

CWICE's role in Ontario's child welfare-immigration nexus

The Ministry of Children, Community and Social Services has established the Child Welfare Immigration Centre of Excellence (CWICE) as the centralized provincial resource supporting children's aid societies with cases involving unresolved immigration, settlement, or border-related issues. CWICE builds sector capacity, ensures children and youth have immigration pathways, and helps agencies respond effectively to emerging immigration and settlement trends. Agencies should view CWICE as the go-to consultation point for all cases where child welfare intersects with immigration or settlement matters.

Training imperative for agency staff

Agencies cannot provide effective service to families without staff who understand the complexities of immigration and can recognize when a CWICE consultation is required. Training enables workers to identify complex immigration and status issues that may affect safety planning, permanency, or service delivery. CWICE offers an 8-part training series, webinars, and consultations designed to strengthen practice across Ontario.

A CP order does not automatically stay a removal order

In Catholic Children's Aid Society of Toronto v. S.K.S., 2022 ONCA 228, the Court of Appeal confirmed that a child protection (CP) order does not automatically stay or prevent an immigration removal order under the Immigration and Refugee Protection Act (IRPA). The Court explained that while child protection proceedings may affect a family's circumstances, they do not, on their own, suspend the federal government's authority to enforce removal. Instead, under s. 50(a) of the IRPA, a stay of removal only arises when the Minister of Public Safety is given an opportunity to make submissions in the child protection proceeding and the court determines that such participation is appropriate. This decision highlights that immigration and child protection processes operate under distinct legal frameworks, and coordination between them is required to balance enforcement with the child's best interests.

Accurate and well-documented advocacy is essential to maintain the integrity of both child protection and immigration proceedings

All advocacy or support letters and related communications must be factual, verifiable, and consistent with legal positions. Statements should be supported by reliable documentation from case records or other verified sources, and workers must avoid including or reinforcing facts that are not substantiated by evidence. Descriptive comments about a person's character, progress, or motivation should be based only on the worker's direct knowledge or confirmed information. Communications must also align with the Society's filed evidence and court positions, as inconsistencies risk undermining credibility and compromising the integrity of legal proceedings.

Documentation safeguards for youth leaving Canada

Children in care may travel outside Canada for meaningful reasons such as attending a funeral, visiting relatives, or reconnecting with family and culture. While supporting these opportunities is important, even well-intentioned travel can have serious consequences if the child's documentation is incomplete, including denial of re-entry to Canada or loss of status. Before any trip, staff should confirm that the youth has valid immigration or citizenship documents and re-entry rights. Careful planning and consultation with CWICE help ensure travel supports the youth's well-being without creating legal or immigration risks.

Refugee law referrals and coordination

When immigration-specific or refugee-related issues arise in child welfare proceedings, CWICE refers clients to specialized legal services such as the Refugee Law Office, a Legal Aid Ontario clinic. The Refugee Law Office provides representation to eligible individuals in preparing refugee protection claims, appearing before the Immigration and Refugee Board of Canada, and pursuing related appeals or judicial review proceedings.

October 2025