



## ADVOCACY

# A follow-up on the “Best Interests of the Child”

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This journal’s inaugural Advocacy Column, published in the May 2023 issue, raised concerns about the seeming failure of the Canadian government to prioritize the principles of the “Best Interests of the Child” when considering deportation of parents (1). The principles of the “Best Interests of the Child” are detailed in the United Nations’ Convention on the Rights of the Child, of which Canada is a signatory (2). This same Advocacy Column included a CACAP Advocacy statement focused on this very concern as it relates to the deportation of parents of Canadian children (3).

A letter of concern was also then written to the Honorable Marco Mendicino, the then Minister of Public Safety, as this ministry is responsible for the Canada Border Service Agency (CBSA) which manages and enforces deportation. No response was received. The next step involved meetings with two sympathetic Senators from the Canadian Senate to solicit advice on how to advance this concern. Several recommendations were made including writing to the Minister of Families, Children and Social Development. A prompt response was received from this Minister’s office indicating that given the nature of the concern, they were forwarding my letter to the Ministry of Public Safety. A direct response from the office of the Minister of Public Safety to this second communication was not received, however the Vice-President of the Intelligence and Enforcement Branch of the

CBSA, on behalf of Minister Mendicino, replied. This letter, received March 23, 2023, included the following:

*“At all times, the best interests of the child are taken into account when persons are facing removal from Canada, and this means keeping families together. Canada recognizes the importance of promoting and safeguarding the rights of children, both in Canada and abroad, and works closely with other levels of government, law enforcement authorities, and intergovernmental organizations to ensure that decisions on behalf of children are made in consideration of their best interests and in accordance with Canadian laws and regulations.”*

Unfortunately, no additional information was included on how exactly the “best interests of the child” are served in cases where a deportation leads to family separation or forces a Canadian child to leave Canada in order to remain with their parent, incurring major life disruptions and other potential risks outside of Canada. This had been the crux of our original expression of concern. However, without additional information on the process as to how the best interests of the child are actually assessed and protected, this attempt at reassurance that children are in such proceedings protected is woefully inadequate. The process ought to be transparent and available for scrutiny by experts in child health and development.

Since that first Advocacy Column, updates have been published in the news about an Edmonton family, mentioned

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in the original advocacy statement, who have continued to face the prospect of family separation, prompting the mother to go into hiding (4), and then, at the 11th hour, obtain a reprieve (5). Similar threats of family separation are also experienced by immigrant and refugee families as exemplified in a report about a family in Trois-Rivières (6) and discussed by Kronick in that last Advocacy Column (7). Even prior to a final deportation decision, families in such situations can face chronic uncertainty from the often prolonged deportation proceedings (8). This chronic stress entails its own risks of adverse impacts, even in cases where a deportation order may eventually be stayed. How many children and families in Canada are facing the consequence of this Canadian policy and practice is not publicly known. We have been told that such statistics are not routinely collected.

There is now a new Minister of Public Safety (the Honorable Dominic LeBlanc), so a third inquiry will be sent to this office in an attempt to move this advocacy concern forward. Efforts to help advance this concern are welcome.

## References

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