

A CALL TO ACTION

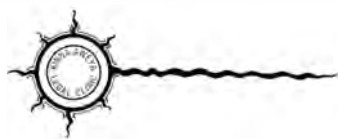
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ELIMINATE SYSTEMIC BARRIERS TO OBTAINING AND KEEPING ONTARIO BIRTH CERTIFICATES

A THREE-YEAR STUDY CONDUCTED IN PARTNERSHIP
WITH THE KINNA-AWEYA LEGAL CLINIC

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“While birth registration does not of itself guarantee education, health, protection and participation in society, its absence can put these fundamental rights beyond the reach of those already on the margins of society.”¹

We issue this call to action to address the long-term consequences of people living without birth certificates and other forms of personal identification (ID). A lack of ID limits access to essential services and the ability to participate in a cashless economy, a problem made more acute during the ongoing global pandemic. In northwestern Ontario, our research has found that fees associated with birth certificates, including applications costs, are the number one barrier to acquiring and retaining this vital document. However, the social and economic costs of not having ID are enormous and felt by individuals, their communities, and society at large. We therefore call on the provincial government to act quickly before the long-term social and economic costs of not having ID outweigh the short-term benefit of charging application fees.

CALLS TO ACTION

- 1. WE CALL FOR THE ELIMINATION OF ALL FEES** for all types of birth certificates because the fees are not a significant revenue source for the province, but they are a hardship for people living in poverty;
- 2. WE CALL FOR THE SIMPLIFICATION OF BIRTH CERTIFICATE APPLICATIONS**, including a reduction of the personal/parental information sections (e.g., parent age at time of child's birth, weight at birth, name/address of attending doctor), because the phrasing of certain questions confuses people and much of this information is not required to issue a birth certificate;
- 3. WE CALL FOR THE ELIMINATION OF THE GUARANTOR REQUIREMENT** on the Ontario birth certificate application as the guarantor requirement is an additional barrier and not all provinces have this requirement;
- 4. WE CALL FOR ALL MINISTRIES TO RECOGNIZE KINSHIP AGREEMENTS OR CUSTOMARY CARE AGREEMENTS** to support family unification and to enable families to access services;
- 5. WE CALL FOR BIRTH CERTIFICATES TO STAY WITH PEOPLE IN CARE OR CUSTODY** so that ID travels with individuals and they do not lose possession of their ID upon transfer or release, and;
- 6. WE CALL FOR THE SMALLER AND MORE DURABLE BIRTH CERTIFICATES** that were previously used by the Ontario government so that people without safe places to store the document can carry them on their person again. While digital ID has been suggested as a possible solution, digital ID is not accessible to people without technology and resources.

Why are birth certificates so important?

In Canada, birth certificates are the foundational piece of government-issued personal identification (ID) that individuals need in order to access all government benefits and health and social services (e.g., Ontario Health Insurance Plan or OHIP, Ontario Disability Support Program or ODSP, Canada Child Benefits, Ontario Works or OW, Old Age Security, Employment Insurance or EI), as well as most private sector services.² Without a birth certificate, people are unable to use financial institutions, emergency food programs (food banks), provincial health care, modes of public transportation (e.g., airplanes, trains, buses), and so on.^{3,4} While a birth certificate is not explicitly required to use all of these supports and services, the birth certificate is normally necessary to get the ID one would need to access these services. For instance, an OHIP card is needed to access health services in Ontario, and in order to get an OHIP card one first needs a birth certificate and at least two other pieces of ID (e.g., valid Ontario Photo Card, Ontario driver's licence, credit card). It is useful to think of all forms of ID as sitting on an interconnected web, with birth certificates at the center.

It is also important to acknowledge that in Ontario as well as throughout Canada missing ID is not a problem experienced only by people who are homeless or precariously housed.⁵ Our research finds that many Ontarians live without birth certificates for a variety of reasons and face enormous barriers getting either their first birth certificate or a replacement. Our research further finds that Indigenous people face unique and significant barriers to obtaining ID. *The purpose of this advocacy piece is to highlight the systemic barriers faced by people in Ontario, particularly Indigenous people, who need birth certificates and issue a Call to Action to address these problems so that Ontarians who are the most marginalized in our society can more easily obtain birth certificates to access essential services when needed and be able to fully participate in a cashless economy.*

The health, social, and economic costs of not having a birth certificate

Living without ID has cascading effects on people's health and well-being across the life span, and often becomes more urgent when people enter or pass through different life stages. For instance, children need birth certificates to enroll in school, get their health cards, or for parents to receive child benefits. Seniors who want to receive their Old Age Pension need proof of age and, while a birth certificate is not immediately required as proof of age and eligibility, a birth certificate is what enables people to obtain those pieces of ID that they do need. As people age they often draw on more health services and supports. Children aging out of care and people who were formerly incarcerated often have had their birth certificates confiscated and not returned due to bureaucratic processes. Also, these examples do not account for unexpected health problems or life events that people frequently experience (e.g., moving, change in employment status, retirement).

Many non-government services also require ID. For instance, to open a checking account banks require a Social Insurance Number (SIN), and a birth certificate is necessary to obtain a SIN. Being able to use a bank or other financial institution is very important because increasingly, and in some cases almost exclusively, employers and government services use electronic bank deposits to issue payment checks. This limits or prevents people living without ID both from receiving income and from participating in a cashless economy—a requirement that has become vital to managing the COVID-19 pandemic. People living without bank accounts also face additional penalties. For example, when trying to cash checks without access to a bank account, they are forced to use private check cashing services that charge exorbitant fees. It literally *costs* people to live without ID.

The main barriers to getting and keeping birth certificates

The following information comes from a three-year study conducted in partnership with the Kinna-aweya Legal Clinic through their “Awenen Niin” (“Who Am I?”) Identification Program. Between 2018-2020, the Awenen Niin program assisted 657 clients with birth certificate applications. During this time, 309 client questionnaires were collected by Kinna-aweya and its community partners in the Thunder Bay region (see Table 1). Additionally, data were collected from one-on-one interviews with service providers and community members, focus groups with community members, field notes from ID clinics, and monthly participation in the Thunder Bay ID Action Group. These data have helped us to understand the breadth of the problem faced by Ontarians without birth certificates, develop a client profile of people seeking birth certificates, and identify the barriers that individuals, especially Indigenous people, face in registering births and obtaining and keeping birth certificates.

Cost	188
Difficult bureaucratic process	143
Missing information	68
Mental health	33
Literacy	31
Physical health	20
Previous issues with third party/predatory website	15
Travel/transportation	14
No credit card	9
Concerns about law enforcement	4
No computer/internet	4
Other	3
Application previously denied	2
Don't have legal custody of child	1
No address	1
Foreign birth certificate	1

* Clients were able to select as many barriers as were applicable to their situation.



Cost: While there are many reasons people living in Ontario do not have birth certificates, the biggest barrier is cost. In Ontario, the cost of a birth certificate can range anywhere from \$25 to \$45, and much more for delayed registrations of birth or if additional legal documentation and evidence are required. Families often require more than one birth certificate, which multiplies the fees. To many people this may not seem like a lot of money, but for many people on fixed incomes it can be the equivalent of food for a week, bus transportation for a month, or the difference in having enough money to pay for rent. Analysis has shown that birth certificate application fees are a negligible revenue source for the province.⁶ Such fees should not be applied to birth certificates as it is the foundational piece of ID, especially as the fees fall the heaviest on those who can least afford them.

Application Process: The difficulty of the bureaucratic process of applying for an Ontario birth certificate combined with literacy challenges presents several barriers to acquiring ID. For many people, government agencies like Service Ontario and Service Canada are intimidating. Portions of the Ontario birth certificate application are wordy and unclear. For example, people reported that questions asking for parental surnames and siblings at time of birth were confusingly worded. When applications were denied, people were notified by mail. These letters included requests for additional information but were not always specific about what personal details were incorrect on the original application and were unclear about what additional information was needed. Frustrations with the administrative process and struggles to comprehend details of the application led to delays and, in some cases, resulted in people giving up on birth certificate applications altogether. In other cases, people resorted to third party websites for assistance only to find these services were costly and had unreliable outcomes.

Guarantor Requirement: A related bureaucratic barrier with the Ontario birth certificate application is the guarantor requirement, which is not a requirement on all provincial birth certificate applications. Although the Ontario application only requires guarantor contact information and not a signature, people who qualify as guarantors predominantly occupy professional occupations and must have known the applicant for at least two years (e.g., politician, lawyer, physician, Judge, law enforcement officer, university professor, elementary school principal or teacher). Many people lack easy access to professionals who are willing and able to serve as their guarantor, which prevents some people from starting the application process. Even a passport application, a federal security document, only requires a guarantor to be any person who has known the applicant for two years (and not that they hold a professional job or status).

Kinship Agreements/Customary Care Agreements: Several people reported that legal kinship/customary care agreements were not recognized by service agencies when applying for children's birth certificates. Customary Care Agreements are recognized under Ontario's *Child, Youth and Family Services Act* and are regularly used by Children's Aid Societies to place children in the care of family instead of the foster care system. These agreements are used to address the negative impacts of the child welfare system on Indigenous peoples and their communities by keeping families together. When children are placed in customary care they are frequently without their birth certificates and it is nearly impossible for their caregivers to acquire one, even when they have Customary Care Agreements that are recognized under Ontario's *Child, Youth and Family Services Act*. These cases can take months or years to resolve and, in the meantime, children may not be able to access necessary services like school.

Well-Being: Health matters (physical and mental) prevented many people from being able to submit a birth certificate application or navigate the difficult bureaucratic process required to complete an application. In some cases, mental illness impeded people's ability to recall details required to answer specific questions on the application and in other cases they were unable to locate supporting documents needed to submit an application. Often these were cases where obtaining ID was an urgent health-related matter.

Geography and Distance to Service Locations: Transportation challenges also prevented people from obtaining ID. Many people lack a personal vehicle and rely on public transit, which can become difficult during winter months or when service centers are not located on transit lines. This problem was further exacerbated for people with physical mobility limitations. For individuals located in rural areas where there were no Service Ontario centers, transportation and distance pose significant barriers. For those First Nations that do not have all season roads and unreliable internet access, registering a birth or obtaining a birth certificate becomes exceedingly difficult. While registering a birth online does not require a credit card, ordering a physical copy of the birth certificate does, and a physical copy is required to access services and get other forms of ID.



Keeping Birth Certificates: Ability to retain birth certificates surfaced as yet another barrier. For instance, some clients had lost birth certificates while in child care or in custody at a corrections facility. In these situations, ID was held by the organizations or returned to the issuing agency and therefore never returned to the individual upon transfer or release." This meant the individual had to re-apply for ID, which was a costly and lengthy process (especially if they did not possess all the necessary personal information and supporting documents). Other people reported that their birth certificates were confiscated due to wear or damage when they used it for ID at Service Ontario or Service Canada. These were typically cases in which people carried ID on their person because they had no place to store it or because they were often stopped by police officers who requested valid identification. Over time, their ID developed holes, creases from folding, or faded print, all of which invalidate birth certificates and necessitates replacement. What is more, the most recent version of the birth certificate is too large to fit in the average wallet. Apparently this change was made in order to prevent people from carrying birth certificates in their wallets. Unfortunately, that is not a choice all people can make especially if they lack stable housing, a secure place to keep their birth certificate and must carry it, or need to regularly use it as a valid piece of ID.

Residential Schools and Child Welfare: In northern Ontario the barriers and reasons for lack of ID have expressions that are particular to the region and that uniquely affect Indigenous peoples. In addition to the aforementioned barriers, any discussion of ID and access to ID services must consider historical events that have resulted in missing, inaccurate, or inconsistent information that now makes it very difficult to obtain ID. For example, the placement of Indigenous children in residential schools has resulted in a situation where many individuals do not have access to familial information deemed necessary by Service Ontario to apply for a birth certificate. When children entered residential schools, school authorities frequently changed or misspelt their names or incorrectly recorded dates of birth. Government records, health records, and baptismal/church records all have similar inaccuracies. The same situation exists for those Indigenous children removed from their families during the Sixties Scoop. The result is an enormous yet under-appreciated barrier to obtaining ID for many Indigenous people that follows them throughout their lives.

Additionally, for many Indigenous people a number of the barriers are more acute. For instance, many Indigenous women must leave their rural northern communities to give birth and registering a birth once they arrive home can be challenging due to unreliable internet access. Indigenous people who were not born in hospitals but in northern communities or "in the bush" also face significant barriers registering their births. While our research focused on northwestern Ontario, it is reasonable to conclude that Indigenous people across Canada experience many of these same challenges and barriers.

We pay our respects to the traditional landholders of Turtle Island. In particular, we acknowledge Fort William First Nation and the Robinson Superior Treaty, signed on 07 September 1850 in Sault St. Marie. We also knowledge Treaty numbers 3, 5, and 9, which all make-up the larger region and territory of northern Ontario. Finally, we acknowledge the Métis Nation of Ontario.

This document was prepared by Dr. Kristin Burnett, Professor, Indigenous Learning Department, Lakehead University and Dr. Chris Sanders, Associate Professor, Department of Sociology, Lakehead University, in partnership with Kinna-aweya Legal Clinic, and with support and information provided by NorWest Community Health Centres, and the ID Action Group of Thunder Bay.

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