

Challenging the Quebec rule that shuts out refugee claimants from affordable daycare ^[1]

Many juggle working and child care since they are not eligible for subsidized spots

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EXCERPTS

When Frantz fled Haiti for Quebec in 2018, he thought he had arrived in a place where he could safely and easily raise his family.

Immediately after their arrival, he and his wife started looking for work.

But before long, Frantz's wife had to halt her search so she could stay home with the couple's youngest son. To their surprise, the family learned they were not eligible for subsidized daycare.

"They told me I can't put my son in daycare because I don't have the papers," said Frantz. CBC is using only his first name because he fears going public could hurt his immigration process.

The roadblocks faced by parents who are refugee claimants are relatively new. In April 2018, the Family Ministry changed its policy so that they would no longer be entitled to subsidized daycare.

This has created a situation where refugee claimants struggle to afford daycare, and daycare providers have difficulty knowing who they can offer coveted spots to. Now, a court battle is shaping up to change the rules.

In order to qualify for subsidized daycares, parents must be recognized as a refugee or protected persons under the Immigration and Refugee Protection Act. They must also hold a certificate issued under the Quebec Immigration Act.

Frantz has yet to qualify for those conditions. It would have cost \$40 a day to send his son to a private daycare.

"My wife stayed home for two years," Frantz said. "I was working two jobs to pay rent, buy food, buy clothes and we came here with almost nothing."

Eventually, Frantz saved up enough money to send his son to a private daycare but it wasn't easy on a single income.

It has been almost three years since Frantz arrived in Quebec and he still hasn't received any word from the provincial government on when he could expect news about his status as a refugee.

He isn't alone.

Frantz says many women he knows came to Quebec as single mothers and faced similar challenges. It was even harder for them to manage work and child care.

Confusion over who qualifies for daycare spots

It is a challenge to daycare owners as well.

After the policy changed in 2018, many daycares found themselves declining parents who are refugee claimants simply because they cannot tell a parent's immigration status based on the centralized waiting list for daycares.

"We don't know wh[ich] parent is eligible for our centre," said Sonia Gandhi, owner of Garderie Domino. "It's just a list of names of parents with the name of their child and their date of birth."

It can lead to frustrating situations.

Without having a way to properly gauge the eligibility of the parents, Gandhi has brought in parents to visit the daycare only to have to turn them away at the last second.

"When we were about to fill out all the paperwork," said Gandhi, "they brought me a refugee paper and I had to say 'Oh, you're not eligible.' They were upset because I called them to make an appointment. I made them come visit the daycare. They wasted their time. I

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Taking it to court

Sibel Ataogul, a lawyer, is contesting this requirement in a pro-bono case.

"The regulation goes too far," said Ataogul. "The legislation doesn't allow the regulation to discriminate this way, meaning exclude refugee claimants. The interpretation that the government is giving this regulation is incorrect. They're interpreting it restrictively."

Ataogul argues that this restriction contravenes the right to equality and dignity under the Quebec Charter of human rights and freedoms and the Canadian Charter of Rights and Freedoms.

She also claims it also constitutes cruel and unusual punishment under the Canadian charter.

"We're saying the interpretation of this regulation is not permitted by legislation, and even if all of that was true, it would still be against the Charter of Human Rights," said Ataogul.

The case is set to begin in April 2022.

Region: Quebec ^[3]

Tags: immigrant and refugee ^[4]
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Source URL (modified on 17 May 2021): <https://childcarecanada.org/documents/child-care-news/21/05/challenging-quebec-rule-shuts-out-refugee-claimants-affordable>

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