

Direct Line: 604-630-9928
Email: Laura@bccla.org

May 3, 2016

New Westminster Board of Education
1001 Columbia Street, 2nd Floor
New Westminster BC, V3M 1C4

Page 1/2

Re: Sanctuary Schools Policy

Dear Trustees,

We write in support of the Sanctuary Schools policy currently being considered by the New Westminster Board of Education. Schools should be safe places for learning. We urge you to implement a policy that would ensure that all students who are resident in British Columbia have access to education, whether or not their parents have legal status in Canada. The policy must also assure parents that their immigration status will not be disclosed to border services agents unless disclosure is legally compelled.

Access to education for children and youth under the age of 16 is both a right and a requirement under provincial law, regardless of immigration status. Section 82 of the *School Act* mandates the provision of free education to every student of school age who is ordinarily resident in the province. The requirement extends to *all* students ordinarily resident here; it makes no distinction between students who are citizens and students without documented immigration status.

School staff and education officials are under no legal obligation to report violations of immigration law to border agents. BC's *Freedom of Information and Protection of Privacy Act (FOIPPA)* sets out a presumption against disclosure of personal information collected by public bodies, and provides exemptions from this general obligation in only a limited range of circumstances. To provide meaningful guidance

to school officials, a sanctuary schools policy should state that school officials have a positive duty *not* to disclose immigration-related information unless they are legally compelled to do so.

Page 2/2

A 2014 news article reports that parents in BC have been asked to prove they are in Canada legally in order to register their children for school, despite having lived in the province for many years.¹ Other parents without status are afraid to register their children for fear of being reported to the Canada Border Services Agency (CBSA). The policy must clarify for school officials and parents what residency information parents must provide in order to register their children for school. It should also include a multilingual education component to assure parents that school officials will not share information with CBSA unless they are legally obligated to do so, and the circumstances in which such an obligation would arise.

We thank you for your attention to this important matter.

Kind regards,

A handwritten signature in black ink, appearing to read 'L. Track', is written over a light gray rectangular background.

Laura Track
Counsel

¹ David P. Ball, "Vancouver's Hidden Children" *The Tyee* (18 July 2014).