

**Access to education for children with a precarious immigration status**  
**Make public school available to all children, in their interest and that of society**

**Québec City, November 7, 2014** – Even though they live in Québec, some children are not considered resident in Québec and so do not have access to free elementary or secondary education. The Québec Ombudsman considers this a violation of these children’s basic right to education, which, in turn, contravenes the *Convention on the Rights of the Child*, ratified by the Government of Canada and to which Québec has declared itself bound. In its investigation report released today, the Québec Ombudsman recommends that all children 6 to 16 years old living in Québec have access to free public elementary or secondary education, regardless of their or their parents’ immigration status.

**Who are these excluded children?**

How many children are left out of the school system? The extent of the phenomenon is difficult to gauge because of the clandestinity of people with a precarious immigration status. The Ministère de l’Éducation, du Loisir et du Sport (MÉLS) puts the figure at between 300 to 400, but organizations that work with this population cite numbers in the several thousands. Most of these children, located mainly in the Montréal region, have no official immigration papers because their family remained in Canada after expiration of a temporary visa or after having been refused refugee status. In other cases, the children were born here, but their parents have no legal status and so have no official papers needed for their children to enrol in school.

**Vigilance and openness: a necessary combination**

The Québec Ombudsman is not questioning the legitimate actions taken to monitor immigration. However, it maintains that immigration considerations must not interfere with the right to education of all children on Québec soil, in their interest and in the public interest alike. The models developed in Ontario and British Columbia are proof that vigilance in thwarting illegal immigration is not incompatible with efforts to get all children into school, whatever their immigration status.

## Choosing an inclusive approach

In the course of the investigation it carried out, the Québec Ombudsman saw that the Ministère de l'Éducation, du Loisir et du Sport is sensitive to the situation and willing to act concerning the issue of the access to education of children with a precarious immigration status. However, despite certain measures by the Department, including a grace period for parents to sort out their situation, the Québec Ombudsman feels that more should be done. This is why it recommended that the government amend the Regulation to ensure free access to elementary and secondary schooling for all children aged 6 to 16 years living in Québec, regardless of their immigration status. It also made the following recommendations to the Department:

- that, pending the amendments, the Minister use his discretionary power to ensure that every child concerned can go to school;
- that it ensure that precise and uniform information is provided to school boards, the people who work with immigrant families, and the people directly concerned (notably on the website of every school board);
- that it send a clear message to school boards so that they do not overstep regulatory requirements for identification for enrollment, in particular, verification of the immigration status of the child or of the child's parents.

The Québec Ombudsman's opinion is that an inclusive approach would contribute to reducing the adverse effects of living under the radar on the children concerned and foster their inclusion in society.

To be consulted: the Québec Ombudsman's [investigation report summary](#).

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### Information and requests for interviews:

Carole-Anne Huot, (418) 646-7143 / (418) 925-7994 [carole-anne.huot@protecteurducitoyen.qc.ca](mailto:carole-anne.huot@protecteurducitoyen.qc.ca)

Joanne Trudel, (418) 644-0510 / (418) 580-9259 [joanne.trudel@protecteurducitoyen.qc.ca](mailto:joanne.trudel@protecteurducitoyen.qc.ca)

[www.protecteurducitoyen.qc.ca](http://www.protecteurducitoyen.qc.ca)