



**Access Alliance Multicultural Health and Community Services
POSITION STATEMENT ON ACCESS TO EDUCATION FOR ALL CHILDREN**

Who we are:

Access Alliance Multicultural Community health Centre (AAMCHC) works to promote health and increase access to services or Toronto's multicultural community. We do this by addressing the social, health, educational, legal and cultural needs of the community; by removing barriers to service access, and by promoting full and equitable participation of the community in Canadian society.

Overview of the issue:

At AAMCHC, many of our clients are families with children. We are aware that many children in Toronto are being denied admission into school because of their immigration status or their parents' status. Yet Ontario's Education Act guarantees the right of all children to an education regardless of the status of child or parent:

- "...every child who attains the age of six years old on or before the first school day in September in any year shall attend an elementary school or secondary school on every school day after the first school day in that year until the child attains the age of sixteen years. and ...every child who attains the age of six years after the first school day in September in any year shall attend an elementary or secondary school on every school day from the first school day in September in the next succeeding year until the last school day in June in the year in which the child attains the age of sixteen years.: (Ontario's Education Act, s.21.1.a)
- " A person who is otherwise entitled to be admitted to a school and who is less than eighteen years of age shall not be refused admission because the person or the person's parent or guardian is unlawfully in Canada (Ontario's Education Act, s.49.1)

As a signatory country, Canada has committed to ensuring children's access to education through the United Nations Convention on the Rights of the Child:

- "State Parties...make primary education compulsory and available to all" (Article 28, 1a)

Unfortunately, some school principals are denying children admission to school based on the misinterpretation of a federal statute:



- Someone who is not a Canadian citizen or permanent resident of Canada must have a student authorization from Citizenship and Immigration Canada in order to: "...attend any university or college or take any academic, professional or vocational training course in Canada." (Immigration Regulations, 1978, s.14.1)

This federal law only applies to foreign students attending universities, colleges or vocational schools. But clearly does not include children who are seeking admittance into elementary and secondary schools. Former Immigration Minister Elinor Caplan stated publicly that all children should be in school regardless of their status, yet this not a reality for many non status children and children of non-status parents.

The Canadian Constitution clearly identifies the provincial government as the cite of responsibility for education:

- "In and of each Province the Legislature may exclusively make Laws in relation to Education." (Canadian Constitution Act, s.93)

Our Position:

As a community health centre, our work is guided by the ideal of health promotion conceived of in the Ottawa Charter on Health Promotion. The charter defines the prerequisites for achieving health as peace, shelter, education, food, income, a stable economic system, social justice and equity. Healthy development requires a secure foundation in these basic prerequisites. As such we will work to ensure access to education for all children. Some of the ways this will be done include:

- Taking a lead role in advocating on behalf of our clients with individual schools who have denied children access.
- Educating clients around their legal rights.
- Collaborating and participating in community initiatives that focus on eliminating barriers to access to education for all children in Canada

Approved by the Board of Directors on: _____.