

WORKING PAPERS

Access to Early Childhood Services by Precarious Status Families: Negotiating Multiple Borders in a Sanctuary City, Toronto Canada

Judith K. Bernhard, Julie E. E. Young & Luin Goldring

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Access to Early Childhood Services by Precarious Status Families: Negotiating Multiple Borders in a Sanctuary City, Toronto Canada*

Judith K. Bernhard
Toronto Metropolitan University

Julie E. E. Young
University of Lethbridge

Luin Goldring
York University

Series Editors: Anna Triandafyllidou and Usha George



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Migration & Integration

Toronto Metropolitan
Centre for Immigration
and Settlement

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Abstract

Precarious status families include at least one member, parent or child, without authorized sociolegal status. U.S. based research analyzes the *spill-over effect* of a parental undocumented status on citizen children among mixed-status families. We consider whether such a process plays out in Canada as well by reviewing Sanctuary City policies meant to mitigate status-based exclusions by promoting access without fear. We examine policies and practices in Toronto related to services that families with young children require, focusing on what is specified in policies as well as discrepancies in how policies are applied and experiences of access in the areas of childbirth, childcare, parenting programs, and schooling. The paper is based on a review of literature and government documents, and information from key informants. Consistent with others, our analysis shows that the City's access agenda is entangled with policies from other levels of government or institutions that do not follow this agenda (e.g., police and border services). Combined with inadequate information and discretionary and uneven implementation, families experience a patchwork of access in practice across the four service areas. We conclude that despite the access agenda, spill-over is structured into the Sanctuary City, although it plays out unevenly thanks to points of access. This generates the conditions for multigenerational punishment for children and parents in precarious status families, regardless of place of birth or sociolegal status. Further research can address these dynamics in other contexts. Policy recommendations include municipal advocacy for status for all, and clear and consistent messaging across institutions and levels of government.

Keywords: children/childhood, parenthood, early childhood, migration, precarious status families, mixed-status, non-status, multigenerational punishment, bordering, patchwork, Sanctuary Cities, Canada.

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Introduction

Canada is known globally as a country that welcomes migrants—over one million people immigrated to the country over the past four years, despite the COVID-19 pandemic. Canada has provided social welfare supports and benefits to help parents care for their children (e.g., childcare subsidy, child tax benefit, public health, low income supports, Well-Baby visits). Families headed by permanent residents and citizens are entitled to these supports. Many of these families are able, in varying degrees, to access these supports; some have found they can routinely count on them. Our focus in this paper is on precarious status families (PSFs), those families living in Canada with precarious legal status, because we know that *if even one* member of a family¹ does not have secure status, stable and predictable access to early childhood services becomes a challenge. We employ Goldring, Berinstein, and Bernhard's (2009) definition of precarious status as including anyone whose presence in Canada is marked by the *absence* of one or more of work authorization, the right to permanent residence, not depending on someone else for one's status (e.g., sponsor or employer), and social citizenship rights. PSF's thus include at least one member with precarious status. (For examples of ways, families in Canada can end up with precarious status see footnote²).

In many cases, all members of a family might share the same precarious form of status – for example, if they have arrived in the country and made a refugee claim, their status is uncertain while they await a determination on their application. In other cases, parents and children might hold different statuses – for example, children born in Canada would be Canadian citizens although their parents might not have access to such status. For these families, entitlements--and actual access to services—do not necessarily hold evenly across all family members. Children who may not even be migrants may be penalized for their parents' legal status. Families experiencing these kinds of situations, with non-status parents and citizen children, are what Fix and Zimmerman (2001) refer to in the US context as “mixed-status families” (see also Menjivar & Abrego, 2009). While mixed-status families might be thought of as distinct from PSFs, in fact Foster (2022) and other scholars who look at such situations find that the status of parents influences the experiences of their children even when those children hold a status that entitles them to specific rights and services. For this reason, in the present article, we treat mixed-status families as a subset of PSFs.

Enriquez (2015) has written about this *spillover effect* of a parent's status onto their children, proposing the concept of *multigenerational punishment* to capture the consequent harms to children and, by extension, the entire family. In this paper we consider whether such a process plays out in Canada as well – when children hold a different status than their parents and/or have different entitlements on the basis of their age or minor status. We review policies meant to mitigate status-based exclusions and look at the extent to which they promote access without fear. We examine how the policies, regardless of a child's status, play out on the ground.

¹ We follow the literature in speaking of nuclear families, the most common definition used in publications we have reviewed. Where transnational families are involved, we focus on the portion of the family living in Canada.

² Families with some members living with precarious status include the following: those where one or more members are international students or workers with temporary permits. Also included are those awaiting results of an application for permanent residence or the determination of a refugee claim. It also includes women who arrived through the family sponsorship stream but had to leave their sponsoring partner due to domestic violence. Further, precarious status includes visitors who have overstayed or those families whose refugee claim has been denied and are awaiting a Pre-Removal Risk Assessment, or who are applying for permanent residence on Humanitarian and Compassionate grounds, and anyone else who has been illegalized.

All children in Canada, including both migrant children and children of migrants, are protected under international instruments, most notably the UN Convention on the Rights of the Child (UNCRC, United Nations, 1989), an international treaty officially ratified by Canada in 1991, as well as UN documents on implementing children's rights in early childhood (Office of the High Commissioner for Human Rights, *General Comment No. 7*, 2005). The Convention specifically underscores the importance of childcare, with Article 18 urging states to "take all appropriate measures to ensure that children of working parents have the right to benefit from child-care services and facilities for which they are eligible." If children of migrants in Canada are lacking adequate housing, education, or access to pre- and post-natal care, this would be a violation of these universal rights. Some of these children are citizens. As noted above, research in the Canadian context has found that some citizen children are not able to access the services to which they are entitled because their parents are afraid of exposing their own legal status in attempting to secure access (Foster, 2022).

In response to advocacy and campaigning, the City of Toronto, along with some other Canadian cities, has committed to sanctuary status and related policies stating that all municipal services are to be available to migrant families, irrespective of status. The goal is to mitigate the deprivations of lack of entitlements for PSFs. Yet little is known about the experiences of children in these families and whether such policies achieve the goal of countering policies or redraw boundaries so that PSFs experience greater inclusion, especially for their children.

The tension between the universal rights attached to children and the limited, temporary, or non-existent rights of their parents (and vice versa) raises conceptual, empirical, and policy questions about how to understand the situation of PSFs in the context of liberal democratic states that affirm universal rights and have birthright citizenship. The tension, as we will show, is also found in Toronto, a Sanctuary City. The crucial and main questions addressed by this paper are: **What are the effects of this tension, how is it experienced, and how does it affect actual access, not only access on paper? We investigate how, within the Toronto Sanctuary City, various actors, institutions, and policies are implicated in expanding or limiting access to services for PSFs.**

For the purposes of providing context, we examine some of the existing literature on the legal difficulties faced by precarious status migrants in Canada and the US. Although there is substantial literature on how persons in non-status and temporary categories are produced by migration policies favouring short-term work permits, less is known about the experiences of children living in such family contexts. We find that many studies, despite examining immigration status, are relatively silent on the family as a relationship and lens for analysis within contexts of precarious status. As stated in our central questions, we want to look at the effects of the tension between stated universal and actual rights that families experience and the extent to which they are able to access services. We argue that the important gaps between what is promised in a sanctuary city and what PSFs can actually obtain perpetuate bordering practices rather than eliminating restrictions. Here we refer to the screening and decision-making processes carried out by frontline workers and city officials, including municipal police, which create *de facto* internal borders and undermine the achievement of the universal-access goals stated on paper, a deeply concerning situation that has been investigated and reported by various researchers (e.g., Atak, 2021; Hudson, 2021; Hudson, Atak, Manocchi & Hannan, 2017).

This paper reviews existing literature from the Canadian and US contexts to map out conceptual contributions, key approaches, and selected findings related to PSFs. We use this to inform a more focused review of literature on the Canadian context to identify common trends and gaps in previous research. Our review will illustrate how access to services for young children living in PSFs is uneven and partial at best. Parents are afraid to access services they are entitled to for fear of being reported to authorities. Most importantly for this paper, we argue that we are not simply seeing an individual or ad-hoc problem; rather, the spillover effect on children is systemic and generated by the policies at a range of scales, including federal temporary worker

programs, provincial eligibility requirements, and municipal practices. It is therefore possible to confirm that the multigenerational punishment proposed by Enriquez (2015) in the US, also applies in Toronto.

The paper is organized as follows. After reviewing the systemic effects of government policies that contribute to precarious status, we look briefly at previous research from Canadian and US contexts, as relevant, regarding the structured disadvantages faced by families with children as they attempt to access services. In the next section we turn to Sanctuary Cities in Canada and situate ourselves in Toronto. Through a review of four service areas, we analyze where the discrepancies lie between what the policy states and families' experiences in accessing services related to childbirth, childcare, parenting programs, and schooling for their children. In the final section we take a larger view of the findings in the four service areas. Having established that there is a tension between the presumed universality of children's rights on one hand, and the limited rights associated with boundaries established by citizenship, we argue that this gap, in turn, creates boundaries around access to most services, including those for children. The boundaries are most immediately enacted by frontline workers who are put in the position of advocates or gatekeepers. In a context of limited resources, they participate in negotiations that offer access and/or exclude people from access. The effect on the ground, for PSFs, is fear and unevenness—unpredictability of outcome— despite Toronto's declared promises as a sanctuary city.

Literature Review

This section begins with a review of research that demonstrates how precarity is produced through Canadian policy decisions, which is crucial for understanding that the hardships experienced by PSFs are systemic and anticipated rather than individual and ad-hoc, although we note that they are experienced as such by families and children. We work through the family as the unit of analysis in recognition that an entire family experiences precarity when even one member's status is insecure. We also argue, following the work of Villegas (2017), that it is crucial to look beyond families merely getting in the door to consider broader contexts and specific experiences of access, as well as the extent to which PSFs feel safe navigating the spaces and relationships with staff providing a given service – what we consider to be part of a critical access framework or lens. This approach allows us to see how the tension between universal versus limited and formal rights contributes to patchwork access (Landolt, 2022), and to negotiations in the face of conditionalities imposed by policy (Goldring & Landolt, 2013). Yet because those negotiations are dynamic and responding to the circumstances of individual families, they offer no permanent solution. Moreover, it means that “access also must be understood as an ongoing, constant negotiation” (Lewis 2022, p.24).

Sociopolitical Production of Precarious and Mixed-Status Families

There is a well-established body of research on the role of state policies in producing precarious status through the expansion of temporary migration programs and the use of citizenship and immigration policies to generate borders around access to social welfare (e.g., De Genova, 2013; Dauvergne, 2009; Dennler, 2018; Goldring, Berinstein & Bernhard, 2009; Moffette, 2021). This approach based on systemic patterns and pathways created through government policies and official institutional practices contrasts with an understanding that would view precariousness as the result of individual or family level decisions alone. One might ask if the situation is generated through oversight or bureaucratic inertia, but several researchers have suggested that some outcomes are built into the economic system and immigration policy as an implicit objective

(Portes, 1978; Rhus & Anderson, 2007). Bauder (2013, p.4) suggests the term “illegalized migrant” to capture the active role of the state in constituting a vulnerable labour force “beyond the protection of the law, to which labour standards, minimum wage legislation, and many other social and economic rights and protections do not apply.” For example, temporary migration programs introduced in Canada in the late 1960s were built around family separation and conditionality.

This can be seen quite clearly in the juxtaposition of several late-1960s policy moves. Sharma (2001) draws our attention to the historical fact that even as the Canadian government was removing explicitly racist immigration restrictions in its 1967 *Immigration Act*, which introduced the Points System for the evaluation of potential permanent migrants, it simultaneously introduced ways to deny some people access to Canadian entitlements by establishing a temporary migration program with the Jamaican government. Crawford (2003) discussed the effects of these policies on children. The Canadian government’s “importation” of Caribbean caregivers via this new domestic worker program required them to be single and without dependents in order to qualify to work in Canada. Many people who entered Canada through this program had to conceal their motherhood, even as their work entailed raising other people’s children. Tungohan (2018) argues the contemporary version of the temporary foreign worker program continues to produce “compromised status.” In contrast, the Seasonal Agricultural Workers Program (SAWP) implemented in 1966 required workers coming to Canada on a temporary basis to have family members at home, which was seen as a built-in incentive to return home at the end of the season. Yet in both cases racialized people who come to Canada via the SAWP often spend the majority of the year separated from their families, without the ability to ever settle in Canada permanently.

The impacts of these programs lead to situations of “permanent temporariness” (Bailey et al., 2002; Hennebry, 2012), where policies restrict rights and entitlements for temporary workers even as they build ties to Canada and attempt to find ways to reunite their families and be able to stay permanently. Goldring and Landolt (2013) have proposed the concept of *conditionalities* to show the many aspects that must be attended to in order to stay in Canada and argue that “multi-actor negotiations” are required to secure resources and benefits. The process of gaining permanent status is usually “non-linear, often lengthy, and can involve moments of irregularization, regularization, and illegalization” (p.3) as people interact with policies and institutions.

Crucially for our work, there has been a long-standing willful ignorance based on racist ideals of access to national membership in Canadian policies to the fact that people live in families and will use various strategies to deal with the obstacles put in their path by various authorities as they attempt to support and reunite with them (Bernhard, Landolt & Goldring, 2009). After a brief look at literature on the documented hardships experienced by PSFs, we review literature on challenges in accessing services with a particular focus on the four areas of birth, childcare, parenting support, and schooling that are the focus of our study. A limitation should be mentioned here: there are difficulties in drawing conclusions from studies where the children and families are self-selected since it is likely that many declined to participate out of fear. Nonetheless, the experiences are important to engage with and similar ones are reported by families in studies from both Canada and the US.

Structured Disadvantages Faced by Precarious Status Families

Pressures faced by PSFs affect intra-familial relations and parenting. These pressures relate to uncertainty over status, access, and ability to remain or keep the family together that can affect mental health and impact family dynamics. The threat of deportation may apply to one or both parents and often parents can choose to have their children with them in detention or to be cared

for by a relative. Children left behind as parents work to be able to reunite the family experience resentment (for the US see Abrego, 2016; Cardoso et al., 2018). The consequences for the entire family and children's mental health have been laid out in detail for the US (by Abrego 2016; Allen, Cisneros & Tellez, 2015; Cardoso et al., 2018; Kronic et al, 2015; Lopez, Horner, Doering-White, Delva, Sanders & Martinez, 2018; Rubio-Hernandez & Ayón, 2016) and Canada (Bernhard et al., 2007; Saad, 2013). In sum, parenting for those with precarious status means living with the constant dread and worry of loss of the children in various eventualities, while children experience anxiety and fear of being separated from their families. It is important to better understand the extent and range of these issues, as they will likely have lifetime impacts at individual, familial, and societal levels.

We now turn to the experience of PSFs in negotiating access to parenting services and supports. In the Canadian context, there have been some excellent published studies on the experiences of accessing services with precarious status. Among the few researchers in the field to focus on PSFs in Canada, the work of Foster (2022) is important. In a study in Alberta, he compared access to services among those with Canadian born children with others who either had no children or had children here that were born outside the country. Foster showed that, paradoxically, those with Canadian born children were worse off than the others. The parents wanted to avoid the risks of increased contacts with authorities and chose not to access services to which their children were entitled. Thus, the children were denied the benefits of citizenship in spite of entitlements and *legitimate expectations* (Foster, 2022). Here, we offer a brief glimpse of existing research in the four service areas we will examine in greater depth for the specific context of Toronto in Section III.

Childbirth

Much of the scholarship that exists has been around health during birthing and being unable to access pre-and post-natal care (Magalhaes, Carrasco & Gastaldo 2010; Merry, Gagnon, Kalim & Bouris, 2011). Hanley, Larios, Ricard-Guay, Meloni, and Rousseau (2020) have explored the challenging working conditions of pregnant women in Montreal, finding that the physical difficulty of what they were asked to do took a toll on the women and the instability of their employment created complications during pregnancy. During the post-birth period, many women reported food insecurity and having to return to work between two weeks and two months after giving birth. Others found that their employers had replaced them without notice.

Similarly, Foster (2022) reported one of his temporary worker participants in Edmonton that had just given birth chose not to access prenatal care. Since this mother had "documented" precarious status, her concerns were about the negotiations that were required to settle their hospital bills: "The hospital charged me more than \$5,000 plus I paid \$1,000 cash for the doctor. My child also got billed, but when [he] got his health card they were able to remove the bill for my child" (p.97). Foster reports that despite the confusion of hospital staff there was a settlement to \$150 a month.

Childcare

Although there has been a great deal of publicity around a national childcare system that would be accessible to all (MacDonald & Friendly 2022), it is clear this would not apply to many PSFs. Many provinces continue to rely on the low-income subsidy system which requires families to navigate a labyrinth of provincial and federal requirements. In their investigation of childcare subsidy eligibility for refugee claimants, Morantz et al. (2013) reported that in many provinces the

information was not available online and it was not possible to confirm eligibility even via telephone calls made to government officials.

Parenting Programs

Many precarious status parents benefit from meeting other PSFs and participating in programs where children can safely have friendships with children in similar situations. Aubé, Pisanu, and Merry (2019) described the approach used in a Montreal health and community centre called *La Maison Bleue*. The staff of interdisciplinary professionals were able to build on mothers' protective factors (e.g., faith and cultural traditions, maintaining the home language with their children), while also encouraging local and transnational exchanges. Although the workers went to great lengths to remove access barriers and connect the mothers to community organizations, individual case-by-case efforts cannot solve what are larger systemic issues. The pattern in these data is consistent with Landolt's (2022, p.82) concept of patchworks of access in that the workers' personal contacts were used to "diversify and extend the entitlements of precarious noncitizen health seekers."

Schooling

There have been a number of studies on the way PSFs experience barriers when attempting to access public schooling both at the primary and secondary levels. Although in Ontario the *Education Act* specifies that students cannot be denied school registration because of their immigration status, there continue to be numerous reports of attempts to exclude these children from school attendance (see Bejan and Sidhu, 2010; Villegas, 2018). Other studies have found that even if students successfully register in the public school system, they continue to face issues after enrolment. For example, Landolt and Goldring (2019) interviewed administrators of Toronto public schools and documented that administrators did not hesitate to use the established protocols of contacting Children's Services or the Police. For example:

Evaluations of truancy thus revealed a similar lack of awareness regarding legal status as a site of vulnerability. Administrators did not recognize potential connections between the immigration system and child welfare services that might exacerbate vulnerability of students or parents with precarious legal status (p.229).

The exclusion experienced by children in all these cases has taken place in the face of internationally and nationally recognized rights irrespective of parental status.

Toronto Sanctuary City Case Study

The aim of declaring a sanctuary city is to confer some benefits to people with precarious legal status, including those with children, and in theory, not to put them at risk of being reported or deported. To assess the extent to which these promises in policy turn out to be true for those with young children, we turn to the specific example of the City of Toronto, one of the few municipalities in Canada with a formal policy addressing access to services for its precarious status residents. After a brief review of some of the known complications of Toronto's *AccessTO* policy, we examine the promises and practices in four service areas that affect families with young children. We analyze the discrepancies between what the policy states and families' experiences in accessing services related to childbirth, childcare, parenting programs, and schooling. In this

sense, we look at how families encounter and navigate multiple internal borders as they attempt to access services for their children.

Jurisdictional and Other Barriers to Implementing Sanctuary City Policies

Services offered at the municipal level are funded at three different levels in Canada: federal, provincial, and municipal. Consequently, jurisdictional questions intersect with and influence how Sanctuary City declarations play out. Some providers may have their hands tied by provincial and federal rules about how funds can be used and who can be supported. In some instances, they deny access based on a perception that parents and children with precarious legal status have ‘jumped the immigration queue’ and are not ‘deserving’ of admission to a program or service (Chauvin & Garcés-Mascreñas, 2014; Dennler, 2020). Since its inception, there have been reports of barriers in the implementation of *AccessTO*. Crucially, although municipal police forces are not responsible for the enforcement of immigration law, they have been found to consistently act in cooperation with provincial and federal law enforcement authorities (Hershkowitz, Hudson & Bauder, 2020; Moffette, 2021). The practice of information sharing amongst law enforcement agencies means that any encounter with local police puts families with precarious status at risk of being apprehended or reported to immigration authorities (Hershkowitz, Hudson & Bauder, 2020; Moffette, 2021). Deportability remains an issue that generates fear for precarious status residents of Toronto.

In addition to ongoing collaboration with police and immigration enforcement as well as the discretionary power wielded by frontline bureaucrats, misinformation and stigma remain important elements that define the parameters of access. The City of Toronto (2021a) itself acknowledged that precarious status residents are “often discriminated against because of harmful misinformation and stereotypes” in a news release celebrating a new phase of the City’s ‘Toronto For All’ campaign. A factor that impedes culture change across the municipal public service is the size of the City of Toronto’s bureaucracy. As Hudson et al. (2017, p.18) noted, its “sheer scale” is an impediment to “the flow of information between a) the city and local communities, b) from front-line staff up to managers and directors within particular service areas, and c) across service areas.” In this sense, lack of information and/or misinformation among frontline bureaucrats is difficult to address even as it remains critical to the success of Toronto’s *AccessTO* policy.

To ascertain the ways in which gatekeeping and border-making may operate in the Toronto Sanctuary City, it is important to review policies and practices in specific service areas that are essential to families and children.

Childbirth

Along with access to support during the process of birth, access to pre- and post-natal care is essential to ensuring the health and well-being of children and parents. Although publicly funded healthcare is a cornerstone of Canada’s national identity, it is funded, regulated, and managed by all levels of government (Landolt, 2022). The Association of Municipalities of Ontario (2022) argues that municipal governments play crucial roles in supporting public and community health and ought to be more directly engaged in broader healthcare planning and discussions. In a review of municipal Financial Information returns from 2018, they found that “80% of municipal operating expenditures contribute in some way to the social determinants of health.” *AccessTO* could contribute to reframing how the municipal level of government is viewed in relation to healthcare funding and decision-making. There is likely also a role to be played by Toronto Public Health in supporting PSFs through the pre- and post-natal periods.

At this point, in most cases it is the province that determines eligibility for health services, which impacts access to healthcare. In Toronto, the *Ontario Health Insurance Plan* (OHIP) covers eligible provincial residents, allowing them to visit hospitals and doctors' offices without paying a user fee. To receive an OHIP card, applicants must be a Canadian citizen, a permanent resident, a recognized Convention refugee, on a valid work permit, or have a temporary resident permit (Government of Ontario, 2022). Normally there is a compulsory three-month wait period to activate OHIP from the time of arrival in the province; during this time, migrants have no coverage unless they pay for private insurance.³

Refugee claimants are eligible under the *Interim Federal Health Program* (IFHP), which covers access to doctor and hospital visits, pre-natal and post-natal care, and diagnostic and ambulatory services (Government of Canada, 2021). From 2012-2016, there were significant changes to the IFHP that contributed to confusion among service providers and families with precarious status (see Rink et al. 2017 for data gathered in Montreal). Most families with precarious status are ineligible for OHIP or IFHP coverage and are billed for any treatment obtained through the public healthcare system. Importantly, the province made healthcare available regardless of status during the COVID-19 emergency period, suspending billing.

Families with precarious status can access healthcare through a network of community health clinics, which are funded by the provincial government. In Toronto, this includes the *Non-Insured Walk-In Clinic* (NIWIC) operated by *Access Alliance Multicultural Community Health Centre* and clinics operated by *Unison Health and Community Services*. Midwife collectives such as *Kensington Midwives* and *Seventh Generation Midwives* work with precarious status families in Toronto. Each midwifery agency is connected to a hospital and makes a financial birthing agreement with that institution for their precarious status clients. What began as ad-hoc arrangements have evolved into formal partnerships. As Landolt's (2022) study found, workers at one CHC reached out to a hospital with which they had an existing relationship and were able to negotiate a program that provides support to 25 pregnancies at no charge each year based on need rather than relying on notions of 'deservingness' related to status. In future research, it would be important to investigate what these agreements between clinics and hospitals cover, what data is collected and/or stored, and what fees are charged.

Despite the important roles played by CHCs in supporting healthcare needs of PSFs, we know that in practice the experience of accessing pre-natal, birth, and post-natal care presents barriers. For example, studies have found that women who had just given birth were denied or chose not to receive post-natal care, a service for which they qualified, due to fear of exposing their legal status (Merry et al., 2011; Wilson-Mitchell & Rummens, 2011). Merry et al. (2011) found that half of the participants were suffering from post-partum depression⁴, which can have long-term consequences for children, and might have been ameliorated by timely treatment. Merry et al (2011) also reported that some of the women spoke of paediatricians who were unwilling to accept IFHP insurance for appointments for their infants.

Jurisdictional limitations on healthcare entitlements combine with ongoing barriers to access, meaning that in many cases, despite the existence of CHCs and community-based programs that support PSFs, young children with precarious status or in mixed-status families remain dependent on the persistence and effort of their parents and frontline social service

³ In March of 2020, the Ontario provincial government instituted temporary health measures to address the COVID-19 pandemic. These included removing the three-month OHIP wait period and expanding access to COVID-19 measures and medically necessary healthcare for medically uninsured residents, including precarious status migrants. As of December 2022, these temporary measures remained in place. <https://news.ontario.ca/en/release/56401/ontario-expands-coverage-for-care>

⁴ On post-partum depression among refugee claimants in Montreal, see Brown-Bowers, McShane, Wilson-Mitchell, and Gurevich (2015).

professionals to negotiate with hospitals, even as these same individuals exercise discretion over which categories of precarious status are considered ‘deserving of’ access (Landolt, 2022).

Childcare

For a parent living with precarious legal status, childcare that is safe and trustworthy is an essential service. For some time now, countries worldwide have recognized that childcare is not only an investment in children’s development, but also an economic support for families as it enables parents to work (Polyzoi et al. 2020). The services available as part of *Access TO* and shows that access to the 43 city-run childcare centres in Toronto require an identification card, but not income or immigration information (City of Toronto, 2021b). It therefore seems to indicate that this service could be accessed by PSFs. Lewis (2022) has pointed to a series of what she terms “bordering points” within Toronto’s childcare sector, where parents and children face outright exclusion or barriers that might deter them from accessing services to which their children are entitled. Her work identified bordering points in both the subsidy application and program registration processes, as well as challenges related to the close connections of the childcare sector to various regulatory bodies and the role of lack of awareness and stigma among frontline workers. In this sense, even where families may be entitled to access licensed childcare services, they may be fearful of revealing their status, feel particularly subject to surveillance, or reluctant to access supports.

We obtained registration forms from three licensed childcare centres in Toronto to examine the potential challenges faced by PSFs trying to access these centres. None of these centres required proof of income, Social Insurance Number (SIN), or immigration status for registration; however, cost remained an important issue. Childcare fees in Toronto are among the highest in the country where the fee for one infant is almost CAD\$2,000 per month (MacDonald & Friendly, 2020, 2022).

The City of Toronto offers fee subsidies that can be used at any childcare centre that has a purchase-of-service agreement with the city. To qualify for a fee subsidy, families should not be required to reveal their immigration status but must provide a Notice of Assessment⁵ and be able to demonstrate that they meet “activity” requirements – i.e., they must have proof that they are either employed or a full-time student. This means that families where members are refugee claimants are eligible to apply for subsidy, as well as some PSFs with a parent who files an annual tax return. Nevertheless, Morantz et al. (2013) have documented problems among refugee claimants who have qualified for the subsidy, most importantly the abrupt withdrawal of subsidy⁶. Moreover, they argue that bureaucrats at the subsidy office are working with outdated information about requirements which further complicates access even for those precarious status families who should qualify.

It is clear that most PSFs would *not* be able to access licensed childcare due to both documentation requirements and affordability issues. Foster (2022) refers to this as “confirmation of multigenerational punishment,” in the sense that lack of childcare access has intrafamilial implications. In future research, it would be important to examine the childcare arrangements and experiences of PSFs in greater depth.

⁵ A Notice of Assessment is confirmation from the Canada Revenue Agency that an individual has filed income taxes in a given year.

⁶ See Stewart, Dennis, Kariwo, Kushner, Letourneau, Makumbe, Makwarimba, and Shizha (2015) for interviews with 72 refugee parents about the challenges they encountered as new parents in Canada.

Parenting and Community Programs

Since so much needs to be negotiated and navigated in order to access key services to support children, parents greatly benefit from a place to talk to other parents, participate in groups to learn about and support their children's wellbeing, and get connected to other service providers including legal aid. Of particular promise is the network of EarlyON Child and Family Centres that offer a range of supports and services for parents and children ages 0-6 years old. These include parenting programs offered by registered early childhood educators trained in early childhood development, and important opportunities to develop connections with other families and additional services. The EarlyONs also have a drop-in component which provides safe spaces for children to engage in early learning and care. These centres are found in communities across Ontario, often operating out of libraries, schools, and community centres.

There are no immigration, income, or identification requirements to access these centres (Government of Ontario, 2022). The City of Toronto fee subsidy office promotes the EarlyON centres for families who do not qualify for childcare subsidies.

As in the *Maison Bleue* example discussed earlier (Aubé, Pisanu, & Merry, 2019), many of the EarlyONs are attached to a health centre whose mandate includes serving uninsured people (covering people who are homeless and/or those without ID). As a result, many precarious status mothers present themselves for medical services and are invited into other programs offered at the community centre. In this way, health clinics act as a crucial link to services for precarious status families. The staff have a chance to use knowledge of provincial regulations to extend services and help parents to make vital connections. Although there is no documentation on the experiences of PSFs at EarlyONs, they seem promising as a place where families can safely go to meet others, reduce stress, and participate in parenting programs. This would be an important area for research into innovative community-based approaches to support all families, regardless of immigration status.

Note that while the *Maison Bleue* example cited earlier shows how staff acted like family and activated their networks to refer the parents and extend their entitlements, this does not address the systemic issue of access for the many precarious status families living in the city. Although commendable, it exemplifies Landolt's (2022) "patchwork" of access. Moreover, another factor that gives us pause is the results of the survey conducted by Sidhu (2013, p.4), which found that at the time a range of community service organizations were requiring various forms of documentation to access their services, and that: "Thirty percent of respondents stated they would share a service user's immigration status information with the police or Citizenship and Immigration Canada, depending on the circumstance." Given this landscape, we wonder whether families might be fearful of trying to access even services where ID is not required. Sidhu's (2013) study is exemplary in that he was able to reach a large number of organizations and their frontline personnel. Their comments are a rich source of data about the concerns and practices of a range of Toronto-based agencies at the time. An updated survey would be a useful opportunity to assess the extent to which *AccessTO* has led to a shift in practices as municipally funded and other organizations in the city have sought to align their procedures with the mandate (or not).

Schooling

Issues of precarious status and children's schooling in Canada have been extensively investigated (Landolt & Goldring, 2019; Meloni, in press; Sidhu, 2008; Villegas, 2018; Young,

2013)⁷. In the present paper we confine ourselves to a brief look at the main findings, given that we know schooling is a crucial area of concern for parents.

Schooling is a key support for children's development to which families with precarious status must negotiate access. There are two main sources of mandates regarding children's rights to education. The United Nations Convention on the Rights of the Child, to which Canada is signatory, guarantees all children the right to education (Article 28). Across Canada, education is a matter of provincial or territorial jurisdiction. Crucially, Section 49.1 of the *Ontario Education Act* guarantees the right to education to all children under age 18 without discrimination on the basis of legal status. Within the provincial education system, responsibility for the provision of public education is delegated to school boards, which are based on geographic area and type of school - e.g., English, French, and Catholic boards. The ability of boards to set local policy means there are variations from provincial rules. For many years, Section 49.1 was applied inconsistently by school boards (Villegas, F., 2013; Young, 2005). It was only in response to sustained advocacy work that some Toronto boards clarified and developed their policies related to access for students with precarious status.

In 2007, the Toronto District School Board (TDSB) passed the policy, *Students Without Legal Immigration Status*, that states "all children who are qualified to be resident pupils of the Board, including those who are without immigration status in Canada, shall be entitled to admission to school" (Toronto District School Board, 2007). The policy mandates staff training on matters concerning the admission of children with precarious legal status. It also includes the provision that if there is a need to verify a student's name, home address, or date of arrival in Canada, the Board will accept letters from a lawyer, notary public, or medical doctor affirming the student's personal information. However, the policy also notes that students without a date of arrival in Canada are not eligible for Ministry of Education funding for ESL support.

Prior to the enactment of Toronto's Sanctuary City policy in 2013, Sidhu (2008) interviewed TDSB students and found a number of problems for children with precarious status including being refused enrolment. In a follow-up audit of all Toronto Catholic District School Board institutions, Bejan and Sidhu (2010, p.1) found that most administrators "did not know if a child without immigration status could be registered at their school." The data show uncertainty and variation among frontline workers in 2010. It will be necessary to look at data gathered after the beginning of *AccessTO* in 2013 to see if things have improved.

Subsequent research by Villegas (2017, 2018) analyzed the implementation of the TDSB's policy based on interviews with school administrators and advocacy groups. Villegas found that the policy has not been fully implemented and that true access has not occurred as efforts have focused only on ensuring enrolment and not on the experience of access once enrolled. Aberman, Villegas, and Villegas (2016) reported that precarious status parents and students felt fearful of the scrutiny they faced when navigating school spaces. More recently, Casas Hernandez (2022) found registration forms used by school districts in Ontario contain many detailed questions about citizenship and residence which could produce fear among PSFs and cause them to avoid registering their children.

Discussion and Conclusion

Prior to 2013, when the City of Toronto's *AccessTO* policy was first announced, precarious status families attempting to access services faced a great deal of risk of being noticed by authorities and reported to border enforcement agents for detention or deportation. In response to years of advocacy work across many sectors, the Sanctuary City declaration provided a degree of

⁷ There is also work on access to post-secondary education by precarious status youth in Canada (e.g., Villegas & Aberman, 2019).

protection for such families. The data available from research to date demonstrates that the protection *AccessTO* offers continues to be patchwork and conditional. One area that has not yet been thoroughly investigated is the experiences of families with young children.

We examined policies and practices in Toronto related to the services that families with young children require, focusing on what is specified in policies as well as discrepancies in how policies are applied and experiences of access in the areas of childbirth, childcare, parenting programs, and schooling. The lack of clarity regarding eligibility to services is seen in the four service areas we reviewed. In general, when families attempt to access services for their children, there are often restrictions and complications that make the experience of access difficult and stressful. It is important to ask the question of why there is a lack of clarity regarding what the regulations – municipal, provincial and federal- actually say about the entitlements of children and families. These murky and grey areas are features of a system that distinguishes citizens from non-citizens, arbitrarily privileging the rights of one group despite all being residents of the city. Such blurry boundaries can reinforce bright lines drawn in terms of who is seen as ‘deserving’ of access and support.

In each of the service areas, parents will encounter a range of attitudes from providers willing or unwilling to alleviate their concerns by providing access. There is likely great variation among frontline workers in their understandings of the *AccessTO* policy and of how families and children come to have precarious status; some continue to act as gatekeepers to the services children and families need and to which they are entitled. These actors remain unaware of the United Nations Convention on the Rights of the Child (1989) issues which have been ratified by the Canadian government. Frontline workers also exercise discretion to include and provide access, in various ways. We saw in the case of prenatal and birth care how hospitals were persuaded to accept precarious status women not because of ‘deservingness’ but because of dire need.

In all four areas, we can see evidence of what Enriquez (2015) has called *multigenerational punishment*. Even where the children are Canadian citizens with full and secure rights, they may fail to gain access. For example, parents may be unable to provide the necessary documentation or may be fearful of revealing their status by attempting to access services like post-partum care or licensed childcare. The problematic aspects of school registration experiences raise fears of being exposed if called upon to show various types of documentation and/or visit multiple offices. Once in the school, the administrators may follow their standard procedure even if it involves calling the police and outing the family; in such cases, school administrators may indicate they ignore status when in reality their policies help create or reproduce the disadvantages associated with precarious status (see, e.g., Landolt & Goldring, 2019).

Access to services is often controlled by service providers who act as gatekeepers. Nonetheless, many front-line community workers and service providers find creative ways to deal with bureaucracies and assist families as they navigate parenting with precarious legal status and seek supports for their young children. In Toronto, it seems likely that EarlyONs are an important example of such spaces. And yet, Landolt’s (2022) concept of access as a *patchwork* is relevant here: she found that accessing health services depended on networks of contacts between agencies and hospitals. Although various ad-hoc arrangements were established to improve access, she found they did not address the issue of status and instead were agreed to on the basis of “dire need.” Neither deservingness nor dire need are what are needed to solve the underlying issues. What is needed is truly universal access without internal boundaries. Our review of the four service areas demonstrates the patchwork that exists when it comes to access for precarious families in Toronto.

The goals of *AccessTO* remain far from the reality of what families with young children experience in their day-to-day lives. Given the available evidence and in accord with Skaidra (2022), we conclude that at present the Sanctuary City has had limited success in protecting PSFs

and providing for their children with respect to the most crucial needs. Navigations of access in a Sanctuary City are complicated by the reality that services delivered at the local level are tied into a web of regulatory and funding requirements imposed by different levels of government. This labyrinth of federal, provincial, and municipal rules can mean that parents, facing years of sociolegal uncertainty, are unable to consistently access supports to which their children may be entitled. One reason is that the parents run the risk of exposing themselves to authorities when they attempt to access services.

Other issues arise even in programs and services that fall within municipal jurisdiction. Moffette (2021) found that many civil servants acted as border agents, denying access and even reporting individuals and families to immigration enforcement officials. In this sense, the border follows people with precarious status into the spaces of their daily lives; street-level bureaucrats hold discretionary power over their access to crucial services (see also Dennler, 2018; Lewis, 2022; for the US context, see Varsanyi, 2006). In addition, PSFs often lack knowledge of what is available in their communities; because of their fear of authorities and of deportability and of the potential family separation it represents, they may not seek access to services to which they are entitled. When they do attempt to access services, there are often restrictions and complications that make the experience of access difficult and stressful.

Precarious status families are thereby placed under great additional stress as they tackle the complex task of securing resources for their children, including those that are Canadian citizens. The issue of mixed-status families needs to be examined in greater depth as Foster (2022) has found that one person in the family having full legal status is not necessarily a benefit. Following Foster, our review of four Toronto service areas suggests those in mixed-status families likely do not have fewer difficulties in accessing services and, even where a child is a Canadian citizen, their rights might remain only on paper.

In this vein, Goldring (2022, p.2) has elaborated on the multiple trajectories of migrants and focused on the great amount of work involved in maintaining or improving one's status. The concept of work here "makes visible the effort, time and resources that migrants and non-migrants put into dealing with the conditionalities of presence and access." All of these involve complex negotiations with agencies and multiple government entities and jurisdictions. Focusing on the negotiations required to access services in each of the areas reviewed above, one gets an idea of the immense burden on parents' time and energy. In addition to the struggles around income and food insecurity, affordable housing, and dealing with immigration consultants, perhaps it is easier to keep the children at home or in unlicensed informal care rather than to find childcare that could result in the family's legal status being exposed.

Decades of policy shifts and advocacy work have resulted in this current situation. While perceptions of deservingness and criminality attach to parents and children with precarious status, it is important to remain attentive to the role of policy decisions that are structured into the broader immigration system and that determine the choices available as people seek security for their families. These policies influence how people can move, the conditions under which they enter, and whether or how they gain access to essential programs and services. The *AccessTO* policy recognizes this broader context that informs precarious migration, status and access. Nevertheless, as we have shown in this paper, the service areas that appear to be open to precarious status families with children do not match experiences of access. The current patchwork of service delivery is inadequate and likely to result in long-term and negative outcomes for both parents and children.

To address this situation, we call on the Toronto Sanctuary City to take an approach grounded in Canada's commitment to supporting the best interests of the child (as per UNCRC, 1989 article 3) which could mean – among other things – not charging for any medical bills related to childbirth (including pre-natal and post-natal services), ongoing training frontline for frontline staff to not share information with police or the Canada Border Services Agency, establishing a special fund where parents can receive childcare subsidy vouchers through a community centre,

and clarifying misconceptions to address concerns regarding the 'deservingness' of the children and families involved. Sanctuary Cities should also advocate for the federal government to grant permanent residence to precarious status residents. Finally, this study looked at Toronto, but its findings have implications beyond the borders of this city especially in contexts not committed to sanctuary principles or practices.

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