SCHOOL OUTSIDE THESE FOUR WALLS: CONTESTING IRREGULARIZATION THROUGH ALTERNATIVES TO EDUCATION

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Over the last decade, Canada has witnessed a complete overhaul of its refugee and immigration processes, resulting in the unravelling of a longstanding history of humanitarian contributions. As migrants' situations become increasingly precarious, and pathways for permanent residence are quickly eroded, one area of bordering that has importantly impacted migrant youth involves access to education. While there are a limited number of concessionary policies that promote some level of access at elementary and secondary levels (but none at the tertiary level), many youth remain burdened with feelings of being othered, disengaged and illegalized, throughout their educational trajectories (Uprooted Education 2016). The weight of this exclusion is exacerbated by additional factors including: fear of deportation, non-recognition of home country credentials, negative racialization, feelings of being derailed from their professional path, and other intersections of precarity and dispossession. This paper will explore the intersection of irregularization and access to Canadian education systems; it will draw attention to emerging solutions to these

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exclusions through community-driven, humanitarian and activist responses at all levels of education. Particular attention will be paid to the needs-based development of alternatives to education, highlighting the projects of a Toronto-based organization, the FCJ Refugee Centre. These projects are all unique in their capacity to value the diverse social locations of precarious status migrant youth as they attempt to navigate Canadian education systems.

Keywords: Migration, Irregularization, Education, Canada, Community Response

INTRODUCTION

Canada is currently in the aftermath of a decade marked by a deep political, civic and social exclusion of migrant bodies, which has contributed greatly to conditions of precarity, alienation and discrimination for many young newcomers. Multiple forms of precarious legal status are produced systemically through immigration and citizenship policies that increasingly favour temporary workers over permanent officially recognized immigrants. These precarious residents may depend on a person or institution for their status, including people on work or study permits, sponsored spouses or children, and inland refugee claimants, or may have lost that status, including denied refugee claimants, visa overstayers, and people who were not authorized to enter the country (Goldring et al., 2009). The former Conservative government purposefully and carefully narrowed pathways towards permanent residence, favouring temporariness and increasing the likelihood of precarious legal status and irregularization for thousands of migrants (Bhuyan, 2012; Landolt and Goldring, 2013; Magalhaes, Carrasco and Gastaldo, 2010; Villegas, 2014; Villegas, 2015). In so doing, ongoing discourse about 'bogus refugees', 'anchor babies' and 'barbaric cultural practices' were strategically paired with the constant pronouncement that 'Canada has the most generous immigration system in the world' to justify this exclusionary shift. As a result, borders have proliferated, being replicated and reinforced at multiple necessary points of interaction with Canadian civil society, resulting in gross underhousing, exploitative employment and severely limited access to healthcare for diverse migrant communities. As several scholars have noted, border enforcement does not occur strictly in geographic border spaces, instead the monitoring of bodies takes place in multiple sites, shaping precarious status migrants' day-to day lives (Bhuyan, 2012; De Genova, 2002; Villegas, 2015). The border thus travels with certain migrant bodies, forcing people to encounter it continuously.

One particular area of bordered inaccess that has drawn continued attention and activism across the country is schooling. As a result of ongoing and targeted advocacy, there are now a limited number of hard-won concessionary policies that permit controlled access at elementary and secondary levels in different regions; yet many youth remain burdened with feelings of being othered, disengaged and illegalized throughout their educational trajectories (Uprooted Education 2016). This limited inclusion is further underscored by additional factors including: fear of deportation, non-recognition of home country credentials, negative racialization, feelings of being derailed from professional path, and other intersections of precarity and dispossession (Aberman and Ackerman, 2017). This paper will explore the effects of the processes of legal and social irregularisation for precarious legal status migrant youth, with a particular focus on their point of intersection with education systems in Ontario, Canada. It will draw attention to emerging contestations against this exclusionary irregularization through community-driven, humanitarian and activist responses at all levels of education.

We are participating in this discussion as graduate students, community workers and community members, who for the past several years have worked with a diverse group of newcomer youth, most of whom have held some form of precarious immigration status. This group has been developed as a youth-led, safe and inclusive space for newcomers aged 14 to 30, regardless of any aspect of their identity. As a result, we have welcomed male, female and trans identified youth from countries around the world. These youth have had differing experiences of privilege and oppression based on race, gender, class, sexuality, religion, ability and exposure to violence. Through this work we have not only been sensitized to the issues faced by newcomer youth, including access to education, but have also had the opportunity to work in solidarity with the youth to support them in creating their own advocacy, research and community-driven responses. This paper will highlight two particular projects undertaken by members of the group to address barriers in accessing education, and bring them into larger contexts. These projects focus on secondary and post-secondary level education, encompassing grades 9 to 12, and college or university, which align with the ages and priorities of the youth involved. To contextualize this discussion, it is important to highlight that in Ontario, students typically attend high school from the age of 14 to 18, at which point they are provided options to apply for and attend college (which is often considered more technical and career-based) or university. For migrant youth however, pathways through these educational systems are filled with obstacles and barriers, many of which will be detailed throughout this paper.

THEORETICAL FRAMEWORK

To better engage in this discussion, we would like to build and work from a theoretical framework that invokes dominant ideology, hegemonic discourse as well as a feminist intersectional analysis. Framing our discussion with these overlapping and interrelated concepts will offer a deeper insight into the plight of precarious legal status migrant youth as they navigate and make sense of Canadian schools and educational participation.

Dominant ideology shapes not only the migration process, but also the experiences of inclusion and exclusion in a new country. While global capitalist systems of inequality, oppression and/or violence create push and pull factors that incite transnational migration, they also shape the newcomer experience. Dominant ideology is pervasive throughout the settlement processes of newcomer youth in Canada, mainly informing a rhetoric of who can exist and who cannot. Peter McLaren defines ideology as referring to 'the production of sense and meaning' and goes on to conceive that '[i]t can be described as a way of viewing the world, a complex of ideas, various types of social practices, rituals, and representations that we tend to accept as natural and as common sense' (McLaren, 2009: 69). Within this ideology, which favours the dominant relations of power based on race, gender and class privilege, discourses of difference are produced and reproduced for migrant youth. Dorothy Smith (1987) builds on the concept of ideology and speaks of 'ideological practice', a concept which helps us understand how dominant ideology works to obscure the social, cultural, civic, economic and political realities that underlie the experiences of migrant youth. Essentially, messages are continually repeated and reaffirmed for refugee youth that 'you are not worthy of being here'.

These exclusionary practices, experienced throughout the migration process, have been tightly woven in the reception of migrant youth over the last decade. They are deeply rooted in a capital, patriarchal and colonial history, giving weight to the myths of the 'good' and 'failed' refugees, or the included and excluded. Even youth that make it past the immigration gate, and are able to begin the processes of civically, socially and economically stabilizing themselves in Canadian society, are deluded to understand that their existence is simply tolerated, despite their precarious status. In actuality, many youth find avenues to precarious employment, limited social programs, and a limited level of participation in Canadian education systems. According to Smith (1987), ideas and concepts become ideological when they objectify social reality and mask its history and mode of production (Ng & Shan, 2010). Thus, ideology is serving its

purpose well here, as it obscures not only the causes, processes and experiences of migration, but also the reality of deep and persistently produced marginalization and discrimination, offering a semblance of superficial participation in Canadian society. What we would argue is that the traditional envelope of settlement services is replicating the hostile and deterrent borders that so many youth have needed to overcome just to get into the country. Threaded by dominant ideology, settlement services perpetuate colonial myths and structures, while at the same time mirroring immigration policy, working to collaboratively manipulate and control migrant bodies. As will be shown in this paper, education is a great example where borders are recreated, histories erased and youth irregularized, as schools are considered a necessary site of societal participation.

In order to unpack these dominant ideologies, intersectionality, coined by Kimberlé Crenshaw (1989), offers a valuable feminist approach for disrupting dominant power relations and constructed inequalities based on difference. A nuanced intersectional understanding allows for the deconstruction of dichotomies, divisions and compartmentalizations. Since identity markers such as gender, race, class or immigration status are inextricably intertwined, each produces a 'modality' through which the others are lived, coming into existence through their relation to each other (Gilroy, 1993; McClintock, 1995). We draw on what Leslie McCall (2005) identifies as the *intracategorical complexity approach* where '[t]he point is not to deny the importance – both materially and discursive – of categories but to focus on the process by which they are produced, experienced, reproduced, and resisted in everyday life' (1783). While McCall offers three different methodological approaches for intersectional analysis, *intracategorical complexity approach* is most useful for us as it both challenges the social production of identity constructs and recognizes that these constructs impact people's lived realities. Categories, such as gender, race, class, ability, age and sexuality, among others, are deconstructed. This process allows a theoretical and analytical understanding of how interactions and oppressions based on hegemonic ideas contribute to their production and reproduction. Thus the inclusion of diverse experiences becomes possible (Gimenez, 2001; Lutz et al., 2011). Even within the dominant ideological constructs of the 'good' or 'bad' refugee, there are intersecting expectations based on particular identity constructs. While subjectivities and expectations based on identity may shift and change through the migration process, different bodies experience inclusion and exclusion differently because of material impacts of colonial, racist, heterosexist and ableist systems. In this context, access to the school system plays a role in not only assigning meaning to intersecting identity constructs, but reinforcing borders through inclusion and exclusion.

METHODOLOGY

This article is largely informed through our daily experiences of youth work and case management. Through this work we have had the privilege of supporting precarious status youth as they navigate various immigration and integration processes. We provide information and offer advocacy to allow youth to define their own path as much as possible. Our open door policy allows us to welcome youth regardless of their immigration status, or any aspect of their identities, meaning that we can work with youth often marginalized by systemic barriers and organizational funding obligations. Under conservative funding structures, many community and settlement organizations could not offer services to precarious status migrants, including: refugee claimants, refused refugee claimants who cannot be deported, migrant workers, trafficked persons or people without status. As a result, we are uniquely positioned to offer safe spaces, support, and crucial information for these populations. We now engage in combining that frontline experience with the academic literature, bringing our own knowledge into conversation with research and theory to highlight our praxis.

The projects that are discussed below were inspired and advanced by the youth themselves, focusing extensively on access to education. The *Uprooted Education 2015–2016 Ontario Report* was a participatory action research project, in which implicated youth were given the tools to conduct much of the research and analysis. Six focus groups were held in four cities across the Canadian province of Ontario. A total of nearly 60 newcomer youth participated in these interviews, taking the opportunity to share their experiences of navigating the public high school system with some form of precarious status. The focus groups were supplemented by roughly thirty surveys and three individual interviews, completed by service providers and school staff. The interviews and focus groups were then transcribed and this data, along with the survey results, was used to identify five key themes: Getting In, Equitable Participation, Anti-Discrimination, Support, Moving On. Each theme was then graded by the youth researchers to produce a "report card" styled report. This final product was taken to school board trustees, school administrators, teachers, politicians and community members to try and inspire meaningful change.

The post-secondary project was developed in reaction to the fact that no program existed in the province of Ontario to provide opportunities for higher education for precarious status students. We drew on popular education models and utilized free programing at local universities to create a barrier-free, unaccredited, university-level program that we called Uprooted U. The uniqueness of the project, as described below, meant we had few examples to

draw on, therefore, we relied heavily on student feedback to help us adjust and grow the program. The engagement of the youth involved informed much of our advocacy and programing at the post-secondary level. We feel it is important to highlight both of these projects as examples of participatory praxis because they stemmed from needs defined by precarious status youth and allowed these same youth to both develop and use their skills in the project conceptualization and implementation.

HIGH SCHOOL

Access to formal education for precarious legal status migrant youth is a contested topic in many areas of the world, with responses ranging from all out exclusion, to varying levels of inclusion. While Canada's 2001, Immigration and Refugee Protection Act (IRPA) affirms that '[e]very minor child in Canada, other than the child of a temporary resident, not authorized to work or study [a visitor/tourist], is authorized to study at the pre-school, primary and secondary level' (SC 2001, c. 27), in practice access varies drastically across the country. Advocacy in the province of Ontario has lead to the provincial Education Act reinforcing this right to education, stating that all children and youth under 18 years of age must have access to the Ontario elementary and secondary school system. This provision was added to section 49.1 of the Education Act which reads: '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' (Education Act, R.S.O.1993, c. 11, p. 21). Yet, despite these clear policies, many migrant youth still faced obstacles and barriers registering for and attending school, which subsequently incited a 'Don't Ask Don't Tell' (DADT) campaign at the Toronto District school board; a policy which was finally passed in 2007 (Villegas, 2016). While inappropriately named, (as youth have to reveal their immigration status – regardless of what it is, in order to gain admission), the DADT policy has enabled precarious legal status migrant children to register for school without fearing that their information is going to be shared with immigration authorities.

Activism and advocacy necessarily continues in Toronto however, as the policies are frequently being misinterpreted, under-advertised, and not disseminated effectively to school 'gatekeepers'. As such, youth have encountered multiple layers of often-violent bordering as they attempt to access schooling. Many have required the assistance of advocates to instruct school officials of their

own policies. Therefore, students face an ideological bordering when trying to register for school, which further produces exclusion and illegalization, instilling the idea that they are not the 'right' migrant to be here.

The *Uprooted Education 2015–2016 Ontario Report* (2016), highlights several instances where precarious legal status migrant youth were violently 'othered', or outright turned away from registering for Ontario High Schools, despite the existence of policies. This report was the cumulative effort of a participatory research project undertaken by members of the FCJ Youth Network, with the added contributions of close to 60 youth across the province. Throughout this report, many youth draw attention to unnecessarily burdensome and deterrent processes that prevent their entry into, or full and equitable participation once in, Ontario high schools. As some of the youth shared in the project: 'I did try to go to high school, but I was told I couldn't because of my status, so I just stopped trying' (p. 9) or 'We talked about going to 5050 [Yonge Street]. That's where they send you. Like you can't actually sign up at the school itself. Going there can be pretty scary. It would intimidate anyone to actually go there' (p. 9). This bordering serves its ideological purpose well, reinforcing the idea that many migrants are not 'worthy' of attending school, which shapes how these young people continue to interact with various actors throughout Canadian society. In essence, teaching them that they do not deserve the same level of participation as their Canadian-born peers, reminds them of their deep irregularization, while concurrently heightening their condition of deportability.

Thus, on many levels the experiences and realities for precarious legal status migrant youth are continually manipulated and controlled. Moreover, the pervasiveness of the dominant ideology becomes glaringly visible as it can be traced through multiple branches of their educational trajectories. Many respondents to the *Uprooted Education Report* spoke about discriminatory and tokenistic experiences in the classroom, absence of migrant stories from school curriculum, and being continually reminded that they hold the wrong status to remain here permanently. For example, one youth shared 'I talk to teachers, or there's a field trip, they like still don't recognize it as a thing. They're like, 'oh, you're supposed to have a health card.' It's just supposed to be that way' (p. 17). This was then echoed by a service provider, 'Many programs ask for obvious or hidden indicators of status, including [Permanent Residency], [health] cards, work authorization, etc. Beyond that they are often insensitive to the particular needs and vulnerabilities of non-status youth and their families, leaving youth feeling alienated and unsafe to participate' (p. 21). Thus, many school staff and community workers are pushing forward the ideological agenda of the state, as the onus is now shared to scrutinize, screen and under-value precarious legal status

youth. While numerous individuals are, or try to be allies, systemic barriers keep them from being able to completely include these youth. Therefore, borders are reinforced and replicated, barring civic, social, or even political participation of these youth in different ways. These processes are further impacted by different identity constructs, such as race, gender and class, which are arguably inseparable and work inter-constitutively to shape experiences. Housed under these broad categories are a myriad of additional factors that underlie interactions; examples of which are limitless, but primary examples emerging from the report include immigration status, social status, language ability, trajectories of migration and previous experiences with formal education. All of these elements contribute greatly to identity formation and how precarious legal status migrant youth interact with the world around them.

POST-SECONDARY

While the simultaneous inclusion and exclusion experienced in the school system acts to reify the production of irregularization for migrant youth, graduation marks a distinct point where attempts at social, civic and economic participation change importantly. There are currently no provincial or local policies supporting access to post-secondary education for precarious legal status migrant youth. Thus, as youth graduating from high school watch their peers transition to new academic and economic opportunities, they essentially 'learn to be illegal' (Gonzales, 2011). Gonzales uses this concept to describe the exclusion undocumented youth face in the United States when they move from regular childhood interaction in school, to precarious labour with no access to further education. While immigration status does impact minors as they go through the primary and secondary school system, as described above, the emerging barriers encountered in early adulthood cause the drastic reshaping of plans and the sinking of aspirations. Gonzales explains that youth described this process as 'waking up to a nightmare' (p. 615). As the dominant ideology of exclusion solidifies, youth thus learn to navigate multiple intersecting precarities and a narrow range of bad options; therefore, '[b]ecoming undocumented... [becomes] salient when matched with experiences of exclusion' (p. 609).

There are a multitude of factors in policy and practice that render access to post-secondary education impossible, not the least of which are the international fees that are insisted upon, which are on average three times that of domestic fees. Therefore, youth with a precarious legal status who successfully completed schooling may have been a part of their community for many years, participated

and contributed in various ways, and inevitably paid taxes, are cut off from their goals and dreams. This exclusion significantly effects youth, as they deal with increasing isolation and precarity, as well as uncertain long-term prospects; all contributing to producing and reproducing enduring inequities further ingrained in the intersections of immigration status and income (Landolt and Goldring, 2013), both of which are also highly racialized and gendered. The importance of access to post-secondary education for breaking cycles of poverty, marginalization and other social problems has been clearly documented (Marmolejo, Manley-Casimir and Vincent-Lancrin, 2008; Robson et al., 2015). Without these opportunities, youths have expressed feelings of frustration and hopelessness (Uprooted Education 2016; Aberman and Ackerman, 2017).

While advocacy efforts at the post-secondary level are slowly gaining momentum, the need for an interim response became clear through our ongoing work with migrant youth. Based on popular education concepts and alternative Free School models, we developed a grassroots, unaccredited, post-secondary level program, which we called Uprooted U. The program consisted of two hours per week of class time, which was taught on a voluntary basis by academics from across the Greater Toronto Area. As a result, topics for each class varied significantly, but common themes remained and were highlighted throughout. The students also had the opportunity to improve their academic potential through critical reading and thinking exercises, as well as essay writing and presentations. From its inception, the program evolved significantly in an attempt to meet the needs of the students; for example the students overwhelmingly requested number grades in addition to written feedback, despite the fact that the course was unaccredited and the numbers held no real value. Therefore, it became clear that the experience of 'school' was being valued, even if the context was radically different. In the written words of one student:

> The best thing that happened to me was receiving opportunity for education. You may wonder, what is Uprooted U education? In my own words, Uprooted U education is an educational opportunity for newcomer persons who are unable to access education in Toronto. At Uprooted U we learn from each other, you are able to achieve SMART goals, work with a mentor and gain experience; in comparison to ordinary education, such as high school, college or university, the only major difference would be the fancy building. Therefore, education can be achievable no matter where, when or how.

While this particular program was small and grassroots, it garnered some significant attention due to the involvement of local academics. As a result,

we have been able to explore other opportunities for formal institutionalized education for these students. We are currently working with York University in Toronto to develop a formal bridging program for precarious legal status students, which would ensure a pathway into the university. While there is currently a lot of interest and excitement about this possibility, there remain some foreseeable hurdles to overcome.

CONCLUSIONS

As irregular migration continues to be a controversial and much-discussed topic internationally, the issue of access to education for children and youth is an important consideration. Different efforts, both academic and activist, have been taken up internationally, with varying results. Amidst the ongoing movement of refugees internationally, various actors within formalized educational settings have begun innovating around promising practices to increase space and opportunities for learning. Schools from primary to post-graduate have participated to various degrees in projects of supporting and including migrant populations. However, these projects remain saturated in dominant ideologies of the "good" and the "failed" refugee, perpetuating the exclusion and marginalization of certain migrant students.

In Toronto, efforts to increase educational opportunities and rights have manifested in several policy shifts, awareness-raising campaigns, and community-based projects. Several actors across the city have contributed to promoting greater inclusion and increased access for precarious legal status students. As outlined in this paper, the projects undertaken by the FCJ Youth Network include a participatory action research project and a community-driven post-secondary program. These projects have both raised awareness of dominant issues affecting the youth and offered educational opportunities outside the confines of traditional classrooms. These efforts have been crucial for resisting hegemonic narratives that irregularize and exclude migrant youth, however they are still limited in their impact.

Despite these advancements, further collective action and ideological change is needed to ensure genuine inclusion and access. At the time of publication of this article, we are becoming increasingly hopeful as we are witnessing positive shifts in the way youth issues are being addressed. A growing number of institutions are contesting dominant ideology to confront the exclusions caused by precarious legal status and reevaluating the ways in which they work with these populations. However, to truly promote the safe inclusion and meaningful

engagement of precarious legal status youth, a broader intersectional framework needs to be employed that acknowledges and respects their diverse identity dynamics, and how these play out in their educational participation. Thus, more community-informed, social-justice oriented work needs to be done at all levels – from policy-makers at state and institutional levels, to teachers and professors in the classroom.

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