

Advocates concerned about unaccompanied minors seeking asylum in Canada

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Immigration lawyer Alastair Clarke calls it a "travesty of justice."

In Buffalo, N.Y., a client is currently living in a shelter, desperately awaiting news about how she might be reunited with her three young children, all under the age of 10.

The woman fled the small East-African country of Burundi with her kids and landed in the United States with a visitor's visa, hopeful they could all eventually claim asylum in Canada, where her sister-in-law is a permanent resident, living in Winnipeg.

But when they did attempt to cross the border by bus it became clear another difficult journey was ahead.

The mother — who Clarke wouldn't identify to protect her from any possible reprisals back home — was denied entry under the Canada-U.S. Safe Third Country Agreement, which stipulates that an asylum seeker must make their claim in the first safe country in which they land.

But her children were allowed into Canada under the care of their aunt, because of an exception that permits entry for those who have a blood-relative in the country.

It's been about two months since they were separated. The mother speaks with her children by phone daily in a mix of Kurundi and French and desperately hopes they will soon be reunited.

"Here we have a case of a refugee woman who is highly educated and she's now living in a shelter, completely petrified because she doesn't know what will happen with her children," says Winnipeg-based Clarke, who is gearing up for the next stages in the case, which will require hearings before the Immigration and Refugee Board of Canada.

"At this point I'm hopeful — and the family is hopeful," adds Clarke, noting that family reunification is an important consideration in this case. "My job is to continue to shed light on the issue so that attention is maintained on the travesty of justice."

While official statistics are hard to come by, experts say they're hearing more and more stories about unaccompanied minors who are allowed in Canada without a parent or caregiver.

According to the Canada Border Services Agency, refugee claims filed for minors 17 years old or younger have increased steadily in recent years. The number of youth asylum seekers jumped from 2,011 in 2015 to 3,400 in 2016.

But neither the CBSA nor the Department of Immigration, Refugees and Citizenship were able to provide clear data on the number of unaccompanied or separated minors who arrive per year in Canada.

The United Nations High Commission for Refugees warns that "children separated from their families are at increased risk of violence, abuse, and exploitation."

Karen Francis, executive director of Matthew House — a centre in Toronto that receives refugee claimants of all ages — has seen an influx in separated and unaccompanied youth, including more than usual from the U.S.

"Often what we see are kids who are really scared and unsure of the future," says Francis, who adds that refugee shelters like Matthew House and Welcome Place in Winnipeg provide them with a sense of stability and security.

While they wait for official refugee status, they are given room, board, activities, and informal and formal classes to help them learn about the Canadian immigration system and prepare for their hearings.

Dr. Ripudaman Minhas, a developmental pediatrician at St. Michael's Hospital in Toronto, says the psychological trauma many of these children face is significant, and can be worse if they are separated from family.

"Refugee children have often encountered adversity and may experience post-traumatic stress-type symptoms, with hypervigilance or anxiety, sleep disturbances, and difficulties in paying attention, among other things," Minhas says.

Clarke worries most about these signs, as his client's sister-in-law reports the children are suffering from recurrent nightmares and screaming in the middle of the night; he's working to help their aunt find psychological counselling for the kids.

While the advent of Donald Trump's politics has brought increased attention to the plight of asylum seekers, Janet Dench, the executive director with the Canadian Council For Refugees, says refugee claims in Canada had already been increasing in recent years.

But Dench does say the political situation in the U.S. has been a significant factor driving families with young children to cross the border into Canada.

Ashley Ham Pong, a Washington D.C.-based immigration lawyer, worries that some asylum seekers who are considering a treacherous journey with their children into Canada are not fully informed of their rights in the U.S.

"Depending on the particular facts of their case, they may be better situated in the U.S. despite all of the mainstream media reports of an anti-immigrant climate," she says.

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