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Abbreviations

ACSSQ	Association des centres de services sociaux du Quebec
AMIE	Aide medicale pour l'enfance
CAS	Children's Aid Society (Ontario)
CEIC	Canada Employment and Immigration Commission
CICO	Canada Employment and Immigration Commission (Ontario Region)
COMSOC	Ontario Ministry of Community and Social Services
CSS	Centre de services sociaux
CSSQ	Centre de services sociaux de Quebec
FFC	Familles pour enfants, Families for Children
HCR	Haut commissariat pour les refugies (UNHCR)
ISS	International Social Service
MAS	Ministere des affaires sociales
MCCI	Ministere de communautés culturelles et de l'immigration
MIQ	Ministere de l'immigration du Quebec
NGO	Non-Governmental Organizations
RAMQ	Regie de l'assurance-maladie du Quebec
UM	Unaccompanied Minors from Southeast Asia
SdN	Soleil des Nations
TdH	Terres des Hommes Canada Inc.
UNHCR	United Nations High Commissioner for Refugees

Part One: Introduction

1.1 Foreword

One of the most complex problems that arose in the context of Canada's humanitarian response to the tragedy of the Indochinese refugee movement was how to provide assistance to the unique group of refugees known as "unaccompanied minors" (UM) -- children under the age of 18 who have become separated from both parents and who are not in the care of any person who by law or custom has primary responsibility.

In response to extensive media coverage of the plight of these children in mid-1979, many individual Canadians expressed a desire to adopt young Indochinese orphans. It was discovered, however, that the majority of the UM were boys above 12 years of age, and there were very few "orphans". Some children were separated from their parents during the flight from Vietnam; some were abandoned; some were runaways; and some were sent by their parents to refugee camps in the hope that once the children were resettled they would facilitate their parents' resettlement. Those who were in fact orphaned either did not survive the ordeal of escape, or were adopted by close relatives.

The age of these refugees, and the fact that they were not "orphans" and therefore not legally adoptable, presented complications for those in Canada who wished to assist in their resettlement. For example, the regular refugee sponsorship program provided that sponsors assist refugees for only one year. But the UM, being minors, would need longer term assistance, and

although they could not be adopted, someone would have to assume legal responsibility for them until they reached the age of majority. Furthermore, an official agreement had to be struck between the federal government and the provinces, since the federal government has jurisdiction over immigration matters, while the provincial governments have jurisdiction in child welfare matters.

Approximately 500 Indochinese UM have been received in Canada under programs developed to solve those problems unique to the resettlement of refugee UM. How did those programs develop? How did the children fare?

1.2 Background For This Study

The impetus for this research project arose from an international study of Unaccompanied Children in Emergencies, based in Geneva, that is presently in progress. The goal of that project is to improve the care of unaccompanied children in emergencies by analyzing lessons learned from past experience and proposing internationally applicable procedures and policies for the care of such children. The international project is coordinated by Mr. Everett Ressler at the Henry Dunant Institute in Geneva, and is funded and assisted by numerous international organizations, national foundations and voluntary agencies.

Given that Canada received approximately 500 UM, and that most of those UM were placed in foster families rather than the

group living arrangements preferred in most European the Canadian portion of the international study is extreme important.

1.3 Objectives and Method

This report seeks to establish guidelines for future reception of unaccompanied minors through a description and analysis of what has been learned from Canada's recent experience with the Indochinese UM with respect to policy, federal/provincial relations, placement issues and legal issues.

Although Canada has received other groups of UM in the past (for example, see Appendix A, British Guest Children and Others) relatively scant documentation exists. Further, although most provinces received some UM during the Indochinese crisis, the majority of the UM were sent to Quebec and Ontario. This fact as well as time and distance restrictions dictated that the study focus on those two provinces.

For a list of research tools used, see Appendix B.

1.4.1 Introduction

Although the material collected for the international Research Project on Unaccompanied Minors in Emergency Situations is still in preliminary form, the information gathered to date

European resettlement countries (1) provides observations with which to enrich the Canadian perspective. Hopefully, a brief survey of the experience in those countries will help to better understand and meet the needs of unaccompanied minor refugees (2).

1.4.2 Background

The historical background to the development of unaccompanied refugee minor resettlement programs in Europe is essentially the same as that of Canada. Intense humanitarian concern was provoked in the Western world by extensive press coverage of the plight of Southeast Asian refugee children who were apparently parentless. Thousands of European families contacted the authorities, expressing a desire to adopt a young refugee child, preferably up to 6 years of age.

It soon became clear that these children were mainly 14 to 16 years old, and that most of them had close family members

-
- (1) Reports from the USA and Australia are not yet available.
(2) Information for this section comes from: Helga Jackenhovel-Schiecke, "Placement and Integration -- Short-Term Decisions, Long-Term Perspectives", preliminary report read at the Seminar on Unaccompanied Minor Refugees in European Resettlement Countries in Frankfurt, Germany: 13-16 March 1984. Quotations from this source are followed by the abbreviation "PI".

either in their country of origin or in other countries. There was thus a discrepancy between requirements of the refugee minors who needed to be taken care without abandoning their family ties, and the expectations of good many of the foster care applicants, who wished to care for an orphan who they can integrate completely into their lives (PI, p.5).

The European countries had no extensive experience with reception and placement of children of such a completely different cultural origin as Southeast Asia, and practically no research had been carried out on resettlement of minor refugees. Thus, objectives and procedures for refugee minor programs had to be worked out quickly in response to the emergency situation, without the benefit of past experience.

1.4.3 Programs and Placement Objectives

In all European countries, the UM are placed in a reception centre upon arrival for 2 weeks to 12 months, to ascertain the child's immediate needs and to work out long-term placement needs. Although the decision on placement is made "in the best interests of the child", there are various interpretations of this. The criteria that seem to be considered in most countries are: keeping the minor in his own ethnic group; the age of the minor; and the minor's preference.

Three types of placement are used in European countries:
(a) Placement with relatives already resettled in

reception country, or with relatives with whom the minor arrived

Placement with peer groups of countrymen (when no relatives are in resettlement country)

Placement with foster families from resettlement country

With respect to the first type of placement, it should be noted that, in Canada, minors arriving with relatives or joining relatives already in Canada were not classified as unaccompanied minors and are, therefore, not included in the statistics on numbers of unaccompanied minors received. There are no statistics available on the number of minors accompanied by or joining relatives in Canada. If they had been, presumably the Canadian figure on the number of unaccompanied minors would be much higher

Placement of UM with relatives was strongly emphasized in France, and children are selected in the refugee camps following family reunion criteria. In the Netherlands, restrictive government policy hinders family reunion, but family ties are emphasized insofar as groups arriving together stay together if possible.

(b) The second type of placement with peer groups of countrymen is most strongly emphasized in the UK, the Federal Republic of Germany (75-80%), the Netherlands (27%), Denmark and Sweden. The following arguments were put forward in favour of

group placements:

- (i) enables the minors to act as a mutual support group
- (ii) allows them to communicate, retain cultural and ethnic links, deal with traumatic experiences collectively over a period of time
- (iii) ethnic and cultural differences are the core of the children's identity and must be preserved in their terms and not in those of the resettlement country
- (iv) permits gradual adjustment to new culture, new demands
- (v) facilitates preservation of culture and language, which in turn facilitates reintegration in case of family reunion
- (vi) no loyalty conflicts between natural family and foster family
- (vii) no pressure to integrate too fast
- (viii) most UM wished to live together in groups, especially if they had experienced escape together.

In Germany, more than a thousand UM were placed in group living situations for these reasons.

In Denmark, 153 Montagnard children received in 1975 were kept together in the (mistaken) expectation that their stay would be of short duration and that their former way of life should be preserved. Although the process of integration took longer than was anticipated, it was felt that the arrangement gave members of the group a confidence and strength which reduced adjustment difficulties in the long run. The present policy in favour of group accommodation is based on the experience with that group.

Group homes are also favoured in Sweden, where special emphasis is placed on the child's right to be reunited with its

family in Sweden. It is hoped that placement of children in group homes in towns where a relatively large ethnic group by Swedish standards (the Swedes settled a total of 3,000 Indochinese refugees compared to 80,000 in Canada in approximately the same period of time) of the same country of origin already lives will preserve the child's identity and culture pending family reunion.

(c) All UM received in Belgium and Italy were placed in foster families. "In both countries, it seems that public opinion and, particularly, that of families wanting to foster and possibly adopt these children put a certain pressure on the authorities concerned" (PI, p.12).

In the Federal Republic of Germany, 20-25% of the refugee children were placed in foster families. Age is the criterion for foster placement. It is argued that children up to age 10 or 12 years are better off in foster families than in group homes for the following reasons:

- (i) they learn German more thoroughly and quickly, cultural integration is faster
- (ii) foster families can provide greater emotional support
- (iii) family environment is a better precondition for possible reintegration of children into their own families
- (iv) foster placement is considerably less expensive.

Despite followup counselling efforts, one-third of the foster placements were discontinued. This was attributed to: lack of emotional feedback hoped for by foster parents; the age of the

children: most were already juveniles (over age 12) at time of placement; the minors' worries about family members and uncertainty about the future; and cultural differences.

To conclude this section on placement, it seems that the majority of the UM resettled in Europe were placed in group homes. The preliminary report notes that this approach "runs contrary to contemporary child welfare practices in most European countries, where foster families are favoured for placement." (PI, p. 15)

1.4.4 Results

Although in the preliminary report no definition of "success" is given, it is suggested throughout that the goals of most European UM programs were to facilitate integration of the UM into the societies of the resettlement countries while at the same time, and equally importantly, preserving the UM's ethnic and cultural identity. The former aim is implemented through schooling, language training and vocational training, while the latter aim is implemented by placement of the children either with relatives or in peer groups of countrymen.

Since most of the young refugees are still minors, they are still attending school and vocational training, "and are thus still going through a very important phase of the integration process" (PI, p. 15). They are considered to be motivated and hardworking in school, although in some countries extreme differences in pronunciation between the Southeast Asian

languages and the European languages cause considerable difficulties of articulation.

There is as yet no information on the extent to which the UM's cultural and ethnic identities have been preserved.

In terms of future perspectives, it is felt that "the present economic situation and the unemployment in Europe, with its accompanying reserved or even hostile attitude towards foreigners, does not allow an optimistic prognosis for the future perspectives of the young refugees in European resettlement countries" (PI, p. 16).

TABLE 1: APPROXIMATE FACTS AND FIGURES ABOUT INDIVIDUALS WHO ACCOMPANIED INITIAL RESOURCES

Resettled in Canada and Europe (modified PI, p. 2)

Country	Approximate Total of UM From S.E.A.	Age upon Arrival	# Refugees from S.E.A. in Resettlement Country	Initial Placement		
				Joined Family Members in Resettlement Country	Settled with Peer Groups (Group Care)	Foster Family Placement
CANADA	500	11 - 17	80,000		5%	95%
FRANCE	6,500 (3,588 between '79-83)	15 - 18	approx. 100,000/ 6.5% UM	55% (3,575)		10% (650)
GERMANY (Fed.Rep.of)	approx. 1,482 1,350 Vietnamese 132 Cambodians	12 - 16	25,000/6% UM		75 - 80%	20-25%
DENMARK	153 Montagnard 141 Vietnamese — (approx.) 294	6 - 22 10 - 18				a few younger children
NETHERLANDS	870 Vietnamese	14 - 18	15% of S.E.A. refugee population	52% (502)	27% (235)	6% Dutch 2% Viet families
SWEDEN	150 S.E.A. approximately	14 - 18				
UNITED KINGDOM	222 S.E.A.	3 - 17	17,000/ 1.3% UM			
BELGIUM	154 S.E.A.		3,250/ 5% UM			100%
ITALY	12 Cambodians	10 - 16				100%
SWITZERLAND		13 - 17				

* NOTE: Figures do not include minors arriving with relatives or joining relatives.

PART TWO: PROGRAMS AND POLICIES

How did the Unaccompanied Refugee Minors Programs develop in Canada, and more particularly in Ontario and Quebec? What were the central issues? After first describing the background of the programs, this chapter will go into greater detail in the analysis of the Ontario and Quebec programs, and finally, describe problems encountered by overseas officers.

2.1.1 Initiatives

The initiative for the UM programs in Canada was taken by voluntary organizations. In response to a request for assistance by the Friends of Children of Vietnam (an American organization), in 1977, Terre des Hommes (TdH) proposed to identify sponsoring (not adoptive) Ontario families for 16-18 year old Laotian refugees, and to identify suitable UM for inclusion in the program (CEIC #1).(1) Thus, this voluntary organization did not simply wish to act as a catalyst to galvanize government into action. It proposed to direct the program, select the UM and sponsoring families, and match UM to families.

(1) Note: Abbreviations will be used in the text to denote information gathered from and references to documents indexed in Appendix H:

- (a) CEIC and CICP = Canada Employment and Immigration Commission -- National Headquarters
- (b) CICO = Canada Employment and Immigration, Ontario Region
- (c) SOC = Ontario Ministry of Community and Social Services (policy files).

With regard to Quebec, a letter dated 9 November 1979 from Gilles Lacroix, president of l'Association des Centres des Services Sociaux de Quebec (ACSSQ) to the (then) Minister of Social Affairs, Denis Lazure stated the following:

The inception and organization of intake of young Cambodian refugees to Quebec has occurred through the initiative of voluntary organizations. The direction of this project has been recognized as theirs by formal agreements. Assuming responsibility for such an undertaking by the community through its own structures has appeared to us a sign of social health and we are gratified that the project is so organized.

In the case of unaccompanied minor refugees, response to the emergency situation is taken up by the United Nations High Commissioner for Refugees (UNHCR), and brought to the attention of government authorities, at the same time as media publicity stirs the public and instigates private organizational initiatives. However, the private sector role develops along very different lines in Ontario compared to Quebec. How did NGO's end up with very different roles?

2.1.2 Implementation

By July 1978, TdH had identified seven young refugees and seven sponsoring families. Representations to the CEIC Minister, the Prime Minister and the UNHCR representative in Bangkok resulted in CEIC approval of the project for a maximum of 20 young refugees (CEIC#2,3).

2.1.3 Problems

There were complications that arose in the implementation of the TDH project: locating and identifying legitimate UM,

...we have heard direct allegations of motives involving...'moral turpitude', in a word the direct exploitation of the prospective adoptee. (CEIC#11)

...some well meaning private individuals in an effort to assist in a perceived humanitarian need, or perhaps to suit their own ends, play on human emotion and misrepresent the truth which confuses and delays our processing, and raises false hopes among the refugees and prospective adopting parents. (CEIC#6)

In October 1978, the Thai government had drawn up a list of 300 refugee "orphans" whom it was willing to release for adoption in other countries (CEIC#11), but the CIC Bangkok post reported in February, 1979 that any Thai list of orphans was unreliable regarding orphan status or "unaccompanied" (by other adult family members) status, as the list was compiled of people responding to loudspeaker announcements. The post also reported that although there were no adoptable orphans, the UNHCR was compiling a list of UM, mostly age 14 and up, who might be "suitable for Terre Des Hommes type care" (CEIC#12).

Thus, private organizations involved in matters of international adoption were the first ones to respond to the crisis, since an unaccompanied minor guardianship program was but a step removed from adoption. But the very orientation to adoption itself proved, in some cases, to be a handicap in dealing with an issue that was quite different. In sum, the motives as well as the logistical problems in locating and identifying legitimate UM raised questions about the private sector's role in the identification and selection of UM.

It must be remembered that the provinces, not Ottawa, have prime responsibility in the area of child welfare. authorities recognized that the cooperation of the provinces to be obtained. However, several UM arrived in Canada before formal negotiations with the provinces began.

October 1978 witnessed the arrival of the first UM in Quebec. The number amounted to 44 by the end of the year; 32 of whom were placed under guardianship of CSS (Centre des Services Sociaux) while an Ottawa religious community, the Order of Jeanne D'Arc, assumed responsibility for some 12 adolescent girls. Under the federal Joint Assistance Program, CEIC provided \$,200.00 per child for the 12 girls. The Order, which already operated a number of centres for young people in both Ottawa and Hull, rented a house in Hull, and undertook to set it up with the necessary staff and facilities to care for the girls until they became self-sufficient (CICO #10). There were problems with language and expensive dental care, and there were tensions caused by the fact that the girls came from different ethnic groups (Vietnamese and Cantonese); one ethnic Chinese girl in particular was not well accepted in the group. Aside from these factors, the project worked smoothly and was considered successful by CEIC staff (CICO file #8700-5-1).

By May 1, 1979, ten refugees had already been visaed to Ontario under the TdH project. In a letter to J.L. Manion (CEIC Deputy Minister) J.C. Best (Executive Director, Immigration and

Demographic Policy) wrote what he thought at the time, that "the basic concept involved in this project worked satisfactorily and all ten are going well although the organization had some difficulty finding as many families as anticipated" (CEIC#17).

He continued:

The events of the last few months have greatly increased public awareness of the...special difficulties being experienced by the adolescent refugees. We have therefore been considering how to enable groups to help young people within the present framework of our program while also ensuring that the concerns are met of the provinces with respect to legal guardianship. In addition, we need to be assured that guarantees are available with respect to the good reputation of the sponsoring group and the particular family involved and that the group may need to be capable and willing to undertake a longer period of support than that of the one year period normally involved. (CEIC #17)

[It should be noted here, however, that difficulties with the TdH project later emerged. In one case where the sponsor and minor were experiencing adjustment problems, the sponsor indicated to CEIC that she was receiving no assistance from TdH, and that other families were encountering the same lack of support (CICO file #8703-7, May 6, 1980).]

Thus the settlement of UM was initially carried out by the private sector in cooperation with CEIC. However, it was recognized that a formal UM program would require agreement with the provinces, given their responsibility for the child's health, education and welfare which are all affected by the legal status of the minor, the qualifications of the sponsor, and long-term financial commitments.

2.1.6 Relationship of Sponsor to UM

In regard to the legal status of the relationship, there was initially some disagreement between CEIC authorities about the necessity of sponsors assuming legal guardianship for minors. J. Cross (Settlement Branch believed it was necessary to "eliminate problems in Canada should the minor require hospital or medical treatment or other such services requiring legal consent" while W.K. Bell (Recruitment and Selection) felt that because the minors covered by the TdH program were almost 18 years old, the point was academic but that the CIC's should outline the benefits of legal guardianship to the families and let the families decide (CEIC#9,10).

In the legal chapter of this study it will become clear that the legal issues were far more complicated. They involved moral debates on the legal responsibility of the "guardian versus the authority over the "child" the tension between the minor's obligations to foster parents versus obligations to relatives in camps or in Vietnam, fraud over deceit about age, rights to family reunification, obligations of municipalities to provide education, obligations to ensure cultural identity, mental and physical health issues including the needed authority to sign medical consent forms and the need to provide dental care (which sometimes was very costly), the obligations to repay the airfare to Canada, the possibility of the legal obligation to pay for the child's support even in cases of breakdown, etc.

Most of these were not discussed nor resolved. Instead, the legal contractual form was adopted, evidently not so much to put in place an enforceable contract (though that is how it is analyzed in the legal chapter), but to enable the sponsor to authorize medical treatment for the minor and to demonstrate a commitment to the minor.

In the letter to J.L. Manion noted above, J.C. Best proposed that legal guardianship arrangements would be necessary so families could give medical consent and sign contracts on behalf of the minors, and would "demonstrate in a concrete way their long term commitment to provide guidance for the minor in determining his educational and social needs" (CEIC #17). This intention of the contract did not, of course, correspond to its form and it is easy to see why. If sponsorship forms of any kind were seen as enforceable contracts which would in fact be enforced, private sponsorship and the partnership of the public and private sector would quickly wither away. What we have are, in fact, moral obligations which assume a legal form, although it is also clear that many regarded these contracts as legal and enforceable.

To ensure that commitments were genuine, Best also proposed that sponsorship should be restricted to church congregations with a national agreement with CEIC, or to local groups of five families which had the endorsement of a major organization with a long history of involvement in child welfare activities. In both cases the TdH model of requiring from the sponsors a plan of

support for the adolescent's future would be used.

2.1.7 The Federal, Provincial, Private Sponsor Triangle

On May 31, 1979, a detailed proposal was circulated for comments to all provincial Immigration Directors, outlining suggested program guidelines and procedures for the sponsorship of unaccompanied minors, and taking up the issues of legal responsibility, qualifications of sponsoring families, and the longer term financial commitments (See Appendix C). The proposal was presented by provincial Immigration Directors to the provincial ministries responsible for child welfare.

What follows is a description and analysis of the development and implementation of the programs in Ontario and Quebec.

ONTARIO

2.2.1 The Commitment

By the time representatives from Ontario's Ministry of Community and Social Services (COMSOC) first met with CEIC officials in late July, 1979, there was already considerable public pressure arising from the International Year of the Child (CICP #47), and media criticism, suggesting that the Ministry was the obstacle to the desire of groups in Ontario to sponsor refugee children (CICP #46,49).

Although COMSOC told CEIC at that first meeting that "it would probably be around the third week of August before [they] would be able to indicate whether Ontario would be willing to participate" in the proposed program (CICP #47), events were accelerated. A possible catalyst was a public demonstration at Queen's Park. The Ontario Cabinet agreed that Ontario accept up to 400 minors. This number, chosen arbitrarily before any consideration had been given to placement options or potential costs (CICP #49), was approved by the Cabinet prior to the second federal/provincial meeting on or about August 1, 1979 (CICP #47).

It must be made clear what the commitment entailed. At a minimum level, the province would not obstruct the efforts of the private sector to sponsor UM. More positively, the province could be involved as a facilitator to smooth the process by clarifying the legal issues and playing a role in assessing the bonafide character of the sponsors, while protecting itself from

assuming a financial responsibility that the private sector was agreeing to assume.

Given the province's involvement in the process, the question arises about the degree to which the province in fact acted as an expeditor and the degree to which provincial self protection translated into obstacles. In any case, the province never committed itself to take the responsibility for UM.

2.2.2 Concerns About the Federal Proposal

COMSOC was committed by the Cabinet to facilitating the federal program. In addition to resolving the three issues raised previously (i.e., the legal status of the UM, the assessment of the sponsors, and the enforceability of the sponsor's financial commitment lest the child become a financial responsibility of the province), COMSOC had to decide whether to adopt the federal model of placing the children in foster homes, or to develop an alternative.

Thus, COMSOC's initial reaction to the federal model encompassed several concerns:

- (a) suitability of the foster home placement model (SOC #2);
- (b) appropriateness of the legal guardianship requirement (SOC #2,6).
- (c) "entanglement in a federal matter" in undertaking sponsor assessment (SOC #2,6); and
- (d) burden on provincial resources (SOC #2,5,6).

2.2.3 Foster Care vs. Group Homes

With respect to the foster home placement model, questions were raised about whether this would meet the needs of the children (SOC #2). However, documents and memoranda do not reveal or clarify what COMSOC considered those needs to be, or even a process of determining what the special needs of the children might be. There was no consultation with NGO's, or with American experts who had experience with Indochinese UM. COMSOC did not consult other experts, including their own adoption coordinator, who had visited the refugee camps and were familiar with the problems involved in placement of older children in foster families. Since the adoption coordinator had overseen the adoption of some 55 Vietnamese orphans in 1975, presumably that experience was relevant. Since that same individual was later placed in charge of the UM program, there is prima facie evidence that that experience was considered relevant. But the decision to adopt the foster home model had been finalized by the time the individual was brought on board, even though that individual strongly opposed the use of foster homes rather than group homes for the UM.

Why was there no consultation on past experience or alternative models? Two explanations were offered in the interview process: first, consultation would have delayed the implementation of the program; second, it was questionable whether such consultation would have made any difference in the decision to adopt the foster home model.

The possibility of using group homes rather than foster homes was rejected for several reasons. First, provincial placement policy, and thus the service delivery system, is based on a family model rather than an institutional model. Second, officials claimed that the use of group homes would have undermined the humanitarian efforts of Ontario families who wanted to help the minors directly. (2) Third, it would have involved too much "red tape": municipal laws, licensing, supervision of the homes, and financing. Thus it was decided that foster homes would be used except in the case of an "educational or religious agency or organization which had demonstrable housing, staffing and financial resources, and which did not require a government level licensing or subsidy arrangement." (3)

One group home was initiated on that basis in October, 1980, by an Ottawa religious order, Les Freres des Ecoles Chretiennes, for adolescent boys. In this case, the CEIC Joint Assistance Program provided \$100.00 per month per boy. Because the Order had established strong ties with the Cambodian community in Ottawa, they requested that only Cambodian boys be accepted under the project. As a result of the UNHCR policy of encouraging Cambodian repatriation, the extreme difficulty in documentation of Cambodian minors, and the problem of finding minors who were suitable (i.e., who had not been Khmer Rouge soldiers), the first minors did not arrive until November, 1981 (CICO file #8700-5-17:

(2) Advisory Committee Meeting, March 2, 1984

(3) Pat Whiteside, "Outline", February 23, 1984

Nov.14, 1981; Jan. 7, 1981). Once the first four boys arrived, however, a CIC official reported that:

Les Freres are providing excellent accommodation and have anticipated their basic and cultural needs to a degree that would be difficult if not impossible in a private home. (CICO file #8700-5-17, Nov.14, 1981)

Altogether eight boys were accepted under this project. The provincial coordinator reported in January, 1983, that she was "tremendously impressed" with the Brothers, and with the boys' progress (CICO file #8700-5-17, Jan., 1983). And a January, 1984, CEIC monitoring report said that all the boys were doing well in school (CICO file #8700-5-17, Jan. 1984).

A temporary group placement model was considered at the federal/provincial meeting on August 8, 1979 (SOC #9). Ontario would bring the 400 minors to Canada as Crown wards, place them in a temporary group placement/reception centre, and then arrange for placement in foster homes (CICP #49). This was seen as providing maximum protection to the UM (SOC #6), but was perceived as having the disadvantage of destroying individual humanitarian efforts, with the potential of undermining the intent of government support of citizen action (SOC #6,9). Ontario felt "very strongly that voluntary community efforts are desirable and should involve minimal government interference" (CICP #49). As the authors of this report understand this, the provincial government did not want to be seen as the responsible agents of resettlement lest the private sector assume that the province had ultimate responsibility for the UM. However,

certain methods of organizing temporary group homes could entail much greater responsibility by the private sector. For example, temporary group homes could be organized by the private sector and funded under the federal Joint Assistance Program. Thus there is no necessary connection between provincial involvement and the choice of whether or not to use temporary group homes.

Furthermore, the temporary group home model certainly does not necessarily interfere with the humanitarian involvement of the private sector. In fact, in the case of the group home set up by Les Freres des Ecoles Chretiennes, the efforts of the Brothers stimulated individuals in the neighbourhood to offer assistance to the UM in the form of clothing, equipment and weekend outings (CICO #8700-5-17).

Another perceived disadvantage was the "high cost to government and taxpayers" for travel (assuming 400 children at \$375.00/child), for a reception centre (\$40.00/child/day) pending placement, and for ongoing costs if placements were unsuccessful or if no homes could be found (SOC #9). For these reasons, the crown wardship idea was dropped. (The legal issues surrounding the various placement models are discussed in detail in Part 4.)

Note that the rejection of the crown wardship/temporary placement model contradicted the advice of one voluntary organization. Families for Children (FFC), (a voluntary organization that was already involved in finding sponsors for UM

at the time of the August 8 meeting), had recommended that the children should be oriented in temporary shelters before being placed in homes (CICO #1). FFC also pointed out that the temporary shelters could be used in the event of placement disruption. Their recommendations were based on their familiarity with the American experience with the Indochinese UM (CICO #1).

The appropriateness of the foster home model as compared to the group home model was questioned by Naomi Alboim (Director of Settlement, Ontario) at a settlement conference in December 1980 (CEIC #108). Expanding on her concerns, Brian Bell (Chief of Policy, Settlement Branch, Ottawa) wrote in a letter to J.P. Zukowsky (Director, Settlement Branch, Ottawa):

While cost effectiveness may be a consideration here, the humanitarian one is perhaps even greater: in effect, is the present operation best from the point of view of the children, the families, etc...? It occurs to me as well that the very design of the present model may even mitigate against greater Provincial participation. Reticence may, for example, be related to professional child welfare concerns about the longer term feasibility of the present arrangements recognizing that the Province becomes liable for all costs -- human and fiscal -- in the event of breakdown. (CEIC #108).

By June 1981, Ottawa was recommending a "half-way house" or group home approach to all provinces, for UM over ten years old (CICO #57).

2.2.4 Legal Guardianship

COMSOC worried as well about the appropriateness of the

requirement that sponsors assume legal guardianship of the minors (SOC #6), since the law was unclear about the responsibilities of a legal guardian, and about enforceability of those responsibilities (SOC #2). It was decided, however, that sponsors would be required to assume legal guardianship of the minors. (The issues surrounding the legal guardianship requirement are fully explored in Part 4: Legal Issues.)

2.2.5 Assessment of Sponsors

CEIC requested that COMSOC conduct homestudies of prospective foster families. However, COMSOC was concerned that this would make Ontario a party to the decision to admit immigrants -- which Ontario considers to be a federal responsibility in which Ontario has traditionally refused to become involved. Although COMSOC staff suggested other mechanisms to assure the suitability of foster families [e.g., develop guidelines for CEIC to conduct homestudies (SOC #2)], COMSOC ultimately agreed to assume responsibility for overseeing the homestudies.

There was another related problem:

If a provincial home study is to an [sic] automatic guarantee for suitability and hence sponsorship, it effectively lays the decision re admission of unaccompanied minors at the province's door step without the province having any in-put into the decision as to what child will be admitted. In other words total risk for blind acceptance of an unaccompanied minor is carried by the province and the sponsors. (SOC #2)

It is worth noting here that early in the discussions with CEIC, COMSOC suggested several options to solve the "blind acceptance" problem: training Immigration officers, providing a checklist

for Immigration officers, or sending an Ontario team to assist CIC's overseas in selection and matching of UM (CICO #4). The idea of having a provincial team train Immigration officers overseas was strongly supported by CEIC (CICO #8), but was then dropped -- the Province did "not want to be actively involved in the matching process" (CICO #9, SOC #17). The province also suggested that matching be done in a Toronto staging area, but CEIC recommended against this, as central matching was considered essential to quick placement of children with whichever province had a suitable sponsor (CICP #63).

Authorities felt that the qualifications of sponsors could be assured by controlling the number of sponsors who could undertake to sponsor a UM. CEIC suggested at first that sponsoring groups would consist of five members (CICO #29). It was felt that individual families needed a supportive network for future placement problems, and that legal guardianship provided "limited recourse if family changes [its] mind" (SOC #9).

[It is also worth noting the following paragraph in a letter from J.L. Manion, Deputy Minister of Employment and Immigration, to Ron Atkey, the Minister of Employment and Immigration, in response to Atkey's concern about restrictiveness of the group of five requirement:

To allow an individual family to bring in an unrelated child for the purpose of legal guardianship, even if restricted to the refugee movement, might create pressures for the admission of other children, often siblings, particularly from underdeveloped countries. (CEIC #32).]

The Province, however, had agreed on the assumption that each of the five members would come from a separate household. A compromise was reached whereby a sponsoring group could be composed of one member from the primary family, one member from a back-up family, and three other individuals (CICO #29).

However, the "group of five" and "back-up family" requirements caused public criticism. In October 1979, Project 4000 in Ottawa complained on radio and TV that the requirements were too restrictive, too bureaucratic, and contrary to legislated regulations since more than five persons were required to be part of a group (i.e., primary and secondary families, regardless of size, could only count for two members of a group). The most common complaint was about the back-up family requirement, given that if there was a problem with a refugee child, the back-up family would probably not want to be involved (CICO #24). In notes on a meeting with Project 4000 and other prospective sponsors, an official from CIC Ottawa reported that Project 4000:

put forward disappointment and objection to restrictions of program, feels people turned off -- [I responded that] program was new, may have to be adjusted but criteria established now satisfies major participants (fed & prov) (CICO #24) [emphasis added]

Because of these representations in Ottawa, CEIC again approached the Province to suggest a different composition for the sponsoring groups (CICO #29). CEIC did not take a final position on the issue until December, 1979 (CICO #32). And in spite of the public pressure, in spite of the opinion that