

The background of the cover is a vibrant watercolor wash. It features a mix of bright yellow, lime green, and warm red tones, with some darker, more saturated areas. The colors blend together in a soft, painterly style, creating a sense of movement and energy. The overall effect is warm and inviting, while also conveying a sense of complexity and depth.

Legal Toolkit:

**A Guidebook on
Transitional Issues
for Refugee Youth**



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A Guidebook on Transitional Issues for Refugee Youth



 The Law
Foundation
of Ontario
Advancing access to justice

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Introduction

This toolkit is a compilation of legal information relevant for refugee youth. It is envisaged that the toolkit will provide comprehensive information to support the integration of refugee youth into our society and provide access to resources in addressing some of the transitional issues faced by new immigrants.

According to statistics from the United Nations High Commissioner for Refugees, nearly 20 people from around the world are forcibly displaced every minute, as a result of conflict or persecution. Among them are nearly 22.5 million refugees and over half of whom are under the age of 18. The refugee youth and children are more vulnerable to sexual exploitation, gender based violence, forced recruitment and unlawful arrest and detention. In this backdrop, that we developed this legal education toolkit to directly benefit the refugee youth in accessing legal information.

This toolkit addresses two major needs of recent refugee youth. The first is addressing the social isolation that most newcomers face when they immigrate to a new country. The second is addressing the knowledge gap

that they face in Canada due to the laws and regulations of Canada being different than that of the countries they are fleeing.

In terms of legal information, there are many areas of concern for refugee youth. We have selected a number of topics, based on the feedback we received from focus group discussions with recent refugee youth, and consultations with legal experts, social workers, and representatives from settlement agencies. Although it is not comprehensive, we have attempted to cover some of the most demanding areas of law relevant to the youth. Certain areas need further research and we anticipate to update the web based toolkit with more information.

We have included a section on resources, where the users of this toolkit have access to relevant institutes and legal services, they can also obtain legal advice from lawyers as to the accuracy of the laws at the time of use. The toolkit is written in clear and simple language for better understanding. It will also be translated into Arabic, Tamil and Urdu languages to ensure that the youth do not face language barriers when it comes to accessing the information.

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Refugee Law

Canada is a party to the United Nations 1951 **Convention Relating to the Status of Refugees** and its 1967 Protocol. Canada's refugee system is regulated by the *Immigration and Refugee Protection Act*, which implements the Convention.

According to the Immigration and Refugee Protection Act, refugee protection is conferred on a person, when a person has been determined to be a convention refugee or a person in need of protection.

A Convention refugee is a person who, by reason of a well-founded fear of persecution for reasons of race, religion, nationality, membership in a particular social group or political opinion,

- (a) is outside of their country of nationality and is unable or, by reason of that fear, unwilling to avail themselves of the protection of that country; or
- (b) not having a country of nationality, is outside the country of their former habitual residence and is unable or, by reason of that fear, unwilling to return to that country.

A Person in need of protection is defined as a person in Canada whose removal to their country or countries of nationality or, if they do not have a country of nationality, their country of former habitual residence, would subject them personally

- (a) to a danger, of torture within the meaning of Article 1 of the Convention Against Torture; or
- (b) to a risk to their life or to a risk of cruel and unusual treatment or punishment.

As such Canada has been home for refugees from more than 140 countries who were either resettled or were granted asylum (statistics from govt. of Canada 2010).

The Canadian refugee system has two main parts:

- the Refugee and Humanitarian Resettlement Program, for people who need protection from outside Canada and

- the Inland refugee application for people making refugee protection claims from within Canada

Refugee and Humanitarian Resettlement Program

Every year Canada takes a certain number of refugees through the United Nations High Commissioner for Refugees (UNHCR), these refugees are screened and identified through the UNHCR application process.

Also a group of five private sponsors and not-for-profit organizations are able to sponsor refugees to Canada. They have to sign sponsorship agreements with the Government of Canada to help support refugees. These groups are known as Sponsorship Agreement Holders. Sponsorship Agreement Holders can sponsor refugees themselves, or work with others in the community to do so.

Inland refugee application program

This asylum program works to provide refugee protection to people in Canada who:

- have a well-founded fear of persecution or
- are at risk of torture, or cruel or unusual punishment in their home countries.

There are certain categories of people, that may have a lesser chance of approval on their application for refugee protection if they have been convicted of serious criminal offences or had previous refugee claims denied by Canada.

To obtain further legal advice on the refugee system, you need to consult a lawyer. You may also be entitled to Legal Aid services in Ontario. You can contact www.legalaid.on.ca for more information.

Help for resettled refugees

Under the Resettlement Assistance Program, the Government of Canada helps government-assisted refugees with essential services and income support once they are in Canada. The refugee resettlement program is

administered by Immigration, Refugees and Citizenship Canada (IRCC), which manages both the processing of applications and resettlement assistance.

Through this program, refugees get income support for up to one year or until they can support themselves, whichever comes first. Basic social assistance is provided to support them with shelter, food and other things.

Private sponsors must provide financial and emotional support to any refugees they sponsor.

The sponsor's support includes help with housing, clothing and food. Most sponsorships last for one year, but some refugees may be able to get help from their sponsors for up to three years.

Help for all newcomers, including refugees

The government of Canada provides funding support to Provincial governments, service provider organizations and other non-governmental partner agencies to carry out settlement programs that help newcomers settle and adapt to life in Canada.

These services include helping newcomers:

- know their settlement needs and link them to services in their community
- better understand life in Canada and make informed decisions (this includes the Canadian Orientation Abroad program, which is provided overseas and gives general information about life in Canada)
- get language training in English and French, so they have the skills to live in Canada
- search for and find jobs
- build community networks with long-time Canadians and established immigrants, and
- access support services which help with:
 - childcare
 - using transportation
 - finding translation and interpretation services
 - finding resources for people with disabilities, and
 - accessing short-term/crisis counselling if needed.

Access to settlement services continues until individuals become Canadian citizens.

City of Toronto, A Sanctuary City

What is a sanctuary city?

The sanctuary city concept is officially known as "Access T.O." in Toronto. It means that non-status immigrants have the access to certain services provided by the city. The city officials including the police cannot ask for one's status when they require assistance and cannot report them to Immigration Canada.

Who is a non-status immigrant?

Non-status immigrants refers to people who have made their home in Canada but lack legal immigration status. This includes, failed refugee claimants, undocumented immigrants, claimants waiting for an immigration decision from the Immigration and Refugee Board (IRB), immigrants who have experienced sponsorship breakdown, and individuals whose temporary worker, student or visitor visas have expired.

The City of Toronto (not the GTA) has implemented the "Don't Ask, Don't Tell" policy on immigration status. What this means is that the city officials are required:

1. not to inquire into immigration status when providing select services;
2. not to deny non-status residents access to services to which they are entitled, and
3. not share personal or identifying information with federal authorities, unless required to do so by federal or provincial law.

The services provided includes: Toronto early learning and child care services; dental clinics; emergency shelters; drop-in centres; housing help, private market rental housing; primary care clinics; vaccinations; prenatal counselling; Toronto employment and social services centres; hardship fund; referrals to community care access centres, fire and ambulance, counselling and abuse help, library services, legal aid services which can help with your immigration status, food banks, lesbian and gay counselling, childcare, recreation programs and volunteering.



In a medical emergency, you can call 911 and request for “ambulance only”.

Every child under the age of 18 has the right to go to school in Ontario regardless of their (or their parents) immigration status.

Know Your Rights

The Constitution and the Canadian Charter of Rights and Freedoms

The Constitution is the supreme law of Canada. Generally speaking, all other laws must be consistent with the rules set out in the Constitution. If they are not, they may not be valid. Since the Charter of Rights and Freedom is part of the Constitution, laws that breaches Charter rights may be invalid. This makes the Charter the most important law we have in Canada.



The Canadian Charter of Rights and Freedoms forms the first part of the Constitution Act, 1982.

The Charter guarantees certain rights for all Canadians and permanent residents and some for any person who lives in Canada:

Some fundamental rights protected by charter of a Canadian citizen and a permanent resident including the newcomers are:

- freedom to practice one’s religion
- freedom of expression, freedom of the press and of peaceful assembly
- the right to live and to seek employment anywhere in Canada
- the right to use either of Canada’s official languages (English or French)
- the protection of Canada’s multicultural heritage
- democratic rights to vote

The charter protected rights of every individual in Canada, regardless of their immigration status are:

- the right to be treated equal before and under the law and has the right to the equal protection and equal benefit of the law without discrimination and, in particular, without discrimination based on race, national or ethnic origin, colour, religion, sex, age or mental or physical disability.
- legal rights such as the right to life, liberty and security of the person

- the right to be secure against unreasonable search or seizure
- the right not to be arbitrarily detained or imprisoned
- if a person is arrested or detained by the police, the right:
 1. to be informed promptly of the reasons for the arrest
 2. to be informed of their right to retain and instruct counsel without delay and assist them with obtaining legal advice
- The right not to be subjected to any cruel and unusual treatment or punishment.

The rights and freedoms in the Charter are not absolute. They can be limited in order to protect other rights or important national values.

The Human Rights Code of Ontario

In the province of Ontario, the Ontario Human Rights Code gives all people equal rights and opportunities without discrimination in specific protected social areas such as: housing, employment, education, goods, services and facilities and membership in unions, trade or professional associations. The Code's goal is to prevent discrimination based on the protected grounds including a person's identity or ability/disability or any ground that differentiate that person from another.

What is Discrimination?

When you apply for a job, rent a place to live, buy groceries, go to a restaurant or obtain any services provided by the government or private entities, there are rules that need to be followed by the service providers. If you were treated differently than the others or were refused those services because of your identity, it is called discrimination or discriminatory treatment.

The Human Rights Code prohibits discrimination on the following grounds:

1. Ancestry/Race/Ethnic origin
2. Place of origin
3. Colour
4. Citizenship
5. Creed
6. Sex/pregnancy/breast feeding
7. Sexual orientation
8. Gender identity

9. Gender expression
10. Age
11. Marital status/ Family status
12. Disability
13. The receipt of public assistance (housing only)
14. Record of Offences (employment only)

If you feel discriminated based on any of the above grounds, you have a right to file an action against such persons at the Human Rights Tribunal of Ontario. If the Tribunal finds that your rights have been violated, you may be awarded a remedy including damages.



The Ontario Human Rights Code gives all people equal rights and opportunities without discrimination in specific protected social areas.

The Youth Criminal Justice System

In Ontario, when young persons between the ages of 12 and 17 get in trouble with the law, the legal system treats them differently from adults. When a youth breaks the law, the *Youth Criminal Justice Act* (“YCJA”) guides the police and courts as to what to do. Depending on the seriousness of the offence and the circumstances in which the offence was committed, the youth offender may get a warning or a formal caution from the police or be referred to a community program or be charged and sent to court. These young persons have certain rights under the law, including privacy rights and protection from media scrutiny.

Rights of a young person

Young person means a person who is (or in the absence of evidence to the contrary) appears to be twelve years old or older, but less than eighteen years old.

Special considerations apply in court proceedings against young persons and, in particular, they have rights and freedoms such as the right:

- To be heard in the course of and to participate in the court processes that lead to decisions that affect them;
- To be treated with courtesy, compassion, and respect for their dignity and privacy;
- To be provided with information about the court proceedings, and
- To inform their parents of measures or proceedings involving them and have them encouraged to support in correcting the young person’s offending behavior.

After turning 18 years old

Proceedings started under the *Youth Criminal Justice Act* against a young person can be continued in youth court after the person turns eighteen years old. If the alleged offence was committed while the accused was a young person, the YCJA applies even if the person is now older than 18.

Right to Counsel

A young person has the right to hire a lawyer without delay, and to exercise that right personally, at any stage of a case against them.

If a young person is arrested or detained, the arresting officer **must** immediately tell the young person about their right to hire a lawyer, and be given an opportunity to talk to or meet with a lawyer.

Notice to Parents—in cases of arrest and detention

If a young person is arrested and detained in custody, the officer-in-charge **must** tell the parent or guardian of the young person as soon as possible about the arrest, stating the place where they’re being detained and the reason for the arrest.

Notice to parents—when not necessary

If the offence was committed by the person while a young person but the hearing before the youth justice court comes up after that person turned twenty years old, the parent or guardian does not need to be informed.

Online Safety

Social media has a major impact on youth and in their daily activities of networking.

Social networking applications, websites, chat rooms, and online forums are part of everyday life. The more we use these online applications, the more we might be risking our safety and privacy. If we are not careful about how we use it, the internet can be a dangerous place. Sexual harassment and bullying are two major dangers that youth can face online.

The Royal Canadian Mounted Police’s (www.rcmp.gc.ca) Centre for Youth Crime Prevention provides definitions and guidelines in terms of cyberbullying. It is important to be aware of these factors and the laws about online activities. Any misuse of information online can have major consequences, including criminal liability.

Cyberbullying



Cyberbullying involves the use of communication technologies like social networking apps, websites, email, text messaging, and instant messaging to repeatedly intimidate or harass others.

Cyberbullying can include:

- Sending mean or threatening emails or text messages
- Posting embarrassing photos of someone online
- Creating a website to make fun of others
- Pretending to be someone by using their name online
- Tricking someone into revealing personal or embarrassing information and then sending it to others
- Making fun of someone (using the technologies listed above) because of their appearance, gender, religion, or sexual orientation
- Repeatedly teasing or calling someone names using the technologies listed above
- Posting a comment about someone online that upsets them
- Sharing someone's intimate images without consent

Bullying and the Law

In Canada, traditional crimes that are committed using an electronic device fall under the provisions of the Criminal Code of Canada. Many cyberbullying activities can fall under different categories of criminal law and anyone accused of these crimes can be charged under the Criminal Code and may be sent to jail if they are found guilty. These Criminal Code charges can include:

Criminal Harassment

Repeated tormenting someone online, with texts, phone calls, and/or emails, causing the other person to fear for their safety.

Distribution, etc. of Child pornography

Sharing intimate photos and videos of anyone under the age of 18 (a minor).

Extortion

Threatening to share someone's personal information with others if they don't do what you want them to do.

Identity Theft/Fraud

Creating a fake online profile using someone else's identity information, in order to ruin their reputation.

If you or anyone known to you is experiencing any of the above, including bullying or threats, you may notify your local police detachment or report it to CYBERTIP.CA. Based on the available information, police will decide what action needs to be taken to prevent harm. The police may lay criminal charges against anyone who is found to be involved in online criminal activities, and once convicted the penalties could include imprisonment.

Carding



Carding is also known as street checks.

The general intelligence-gathering practice of the Toronto Police Service known as "carding" has been viewed as a systematic violation of the rights of many people in our communities. Now, there are new regulations in place to prevent discrimination and unlawful collection of information by the police.

In Ontario, the police are not supposed to collect identifying information "arbitrarily," or based on a person's race or presence in a high-crime neighbourhood, in certain instances.

Police officers **cannot** ask you for identifying information or to see an identifying document while they are only:

- Looking into suspicious activities;
- Gathering intelligence;
- Investigating possible criminal activity.

Police officers **can** ask you for identifying information or to see an identifying document while they are:

- Doing a traffic stop;
- Arresting or detaining you;
- Executing a warrant;
- Investigating a specific crime.

Under new carding regulations, the police must tell anyone they stop on the street that they have the right not to give any identifying information. Police must also provide a reason why they are requesting identifying information to any person they stop on the street.

A citizen can walk away or decline to answer if they were stopped by the police just because they were in a “high-crime location.” Police must also offer citizens a document with their name, badge number, and instructions on how to contact the Office of the Independent Police Review Director if they have concerns about their contact with the officer.

The police officers cannot attempt to collect your identifying information simply based on the way you look or the neighbourhood you live in.



The police officers cannot attempt to collect your identifying information simply based on the way you look or the neighbourhood you live in.

Sexual Offences

The Criminal Code aims to protect people from sexual abuse and exploitation. For example, it aims to protect everyone, including children, against:

- sexual assault;
- sexual assault with a weapon;
- aggravated sexual assault;
- voyeurism (which includes secretly watching other people’s private and sexual lives);
- trafficking in persons; and
- non-consensual distribution of intimate images.

What is Sexual Exploitation?

Sexual exploitation is when a person in authority or trust takes sexual advantage of another person using their position and power. A 16 or 17 year old cannot consent to sexual activity in certain circumstances, because even if they say they consent the law still considers these activities sexual exploitation. The following are some examples of these types of activities:

- the young person’s sexual partner is in a position of trust or authority towards them, for example as their teacher or coach;
- the young person is dependent on their sexual partner, for example for care or support;
- the relationship between the young person and their sexual partner is exploitative.

The following factors may be considered when determining whether a relationship is exploitative of the young person:

- the young person’s age;
- the age difference between the young person and their partner;
- whether the relationship developed quickly, secretly, or over the internet;
- whether the partner may have controlled or influenced the young person.

Laws of Consent

Any sexual relationship has to be consensual. It is important that youth know the laws about consent and how important it is to obtain the consent of their partners when they are in a relationship. It is illegal to touch or feel a person without their consent. All sexual activity without consent is a criminal offence, regardless of age. These are serious offences that carry serious penalties.



All sexual activity without consent is a criminal offence, regardless of age.

Age of Consent in Canada

The age of consent to sexual activity in Canada is 16 years old. In some cases, the age of consent is higher (for example, when there is a relationship of trust, authority or dependency). In other words, a person must generally be at least 16 years old to be able to legally agree to sexual activity.

Consent to Sexual Activity

The age of consent is the age at which a young person can legally agree to sexual activity. Age of consent laws apply to all forms of sexual activity, ranging from kissing and fondling to sexual intercourse.

Close in Age Exceptions

A 14 or 15 year old can consent to sexual activity as long as their partner is less than five years older and there is no relationship of trust, authority, or dependency or any other exploitation of the young person. For example, their partner cannot be their caretaker, teacher, or coach, etc.. This means that if the partner is 5 years or older than the 14 or 15 year old, any sexual activity is considered a criminal offence.

Regulatory Prohibitions

Loitering



Loitering means the offence of waiting in a place while looking as if you are going to do something illegal.

In Ontario, the *Child and Family Services Act* specifies the laws around loitering. According to this Act, anyone less than 16 years of age cannot be alone and loiter or hang around in a public place between midnight and 6 a.m.

Any child under the age of 16 also cannot be in a place of public entertainment between the hours of midnight and 6 a.m., unless a parent accompanies the child or authorizes someone eighteen years of age or older to accompany the child.

If a child who is actually or looks like they are under the age of sixteen is found alone in a public place between midnight and 6 a.m., the police may take that child to their home or to a place of safety. The police officer or the peace officer also has the right to apprehend that child without a warrant.

Smoke-Free Ontario

According to the Ministry of Health and Long-term Care, each year, tobacco claims 13,000 lives in Ontario, which equals 36 lives every day. *The Smoke-Free Ontario Act* prohibits smoking tobacco in enclosed workplaces and enclosed public places to protect workers and the public from second-hand smoke. New regulations require retailers to post Age Restriction and Health Warning signs at any location where tobacco is sold or supplied. These signs have to be clearly visible to the person who sells or supplies the tobacco and to the person to whom the tobacco is sold or supplied. Local public health units will carry out inspections and respond to complaints to enforce the Smoke-Free Ontario Act.

Smoking—the law

You cannot smoke or hold lighted tobacco in any enclosed public places or specifically-designated outdoor places in Ontario.



If you smoke or hold lighted tobacco in a place where it has been prohibited, you may be ticketed and charged a fine.

It is **illegal** to smoke in the following places:

- Outdoor patios, including all bar and restaurant outdoor patios
- Child care centre licensed under the *Child Care and Early Years Act*
- Inside a motor vehicle with children under sixteen years of age (The law applies to both moving and parked vehicles – even if a window, sunroof, rooftop, door, or other feature of the vehicle is open.)
- Enclosed workplaces, during and after work hours
- Hospitals (public, private and psychiatric facility): cannot smoke within a 9 metre radius of any entrance or exit of a hospital.
- Schools and on any indoor or outdoor property used by the school (this includes playgrounds and sports fields)
- Children’s playgrounds and publicly-owned sports fields. It is illegal to smoke on and within 20 metres of children’s playgrounds and publicly-owned sport fields and surfaces (e.g., areas for basketball, baseball, soccer or beach volleyball, ice rinks, tennis courts, splash pads and swimming pools that are owned by a municipality, the province, or a postsecondary education institution)
- Multi-unit residences, including common areas of condos, apartment buildings, or college and university residences.

Tobacco Sales

A person must be at least 19 years of age to purchase tobacco products, electronic cigarettes (e-cigarettes), and component parts. Before selling tobacco to any person who appears to be less than 25 years old, the seller must request identification (ID) and determine that the person is at least 19 years old.

There is no age requirement to sell tobacco products. However, the Ministry of Labour regulations under the *Occupational Health and Safety Act* set the minimum age of 14 years old to be eligible to work in Ontario workplaces. Therefore, anyone under the age of 14 should not be allowed to sell tobacco products.

It is illegal to sell tobacco on all college and university campuses.

Public School

In Ontario, the *Education Act* says all children must attend school. A child who is 6 years old **must** go to school. Most children start school earlier by attending a kindergarten program when they are 4 or 5 years old.

No school can refuse to admit children because their parents do not have:

- proof of immigration status or proof that they have applied for status
- a work permit or social insurance number
- Ontario Health Insurance Program (OHIP) coverage.

Any child between the ages of 6 and 18 in Ontario have the right to attend a school and cannot be refused admission because the child or the child's parent or guardian is unlawfully in Canada.

Post-Secondary Education

In Canada, each province and territory is responsible for education at all levels within it, including universities. This means that each province and territory regulates the standards of education.

Types of institutions

There are many different higher education institutions. There are universities in each province and you are welcome to apply to any university of your choice. You can also choose to study at a technical or community college if you have a particular career in mind; or you can transfer your community college credentials to a university to continue your studies at undergraduate level.

Access for Students with Precarious Immigration Status program

Students of precarious status, who have faced barriers accessing post-secondary studies as a result of their status have a new opportunity to pursue their higher education in Canada. The FCJ Refugee Centre of Toronto (<http://www.fcjrefugeecentre.org/>) has been instrumental in bringing this program a reality.

An academic bridging course has been created within the Sociology Department of York University for students who have precarious immigration status or no status in Canada.

The course provides an introduction to key concepts and debates in migration studies and allows students to upgrade their critical reading, writing and speaking skills. Achieving a grade of 'B' or better in the course can open a channel to admission to programs in the Faculty of Liberal Arts & Professional Studies and Glendon College in addition to select programs in other Faculties.



In Ontario, the Education Act says all children must attend school.

If you hold precarious immigration status, you may be eligible for admission under the Access for Students with Precarious Immigration Status program at York University.

Refugee Claimants

If you have filed a claim for refugee protection in Canada and you're waiting for the Refugee Protection Division (RPD) of the Immigration and Refugee Board of Canada to decide on your claim, and you cannot pay for your basic needs without working, you may be eligible for an open work permit that allows you to work in Canada. This provision has certain exceptions and also you need to meet the general eligibility criteria for this work permit. It is better that you seek legal advice from a lawyer. Please refer to the resources section for information on legal aid services. In your application you can also include your family members that includes a spouse or common-law partner, dependent children, and their dependent children.

You and your family members may also be eligible for an open work permit if the RPD has **rejected** your refugee claim and:

- you cannot be removed from Canada for reasons beyond your control, and
- you cannot pay for your basic needs without working

In such situations, your family members must be in Canada and you will still need to meet the general eligibility criteria required to obtain the work permit.

Provincial Regulations



Provincially regulated workplaces have rights and responsibilities under the Employment Standards Act in Ontario. It sets out minimum standards in relation to wages, hours of work and public holidays.

You have the right to a safe workplace and get paid for the work done regardless of your immigration status. If you are working without a valid social insurance number (SIN) or work permit, you still have protection under basic labour laws, including employment standards, health and safety, human rights and the Workplace Safety and Insurance Board (WSIB).

If you are a non-status youth and have not been paid your wages by your employer, you have a right of action to claim your wages. OR the work you are doing requires you to operate machineries, your employer must make sure that the safety requirements are in place, if not, your employer is violating your rights. If you face any of these challenges, you may obtain legal advice. There are legal clinics and resources listed at the end of this booklet where you can reach for help.

Minimum Wage in Ontario

As of January 1, 2018, the hourly minimum wage is:

	General	Liquor Servers	Students under 18
January 1, 2018	\$14	\$12.20	\$13.15
January 1, 2019	\$15	\$13.05	\$14.10
October 1, 2019 (and every year after)	\$15 + Cost of Living Adjustment	\$13.05 + Cost of Living Adjustment	\$14.10 + Cost of Living Adjustment

You must be paid at least the minimum wage for every hour you work. There are certain exceptions to the minimum wage rule.

Hours of Work

Daily Hours

You do not have to work more than 8 hours a day, OR the number of hours in your regular work day (if it is more than 8 but no more than 13)

Extra Hours

If your workplace wants you to work more than your regular workday, then they must get your written consent to do so, (other than emergencies) by way of signing an agreement with you. You have the right to refuse to work more than the regular hours and can refuse to sign the agreement.

Meal break

You are entitled to a 30 minute break for each 5-hour period worked, this break can be either paid or unpaid depending on the employment contract.

Overtime

You are entitled to get paid overtime when you work for more than 44 hours in one week. Overtime pay is calculated as 1.5 times your regular pay. For example: If you get paid \$20 an hour normally, you should get paid \$30 for every hour worked after 44 hours.

Public Holidays and Public Holiday Pay

Public holidays in Ontario are:

New Year's Day, Family Day, Good Friday, Victoria Day, Canada Day, Labour Day, Thanksgiving, Christmas Day and Boxing Day.

Most workers are entitled to take these days off work and be paid public holiday pay. Or, workers can agree in writing to work on a holiday and be paid.

Domestic or Sexual Violence Leave



Domestic or sexual violence leave provides workers with job-protected leave when they or their children are facing domestic or sexual violence.

You must have worked with your employer at least for 13 consecutive weeks to be eligible for this leave.

Workers get 10 individual days of leave and up to 15 weeks of leave if the employee or their child experiences domestic or sexual violence or the threat of domestic or sexual violence.

The first 5 days of leave, each calendar year, will be paid. The rest will be unpaid.

You have to provide reasonable evidence to your employer to let you take this leave.

Workplace Safety

Almost everyone working in Ontario, is covered by the *Ontario's Occupational Health and Safety Act (OHSA)*.

This law provides, if you work with hazardous chemicals or other dangerous substances, the right to be trained on how to use and handle substances safely, and what the health effects are from exposure to them.



It is illegal for your employer to fire you for asking about your rights.

Your employer cannot fire you because you have an injury or serious medical condition; if the company fires you without trying to accommodate you, you may have a human rights complaint.

Renting a Place?

As a refugee youth, you have the right to equal access, affordable housing and freedom from discrimination when you rent a place in Ontario. The Ontario Human Rights Code lists the prohibited grounds of discrimination in accessing and maintaining your right to housing (Refer to the chapter on 'Know your Rights').

If a landlord refuses to rent you a place based on your race, ethnicity, religion, citizenship, sexual orientation, gender, family status, disability, age or receipt of social assistance you may file a complaint against the landlord at the Ontario Human Rights Tribunal.

Know your rights when you are renting a place

What **can** housing providers ask you for?

1. Credit references. This can also include asking for your permission to check your credit.
2. Information about where you rented before.
3. Information about your income when they have also asked for credit references and rental history.
4. One month's rent as a deposit. This must be used to pay rent for the last month of your tenancy. No other deposits - including security deposits for damages etc. - are allowed.
5. An agreement from another person (parent, friend, etc.) to guarantee that you will pay the rent. That person is called a guarantor and must pay if you do not pay.

All these requirements must be used in a way that does not discriminate on any of the prohibited grounds. Illegal requests often occur based on age, gender, citizenship and receipt of public assistance. The landlord requesting information should not assume they can reject you because you have no history. This could be illegal discrimination.

Housing Providers **cannot** ask you for the following:

1. Your SIN number (landlords only need your name, address and date of birth for a credit check)
2. Your source of income, unless they also ask about your credit and rental history.
3. Any deposits other than for your last month's rent.
4. Information, about your age, ethnic background, citizenship or marital status.
5. If you have children or number of children.
6. Post-dated cheques or direct payment from social assistance or any other source.
7. Criminal reference checks - unless they have good reason for asking.

The tenancy agreements should use the new Standard Form Lease. Any illegal clauses in the lease are void.

Minimum Age to Rent

In Ontario, 16 and 17-year olds are entitled to rent if they have left parental control.

At the age of 16 (or older), you can generally decide where you want to live and you do not need a legal guardian. If you are under 16 years old, (or if you and your parents live in another province where the age for leaving home is 18 years), your parents can contact the police to have you returned home if you are living in a place that is not safe - for example, a place where you are at risk of physical, emotional or sexual abuse.



As a refugee youth, you have the right to equal access of accessible, affordable housing and freedom from discrimination when you rent a place in Ontario.

Tenancy and Eviction

The law that governs tenancy rules and eviction in Ontario is the *Residential Tenancies Act*. Under this Act, a rental unit can be an apartment, a house, or a room in a rooming or boarding house. The Act also applies to care homes, retirement homes, and sites in a mobile home park or land lease community.

Some of the rules under this law **do not apply** to non-profit and public housing, some university and college residences and if you share a kitchen or bathroom with the landlord.

Unless you agree to leave, a landlord cannot end your tenancy and evict you without an Order from the Landlord and Tenant Board. You can only be evicted with written notice and for the reasons listed in the Act but you do not have to leave just because the landlord gave a notice. The landlord must apply to the Landlord and Tenant Board for the eviction Order. You are notified of the hearing date you so you can go to the Board and give your side of the story. The only reasons for eviction are:

- Non-payment of rent: The most common cause of eviction is tenants not paying rent in full (arrears). When there is rent owed, a landlord can apply to the Landlord and Tenant Board to request an Order for payment and to evict the tenant but the tenant is given the chance to pay up and stay;
- Persistent late payment: A landlord may apply to evict a tenant if the rent is “persistently” (repeatedly) unpaid in full by the due date;
- Disturbing other tenants or the landlord - for example, loud parties late at night;
- Causing “undue” damage to the rented property - damage that is more than normal wear and tear and caused deliberately or carelessly;
- Doing something illegal on the property or in the unit - for example, dealing drugs;
- Seriously risking the safety of other people - for example, causing fire hazard;
- Allowing too many people to live in the rental unit (overcrowding);
- If the landlord wants the rental property to live in the unit (or to allow their immediate family or caregiver to live in the unit), sell it to a person who will live in it, use it for a different purpose or do major repairs, then they can give their tenants a notice to end the tenancy.

There are many rules that the landlord must follow around these “no-fault” evictions. In some cases, the landlord might have to pay the tenant for giving up the place or the tenant might have the right to move back into the property.

The Landlord and Tenant Board can refuse any request for an eviction. This would happen if the landlord could not prove that the reason they gave was true, if they filled out the forms wrong or if an eviction would create too much hardship for the tenant.

If you receive any notice from the landlord or from the Landlord and Tenant Board that concerns you, take your documents promptly to your local community legal clinic for help. You can find your clinic at www.legalaid.on.ca

The Interim Federal Health Program–Refugees

The Interim Federal Health Program (IFHP) provides limited, temporary coverage of health-care benefits to people in the following groups who aren't eligible for provincial or territorial health insurance:

- Protected persons in Canada
- Resettled refugees
- Refugee claimants
- Individuals detained under the Immigration and Refugee Protection Act (IRPA) while in detention
- Victims of human trafficking.

The IFHP coverage includes, the **'basic coverage'** similar to health-care coverage from provincial or territorial health insurance plans

- in-patient and out-patient hospital services
- services from medical doctors, registered nurses and other health-care professionals licensed in Canada, including pre and post-natal care
- laboratory, diagnostic and ambulance services

Supplemental coverage

- limited vision and urgent dental care
- home care and long-term care
- services from allied health-care practitioners including clinical psychologists, psychotherapists, counselling therapists, occupational therapists, speech language therapists, physiotherapists
- assistive devices, medical supplies and equipment, including:
 - orthopedic and prosthetic equipment
 - mobility aids
 - hearing aids
 - diabetic supplies
 - incontinence supplies
 - oxygen equipment

Prescription drug coverage

Prescription medications and other products listed on provincial/territorial public drug plan formularies.

The benefits covered by the IFHP have certain limits including maximum dollar amounts. You need to consult a lawyer or your community settlement agency for further advice in obtaining these services.

Resources

Legal Services

Toronto–Refugee Law Office

20 Dundas St West Suite 202,
Toronto M5G 2H1
416-977-8111
<http://www.legalaid.on.ca/en/contact/contact.asp?type=refugee>

** Services are available in French at this location*

Legal Aid Ontario

Telephone

Toronto: 416-979-1446
Toll free: 1-800-668-8258

TTY (Telephone device for the hearing impaired)

Toronto: 416-598-8867
Toll free: 1-866-641-8867

Fax: (416) 979-8669

www.legalaid.on.ca

Email: info@lao.on.ca

** A legal information resource from legal aid Ontario: <http://lawfacts.ca/refugee>*

Pro Bono Ontario

Ontarians who have essential legal needs but can't afford a lawyer
<https://www.probonoontario.org/>

Human Rights Tribunal

613-995-1707

HALCO – HIV & AIDS

Legal Clinic Ontario

416-340-7790

Advocacy Centre for Tenants Ontario

55 University Avenue Suite 1500,
Toronto M5J 2H7
416-597-5855
Toll-free: 1-866-245-4182

ARCH Disability Law Centre

55 University Ave Suite 1500,
Toronto M5J 2H7
416-482-8255
Toll-free: 1-866-482-2724

Justice for Children and Youth

55 University Ave Suite 1500,
Toronto M5J 2H7
416-920-1633

Chinese & Southeast

Asian Legal Clinic

180 Dundas Street West Suite 1701,
Toronto M5G 1Z8
416-971-9674
Toll-free: 1-844-971-9674

South Asian Legal Clinic of Ontario

45 Sheppard Ave East Suite 106A,
Toronto M2N5W9
416-487-6371

Toronto Workers Health and Safety Legal Clinic

180 Dundas Street West Suite 2000,
PO Box 4, Toronto M5G 1Z8
416-971-8832

Toronto Police Services– Sex Crimes

40 College St., Toronto, ON , M5G 2J3
416-808-7474
General Inquiries: Call 311

School Information

Toronto District School Board

416-397-3000
<http://www.tdsb.on.ca/Contact-Us>

Waterloo Region District School Board

Welcome Centre for Newcomers:
Margaret Avenue Public School
325 Louisa Street
Kitchener ON N2H 5N1
519-576-3018
Web: Welcome Centre for Newcomers

Toronto Catholic District School Board

416-222-8282

Employment

ACCES Employment

Toronto Location
489 College Street, Suite 100
Toronto, ON, M6G 1A5
416-921-1800
Scarborough Location
2100 Ellesmere Road, Suite 250
Scarborough, ON, M1H 3B7
416-431-5326
North York Location
2001 Sheppard Avenue East, Suite 201,
North York, ON, M2J 4Z8
416-443-9008

Settlement Services

Arab Community Centre of Toronto

555 Burnhamthorpe Road, Suite 209
Etobicoke, Ontario M9C 2Y3
416-231-7746 ext. 236
Fax: (416) 231-4770
E-mail: info@acconline.ca

COSTI Immigrant Services

416-244-0480 ext. 246

WoodGreen Community Services

416-645-6000 ext. 2100

Roofs for refugees

<https://www.roofs4refugees.ca/>
E-mail: hello@roofs4refugees.ca

FCJ REFUGEE CENTRE

208 Oakwood Ave, Toronto ON
M6E 2V4
416-469-9754

Canada Newcomers and Immigration Association

3660 Midland Avenue, Suite 300
Toronto, Ontario
647-345-3957

Settlement Assistance and Family Support Services

1200 Markham Rd., Suite #214
Toronto, ON M1H 3C3
416-431-4847
Fax: (416) 431-7283
Email: reception@safss.org

