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Narratives from non-citizen former youth in child welfare care fighting crimmigration and deportation

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Abstract: This article exposes the policies that affect the stability of non-citizen migrant youth who enter child welfare care and reveals the carceral logics underpinning three dominant systems: child welfare, immigration, and criminal (in)justice. Drawing on the narratives of four former youth in care with precarious status ensnared in the criminal (in)justice system and slated for deportation, we advance a transcarceral and bordering framework to understand the systemic oppression non-citizen former youth in child welfare care encountered as they navigated social exclusion from multiple carceral systems and resisted constructions of belonging. We argue that the child welfare systems abandoned these former youth in care, leading them to an unstable life spiralling towards criminality while they were unconsciously living with precarious status as non-citizens, facing deportation from Canada. The article ends with recommendations from the former youth in care as they reflect on the events that led them towards deportation.

Keywords: child welfare; deportation; aging out; transcarceral; crimmigration; bordering practices; migration; non-status youth; precarious status.

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1 Introduction

Canada prides itself on welcoming displaced migrants, yet many migrants face policies and practice that compound existing trauma and a sense of displacement. Migrants¹ without citizenship or permanent residency often live under the threat of deportation, particularly if they encounter the criminal justice system. This research seeks to highlight policies that affect the stability of non-citizen migrant youth who enter child welfare care and to reveal the carceral logics underpinning three dominant systems: child welfare, immigration, and criminal (in)justice. We draw on the narratives of four former youth in care with precarious status and advance a transcarceral and bordering framework to conceptualise how the former youth understood themselves as deportable subjects. Although unaware of the threat of deportation until receipt of deportation notices, their sense of belonging had already been shaped by the care system through pivotal moments of abandonment. Advocates and lawyers successfully fought their deportations, yet deep scars remain. Their reflections on the transition from being children in the care system needing protection to disposable aliens after incarceration exposes what is described as the transcarceral pipeline (Bergen and Abji, 2020) or the inevitable tunnel towards deportation (De Finney and Mucina, 2021). The complex needs of migrant youth with precarious status are not recognised by the Canadian child welfare system. Instead, this system of ‘care’ facilitates the surveillance of migrant youth who then become construed as ‘criminal threats to the nation’. This paper seeks to engage the ways colonial logics and everyday bordering practices embody exclusion rather than belonging. We explore how exclusion leads to complex relationships with the state and deepens relational trauma for former youth as they navigate the child welfare system now as parents themselves.

1.1 *Migrant youth in child welfare ‘care’*

Non-citizen former youth in care (NCFYIC) are young people who were involved in or under the guardianship of the child welfare system before ‘aging out of care’ without citizenship or with what we call throughout this paper, precarious status (i.e., permanent resident status, non-status, refugee status and temporary visas). Immigration status grants differing rights and access to necessary services in Canada, and to hold precarious status means facing barriers to health and social services, and obtaining legal employment [Immigration Status Matters, (2014), p.1] that increase social and economic insecurity. Accessibility issues related to employment and services expose individuals with precarious status to apprehension, detention, and deportation. Deportation of NCFYIC is double punishment, which solidarity across borders defines as ‘the unjust policy used

against non-citizens who face deportation after already being punished by the criminal justice system' (Yiu, 2013).

Presently, there is limited research in Canada that focuses on non-citizen encounters with the child welfare system. Hare's (2007) research with former youth in care identified compounded vulnerability among non-citizen youth when they transition out of care, surfacing a limited understanding among practitioners of how to advocate for youth with precarious status in and out of the child welfare system. Similarly, Maiter and Leslie's (2015) research revealed that child protection workers are not always aware of the immigration status of the youth on their caseload and identified a lack of worker confidence when working with migrant children, youth, and families.

Provincial child welfare legislative acts across Canada offer minimal direction to front-line workers regarding immigrant families or non-citizen children and youth who become permanent wards of the state. In the absence of clear policies, front-line workers may not understand the implications of youth leaving state guardianship without citizenship. These youth enter adulthood at risk for deportation if incarcerated. Youth who age out of care may not gain Canadian citizenship due to the limited capacity of child welfare workers ability to submit the application; youth lack social support from having multiple foster and group homes, encounter homelessness, and often face criminality (Barker et al., 2014; Turpel-Lafond, 2014). If convicted of a crime and sentenced to more than six months, they are subject to automatic removal by the Canada Border Services Agency (CBSA) upon release from prison, with no review of the circumstances of the case. This direction comes from Bill C-34, the Faster Removal of Foreign Criminals Act (FRFCA) passed in 2013 to place mandatory minimum conditions on the threshold for criminal sentences that can lead to the deportation of non-citizens. Foreign criminals include permanent residents with legitimate status who may have been living in Canada since childhood and under the guardianship of the child welfare system.

The most recent work examining carceral pipelines for newcomer children in child welfare care is by Bergen and Abji (2020), who conduct a case analysis of one NCFYIC, Abdoul Abdi. Abdi's case became public in 2018 due to the relentless advocacy of his lawyers and support systems. Bergen and Abji (2020, p.40) argue that a pipeline can be traced from child welfare systems to 'a growing 'cimmigration' system', which they define as the increased criminalisation of precarious migrants through state laws, policies, and practices. The influence of anti-immigrant discourse justifying 'bordering practices,' which are the 'measures taken by state institutions – whether at territorial frontiers or inside them', serve to 'demarcate categories of people so as to incorporate some and exclude others, in a specific social order' [Guentner et al., (2016), p.392]. Bryan and Denov (2011) argue that both anti-immigrant and anti-youth discourses may be conferred on children, creating what they coin a 'risk identity' (p.245). Alongside the fear of migrants, anti-youth discourse holds anxious sentiments around youth crime, particularly for racialised persons (p.252). Racialised youth with precarious status are constructed as 'symbolic threat[s]' (p.245). Thus, 'non-citizen status may intersect with class ideology, racist discourse, and gender norms, sanctioning the indiscriminate categorisation of refugees as 'risk''. Bryan and Denov (2011, p.261) also note that 'even individuals who pose no threat to Canada's national security are vulnerable to 'risk identity''. In Bryan and Denov's (2011, p.250) study with unaccompanied minors seeking asylum, participants shared that they were met with suspicion and/or harsh treatment by court officials, police, neighbours, teachers, and service workers.

The material consequences of being subject to ‘risk identity’ are evident in child welfare’s role in ‘cimmigration’. Bergen and Abji (2020) describe how ‘a shift happens where the child in ‘care’ is reframed from victim to a threat to the Canadian population due to criminality and non-citizen otherness’, producing the ‘care to prison pipeline’ (p.40). They reason that ‘social work and workers are directly implicated in the process by which the carceral state ‘adopts,’ jails, and then deports young people’ and ‘thus have a unique responsibility to consider our roles in facilitating – and disrupting – the carceral pipeline’ (p.40). Despite efforts from child and migrant advocates, activists, and scholars, Canada falls short of complying with international Human Rights laws that would protect the rights of children and asylum seekers. For example, in the case of Abdoul Abdi, Nisha Nath writes about how all international human rights arguments put forward by his defence were considered irrelevant and described as speculative and premature by the courts [Nath, (2021), p.303] arguing that ‘non-citizens who face deportation are positioned in the first order as threats, not as rights bearers’. Immigration trends that contribute to precarious status subject many young people, including NCFYIC, to a life of uncertain systemic impediments that increase the potential of incarceration and deportation. Deportation becomes a natural or inevitable response on the part of the state when considering who belongs and how to protect Canadian borders. Peutz and De Genova (2010) name the state’s political practices towards immigrant communities as a part of the deportation regime, eloquently articulating how borders are regulated, manifesting and engendering ‘dominant notions of sovereignty, citizenship, public health, national identity, cultural homogeneity, racial purity and class privilege’ (p.2).

For this paper, we will be focusing on the narratives of four NCFYIC and centre their voices in the analysis, scope, and focus of this paper. We use the language of NCFYIC throughout the paper to reflect the multiple interlocking identities these youth hold. In the first part of this paper, we consider research and literature that currently engages with migrant youth in child welfare systems across Canada. In the second half of the paper, we delve into the narratives of four women (NCFYIC) who share how they navigated transcarceral social systems. The women speak to how the child welfare system failed to protect them as youth in care, pushing them toward drugs and sex trade, and ultimately criminality, culminating in the moment they discovered they were living with precarious status. This paper ends with youth voices for change to the ‘cimmigration’ system so no other migrant youth is pushed through a pipeline of abandonment ending in deportation. This research is unique in that the focus is on women identifying migrants who are criminalised and encountering deportation. Often criminalisation discourses focus on men, particularly in the intersection of deportation and criminalisation (Subramaniam, 2018, Nath, 2021). The narratives of the women in this study expand our understanding of cimmigration, child welfare systems, double punishment and bordering practices through an intersectional analysis, providing a gendered framework for understanding these systems.

1.2 Immigration trends and discourse: mapping the research landscape

Migrant and racialised families are disproportionately represented in the Canadian child welfare system (Pottie et al., 2015). For example, in Ontario, child maltreatment investigations are more likely to occur for newcomer households than non-newcomer households (Houston et al., 2021). Black and Indigenous children are uniquely overrepresented in the child welfare system (Ontario Human Rights Commission, n.d.);

this pervasive crisis exists ‘at all levels of decision making’ in the child welfare system (Cénat et al., 2021). The overrepresentation of migrant and racialised families in the child welfare system can be attributed to over-screening and over-reporting [Pottie et al., (2015), p.32, p.59], often rooted in discrimination, racism, and systematic biases (Antwi-Boasiako et al., 2020; Derezotes et al., 2005; Drake et al., 2011; Roberts, 2002, as cited in Houston et al., 2021). No One is Illegal (2015) Vancouver published an article stating that the Canadian government deported 117,531 people between 2006–2014. We know very little about the number of children who come into child welfare systems across Canada without citizenship and even less about how many children exit the care system and enter the pipeline funnelled towards deportation, largely due to the fact that these statistics and demographic information is not collected.

Since 2008, Canada has introduced an ‘unprecedented’ amount of immigration policy updates that notably increase precarious forms of migration (Bhuyan et al., 2017). This has produced a ‘confusing array of gradations of uncertain or ‘less than full’ migration status’ [Goldring et al., (2009), p.240], and led scholars to recognise a ‘systemic production of illegality’ [Bhuyan and Smith-Carrier, 2010; Goldring et al., (2009), p.240; Marsden, 2012]. Defining precarious migratory status requires a multi-dimensional appreciation for how precariousness is ‘constructed by specific state policies, regulations, practices of policy implementation, activism, discourses, and so forth’ [Goldring et al., (2009), p.240]. ‘Precarious status’ here refers to ‘undocumented and documented illegality, and other forms of insecure and irregular migrant status’ [Goldring et al., (2009), p.240]. Unique structural barriers to accessing public services face those holding precarious status which ‘[contributes] to people’s wellbeing, health, social inclusion or exclusion, and sense of belonging to society’ [Goldring et al., (2009), p.252]. Barriers encountered may include obstacles to self-sufficiency and stability in securing identification, work, housing, and accessing basic public benefits such as healthcare (Kalil, 2021). Eligibility requirements fortify these barriers; for example, waitlists for benefits such as subsidised housing and childcare are already lengthy even with eligibility requirements applied. Precarious status is accompanied by ‘limited social benefits and statutory entitlements, job insecurity, low wages, and high risks of ill-health’, with an emphasis on how these conditions are spread unevenly when layered into social stratifications of race [Goldring et al., (2009), p.252; Vosko, 2006, as cited by Marsden, 2012]. Barriers facing racialised migrants who hold precarious status compound with poverty criminalisation and racial profiling so that when the child welfare system is encountered, these families may be at higher risk for initial child protection investigations, subsequently reinforcing potential carceral engagement with the care-to-prison-to-deportation pipeline.

There may be as many as 42.5 million displaced persons worldwide, 46% of which are minors [UNHCR Global Resettlement Statistical Report, 2011, as cited in Denov and Blanchet-Cohen, (2016), p.237]. Like their adult counterparts, children with precarious status live in an ‘uncertain zone between legality and illegality, and they often have limited access to essential services and citizenship rights’ [Denov and Blanchet-Cohen, (2016), p.314]. The Canadian Immigration and Refugee Protection Act, in 2001, introduced for the first time the obligation for decision-makers to consider the ‘best interest of the child’; however, although some youth with precarious status do benefit from such considerations, without a comprehensive policy that centres children’s rights,

their interests are reduced to merely one of many considerations [Denov and Blanchet-Cohen, (2016), p.314, p.308].

1.3 Analytical framework and methodology

Responding to the need to apply anti-colonial lenses to systems of care, we identify social service systems as sites of transcarceral power, defined by De Finney et al. (2019, p.7) as ‘enacted through institutions and bureaucratic warfare such as, for example the Indian Act, the school-to-prison pipeline, and the child welfare system to deny, strategically, Indigenous claims to land and citizenship of racial others’. These transcarceral social systems (De Finney and Mucina, 2021) form an interlocking network for policing, punishing, and disposing Black, Indigenous, and racialised children, youth, and their families, with pipelines or tunnels to the criminal justice and immigration systems. Child welfare systems are part of larger settler colonial policing structures that sustain their power over Indigenous land and resources while maintaining racial hierarchies (Nath, 2021). An anti-colonial lens challenges dominant practices of knowledge production, in order to centre Black, Indigenous and racialized ‘intellectual and political emancipation’ [Dei, (2006), p.2]. We offer new insights to challenge child welfare systems in the pursuit of agency and resistance of NCFYIC and intersect an anti-colonial understanding of child welfare and immigration with a bordering framework, highlighting the daily exclusionary tactics embedded in these systems. This paper draws on critical feminist intersectionality and applies a bordering framework to analyse how non-citizen youth are being framed as deportable by social systems of care that purport to hold their best interests at heart. A bordering framework refers to ideological borders which affirm the legitimacy of the state in deciding who belongs within (and who can be excluded from) its territory (Bhuyan and Braag, 2019; Yuval-Davis et al., 2018). Foundationally, in relationship with contemporary politics of belonging (Yuval-Davis et al., 2018), bordering describes how social identities are constructed by the state, determining which subjects belong according to race, ethnicity, religion, culture, class, gender, sexual orientation, ability, language, and national origin. While encompassing capacity and limitations of one’s physical movement, bordering is also concerned with questions of ‘who’, ‘how’, and ‘why’ that explore issues of control (Yuval-Davis et al., 2019). Here, borders are maintained by exclusionary ‘us versus them’ policies such as xenophobic discourses and systemic racism, such that Marsden (2012, p.226) asserts ‘in reality the borders are constructed within, rather than outside, the state’ through irresolute rights and access to legal, economic, and social services in Canada. These internal bordering practices, maintained by colonial logics, reify a sense of separation and abandonment, which compounds with relational trauma, complexifying youth’s relationship to the state.

1.4 Methodology

Between 2012–2016, this paper’s first author lived and worked in Halifax, Nova Scotia, and through her networks and work in the School of Social Work at Dalhousie University, was involved in supporting the efforts of advocates and lawyers who were fighting the removal of NCFYIC. In the autumn of 2019, she interviewed four NCFYIC, as well as five advocates and lawyers, who worked with these youth to fight their deportation cases. The four women’s stories of survival, resistance and refusal are the central scope of this article, leaving the narratives of the advocates and lawyers for

another paper. Because of the unwavering and relentless support of these advocates and lawyers the women were not deported and are able to speak to their story today. To focus on the women's subjugated knowledge, the interviews reflected critical feminist research practices that centred their lives and understanding of the issues they live and breathe every day. Researchers have noted that relatively few studies focus on the narratives of former youth in care (Gilligan and Machoian, 2002; Mitchell et al., 2010).

The four women in this research all moved through the child welfare system as youth, were incarcerated for a criminal offence, and after exiting the prison industrial complex, discovered they were deportable subjects under Bill C-34. They came to this research from diverse ethno-racial and social backgrounds and different ages (between the ages of 22 and 35). The Canadian Association of Elizabeth Fry Societies played an integral role in recruitment and coordinating the interviews. The qualitative semi-structured interviews took place in halfway houses and private homes in Nova Scotia. The interview questions focused on each of their experiences in the child welfare system, their navigation out of care, the circumstances that led them to be criminalised, and finally, their fight against their deportation. An ethics of relationality and care was taken in the interviews, particularly in following the lead of each of the women and allowing them to shape the direction of the interview. Lastly, questions focused on how the women navigated these systems, supports, and their recommendations for the three dominant systems that enacted transcarceral power over their lives.

We reflect on the resistance against and refusal to succumb to oppressive powers as demonstrated by these women's lives while they navigate dominant systems of control and still survive. To interrogate power and colonial legacies of control, we want to honour what many have called an 'ethic of refusal' (Chadwick, 2019; Simpson, 2007; Tuck and Yang, 2014) to refuse trauma narratives that perpetuate stigma and racist discourses, and instead focus on strength and resilience as they fight multiple transcarceral forces. We draw from Simpson (2007, p.77) who pushes researchers to consider 'What am I revealing here and why?'. We spend some time engaging with daily exclusionary tactics and politics of belonging that shaped the women's navigation through transcarceral systems, exposing the bordering practices evident in child welfare systems and the settler colonial underpinning of this system. For the purposes of this article, we have selectively chosen narratives that emerged from the interviews, reflecting the individual life stages of the participants from childhood to the present moment when they were interviewed. Reflecting on each woman's willingness to speak to a large span of their life, we organised the findings in three distinct stages that reflect the common trajectory each moved through including:

- 1 Coming into the 'care system'.
- 2 Exiting the 'care system' funnelling towards criminal (in)justice and becoming deportable subjects.
- 3 Intergenerational impacts and everyday navigation of transcarceral systems.

2 Narratives of NCFYIC from transcarceral care to fighting deportation

To distinguish the women’s voices according to their intersectional identities, we adopt pseudonyms inspired by the distinct weather systems in Nova Scotia.² To clearly identify each participant’s story we offer Table 1.

Table 1 Participant identities

Spring	<ul style="list-style-type: none">• Immigrated from Europe• Identified as a White woman• Came into child welfare guardianship as a child and exited at the age 16
Summer	<ul style="list-style-type: none">• Immigrated from Central Africa• Identified as Black and woman• Came into child welfare guardianship as a child and exited at the age of 16
Autumn	<ul style="list-style-type: none">• Immigrated from USA• Identified as mixed Black and Latino• Came into child welfare guardianship in the US as a child, adopted by a Canadian family at six years old and left home in her late teens
Winter	<ul style="list-style-type: none">• Immigrated from Africa• Identified as Black and woman• Came into child welfare guardianship as a child and exited at the age of 16

Spring immigrated here from Europe and identified as white, coming into the care system as a young child when she was abandoned by her biological family and exiting the care system at the age of 16. *Summer* migrated to Canada as a refugee at a very young age from a country in Africa amid a civil war, accompanied by an uncle. Summer identified as Black and came into the care system as a young child and exited at the age of 16. *Autumn* was brought into care in the USA with her brother when she was around six years old; after moving around to multiple foster homes, they were both adopted by a family in Canada and lived among up to 30 other foster and adopted children. Autumn disclosed having a Black mother and Latino father and identified herself as mixed. *Winter* was also adopted as a child from Africa; however, she was brought into care at a young age when the adoption broke down and moved through the care system until she was 16. All the women now have children, who at some point after birth, were removed and placed in either foster homes, or with other family members. A significant similarity we found worth noting was that all the women were independent around 16 (when they chose to leave the system), came into care between the ages of six to eight, and became conscious of their deportability after incarceration. In this next part, we engage with their narratives and consider how they reflect on their movement through a tunnel starting from the ‘care’ system leading towards deportation.

2.1 Coming into the transcarceral ‘care’ system

Coming into ‘care’ stories are often difficult to share and hear. Rather than focusing on the stories of pain and violence from their families of origin, the women reflected on having a broken system as their ‘parent’ or caregiver. All the women moved through

multiple foster homes and talked about their experiences of abuse or violence while in care. Three of the women were placed in multiple living situations, including foster and group homes with the understanding that somehow the care system is providing a safer space for the youth than their parents or caregivers. In the below quote, Summer reflects on coming into care as a refugee and the irony of fleeing conflict and war to come to a safer country, only to be placed in group homes where she is depending on individual survival instead of thriving in childhood:

“I think it was just an experiment right? because I’m from a different country, they supported me to get here and then that didn’t work out...” (Summer)

Summer’s experiences through the care system were shaped largely by her time in a secure care unit, where she described living in what felt ‘like a jail’. Summer shared the abandonment she felt as a youth in care, particularly in the secure care unit where she describes horrifying violence including physical and emotional abuse: “so there was no bonding, you can’t bond because you’re being ripped from people. Even if you did start a bond with a person, you know you’re going to get ripped away”. When Summer was released from care, she described the relief she felt: “it was like an excitement being like...being free from your slave master, literally that’s what it felt like”. Similar to Summer’s description, Winter shares how “my foster parents locked their door at night because they were too scared of me”, convincing her that nobody cares for foster children, as Winter shared in her own words: “cus when you are in care a lot of foster carers tell you nobody cares about you so...”

Summer and Winter moved through the care system with the message they were expendable. Solid connections to adults or role models were rare experiences for them, as were stable consistent homes. Summer’s description of being freed from a slave master is haunting yet reflects what scholar Maynard (2017) describes as the historical trajectory from slavery to the policing of Black communities in Canada. Maynard articulates the role child welfare continues to play in the racialised surveillance and punishment of Blackness, from the separation of Black mothers from their babies to the historical overreporting and racial profiling of Black families to child welfare systems. Both Summer and Winter often conjured words like enslavement and confinement to describe their experiences in the system, revealing transcarceral processes of policing and abandonment of Black youth. Scholars (De Finney et al., 2019) expand on how settler states depend on the slavery of Black people, the genocide of Indigenous people, and the labour of racialised people to assert colonial domination ‘over land, resources, and racialised bodies’ (p.vii). The child welfare system is an institutional tool that enacts the transcarceral power of the state to maintain this colonial domination and is reflected in the words they chose to describe the ‘care’ system.

These early childhood experiences shaped the trajectory from care to criminalisation for all four women as they were abandoned by multiple institutions at pivotal stages of their lives. Their narratives reveal key encounters in the care system that established a sense of exclusion. Scholars (Yuval-Davis et al., 2018) conceptualise the politics of belonging by connecting the construction of a home to who has the right to call the colonial nation home, demarcating who is the other. Technologies of everyday bordering which are supposedly aimed at making people feel safe by keeping those who do not belong out, can undermine feelings of safety for everyone by raising a sense of precarity (p.230). In the women’s stories, we saw that their relationship to home was constructed by both their arrival in Canada and by the child welfare system, a technology

of settler colonial systems aimed at regulating bodies that belong and those that Gonzales and Chavez (2012) describe as abjected or ‘cast away’. As the narratives move towards the women’s exit from the care system, we begin to see a tunnel towards criminality and ultimately a consciousness of being a deportable subject.

2.2 *Exiting the ‘care’ system, entering the crimmigration system as deportable subjects*

All the women exited the care system through active resistance towards the paternalistic control they experienced in the system. Summer describes how she heard that other youth in care had applied for full emancipation at 16, so she applied and found herself completely on her own without any support. Summer reflects:

“I didn’t have any type of good role model around me....I was living on the edge doing drugs, prostituting and still providing for myself...I’m pimping myself out but that money, I’m not using to buy drugs; I’m paying my rent with that and I’m living off of that.”

Similarly, both Spring and Winter left care at 16 by running away from their caregivers and, soon after, began using heavy drugs to cope with the anger and frustration they felt towards their family and the system. Autumn did not go back into care after she was adopted, however, lived in a violent and neglectful environment where she was sexually abused by her adopted father. Autumn considers the pain that led her to hard drugs:

I was self-destructing... it’s probably because I needed to talk to somebody, but I didn’t know how to ask for help and I was hurting myself.

Research reveals that youth in care commonly encounter significant trauma, abuse, and neglect as they age out, leaving them to cope with unresolved trauma and conflict impacting their self-esteem (Courtney et al., 2001; Raychaba, 1989; Rutman et al., 2007). Regardless of how ready the women were to be completely on their own at 16, the care system is designed to have all youth eventually ‘age out’, meaning they are cut off from the formal ‘parent’ support role of the system when they turn 18 or 19 (Rutman et al., 2007). As the women shared, they had very few bonds with adults who could provide support as they made this transition.

Research in the past two decades has explored common trajectories for former youth in care as they transition out of the system (Bergen and Abji, 2020; Shoveller et al., 2011). These trajectories include high rates of unemployment, homelessness, and mental health challenges, all of which can lead to substance misuses and risky work, like the sex trade and drug trafficking (Rutman et al., 2007; Shoveller et al., 2011), inevitably luring youth towards confrontations with the criminal justice system. Racialised and more specifically Black and Indigenous youth encounter police surveillance at a higher rate than white youth (Boyd et al., 2017; Shaw, 2014). The significance of these narratives is that the exit from care without citizenship funnelled the youth towards the crimmigration system, which had always already defined them as deportable subjects. As Bhuyan et al. (2018, p.347) assert, “the criminalization of immigrants represents another mechanism designed to expand the frontiers of immigration control, both inside and outside of Canada, by enabling the exclusion and removal of immigrants who are deemed a threat to the nation”. Both Spring and Winter identify the trajectory that led to their entry into the criminal justice system, yet unknowingly they were easily deportable due to their precarious status and with this deportable subjectivity they are deemed threats to the

nation. Understanding the moment of becoming conscious of this subjectivity was a significant phenomenon for each of the women, which we discuss in the next section.

2.3 *Becoming conscious of their deportable subjectivity*

All four women confronted a criminal charge after leaving care, leading to more than six months in prison and triggering the Faster Removal of Foreign Criminals Act (2013) and their deportation orders. Each shared that they were unaware of their precarious immigration status leading up to this moment. Summer describes not knowing her status while in care relying on the group home staff or social worker to produce any paperwork when it was necessary:

I don't really know... cus I didn't pay attention to it; I didn't think it mattered when I was young cus' nobody ever mentioned it to me... so I don't really know about that part. I found out that it was important after I signed myself out of care... Like when I was in care, whenever I went out to go do something where they would ask for some kind of citizenship, there was always a staff there so they would have whatever they had, so my health card, my PR [permanent residence³] number, I never was actually able to hold it until I got out of care when they gave me my PR card and my health card.

Spring recounts the moment she discovered that she was living with non-citizen status after incarceration:

"I remember getting that letter, and just, my heart sinking in my stomach, I can still feel it to this day. Like, you may be inadmissible to Canada and up for deportation, I was just like, oh my god, like, why didn't I get told about this, before? Like why, why, why now?"

Winter then depicts the moment she heard she was going to be deported and the disregard she heard from the officers who were relaying the message to her at the time:

I asked him this question I said, 'so if I can get sent back, will you guys get on the plane with me?' you know what he said? 'oh, we just take you to the airport, push you on the plane and then I don't care what happens' It feels like everything is closing in, you know, like your whole life is closing in.

Spring's experiences after receiving this letter reflect what Bergen and Abji (2020) call the state's bureaucratic error and neglect, rendering social workers complicit in securing the citizenship of NCFYIC. To become conscious of their deportable subjectivity, the women were confronted with the trajectory of abandonment they experienced throughout their lives, including being the victims of abuse or neglect from their biological family, being abandoned by the state as their guardian or parent when exiting the care system, and, as they moved towards the criminal (in)justice system, becoming a criminal threat to society, while also being imposed with a new subjectivity of 'stranger/non-citizen other' to a nation they called home since childhood [Bergen and Abji, (2020), p.40]. The failure of the state in knowing and/or transmitting each of the women's status mirrors neglectful practices towards children and youth who only know Canada as their home, which Summer powerfully conveys,

I know where I'm from know what I mean and that is an important part to know where you come from. but where you grow up, that's a whole other thing...but you have grown to know this new community, this new way of life

and then you are going to strip them from that and take them back to something they really have no connection to, literally.

Spring's story itself reflects how far transcarceral systems were invested in controlling her movements only moments after she was slated for deportation. After receiving her deportation order and exiting incarceration, Spring became quite sick leading her to be admitted to the hospital for emergency surgery, yet border control pushed to have her guarded and treated like a prisoner in the hospital although she had completed her sentence for the criminal charge. Spring describes the experience:

They said I was a danger to the public, a danger to myself, and a flight risk... I was shackled, and chained up to the bed as well, and [upon recounting this to a lawyer later] she wasn't pleased about that at all. I was so sick, like I wasn't even criminally charged with anything. Like, they were treating me like I was a criminal, right? Like I already did my time. I'm a foreign national, I wasn't there on charges. I was there—like, I really felt victimized. Like, really bad. I was guarded by 2 guards, I had 2 guards by my bed... I could barely make it to the bathroom, because I had to get the handcuffs off me, and then I had to get out of the bed, and it was embarrassing, because I could barely make it to the bathroom in time. And the guards had no problem with me barely getting out of bed and peeing myself.

The healthcare system is not benign to transcarceral logics; extending notions of who is worthy of respectful care have been discussed by many Indigenous communities who have encountered overt racism and oppression from healthcare systems (Browne et al., 2022; Eaker, 2021; Tirmizey, 2021). In this case, the hospital became an extended site of policing and incarceration for Spring, further challenging her belonging. Junewicz (2014, p.13) signals the impact of shackling women compromises their care, threatens their privacy, and promotes shame for prisoner-patients 'denigrating them to second-class status within hospitals'. Spring spoke to the shame she felt being shackled to the bed, particularly after she had completed her time in prison. Yet, the shackles represented her threat as an unwanted immigrant who was deemed a danger to the public and to herself as soon as she stepped out of the carceral system and into the immigration system where she was now a deportable subject. The complex needs of the NCFIC with precarious status are not recognised by the Canadian child welfare system or the healthcare system and in the case of Spring, both systems became detectors for bordering unwanted immigrants deemed dangerous and unworthy of dignified care from the healthcare system.

The women in this study were not passive recipients of bordering practices or the transcarceral tools of oppression they encountered from the crimmigration systems. Winter succinctly articulates what she thought when she received her deportation order,

If you tell me I can't belong somewhere where I grew up, I'm going to prove you wrong.

Acts of resistance show up at various stages throughout the women's stories, most significant was their persistent fight to prove they belonged and that the injustice of receiving a deportation order was intensified by their relationship with the state as former youth in the child welfare care system. The women's narratives continued to reflect that the system of care facilitates the surveillance of migrant youth who then become constructed as 'criminal threats to the nation' rather than citizens who are worthy of care, and support to heal from the violence of the child welfare system and crimmigration systems. In fact, the trauma of being in the child welfare system of 'care' is not acknowledged yet being a 'kid in care' is part of the stigma the women carried with them

throughout their lives and is like a scar that continues to bleed each time they enter multiple systems. Red flags or alerts are made signalling to the agents of the system that the women are potential risks as former youth in care.

Seeking support and advocacy from key people whom they heard would be integral to their process was the first approach each of them took to fight their deportation orders and it was the relentless guidance, advocacy, and tapping into hidden legal processes and persistence from a multitude of people including lawyers, legal advocates, and formerly incarcerated women that led to stayed deportation orders for all the women.

2.4 Intergenerational rupturing and navigating deportable subjectivity

In this final theme, we reflect on the impact the child welfare and crimmigration systems have had on the lives of all four women, which Spring describes as the ‘the biggest, longest, dragged out traumatic event that I’ve ever gone through’. Perhaps the most significant impact has occurred in the relationships the women have with their own children. Spring, Autumn, and Winter are all still separated from their children since incarceration and Summer fought to have her first child returned to her care and was able to keep her second child from being removed at birth. Spring and Summer talked about how they were ‘red flagged’ at the hospital each time they were in labour, with Summer recalling the trauma of having child welfare involvement after the birth of her babies:

They came when he was born and they took him from me. Like they fought... they ripped him off from my breast and were like ‘yeah we’re taking him and you have no rights whatsoever’, even though they came the night before and asked if I would want to work with them and I agreed with everything they said and then they came back and was like ‘you’re manipulative’ and everything they said was nonsense so they caused the same trauma pretty much that the four years that I entered their care, and caused it on my son

Similarly, Spring reflects on being in a system setup to fail at parenting from the start,

Everybody who has, who’s been involved with Children’s aid they, it’s like, set up for failure when they’re older, they make sure they red flag them when they have the baby.

What Summer and Spring experienced after their babies were born is a common practice across Canada, issuing a birth alert to an individual’s health records so that when they arrive in the hospital for labour and birth, the health practitioners are required by law to contact child welfare services (Aston et al., 2021). In November 2021, the Nova Scotia government ended the use of birth alerts referencing in their press release the recommendations of the National Inquiry into Missing and Murdered Indigenous Women and Girls (MMIWG) to strengthen family support, recognising that African Nova Scotian and Indigenous families are targeted by this practice (Community Services, 2021). De Finney and Mucina (2021) effectively expose the transcarceral logics of birth alerts stating that “these babies are seized at birth and handed over to overwhelmingly non-Indigenous caregivers, perpetuating the intergenerational cycle of extraction from Indigenous kinship” (De Finney and Mucina, (2021), p.23]. Furthermore, one must ask what this practice says about the child welfare system that does not trust the children they raised in the system to be parents themselves. The practice of birth alerts is based on speculative child protection concerns about the potential parents and is an incredibly

gendered system where former youth in care who are pregnant are specifically targeted in this practice (Morgan, 2021).

The disconnection the women felt from their children as they were either removed from their care or willingly placed in family care, (as was the case for Autumn) is summed up effectively by Spring:

“So there’s only so much facebook, and facetimeing you can do. I wish I could go – like have a real hug, real touch, a real kiss, and everything from your own kids; it’d be nice, right? Instead of just blowing a kiss, stuff like that. I find I’m very alone out here.”

To further illuminate the politics of belonging, we must consider the violent act of removing children from their parents, particularly women who have also experienced their own displacement as former children in care. In many ways, the project of child welfare has constructed former youth in care to inherently present *potential* risk factors of future neglect, harm, or abuse towards their own children, as both Spring and Summer share in their stories. Removing children as a means of political control has been exercised in settler colonial nations like Canada and America since the inception of the child welfare system, targeting and punishing parents for being poor and using family policing to differentiate who is or is not a good parent (Roberts, 2022). The stories that the women shared above and throughout the interviews demonstrate the continued use of discipline, surveillance and even confinement from the child welfare system when they became parents themselves, illuminating carceral modes of social control in their lives. The women did not see a way out of this surveillance from the system and continued to live either without their children or if they did have their babies in their care, there was the perpetual fear that they could be ripped from their arms for minor transgressions.

The long-term impacts of intergenerational rupturing that have occurred for these women and their children were evident in their longing to be stable and the loneliness that comes from a fragmented relational bond with their biological families, foster and adopted families, and children. The lack of stability continues to follow them, and they talked about walking on thin ice every day and looking over their shoulders with the fear of being arrested, repeating the cycle of deportation violence again. The women are careful not to break the law yet are surrounded by other women who were previously incarcerated, unable to secure employment, and rebuilding a sense of community. Their resilient outlook overshadowed the unjust systemic barriers they navigate every day.

The women talked about how important their social supports with Elizabeth Fry Societies in Nova Scotia have been to their future. The programming, legal support and non-judgmental safe spaces allowed them to learn, grow and reconnect to a new identity beyond incarceration, deportation, and child welfare systems. We conclude this theme with the inspiring thoughts of Spring as she reflects on what keeps her going every day:

“Stars don’t shine without darkness. Right? So I have, I have a lot of darkness from my past, and I have to brighten up my future by using everything I have in me, and not let things break me. Because that’s, that’s what I always think, will pity me, will let it break me – No. Don’t let it break me, let it make me, let it turn me into something good. Let me turn this into something better than what I had before.”

3 Recommendations

Our paper concludes with recommendations put forth by these four NCFYIC, honouring the wisdom and expertise that accompanies their life experiences in navigating the care-to-prison-to-deportation pipeline.

3.1 Citizenship pathways

Creating clear and accessible pathways toward citizenship for children and youth in care is a major recommendation proposed by these four women. Spring exhorts the child welfare system, in its parental capacity, to own the process of securing citizenship rather than placing the responsibility on youth themselves, highlighting her own limitations by sharing “I didn’t even know – I was a kid! I didn’t know how to say ‘okay, can you get my citizenship?’” or, “I need citizenship”. That wasn’t even on my mind!” Summer highlights the systematic barriers to pursuing higher education and the need to reduce these barriers through ensuring legal status, stressing “I understand that I’m not from this country but once you get older and you want to go to college, you going to need a SIN number or a permanent resident card”. She goes on to discuss the prohibitive cost to immigration processing fees, reinforcing Spring’s comment and encouraging the child welfare system to adopt fiscal responsibility of citizenship applications for children and youth in its ‘care,’ arguing “that is being a parent, you are being a parent right there. That’s being a parent literally”. Winter, herself having been adopted, presents the nuance of mixed status families by acknowledging “your parents could be a Canadian, but you might not be... I think that the government needs to change. They need to change that policy”. In reflecting on the care system’s perpetuation of child maltreatment, Summer suggests there is an even stronger obligation to walk ‘the step with you’, urging the care system to take the humble position of ‘we were not there for you and now we are and we will do that’ to support (former) youth in care to pursue (citizenship). Winter reinforces this recommendation and highlights concerns around deporting NCFYIC, arguing “give them a chance to have that [citizenship]. Don’t send them back home for them to get killed, don’t do that. Just give them a chance to have a better life in Canada you know?” Spring reifies creating accessible pathways toward citizenship by arguing that “any child I think, under the age of 18 in Canada should automatically become a Canadian citizen if they’re here”.

Finally, both Winter and Autumn discussed the central role lawyers play in determining the citizenship of their clients and the impact this can have on their lives. For example, Winter recalls her lawyer laughing at her when she told him she was adopted and he did not see this as something worth researching further: “for immigration... for the system... when a person is going through the immigration and they are in court, your judge and lawyers should do his background... like I told my lawyer that I was adopted, and he laughed at me”. The women recall being encouraged by their lawyers when they were first charged, to take a guilty plea so they had less time being incarcerated, which ultimately worked against almost all the women, as effectively articulated by Autumn:

...it’s a scary experience and I wish my lawyer would have told me...nobody actually sat me down and told me hey this is what could happen... I just wish I would have known; I would have fought my case in trial. (Autumn)

The role of legal support in breaking the cycle of prison to deportation pipeline is expanded on at length by the legal advocates that worked with the four women in this study and their narratives are an essential part of understanding how to break the child welfare to prison to deportation pipeline. We hope to share this work in future publications since we do not have the space to include them alongside the four women in this research.

3.2 Expanding transitional support

“It’s not right for the kids to be taken from their parents, be in the system and then chuck them”, Winter states. Considering the physical and psychological role the care system fulfils in replicating a type of family structure, the system cannot be allowed to say to youth in their care: ‘here, just go there, live your life’, as articulated by Spring. “Like, I needed extra help”, she continued, emphasising the critical need to expand transitional support and resources for youth aging out of the system. Winter especially stresses the unique considerations for youth who are in foster care into their late teens and are still not adopted, arguing there is a need “to change the policy of keeping children in foster care instead of giving them up for adoption... get the young kids out and instead of having these teenagers still there and they don’t have a home, it’s not fair”. Spring argues that expansion of immigration expertise is also needed across systems, specifically throughout child welfare, criminal justice, legal advocacy, and in rural communities.

3.3 Respectful and relational engagement

These women’s stories and recommendations highlight the need to increase open, respectful, and transparent communication and treatment across these systems. Examples where intimidation, dehumanisation, and dismissal, characterised as abuse and neglect, pervade multiple interactions across the care-to-prison-to-deportation pipeline. Summer discusses having already been physically abused at home and then, upon entering child welfare care, states that “then they added on the emotional abuse too, so they were actually worse than where I came from”. Autumn, who suffered sexual abuse by her adoptive father, reflects on the neglect of the care system in supporting her, citing that she did not “remember anyone ever checking in on us after getting adopted, like seeing how it’s going”.

A foundational step in creating citizenship pathways includes background checks so service providers are aware of youth with precarious status and can tailor respectful support accordingly. Winter urges judges, lawyers, and social workers to ‘do background checks’ and Spring adds on that parole officers, in relation to someone’s immigration status, should also ‘know everything’. Reflecting on treatment, Spring argues that foreign nationals held for immigration concerns should not ‘be held with criminals...They need to keep people separated’, and asserts that the impact, in fact, ‘does more injustice’. Both Spring and Winter implore better and more respectful care for those in similar situations to the ones they found themselves in. Winter shares a story from court, saying “I told my lawyer that I was adopted, and he laughed at me...he laughed right at court, he looked right at Crown and he’s like, she’s lying. [The lawyer] ... just thought I was a crackhead and a drunk and... [he] did not care”. Spring reflects on her encounter with law enforcement and pleads for more humane practices, sharing “They shouldn’t treat you

like a criminal. They should treat you like a human being. And that is one thing I want to say, they need to treat people like human beings, and not like criminals”.

4 Conclusions

This paper seeks to shed light on the transcarceral impact of three systems on the lives of non-citizen former youth in the care system. By centring the narratives of four NCFYIC, who navigate child welfare, crimmigration, and fight their deportation after incarceration, we emphasise that migrant youth with precarious status are pushed through a transcarceral pipeline towards permanent expulsion from settler colonial Canada. Explicit changes need to occur, and these stories need to be heard for change to happen. Within the narratives, we find insightful direction from the youth on the shifts and acknowledgement they seek from these systems for migrant youth who find themselves in the care system. In response to Spring’s encouragement to “do a lot more research”, as she acknowledges “there’s lots of kids that need help” we seek to further this research. Winter echoes the need for child protection also “to do research”, highlighting how increased support for non-citizen youth in care can “give them a chance”. Research like this also has its limitations and we acknowledge that while the narratives are deep, the scope of this paper only scratches the surface of their stories and deeper connections to be drawn.

All four women in this study were able to fight their deportation orders with the help and support of lawyers and legal advocates and the relentless support of the Elizabeth Fry Societies. For Autumn and Winter, the fight to stay their deportation orders was to prove they were adopted before they went into care, advocating for the rights of adopted children. In the case of Spring, her advocates focused on gaining media attention for her case which placed tremendous pressure on the federal government to reconsider her case. Finally, Summer was able to provide documentation from central Africa that indicated she was a minor when she was charged, shifting the context in which she was being deported. As we can see each of the women’s cases required focused attention on the legal system and strategic advocacy on the part of their support teams. The profound respect and gratitude the women had for the legal advocates from Elizabeth Fry society were evident throughout all the interviews, as both Spring and Winter state:

...she [the lawyer] saved my life, is the best way to put it, she saved my life by stepping up and saying “Hey, I can help you with this”, Elizabeth Frye saved my life. (Spring)

They [Staff at Elizabeth Fry] taught me healthy relationships, how to have respect for myself and actually love me. (Winter)

All the women are still struggling to get their citizenship cards and some are still working towards getting their permanent residency. The fight continues for them every day.

As we reflect on the words of the NCFYIC, we recognise the practice and policy contributions of this research, for policymakers and practitioners as well as to our understanding of the crimmigration system in Canada and in transnational contexts. The recommendations the women provided can shape how we start naming the child welfare care to crimmigration to deportation pipeline while finding a way to end this trajectory. We ask the child welfare and immigration system to consider the final words of Winter:

“It’s not right for the kids to be taken from their parents, be in the system and then chuck them.”

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Notes

- 1 For this study we adopt the UN Migration Agency's definition of migrant, which considers a migrant to be "any person who is moving or has moved across an international border or within a state away from his/her habitual place of residence, regardless of
 - a the person's legal status
 - b whether the movement is voluntary or involuntary
 - c what the causes for the movement are
 - d what the length of the stay is" (International Organization for Migration, n.d.).
- 2 To maintain confidentiality and the anonymity of the women's identities, we have included vague identifying information, so they are not easily identifiable to the communities they live in. As a result, the reader will note that we have referred to the continents they migrated from, rather than specific countries.
- 3 A permanent resident is someone who does not have citizenship status and remains a citizen of another country yet has limited rights in Canada. For example, permanent residents gain social benefits like healthcare coverage, yet cannot vote and are vulnerable to Bill C-64 the faster removal of foreign criminal act.