

An Open Letter to the Prime Minister's office, The Minister of Immigration, Refugees and Citizenship Canada, and the Minister of Foreign Affairs

November 1, 2021



The Right Honourable Justin Trudeau
Prime Minister of Canada



The Honourable Sean Fraser
Minister of Immigration, Refugees, and Citizenship Canada



The Honourable Mélanie Joly
Minister of Foreign Affairs

Urgent Call to Action in Response to the Crisis in Afghanistan



Canadians have broadly applauded the announcements that Canada is admitting and resettling Afghans who assisted the Canadian mission as well as vulnerable Afghans. This positive response reflects the best of Canadians; it is also the right thing to do. We stand with those who now lack protection in Afghanistan under the Taliban – women judges, journalists, female leaders, LGBTI individuals, religious minorities, and human rights advocates. This is who Canadians are and should strive to be.



There is no denying the complexity of the challenges that confront Canada after the fall of Kabul. There is also no escaping the human tragedy that unfolded around the airport and continues to this day.



We write to you now as individuals and organizations deeply engaged in Canada's response to the Afghan crisis, including those involved in efforts to help evacuate vulnerable persons from Afghanistan in an effort to bring them to Canada. These are the individuals most at risk of violence and reprisals following the Taliban takeover in mid-August 2021.



However, despite the collective efforts of the signatories, and despite their identification within Canada's Special Immigration Program and Special Humanitarian Program, few of the "at risk" Afghans identified have been evacuated to Canada, and a very large number remain in grave danger.



In many cases, the Taliban are actively searching for these individuals: their time is running out. Evacuating them safely and relocating them to Canada has proven difficult for several reasons. A number of those factors are, however, within Canada's control.



First, there is lack of clarity regarding which individuals qualify for Canada's Special

Immigration Program and resettlement to Canada as refugees. Second, there is a shortage of processing capacity to match both the magnitude and urgency which the current situation requires. Third, Canada ought to waive the requirement of UNHCR recognition and recognize the Afghan crisis as a *prima facie refugee situation*. Finally, in working with allies, Canada can exercise the leverage it collectively holds, in order to pressure the Taliban to allow at-risk individuals to safely exit Afghanistan.

At the outset, the signatories wish to make clear that we hold Canadian officials with whom the signatories have worked in this process in the highest regard. Without fail, those officials, and the political staffers engaged in this work, have shown deep commitment at all hours to achieving a humane and expedient response, and have done everything possible to assist. But officials can only do so much. There comes a point when *political leadership* is required, and when only Ministerial direction can provide the authority needed to move matters forward.

Now that the new cabinet has been appointed, the time has come for that leadership. The signatories therefore call upon Prime Minister Trudeau, Minister of Immigration, Refugees, Citizenship Canada Sean Fraser and Minister of Foreign Affairs Mélanie Joly to urgently address the following four major issues that must be resolved if Canada is to achieve its purpose in securing the safe and timely evacuation of the at-risk individuals from Afghanistan targeted through Canada's special programs.

1. Clarify Canada's policy by defining its terms.

“Assistance to Canada”: In July 2021, Canada announced the establishment of a program for Afghans who assisted Canada and pledged to protect individuals who exhibited a “significant and enduring relationship with Canada”. Canada set out simple procedures for applying to the program, through which Canada would facilitate their safe passage out of Afghanistan.

Canada announced that it would interpret the concept of “assistance to Canada” broadly, but it remains difficult to understand who might qualify.

Canada must clarify the policy as between Immigration, Refugees, Citizenship Canada and Global Affairs Canada. It must also continue to interpret the terms broadly in order to meet the spirit of the program announced in July 2021.

Accepted Categories: In August 2021, Canada introduced a second program for vulnerable Afghans including women leaders, human rights advocates, persecuted religious or ethnic minorities, LGBTI individuals, and journalists who helped Canadian journalists.

In the absence of UNHCR in Afghanistan, Canada wisely identified alternate organizations with a presence in Afghanistan – Frontline Defenders and Protect Defenders – to assist evacuees. The signatories understand that the intention with these referral partners is to create a fair, transparent, and equal system for processing on the ground in Afghanistan. However, these organizations have their own mandates – namely they are largely focused on human rights defenders – and this has drastically narrowed the otherwise broad mandate of Canada's programs.

Once again, a lack of clarity has proven frustrating and has impeded progress for many who are trying to navigate the system. Canada must clarify who specifically can apply through its programs and through the referral partners.

Further, Canada must seek partnerships with other organizations on the ground in Afghanistan to ensure that individuals who otherwise meet the eligibility criteria for the special programs can be identified and processed.

2. Devote Significant Resources Needed to Get the Job Done, and Permit Discretion for DecisionMakers as Required.

The work in Afghanistan is urgent and time-consuming. Receiving files, reviewing them, making decisions, and communicating with applicants, affected parties and their representatives cannot be treated as “business as usual”. Significant additional human resources must be committed immediately to enable Canadian officials to process and receive the large numbers of persons who cannot wait until their cases are considered “in the usual course”. While the signatories understand that some additional resources have already been allocated to this portfolio, the situation in Afghanistan urgently requires more. This includes additional processing staff. Further, where appropriate, Canada must permit discretionary decisions by case officers in order to proceed in an expeditious manner.

3. Waive the Requirement of UNHCR Recognition, and Recognize the Afghan Crisis as a *Prima Facie Refugee Situation*.

We ask the government to waive the requirement of UNHCR recognition for Afghan nationals being resettled via private sponsorship. We further call on the Ministers to recognize the Afghan crisis as a prima facie refugee situation.

4. Working with Allies, Demand Assurances from the Taliban.

Canada and its allies should bring every possible pressure to bear in seeking assurances from the Taliban. The signatories call on Canada to exercise its international leverage with like-minded countries to pressure the Taliban to allow at-risk individuals to safely exit Afghanistan. Canada must continue to seek assurances that all individuals who qualify for its programs will be permitted to travel safely out of Afghanistan. Rather than act alone in this effort, Canada should join with its allies and like-minded entities to secure these assurances. This is a key tool Canada has at its disposal to assist the desperate individuals who are reaching out to Canadians on a daily basis and who fall within the mandate that Canada has accepted within both its Special Immigration Program and its Special Humanitarian Program.

Conclusion

Prime Minister and Ministers: this urgent situation requires an immediate, multi-faceted, and focused response. Afghans at risk, such as female judges, are in hiding and are being actively pursued by released prisoners, Taliban officials, and ISIS-Khorasan. Afghanistan continues to fall into a deepening crisis where individuals are left at the mercy of the Taliban, often without the essentials needed to meet basic sustenance needs.

The signatories further call upon Canada to clarify and fulfill its pledge to adopt an expansive interpretation of who has “assisted” Canada and its allies in Afghanistan and support – meaningfully, practically, immediately – those who supported us. The signatories also call upon Canada to clarify and fulfill its pledge to adopt an expansive interpretation of the accepted categories through the

Special Humanitarian Program including women leaders, human rights advocates, persecuted religious or ethnic minorities, LGBTI individuals, and journalists who helped Canadian journalists.

Just days into the mandate of the new Cabinet, its members are called upon to deal with this crisis. Yet moments of crisis can offer extraordinary opportunity. They invite us to reveal who Canadians are. The effective and safe evacuation of vulnerable individuals from Afghanistan will help illustrate the values and priorities of the newly-elected government. It will also demonstrate the compassion and humanity of Canadians while invoking a collective sense of purpose.

As the new Cabinet begins its important work, the signatories eagerly await a meaningful response to this letter, and the signatories undertake to do everything they can to assist the government in the achievement of these vital goals.

Sincerely,

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