone. There is still pain in her stomach and she feels she cannot explain herself to anyone. Her heart is still back home with her family which makes it hard for her to smile and settle into her new life in Ontario.

Carrying the emotional pain that these minors have can be a burden while trying to settle in Ontario. The environment has changed for them, but the pain has followed them to Canada. They are without friends or their family, thus, they struggle with these emotions on their own. It can be difficult to talk about their experiences to other individuals, whether it be their lawyer, a friend or a shelter employee. All minor participants explained that they believe their pain and

stories will never be completely understood. Separated minor #1 feels that if she had a consistent mentor or parental figure, she would eventually build enough trust to open up completely and begin to heal the scars from her experiences; however, living and navigating a new country alone does not offer this support.

### The *want* to be in foster care

When told about the benefits of living in foster care, each separated minor indicated without hesitation that they would have liked to have the choice to be put into it. One of the participants came to Canada with the expectation that he was going to be in foster care. He explains that he heard of his friend going to British Columbia and receiving full care at the age of 16. Therefore, when he began his journey to Canada, he had high hopes to live a supported and comfortable life. His first experience in Canada truly was shocking; “I landed and they told me about the shelter Matthew House. I was confused, because I thought I was going to be in child care, you know with a family. But they said no because I was too old. I was so scared.” This minor was confused and scared because he was unaware of the fact that he was too old to access Ontario’s child protection system. He told me if he had known this, he would have changed his destination to British Columbia despite the extra challenges to get there. It was confusing for this minor to understand why Canada’s child protection systems differed from province to province; he expressed frustration because he was naive to think Canada would hold a national standard of care for all minors.

For Separated minor #2, having the option to be in foster care would have changed the world for her. She explains that “...family is very important. I do not know what has happened to mine and I know I could never go back home to find them. I do not want to live here alone. I



want support and someone to build my trust with. There is so much I need to get out.” Ontario’s child protection system would not offer her this chance to build trust in a family environment because she is 17 years of age; however, she longs to have a parental figure to build a relationship with. She believes that if she talked about her emotions and stresses that she would be able to overcome it, but she needs an individual who she can build a trustworthy relationship with in order to do that. Currently, she has a mentor figure, who will meet with her every few weeks to see how she is doing, but the minor explains that she will never build full trust with this mentor because she does not see her enough, or know anything about her. Having a parental figure that is present everyday in the minor’s life would allow for a greater opportunity for trustworthy relationship.

In addition to having the opportunity to build relationships and trust of a parental relationship, Separated minor #1 indicated that she would have also liked to be in foster care for educational purposes. She cannot access reasonable tuition rates for post secondary education, and is treated as a foreign student. It is troublesome because “university is so expensive, but I have goals for a better life. I am worried how I am going to get there.” Being in foster care would have given this minor the opportunity for extended care beyond the age of 16 and would have made reaching her goals more realistic.

All of the participants agreed that it would have eased their settlement into Ontario if they could resume the role of a child and not have the responsibility to manage their own finances. Separated minor #3 explains that “budgeting is so hard. I know I have so many things to pay for, but my parents used to do all that for me. It is so stressful to do it on my own. It would be better if I had an adult to support me so I wouldn’t have to worry about where my money goes.” All

three participants have never experienced budgeting on their own, and they would have preferred to have this stress alleviated by being in the child protection system.

### Budgeting and Finances

Budgeting appears to be just as foreign as a new country for these separated minors. As previously stated, all the minor participants have never had experience budgeting on their own. This is one of the greatest challenges they have to face when settling in Ontario alone. All three minors receive Ontario Works welfare, which they must accurately delegate every dollar among their expenses. According to the participants, the biggest expenses are rent, food and transportation methods. Each month a significant portion goes to these expenses leaving the minor left with only a little amount for other desires. Separated minor #3 notes that, “every month I will watch my account go from \$600 down to \$20. There are just so many things I have to pay with such a small budget. I am not used to this, and it’s not like I can ask my parents for money like I used to.”

With little money left over after essential expenses, the minors explain that it is difficult to build and maintain friendships. Separated minor #2 indicates that she cannot always go to the movies with her friends, or meet for lunch, those are extra costs that she cannot fit into her budget. She explains, “It is hard to become close with some of my friends because I cannot always go with them when they do things. I can only budget to go out with them for maybe once a month. If I can, I will not spend much money on food and eat less so I can go out with friends.” These minors feel that they constantly have to choose between their wants and needs. Food is often compromised in their budgets so they can attend gatherings with friends or to buy more fashionable clothes and accessories to fit in. Separated minor #1 says she will eat less

“Canadian” food in order to eat at African restaurants once or twice a month. She explains that she misses her family and home, and eating African food allows her to connect to what good memories she still has of her country. But as a consequence, she must eat less throughout the month.

Separated minor #3 is also concerned about the cost for his braces and eye care. He explains that when he landed, “they did a health exam on me, and told me the glasses I had with me are not sufficient for my eyes’ needs, and that I needed new ones. Sure and where would you like me to get the money for that?” He explains that he also came to Ontario with braces on and is worried about the cost he will incur when it comes time to remove them. These health needs are not covered for these minors and they will have to pay out of their own pocket for them. Separated minor #3 is especially worried as he does not know where he will cut from his budget to afford getting his braces off or new eyewear.

Another concern among the minors are the cost of their application and the ability to save. Since they are not in foster care, each minor has to pay for their application fees. Separated minor #1 says she had to pay for her own application and it was very expensive. This cost puts a large dent into their monthly budgets. Separated minor #2 showed a concern about the ability to save money. She is worried she will never be able to save money for anything that she wants in the future. Saving money is a priority of this minor because she wants to plan for her future of attending post secondary school, and for larger purchases such as a Smartphone. Not having the ability to save for the things she wants most, leaves her feeling trapped in the same circumstance month after month. The responsibility of managing their own finances is a skill that many minors do not possess; however, these separated minors are challenged everyday with evaluating their priorities in order to live on a predetermined budget.

## School

A reoccurring theme that came from the responses of the separated minors was about how school affected their settlement experience. All participants said it was difficult to focus in school. They found it difficult to be in the classroom and found it equally as difficult to complete assignments at home. For Separated minor #1, being in the classroom makes her nervous and unhappy; “I do not feel like my presence is there. My mind is somewhere else, I always am thinking about my status. I am too stressed to be in the classroom.” She explains that being in the classroom setting makes her uneasy. It is full of children unlike her, and the language barrier is hard to get around for certain subjects. She does however, has good relationships with her teachers and says she trusts them the most. When she is with her teachers she says she is comfortable to smile and talk about herself, but that feeling disappears when she leaves school.

Separated minor #3 has a different relationship with his teachers as he feels they do not understand him and it unmotivated him to go to school. He explains that “one time I wrote a full essay at home, and when I handed it in the teacher said she did not believe that I had written it. She said that I have missed so much school that I could not have enough information to write the essay, and she made me rewrite it on the spot.” Separated minor #3 finds it difficult to explain to the teachers what is going on in his life as he feels they do not care. He says he feels alone at school and alone at home. Before he came to Ontario, Separated minor #3 was used to having his mother wake him up and send him to school. He had many friends and good relationships with his teachers. In Ontario, he finds it difficult to attend school on his own and struggles to bond with peers and teachers.

Building relationships at school can be difficult when a student is missing several days at a time. All the participants said they miss a lot of school days due to appointments with lawyers and other individuals. Separated minor #1 outlines that her main priority is her status application. She indicates that if she has an assignment or test in school she will miss it for an appointment with her lawyer. Fortunately, like Separated minor #1 she also has a good relationship with her teachers and is able to make up for her absences. Despite this compromise with her teachers, she still feels incredibly lost when she returns back to the classroom. She explains that “I will miss one or two days because I have appointments, but when I come back it is hard for me to catch up. It is hard to focus in class already and when I miss things and have to concentrate because English is not my first language, it just isn’t easy.” She feels frustrated at times because she wants to do well in school and reach her future goal of going to university, but sometimes her marks will suffer because she is navigating through the immigration process herself.

All participants also noted that making friends at school does not come easy like it used to. Separated minor #3 remembers when he was back home with all his friends, and how easy it was to be with them; however, in Ontario he feels it can sometimes add more stress in his life to maintain friendships. He explains that he works around a language barrier, tries to remove himself from his emotional situation so he can relate to them, and tries to hang out with them as much as possible. He says that all this effort can be emotionally draining, and he wishes that he could have someone who already liked him so he wouldn’t have to try so hard.

The settlement experience of all these minors has demonstrated their struggles and desires in Ontario. Constant stress, budgeting and finances, school, and wanting to be in foster care are common factors that their experiences as minors, and also as adults, in Ontario have had to overcome. The next section of this paper will explore how the settlement of separated minors

differs between two perspectives of the associates who work with them and the minors who experience it themselves. The theories of adultism and threat prejudice will be used to examine their experience further and any gaps between the literature and the lived experiences of separated minors will be identified.

## ***Discussion***

After conducting interviews from associates who worked with separated minors and interviews with a few minors themselves, there are differences between their concerns about the settlement experience in Ontario. For instance, one of the main concerns of the associates was that the minors have a mature personality, and are capable looking after themselves with just a guiding adult guardian; however, the minors' responses demonstrated that they would in fact prefer a parental figure despite their level of assumed maturity.

The associates had recommended that a separated minor aged 16 or 17 years old would prefer an adult figure who posed as a guardian rather than a parent. They believed that after a long journey and the experiences the minor has gone through, it would be difficult to instill rules and expectations on the minor when they are settling in Ontario. Conversely, the minors indicated that after such an experience and journey, they wanted a parental figure, as it would make them feel more comfortable and protected in Ontario. All the minors said an extra push to attend school, finish assignments, wake up on time, and someone over seeing their budget would have been beneficial for them. This difference in opinions may be because the minors may not have opened up completely about their desires or experiences to the associates interviewed as the minors may have feared their reactions, which may have had a critical influence on whether they go on to access other supportive services (Mental Health Foundation, 2006). During the

interviews, the minors were able to open up about what they were really expecting or hoping for during their settlement in Ontario, and it was to have a structured family environment or to have a supportive parental figure.

Despite this difference, there were several similarities between the responses from the associates and the minors. One similarity was that all minors and associates were concerned about finances. All six participants expressed that the amount that separated minors not in care are expected to live on is not enough. Keeping up with rent, transportation costs, application fees, food, and other expenses, does not give the minor much extra money for themselves, or for building relationships. Having family ties cut off, and unfamiliar environments, separated minors are one of the most vulnerable groups, and building relationships with friends, and other community members is crucial to them successfully settling in Ontario (Taylor, 2011). As indicated in the minor responses, living a budgeted lifestyle does not allow them to maintain growing relationships with new friends. The associate participants agreed that the minors try hard to fit in and be liked by their peers in order to make friends, but they do not have the extra money to buy the clothes or accessories they feel are necessary to do that. This can be detrimental to the mental health of the minor, as they continuously feel alone and different from society which will ultimately hinder their ability to successfully settle in Ontario (Taylor, 2011).

Another concern for all participants was about the current child protection system. The associates who have worked inside and with the system were critical to its structure and questioned how it would support separated minors of any age. The minor participants were confused as to why the system differed across the country, and were frustrated about all the benefits in foster care they were missing. When the associate participants criticized the system, they said that it was insufficient to provide the support the separated minors needed. The

associates explained that the system is structured to address issues of neglect and abuse familiar to Canadian society, and would not have the resources to address the traumatic needs of separated minors. What is important to highlight is that the minors are not looking for a counsellor to “fix” their issues rising from traumatic experiences; rather, they are looking for structure and parental support to ease their settlement. Evidently, there is a gap between the understandings of separated minor’s priorities when initially settling in Ontario. Gathered from the responses of the minors, they felt that their settlement experience would have been easier if they had common familial structures. For instance, one minor stated he needs someone to wake him up in the mornings. Another said she would’ve liked to have home cooked meals to ensure she was eating right. And the other minor said she would have liked a parental figure to help her with finances. These aspects that the minors are wishing they had, have no relation to trauma. They are simple needs that a parental figure could deliver. While I agree the system may not have been structured to support vulnerable individuals such as separated minors, I still believe that the system is more than capable of support the needs of these minors, as they are really looking for structure and support, not just intellectual healing.

One thing that was not revealed in the literature, nor the responses of the associates, was how Ontario came to establish the provincial age of protection to be the under the age of 16. This decision, certainly made by adults, demonstrates an act of elitist power adults have over youth. As previously mentioned, this power is an overlooked “ism” called adultism, which can be characterized by the “disrespect the adult world shows towards...the potential of children,” (Tate & Copas, 2003: 41). Evidently, the potential of separated minors aged 16 and 17 is minimized as a result of additional issues they encounter while not being in foster care. By minimizing the potential of these minors, society is decreasing their ability to contribute meaningfully in our



society, and ultimately making the settlement for these minors more difficult (Tate & Copas, 2003). It can be argued that by making the age of protection less than 16 years old allows for these minors to resist adultism, by exercising their autonomy and being treated as adults in certain aspects. Despite this presumption, research shows that building relationships is more powerful than structural technique (Brendtro, Ness & Mitchell, 2001). According to Tate and Copas (2003);

*“The challenge is to build respectful alliances with children in which they sincerely believe adults care for them, value and understand their points of view, and work with them toward a common goal. Those productive relationships often serve as a springboard to the learning process and help children to confidently negotiate life’s issues.” (pg. 41)*

The importance of building relationships that are encouraging and supportive between separated minors and adults is a crucial aspect to their settlement in Ontario. The separated minor participants expressed their desire for a parental relationship with a Canadian adult and believed that with this relationship, their settlement experience would have differed substantially. Hence, the technique of the system and possible training initiatives fall secondary to the priority of these minors establishing a parental relationship.

Adultism may also be able to further explain the concern of trust identified by both the stakeholders and the separated minors. When asked if they trust the people who have helped them in Ontario, the minor participants said that they initially did not. They explained that they felt alone and scared, and they did not know the adult professional well enough. According to Fletcher (2013), “depending on its expression, young people who face adultism in words and treatment may feel physically threatened because adults are always in positions to emotionally, physically, and psychologically harm them,” (pg.4). This suggests that because these separated minors are in constant fear of being sent back home, they may have issues trusting the adults

who are helping them gain status in Canada; the minors believe the adults have the power to harm them emotionally and physically by sending them back. This power of adultism results in a possible lack of trust from the minors, which ultimately results in weaker and less encouraging relationships. With weak relationships, it is harder for the separated minor to settle in Ontario as they continue feeling alone and scared, with no one to rely on. Evidently, adultism makes these separated minors susceptible to an unfortunate circle of untrustworthy relationships with adults leading them into a constant state of crisis and stress.

For the case of separated minors aged 16 and 17, they are often faced to deal with the trauma and distress they experience alone. This can magnify the intensity of these feelings to be more terrifying and traumatic and can ultimately alter the behaviors of the minor. The theory of threat prejudice can be argued here, as the negative feelings exerted from the separated minor can be seen through anger or anxiety in other aspects of the youth's life such as school. Thus, their behaviours that are struggling with trauma and depression can be perceived as threatening or uncontrollable (Bryan & Denov, 2011). Such behaviours can contribute to the already existing racial, youth and refugee stereotypes, consequently making it difficult for the separated minor to develop genuine relationships with others.

Additionally, separation from parents also places separated minors at "higher risks to experiencing traumatic events during the refugee process, because of the absence of their parents' protection and also in the host country, and they may lack social and economic resources," (Derluyn, 2008: 323). It adds tremendous pressure and stress for a youth to be assuming the role of an adult during the refugee process. For example, two separated minors from Afghanistan noted numerous settlement challenges as a result of their arrival in Ontario alone at age 16; "they found it difficult to search for housing and a lawyer, as well as navigating

the refugee claim process without any parental support,” (Quirke, 2011: 347). Therefore, it is extremely important for separated minors to have strong relationships with guidance in order to adapt safely, and successfully. It is evident, that separated minors need a stable home environment in order to avoid additional barriers when adjusting to a new community. Unlike adults, separated minors struggle with intensified feelings, altering behaviours, as well as conflicting identities (Quirke, 2011); consequently, these challenges can negatively influence how separated minors choose to adjust into a new environment and the relationships they establish.

Isolation and loneliness can also stem from negative stereotypes and lack of strong relationships at school. As discussed earlier, the theory of threat prejudice explains that because of social stigmas attached to particular identities, this identity being a refugee and different from the rest, that teachers or peers may be reluctant to build relationships with the separated minor. For instance a separated minor recounted:

*“There’s some bad things happen and all the bad things that happen are caused by immigrant or refugee kids. So some people, if they see you as one, they think you are also bad. After you introduce yourself or something, they’re like ‘oh you don’t belong with those people’. Some people judge you by the way you look or by the things they know about those people...so when it gets in their minds and they look at you, they’ve just got you,”* (Bryan, 2008: 92).

Consequently, situations like this do happen within schools, and the separated minor can be judged for something they never personally did. Situations similar to the one noted above also happened to some of the separated minor participants for this study. One explained that his teacher never understood him and made assumptions based on this situation. Another indicated that it is hard to make friends because she felt nervous in the classroom and that no one wanted to talk to her because she was different. This is how the threat theory of prejudice works, people can assume they know the “type” of person someone may be and base their perceptions of the

youth because of other factors. As a result, the separated minor can become further out casted within their peers or seen to be not like the other students from teachers. It is because of situations like these at school, the minor participants indicated they would have liked to have a parental figure that they can trust to support them at home.

There is one significant distinction between the research found in the literature review and the responses of the participants. In the literature review, the concern for majority of the articles is about the rights separated minors have; whereas, the responses of the participants focused a concern about separated minors' initial needs. The articles go into depth explaining the ambiguities within policy and gaps between provincial and federal legislations. The authors from the literature review also highlight a priority for a definition of the term "minor" that needs to be adopted nationally. The associate participants agreed that a national policy would be beneficial for separated minors; however, that aspect was not their overall priority. Many of the associate participants were concerned about the lived experiences of the 16 and 17 year old separated minors. They spoke about the financial needs, the emotional stress, and the educational setbacks these minors encounter when they are settling in Ontario. This demonstrates a clear gap between the priorities of separated minors. Academics and reports focus on ensuring that the rights of all minors are being upheld, and the participants focus more on their needs. This could be due to the differences of occupation. The associate participants work directly with the separated minors and see their daily challenges and what needs they have in order to address them. The articles in the literature review focus more on a call for action from policy and law in order to increase the overall support and protection for all minors.

The associate responses targeted the prominent issues that are directly affecting the separated minors. This may have been because they work alongside the minors and witness the

issues that they deal with when not in foster care. When scanning the literature, the lived experiences of the minors were secondary to the concern about revamping the child protection system. The literature mainly addressed long term issues of policy and legislature that need to be reassessed in order for the better care and protection for future minors. When associate participants were giving their responses, they criticized the system, but were more focused on the immediate issues that separated minors who are already here are facing. This is why it was difficult when reviewing the literature to find various personal stories of separated minors. Bryan (2008) had included some interviews during her study, but she was one of the few that showed how the system directly affected separated minors.

Another difference found in the literature was there was no piece that solely criticized Ontario's child protection system. Many articles spoke about Canada in broad terms with criticisms about systems in every province. Again, this demonstrates that within the literature there is a higher focus on a national standard than there is about the specific systems and how they affect separated minors. The responses I had gathered were specifically critical to Ontario because that is where the associate participants practiced their employment.

Many of the separated minor responses did align with the few shared experiences in the literature. They all addressed the issue of trust and building relationships as well as difficulty fitting in at school. The minors who participated in this study highlighted a priority to have a parental figure to guide them, while this desire is unknown from the excerpts shared in the literature. The literature also indicated a concern about detention of minors; however, this was only a reality for one of my participants. It is difficult to generalize the importance of the concerns raised in the literature with the participant responses as the sample was too small;

however, with the responses that were recorded the priority of having a parental figure was of most importance.

It is also important to highlight that this research demonstrates the impacts that the “recent passage of the law entitled, Protecting Canada’s Immigration System Act, in June 2012 authorizing the detention of children from ages 16 to 18 for up to one year due to their irregular migrant status,” is highly problematic (CRC, 2012:17). One of the minors interviewed had a short experience of only two days in detention, and she explained that it was a feeling of defeat and she wanted to die there. This indicates a grave concern for minors, as *any* experience in detention can be a traumatic experience. At the age of 17, this separated minor had escaped death in her home country only to be handcuffed and isolated in detention. The authorization to allow for this to happen to minors seriously impacts their trust, and will to settle in Canada. Ultimately, detention for any minor under the age of 18 should not be authorized.

### ***Recommendations***

Based on the literature and the responses gathered from this study, there are a few recommendations that can be made about the settlement experience for separated minors in Ontario. Firstly, there needs to be national uniformity. National standards need to be installed in order to ensure the protection for minors is unanimous across Canada. Separated minors should not have to plan where they land in Canada due to the protection system that province offers; it should be the same for the country. This recommendation is consistent with the recommendations made by Canadian Coalition for the Rights of Children, stating for Canada to “ensure that all children under the age of 18 can access supportive services under child welfare,” (CCRC, 2012: 38). Evidently, this issue of varying child protection systems has been indicated before, yet there is still no action taken by federal and provincial governments.

Secondly, if a national legislation is established, the age of protection needs to comply with all international and federal legislation. This means that the age of protection must be at least 18 years of age to meet the expectations of the Convention of the Rights of a Child. With that said, governments may argue that in raising the age of protection to 18 it would cost their system a lot of money. Despite this claim, with regards to separated minors, Associate #3 indicates that her organization only receives about 30 separated minors a year and offering them protection would not strain the finances of the system. Also, emphasis is not on the quantity of resources for this extended population, but the quality of it. Associate participants had indicated that the system's staff needs to be trained differently in order to accommodate and support separated minors, thus, different training tactics would have to be installed, not more of them. It is also recommended here that there should be an impact assessment for the age of protection to be raised to 18. This research has demonstrated the impact the current age of protection being 16; however research should be done to indicate the impact of change should the age be raised to 18.

Thirdly, there needs to be an intersection between child protection and immigration legislation. Provincial and federal jurisdictions need to meet when it is concerning the well being of children, especially immigrant and refugee children, to ensure their needs and their rights are being met.

Fourthly, separated minors aged 16 and 17 should be entitled to a choice; they should be able to determine if they would like to go into care or if they would rather live on their own terms. This choice would enable separated minors who are struggling with their settlement in Ontario a chance to have parental support and guidance in addition to their lawyers and/or counselors. Having a stable environment and a trustworthy relationship with a parental figure can make all the difference for a young minor to settle in Ontario.

Lastly, my research was unable to discover any justification or rationale as to why Ontario had set its age of protection for under 16. Further research should be conducted to indicate how Ontario's age of protection was approached and how it was justified to exclude 16 and 17 year olds.

### ***Conclusion***

It is certain that the settlement of separated minors in Ontario is subjective to the individual, and who they encounter. Despite this significant distinction between cases, there is one common thread from both the perspective of the minors and the associate participants who work with them. This research paper has revealed that the current child protection system in Ontario running under the *Child and Family Services Act* is not effective for supporting all minors. Associates and separated minors alike wish to develop a framework where a choice to be in care can be established. Separated minors aged 16 and 17 years old should not be seen as adults, and should be given the chance to settle in Ontario with limited stress, emotional and financial support, and with a parental guardian.

This research paper also identifies that there is a demand from academics, associates, and the minors themselves, to restructure Ontario's current system and intersect parallel federal and provincial laws. Ali (2006) highlights the inconsistencies and limitations to the Canadian policies effecting separated youth in Canada, and it can be argued that the inconsistent treatment of separated minors is a result of the two opposing frameworks of immigration control and child protection. Despite its findings, this research paper could not contribute to the quantitative data collected on separated minors, and it is still unclear as to why Ontario set its age of protection for under 16 years. It is recommended that further research needs to be conducted in order to



indicate concrete numbers about the influx of separated minors in Canada that would highlight their growing importance.

It is evident that separated minors are unique from other youths as they face different challenges while trying to integrate into a new society. Their behaviours, attitudes, and choices can be easily influenced, which can ultimately affect their potential future in Canada. Issues in the home and educational environments are extremely important because this is where a separated minor can build a new identity, establish new relationships and create a pathway to a future goal. Separated minors will certainly experience challenges and barriers as a result to different cultures, traumatic experiences, loneliness and language; therefore, it is crucial for these minors aged 16 and 17 have the parental support they desire. It is problematic to assume these minors can support themselves as adults in a new society; therefore, Ontario needs to adopt new frameworks in its legislation to protect all of its minors, up to the age of 18.

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