

2024 IHRP Summer Fellowship

Final Report

Canada-US Border Rights Clinic

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This summer I completed a fellowship with the Canada-US Border Rights Clinic. I was part of a small but mighty team of four working to support migrants seeking protection at the border. I was able to meaningfully contribute to the formation of the clinic, which launched during my placement. I got to see the clinic evolve from an idea I was excited to hear about during my interview, to a legal service which supported 84 migrants by the time I finished my placement.



Image 1: Clinic team at our end of summer party having fun with Teams effects. Top row (left to right): Jenn, clinic coordinator and Kristin, staff lawyer. Bottom row: Me and Sam, law student summer fellows.

Clinic Overview

The clinic emerged from a need for border-specific information and advice identified by the Canada-US Border Network, a group of service providers and advocates on both sides of the border. Much of this need came from the Safe Third Country Agreement, which is an agreement between Canada and the US that requires refugees to make a claim at the first “safe” country they arrive in. This agreement allows the Canada Border Service Agency (CBSA) to turn back refugees who are trying to enter Canada through our land border. In March 2023, the STCA was expanded to include refugees who are crossing irregularly (i.e. not at an official port of entry). Unless refugees can prove they meet a discrete set of exceptions, they are sent back the US, separating families and putting people at risk of detention or deportation by US authorities. The Border Rights Clinic was created to combat misinformation about the STCA and other border issues. We provide legal advice and information on the border so migrants seeking protection are prepared to make an approach and understand their legal options if they are turned back. To serve clients on both sides of the entire border, we are a fully virtual free service.

I was excited to join the Border Rights Clinic because it came from a need identified by people who work with migrants daily. I want all the legal work I do to be connected to the communities

served in this same way. I was also interested in working on such a new project because it felt like I could meaningfully contribute to the small team. This ended up being very true – I really appreciated being somewhere where I felt like my ideas and contributions were valuable.

Fellowship Activities

During the beginning of my fellowship, I helped set up the clinic. This involved researching the STCA as well as US and Canadian immigration/refugee law more broadly. I identified which sections of Canadian immigration legislation would be relevant to different types of clients that were identified in a needs assessment performed by our coordinator.

I also setup the clinic’s client intake and tracking systems. I created a referral process for service providers to connect their clients with our services. I set up tracking systems for important metrics like type of client issue, how clients found the clinic, and how clients were supported. These metrics are immediately important to the clinic’s funders, but could also be useful for future advocacy or reports on the border. I’ve included some of the exciting graphs below. They show that over a quarter of migrants who contacted us had a consultation with our lawyer and that most clients were either turned back by CBSA or had questions about their eligibility under the STCA.

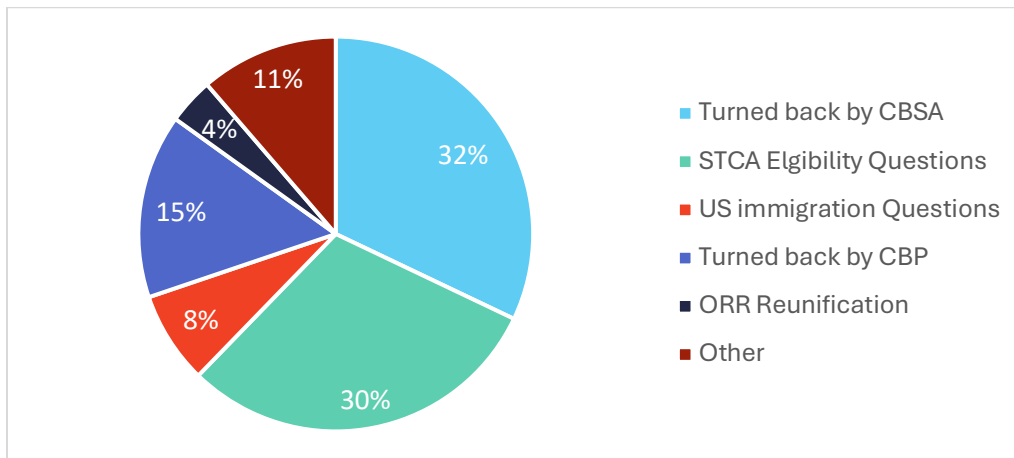


Figure 1: Type of client concerns. Our most common clients are those who have questions about their eligibility under the STCA or have been turned back by CBSA, which are exactly the clients we are best able to support!

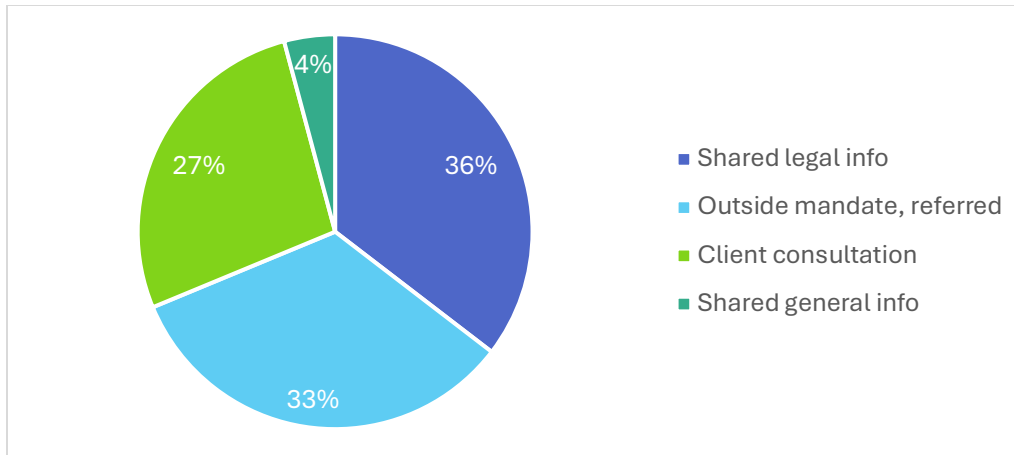


Figure 2: Result of client support. As can be seen, over a quarter of our clients had a consultation with our staff lawyer.

I also drafted the content for the clinic’s website. The website will present migrant-facing information that explains the STCA, how to prove you meet an exception to the STCA, what to expect at the border, and what to do if you are turned back after making an approach. It was exciting to really dive into border issues and investigate how legislation and jurisprudence gets applied in practice.

Suddenly, our law insurance got approved and it was time for us to start taking clients! We put together a launch event to explain our clinic’s purpose and the type of clients we could help with. I do not think I was really prepared for how many inquiries we would receive and how many migrants we would support during the rest of my fellowship. By the last day, we had provided information, referrals, or consultations to 84 migrants (including their dependants)!



Image 2: Border Rights Clinic team and steering committee members at our launch event. I got to explain how service providers and advocates can refer clients to the clinic so migrants can be connected with our services.

I got to see my preparatory work pay off once our clinic launched. I answered client inquiries and referrals to see if they had legal issues we could help with. I researched client cases and assisted the staff lawyer in client consultations. Working directly with clients was extremely meaningful

and rewarding, from helping families reunite who had been separated at the border, to helping people understand why a CBSA officer had made their decision. It was important to me that we could give migrants some autonomy after they were exposed to a system which often stripped that away. We could not always give clients good news and I learned of some very egregious behaviour by officials on both sides of the border, but am proud we could reduce some of that harm.

Takeaways

I am leaving my fellowship proud of my contributions to my team. Our project fills a significant gap in migrant justice, something we could see by our immediate demand after launching. I got to learn about how an international agreement is implemented in both the Canadian and US context. Through my work directly with clients, I could see the importance of our project. By being a part of the small team at its (almost) beginning I felt as though I was essential to this important work.



Image 3 & 4: One of the benefits of a remote project – I was able to move to Los Angeles for the summer. Here is my workstation in the California sunshine and a photo from my trip to the Redwoods of Muir Forest (an important place for international law also)!