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CANADA

**DISTRESS CALL: HOW CANADA'S IMMIGRATION
PROGRAM CAN RESPOND TO REACH THE
DISPLACED AND MOST VULNERABLE**

**Report of the Standing Committee on
Citizenship and Immigration**

**Borys Wrzesnewskyj
Chair**

OCTOBER 2016

42nd PARLIAMENT, 1st SESSION

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has the honour to present its

SIXTH REPORT

Pursuant to its mandate under Standing Order 108(2) and the motion adopted by the Committee on Thursday, June 16, 2016, the Committee has studied the immigration measures for the protection of vulnerable groups and has agreed to report the following:

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LIST OF ACRONYMS

BVOR	Blended Visa Office-Referred (Refugee cases)
GAC	Global Affairs Canada
GAR	Government-assisted refugee
H&C	Humanitarian and Compassionate Considerations
IDPs	Internally displaced persons
IOM	International Organization for Migration
IRCC	Immigration, Refugees and Citizenship Canada
IRPA	<i>Immigration and Refugee Protection Act</i>
IRPR	<i>Immigration and Refugee Protection Regulations</i>
ISIS	Islamic State in Iraq and Syria, also known as Daesh (Arabic name) or Islamic State in Iraq and the Levant (ISIL)
JAS	Joint Assistance Sponsorship (Refugee cases)
LGBTI	Lesbian, Gay, Bisexual, Transgender, and Intersex
OSCE	Organization for Security and Co-operation in Europe
PSR	Privately sponsored refugee
SAH	Sponsorship agreement holder
UN	United Nations
UNHCR	United Nations High Commissioner for Refugees
UN OHCHR	United Nations Office of the High Commissioner for Human Rights
UPP	Urgent Protection Program

PREAMBLE

On 16 June 2016, the House of Commons Standing Committee on Citizenship and Immigration (the Committee) agreed to study options on how Canada can “best support vulnerable groups in inaccessible regions”.¹ The Committee met 18 July 2016 to 20 July 2016 and heard from 32 witnesses as well as from officials from Immigration, Refugees and Citizenship Canada and Global Affairs Canada. The Committee also received several written submissions.

1 House of Commons Standing Committee on Citizenship and Immigration (CIMM), [Minutes of Proceedings](#), 16 June 2016.

DISTRESS CALL: HOW CANADA'S IMMIGRATION PROGRAM CAN RESPOND TO REACH THE DISPLACED AND MOST VULNERABLE

INTRODUCTION

Forced displacement worldwide is at an all-time high, with 65.3 million people affected.² Of this total, 21.3 million are refugees and an estimated 10 million people are stateless. An additional 40.8 million people are internally displaced³ as a result of conflict and violence.⁴

Canada contributes to the global effort to find durable solutions for refugees and the internally displaced. The Government of Canada's objectives with respect to refugees are clearly articulated in legislation, the first being "to recognize that the refugee program is in the first instance about saving lives and offering protection to the displaced and persecuted."⁵

As a party to the 1951 Convention relating to the Status of Refugees and its associated Protocol, Canada participates actively with the United Nations High Commission for Refugees (UNHCR), resettling people in need of protection from around the world. Canada also provides humanitarian assistance to populations in conflict zones, as well as aid targeted to security and stabilization as well as development.⁶ The Committee's study focused on Canada's contribution to addressing vulnerability and providing protection through immigration measures.

The Committee examined immigration measures to support vulnerable groups in inaccessible regions, including accelerated resettlement and other humanitarian measures. The study raised important policy considerations, such as how refugees are prioritized for resettlement to Canada, what more could be done to assist internally displaced persons, and how the refugee resettlement program could be improved and the potential for private sponsorship maximized.

2 United Nations High Commissioner for Refugees [UNHCR], [Global Trends: Forced Displacement in 2015](#), p. 2 [Global Trends].

3 Internally displaced persons (IDPs) are "people who have been forced or obliged to flee or to leave their homes or places of habitual residence in particular as a result of generalized violence, violations of human rights or natural or man-made disasters, and who have not crossed an internationally recognized border". Alexander Betts, Gil Loescher and James Milner, *UNHCR: The Politics and Practice of Refugee Protection*, 2nd ed., 2012, p. 133.

4 Internal Displacement Monitoring Centre, [Global Report on Internal Displacement](#), 2016.

5 *Immigration and Refugee Protection Act*, L.C. 2001, c. 27, s. 3(2)(a), [IRPA].

6 CIMM, [Evidence](#), 42nd Parliament, 1st session, Meeting No. 22, 18 July 2016, 1305 (Heather Jeffrey, Director General, International Humanitarian Assistance, Department of Foreign Affairs, Trade and Development).

The compelling protection needs of various groups were brought to the Committee's attention by advocates and courageous individuals who shared their own stories. This testimony reinforced the importance of Canada's engagement in refugee resettlement, while underscoring the reality that a single country cannot help everyone who could benefit from protection.

This report is structured into three parts. The first part sets out the current immigration measures available for the protection of vulnerable groups – resettlement and humanitarian and compassionate considerations. The testimony heard by the Committee is laid out in the second part, divided into two sections, one presenting the cross-cutting themes that emerged from the witnesses' evidence and the other presenting case studies chosen by the Committee to help us understand specific needs of vulnerable communities and how Canada can assist them through immigration programs. Lastly, the third part contains the Committee's recommendations for specific immigration measures and the conclusion.

CURRENT IMMIGRATION MEASURES FOR PROTECTION

UNHCR is the organization mandated by the United Nations (UN) to lead and coordinate action for the worldwide protection of refugees and the resolution of refugee problems. Traditionally, UNHCR has employed three “durable solutions” for refugees: local integration into the country of first asylum; resettlement to a different country; and return home, known as repatriation.

The 1951 Convention relating to the Status of Refugees and its associated Protocol define a refugee as a person who, “owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country.” This definition of a Convention refugee is used in Canada's *Immigration and Refugee Protection Act* (IRPA) and its regulations, which form the framework for the country's immigration measures to provide protection from overseas, including resettlement and humanitarian and compassionate provisions.⁷

A. Resettlement to Canada

Each year, Canada historically has resettled about 10,000 to 12,000 resettled refugees – or 1 out of every 10 of the refugees resettled globally⁸ – through two main programs: the government-assisted refugee (GAR) program and the private sponsorship of refugees (PSR) program. As described below, refugees resettled through both programs have to meet the same eligibility and admissibility requirements and are included in the government's annual plans for new arrivals. Under the PSR program, Canadian citizens

7 IRPA also provides the framework for refugee status determination in Canada and Canada's obligation under international law to not return people to situations of persecution or danger. However, these aspects of protection are not the focus of the present study and will not be discussed in detail in this report.

8 Immigration, Refugees and Citizenship Canada (IRCC), *Report on Plans and Priorities 2014–2015*, [Program 2.2: Refugee Protection](#).

and permanent residents formally commit to providing social, emotional, and financial support for the refugees, and in some cases identify individuals for resettlement.

1. Eligibility and Admissibility

The *Immigration and Refugee Protection Regulations* (the Regulations) establish two categories of refugees eligible for resettlement through a permanent resident visa: the Convention refugee abroad class and the country of asylum class.⁹

According to the Regulations, persons outside their country of origin or of habitual residence can be determined Convention refugees if they meet the definition set out in the UN Convention as explained above (i.e., fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion). The country of asylum class applies for persons outside their country of nationality or of habitual residence who “have been, and continue to be, seriously and personally affected by civil war, armed conflict or massive violation of human rights in each of those countries.” Both of these definitions exclude people at risk in their country of origin, whether internally displaced or at risk due to state-sponsored persecution.

The Regulations also provide for a temporary resident permit for protection reasons for people who have applied for refugee protection outside Canada.¹⁰ Persons issued temporary resident permits may choose to eventually become permanent residents and be resettled, but may also choose to return home.¹¹

Within these refugee groups, Canadian law also defines people who are vulnerable or in need of urgent protection. The Urgent Protection Program (UPP) follows special procedures: urgent cases are referred by the UNHCR and Immigration, Refugees and Citizenship Canada (IRCC) decides whether to resettle them within 24 to 48 hours.¹² Persons resettled in need of urgent protection are issued a temporary resident permit since an admissibility examination is required before permanent residence and it cannot occur in these timeframes. Under this exceptional process, refugees can be in safety within three to five days. In 2011, the department stated that these cases were “extremely resource-intensive and only a small number of persons (up to 100) can be processed on this basis per year.”¹³

The definition of the terms “urgent need of protection” and “vulnerable” as provided in the Regulations is as follows:

9 *Immigration and Refugee Protection Regulations*, [SOR/2012-227](#), ss. 144–147 [IRPR].

10 IRPR, s. 151.1.

11 An example of the use of this process was when Canada took in 5,000 Kosovars in 1999 ([Operation Parasol](#)).

12 IRCC, Audits and evaluation, [Evaluation of Government-Assisted Refugees and Resettlement Assistance Program](#), “3.5 Urgent Protection program”, 2011.

13 IRPR, [SOR/2011-222](#), Regulatory Impact Analysis Statement, p. 2156.

Urgent need of protection means, in respect of a member of the Convention refugee abroad or the country of asylum class, that their life, liberty or physical safety is under immediate threat and, if not protected, the person is likely to be

- a) killed;
- b) subjected to violence, torture, sexual assault or arbitrary imprisonment; or
- c) returned to their country of nationality or of their former habitual residence.

Vulnerable means, in respect of a Convention refugee or a person in similar circumstances, that the person has a greater need of protection than other applicants for protection abroad because of the person's particular circumstances that give rise to a heightened risk to their physical safety.¹⁴

Interviews by visa officers of IRCC in missions abroad are generally required to assess the admissibility of individuals once they have been referred for resettlement. Resettled refugees have to meet all of the usual admissibility criteria with respect to criminality, security and war crimes, but are exempt from two admissibility requirements: financial reasons and health grounds.¹⁵

Further, when processing an application for permanent residence as a refugee, officers must determine if the applicant will successfully establish himself or herself in Canada. This requirement does not apply to vulnerable groups and persons in need of urgent protection.¹⁶

The ability to conduct interviews may be hampered by safety concerns for the refugees, for IRCC's staff and logistical feasibility. Staff must also work with host countries to allow Canadian officers to enter, access applicants and permit successful applicants to leave.¹⁷ For example, Robert Orr, Assistant Deputy Minister, Operations, of IRCC explained to the Committee that "significant security precautions" were being taken as the department makes plans to interview Syrians in Northern Iraq.¹⁸

2. Identification for Resettlement

a) Government-Assisted Refugees

GARs are generally brought to the attention of IRCC through UNHCR referral. Michael Casasola, Officer in Charge in Canada, Office of the UNHCR, explained to the Committee that the criteria used to prioritize refugees for resettlement was established

14 IRPR, s. 138.

15 IRPR, s. 139(3)(4).

16 IRPR, s. 139(2).

17 IRPR, [SOR/2011-222](#), Regulatory Impact Analysis Statement, p. 2157.

18 CIMM, [Evidence](#), 42nd Parliament, 1st session, Meeting No. 22, 18 July 2016, 1350 (Robert Orr, Assistant Deputy Minister, Operations, Department of Citizenship and Immigration).

with the 20 countries that have resettlement programs.¹⁹ Prior to resettlement, persons in need of protection must first be registered for refugee status determination to be recognized as a refugee. They can then be assessed and prioritized for resettlement and referral²⁰ according to the following criteria:

We look for things like that, survivors of violence and torture, and the most common categories are refugee women at risk, survivors of violence and torture. Any more common than that is legal and physical protection needs. The people are in danger in the country of asylum, they might be a minority, and they might be in danger in the context of that; and we will resettle them because of that, anywhere in the world. They might be facing refoulement, forced return to their country of origin, or they may be detained because refugees are not supposed to be detained because they are refugees.²¹

David Manicom, Associate Assistant Deputy Minister, Strategic and Program Policy, of IRCC reminded the Committee that Canada's resettlement program operates in conjunction with global efforts to assist vulnerable populations. He explained the value of partnering with UNHCR and other resettlement countries:

By working with the United Nations in this way and contributing to resettlement efforts for priority populations as identified by the international community, Canada is able to maximize our contribution to global efforts to assist vulnerable individuals.²²

...

We have previously, on multiple occasions, chaired the tripartite consultations on resettlement, which involves the entire humanitarian and non-governmental sector, as well as the member states of the United Nations High Commissioner for Refugees and the agency itself.²³

The Regulations also provide the Canadian government with some flexibility on accepting referrals, although it's unclear if these provisions have ever been used. For instance, the government may enter into agreements with other referral agencies. Also, in exceptional circumstances, the Minister of Immigration, Refugees and Citizenship can designate a geographical location from which permanent visa applications can be received without a referral.²⁴

19 Ibid., 1400 (Michael Casasola, Officer in Charge in Canada, Office of the United Nations High Commissioner for Refugees).

20 Ibid., 1420.

21 Ibid., 1445.

22 CIMM, [Evidence](#), 42nd Parliament, 1st session, Meeting No. 27, 20 July 2016, 1320 (David Manicom, Associate Assistant Deputy Minister, Strategic and Program Policy, Department of Citizenship and Immigration).

23 Ibid., 1340.

24 Factors warranting this exception include: the inability of referral organizations to work in that area, resettlement needs in the area according to referral agencies with substantial knowledge of the area, and the relative importance of these resettlement needs within the context of resettlement needs, globally. IRPR, s. 140.3(3).

b) Private Sponsorship of Refugees

The PSR program is unique among Canada's resettlement programs in that private sponsors may refer refugees for resettlement to IRCC.²⁵ Sponsorship Agreement Holders (SAHs) that have signed agreements with IRCC to conduct ongoing refugee resettlement may identify refugees to sponsor, but these refugees need to fall within the legislative definitions of Convention Refugee Class or Country of Asylum Class described above. Other private sponsorship groups (Community Sponsors and Groups of Five) can only apply to sponsor people that have been recognized as refugees by the UNHCR or by a foreign state.²⁶

c) Joint programs

There are two other streams of collaborative refugee programs where the government identifies the people for resettlement and private sponsors provide settlement support and/or some funding. These are the Blended Visa Office-Referred (BVOR) and the Joint Assistance Sponsorship (JAS) programs.

The BVOR resettlement program is a partnership between UNHCR, the federal government, and private sponsors. Under this program, UNHCR refers refugees for resettlement and the government and private sponsors each provide financial support for the sponsored family's first year in Canada. The private sponsor also provides emotional and social settlement support for the same duration.²⁷

GARs identified as having special needs may be designated for Joint Assistance Sponsorships (JAS cases), thereby entitling them to enhanced support.²⁸ There is a particular program within the JAS subgroup called the "Women at Risk" program for women and children left without family or friends and exposed to a higher risk of violence or harassment.²⁹

In the past, the government has also used humanitarian and compassionate considerations to allow private sponsors to resettle a particular group. An example of this occurred in 2007, when the then-Minister of Citizenship and Immigration issued

25 For more information, see IRCC, [Guide to the Private Sponsorship of Refugees Program – 2. Private sponsorship of refugees program, 2.3 Who may submit a private sponsorship?](#)

26 [Community sponsors](#) are organizations who can sponsor refugees, a [Group of five](#) (G5) is five or more Canadian citizens or permanent residents who have arranged to sponsor a refugee living abroad to come to Canada. They provide financial and emotional support for the full year. IRPR, s. 153(1)(b).

27 Government of Canada, [Blended Visa Office-Referred Program – Sponsoring refugees.](#)

28 These special needs are described in the Regulations at section 157 (2) as: a large number of family members; trauma resulting from violence or torture; medical disabilities; and the effects of systemic discrimination.

29 IRCC, [Guide to the Private Sponsorship Refugee Program – 3. Additional Opportunities, 3.4 Women at Risk.](#)

instructions to facilitate the immigration of stateless Vietnamese living in the Philippines who had close family members in Canada ready to privately sponsor them.³⁰

3. Immigration Levels Plan, Caps and Allocations

The Immigration Levels Plan, established annually by IRCC, places limits on how many refugees can be resettled to Canada. The target for 2016 (between 41,000 and 44,800 people) includes the one-time mass influx of Syrian refugees, and does not reflect how Canada has traditionally planned for these newcomers. Over the period 2005 to 2014, an average of 11,456 refugees arrived annually in Canada either as resettled refugees, government-assisted or privately sponsored refugees.³¹

The total target for refugees is broken down into smaller targets and allocated to specific overseas visa offices. SAHs are assigned caps on the number of refugees they can sponsor, sometimes including sub-caps for specific visa offices. The total number of new sponsorship applications allocated for SAHs, for the year beginning 1 March 2016 is 10,500.³² Of this total, 1,800 are reserved for IRCC field offices with the greatest backlogs of applications, while the rest may be submitted to any IRCC visa office.

B. Humanitarian and Compassionate Provisions

For persons who do not meet Canada's eligibility requirements for resettlement as refugees, applications can be made under humanitarian and compassionate (H&C) provisions in IRPA, designed for individuals to be able to overcome immigration requirements in exceptional circumstances (sections 25 and 25.1 of IRPA) or because there is a specific public policy in place (section 25.2 of IRPA) established by the Minister of Immigration, Refugees and Citizenship. The government has described these provisions as follows:

The discretionary authority of subsections 25(1), 25.1(1) and 25.2(1) is the most flexible tool available for addressing the diverse situations of persons in need of humanitarian assistance around the world. This includes natural disasters, international crises, or specific instances of religious or other forms of persecution. Using these tools, Canada can respond on a case-by-case basis to individuals and groups in need of protection, regardless of where they are located.³³

In the event that the Minister of Immigration, Refugees and Citizenship establishes a public policy to allow for H&C review of applications for a specific group, there is no need for IRCC to request an UNHCR referral to process those applications.

30 Government of Canada, [Archived – Canada's new government to facilitate the immigration of stateless Vietnamese living in the Philippines](#), 22 May 2007; [Appendix E](#), 2008 Operational Manual *OP 4 The processing of applications under section 25 of the IRPA*.

31 IRCC, [Facts and figures 2014 – Immigration overview: Permanent residents](#).

32 IRCC, "IRCC'S response to a request for information made by the Standing Committee on Citizenship and Immigration on July 18, 2016".

33 IRPR, [SOR/2011-222](#), Regulatory Impact Analysis Statement, p. 2158.

While Mr. Manicom of IRCC told the Committee that public policy considerations had been used many times, little is known about how this discretionary provision is used, as there is no systematic reporting of such initiatives. Mr. Manicom provided two specific examples, one where Canada responded to a request from UNHCR and one where Canada asked UNHCR for specific referrals:

From 2012 to 2014, in response to a request from the United Nations Refugee Agency following the 2010 earthquake in Haiti, Canada admitted 40 Haitian women and their dependents. These were single women who had been displaced, who had been subject to sexual violence, and who lacked other protections.³⁴

...

If we had a program that was dedicated to one group and we were asking for referral specifically from one group, as we have done under a number of public policies, for example – one of which I cited and I was deeply involved in the operationalization of, in India for Tibetans – then, of course, that's a very isolated program.³⁵

An example of the use of H&C on the grounds of public policy considerations where the UNHCR was not involved as a referral agency is the acceptance of Afghan interpreters that had served the Canadian Forces.³⁶

Mr. Manicom confirmed that public policy considerations “could be used to resettle internally displaced populations.... From a legal point of view, it has the authorities required.”³⁷

TESTIMONY ON IMMIGRATION MEASURES TO PROTECT VULNERABLE GROUPS

The Committee heard witness testimony describing vulnerable populations in Europe, in the Middle East, in Asia and in Africa where the safety and security of individuals was compromised by very different circumstances. Witnesses identified gaps and possible solutions in Canada's immigration measures to provide protection for these individuals. Despite the wide range of situations discussed, some common solutions came to the forefront such as revisiting the Resettlement program. That said, despite common challenges, the Committee recognizes that each vulnerable group it heard about during the course of this study also has specific needs. These are described in further detail below.

34 CIMM, [Evidence](#), 42nd Parliament, 1st session, Meeting No. 27, 20 July 2016, 1320 (David Manicom).

35 Ibid., 1335.

36 Government of Canada, [Archived – Government of Canada creates special immigration measures to recognize contribution of Afghan staff in Kandahar](#), 15 September 2009.

37 CIMM, [Evidence](#), 42nd Parliament, 1st session, Meeting No. 27, 20 July 2016, 1355 (David Manicom).

A. Cross-cutting themes

1. Improving the Resettlement Program

As Brian Dyck, Chair, Canadian Refugee Sponsorship Agreement Holders Association, said “it’s important to focus on building a robust refugee resettlement system that can handle the ongoing demands and at the same time respond to the urgent protection situations that come up.”³⁸

As the Committee heard witnesses speak about various ways to better assist persons in inaccessible or difficult to reach areas, much was said concerning internally displaced persons, and specifically the referral and selection processes available to them for resettlement.

a) Identifying and Prioritizing Vulnerable Groups

As Mr. Casasola of UNHCR informed the Committee, it is the agency’s assessment that “1.19 million refugees are in need of resettlement. In contrast, only an estimated 120,000 resettlement spaces are made available to UNHCR by resettlement countries each year.”³⁹

Many witnesses advocated for priority processing for applications from the specific group they believed to be most vulnerable. However, Mr. Dyck reminded the Committee that “there are many forgotten groups around the world and this committee has been hearing from them. To hear the plight of those people is a very important thing. However, it can be difficult to decide whom to help when we cannot help everyone.”⁴⁰

Some witnesses were in favour of a standard approach to guide decision-making.⁴¹ Janet Dench, Executive Director, Canadian Council for Refugees, argued that targeting specific groups could compromise equity and that “it is important to design policies and programs that are equitable to all refugees globally without targeting particular nationalities or ethnic groups.... We need to avoid having decisions made based on which groups have the best lobbyists, which groups have the best access to the minister’s ear, or which groups catch the media’s interest. We note the rise in recent years of ministerial priorities in the private sponsorship program, which we consider very problematic.”⁴²

38 CIMM, [Evidence](#), 42nd Parliament, 1st session, Meeting No. 25, 19 July 2016, 1505 (Brian Dyck, Chair, Canadian Refugee Sponsorship Agreement Holders Association).

39 CIMM, [Evidence](#), 42nd Parliament, 1st session, Meeting No. 22, 18 July 2016, 1405 (Michael Casasola).

40 CIMM, [Evidence](#), 42nd Parliament, 1st session, Meeting No. 25, 19 July 2016, 1510 (Brian Dyck).

41 CIMM, [Evidence](#), 42nd Parliament, 1st session, Meeting No. 23, 18 July 2016, 1610 (Audrey Macklin, Professor, Faculty of Law, University of Toronto, as an Individual); and CIMM, [Evidence](#), 42nd Parliament, 1st session, Meeting No. 25, 19 July 2016, 1500 (Janet Dench, Executive Director, Canadian Council for Refugees).

42 CIMM, [Evidence](#), 42nd Parliament, 1st session, Meeting No. 25, 19 July 2016, 1500 (Janet Dench).

Others thought Canada should target groups they perceived as the most vulnerable of the vulnerable,⁴³

The option for resettlement in destination countries is usually preserved for the most vulnerable, who cannot be repatriated to their homeland or locally integrated in the host country simply because they cannot go back to their normal lives.

In the case of Iraq and Syria, the vulnerable groups are ethnic and religious minorities, political activists, women at risk, LGBT communities, atheists, converted and secular Muslims.⁴⁴

Some witnesses argued that people subjected to genocide should have top priority. Chantal Desloges Lawyer, Desloges Law Group, stated that “[e]very refugee faces a well-founded fear of persecution, but not every refugee is a genocide victim.”⁴⁵ Representatives from the humanitarian organization Samaritan’s Purse spoke of the importance of applying principles such as “humanity” and “impartiality” but also argued that “genocide is the most heinous crime” and therefore merits prioritization.⁴⁶ Christine Morrissey, Special Advisor, Rainbow Refugee, suggested that vulnerable groups should have faster processing: “I think that when an application comes in where clearly this is a group that has been identified as vulnerable, it needs to get priority. It needs to be put on top of the pile or in a separate pile, and not at the bottom of the pile and work its way up to the top. That’s what happens now.”⁴⁷

There was also some discussion of how priorities could be monitored, with some witnesses agreeing that if Canada were to identify priority groups for resettlement, it would be important to have a mechanism for ensuring the priorities were being met.⁴⁸ The Committee heard that for a period, IRCC tracked the religious and ethnic affiliation of resettled Syrian refugees. However, this monitoring of priorities (called the areas of focus) had to be conducted manually using officers’ interview notes, as the IT system does not allow for the systemic collection of such information about refugees. Further monitoring of priorities among all resettled refugees remained at the discussion stage and was not put into practice.⁴⁹

43 CIMM, [Evidence](#), 42nd Parliament, 1st session, Meeting No. 26, 20 July 2016, 1015 (Rev. Majed El Shafie, Founder and President of One Free World International); and 1005 (Rabea Allos, Director, Catholic Refugee Sponsors Council).

44 Ibid., 1005 (Rabea Allos).

45 CIMM, [Evidence](#), 42nd Parliament, 1st session, Meeting No. 25, 19 July 2016, 1450 (Chantal Desloges, Lawyer, Desloges Law Group, as an Individual).

46 CIMM, [Evidence](#), 42nd Parliament, 1st session, Meeting No. 27, 20 July 2016, 1220 and 1225 (John Clayton, Director of Programs and Projects, Samaritan's Purse Canada; and Raija-Liisa Schmidt-Teigen, General Director of a Community Center, Samaritan's Purse Northern Iraq).

47 CIMM, [Evidence](#), 42nd Parliament, 1st session, Meeting No. 24, 19 July 2016, 1225 (Christine Morrissey, Special Advisor, Rainbow Refugee).

48 CIMM, [Evidence](#), 42nd Parliament, 1st session, Meeting No. 26, 20 July 2016, 1040 (Rev. Majed El Shafie; Operation Ezra: Lorne Weiss, President, Shaarey Zedek Synagogue; Nafiya Naso, Representative, Yazidi Community of Winnipeg; and Rabea Allos).

49 CIMM, [Evidence](#), 42nd Parliament, 1st session, Meeting No. 27, 20 July 2016, 1315 (David Manicom).

b) Referral and Selection of Vulnerable Groups

Opposing voices were heard regarding UNHCR's role in the referral of vulnerable groups for resettlement to Canada. Ms. Dench stated that "[t]he UNHCR has the mandate to identify vulnerable groups for resettlement. We recommend letting the UNHCR take the lead"⁵⁰ while Rabea Allos, Director, Catholic Refugee Sponsors Council, considered that "Canada should consult other organizations in Canada to identify refugees rather than following the agenda of the UNHCR."⁵¹

Witnesses noted that if the Canadian government wanted to facilitate the resettlement of internally displaced persons, it would have no choice but to rely on organizations other than UNHCR. Noting that "[t]he UNHCR would not have the legal authority to refer internally displaced persons to Canada", Mr. Manicom informed the Committee that the German government worked with the International Organization for Migration to resettle Yazidi women and girls, as an example.⁵²

In light of the fact that UNHCR cannot assist in identifying those internally displaced in their country of origin for resettlement, witnesses suggested that Canada should recognize that other non-governmental organizations had on the ground knowledge⁵³ or expertise⁵⁴ and could fill this role. Gloria Nafziger, Refugee and Migrant Coordinator, Toronto Office, Amnesty International explained:

The challenge in the program is finding adequate referral agents, organizations, individuals, that have the capacity, the willingness, and the ability to determine who of those source country individuals are most vulnerable, because I think the criteria of most vulnerable still always has to apply. I think the challenge they're in is actually finding the referral agency and the screening of the applications, but I don't think that should be a barrier to the introduction of such a program.⁵⁵

As was described earlier, there is a requirement that candidates for resettlement be interviewed by Canadian immigration officials. When these vulnerable individuals are located in areas where there is no processing office, this step often leads to delays. Accessibility is generally identified as a significant hurdle for vulnerable groups. As stated by Drew Boyd, Director of Operations, The Sentinel Project for Genocide Prevention, "One of the most challenging issues to overcome when working in unstable environments is that of accessibility. That means not just the ability of organizations to bring assistance where it is needed, but also the ability of threatened communities themselves to participate in the

50 CIMM, [Evidence](#), 42nd Parliament, 1st session, Meeting No. 25, 19 July 2016, 1500 (Janet Dench).

51 CIMM, [Evidence](#), 42nd Parliament, 1st session, Meeting No. 26, 20 July 2016, 1040 (Rabea Allos).

52 CIMM, [Evidence](#), 42nd Parliament, 1st session, Meeting No. 27, 20 July 2016, 1355 (David Manicom).

53 Rev. Majed El Shafie, One Free World International, [written submission](#), p. 7.

54 CIMM, [Evidence](#), 42nd Parliament, 1st session, Meeting No. 24, 19 July 2016, 1045, (David Berson, Co-Chair, Or Shalom Syrian Refugee Initiative, Or Shalom Synagogue); Rainbow Railroad, [written submission](#), p. 5; PEN Canada, "Writers at Risk", [Written submission](#), dated July 2016, p. 4.

55 CIMM, [Evidence](#), 42nd Parliament, 1st session, Meeting No. 24, 19 July 2016, 1205 (Gloria Nafziger, Refugee and Migrant Coordinator, Toronto Office, Amnesty International).

assistance programs and benefit from them.”⁵⁶ Asked about best practices, Mr. Casasola of UNHCR responded:

Certainly Canada's policy is to interview refugees, and some countries will actually waive the interview.... Where they are convinced by the totality of the evidence we have provided on the case, they'll accept it. One of Canada's best practices—started by Mr. Alexander—which has helped facilitate the movement of the Syrians in large numbers has been to recognize all refugees on a *prima facie* basis. It has required less work, as there has already been conceptual acceptance, and I believe that the current minister has accepted this same approach.⁵⁷

In the case of recent and current Syrian refugees, as described above, their recognition as *prima facie* refugees means that at face value, given their circumstances, they are automatically recognized as refugees and any formal steps for refugee determination status, including the interview, is no longer required.

Other witnesses echoed the need for a more flexible approach to Canadian practices either by suggesting that a second interview by a Canadian official may not be necessary (*prima facie* refugee)⁵⁸ or that these interviews be done by telephone.⁵⁹

c) The Private Sponsorship of Refugees Program

Two witnesses spoke to the costs related to the private sponsorship program. Jonathan Fon, Vice-President, Canadian Asian Community Think Thank, recommended lowering the financial requirement to sponsor,⁶⁰ which ranges from \$12,600 for an individual to \$32,500 for a family of six.⁶¹ David Berson suggested lowering the cost for the resettled refugees by waiving the transportation loans⁶² for the most vulnerable refugees.⁶³

Ms. Nafziger stated there was a need to review the application process and specifically the forms used in sponsorship referrals, pointing out that “the current system is often onerous for private sponsors and unable to be responsive in a crisis.”⁶⁴

56 CIMM, [Evidence](#), 42nd Parliament, 1st session, Meeting No. 26, 20 July 2016, 0905 (Drew Boyd, Director of Operations, The Sentinel Project for Genocide Prevention).

57 CIMM, [Evidence](#), 42nd Parliament, 1st session, Meeting No. 22, 18 July 2016, 1430 (Michael Casasola).

58 CIMM, [Evidence](#), 42nd Parliament, 1st session, Meeting No. 25, 19 July 2016, 1455 (Chantal Desloges).

59 CIMM, [Evidence](#), 42nd Parliament, 1st session, Meeting No. 24, 19 July 2016, 1045 (David Berson).

60 Jonathan Fon, Vice-President, Canadian Asian Community Think Thank, [written submission](#), p. 2.

61 Government of Canada, [Private Sponsorship of Refugees \(PSR\) Application Guide \(IMM 5413\)](#), Appendix A – Financial Guidelines.

62 Transportation to Canada, as well as the cost of medical examinations and travel documents, is usually made available to resettle refugees subject to loans through the [Immigration Loans Program](#).

63 CIMM, [Evidence](#), 42nd Parliament, 1st session, Meeting No. 24, 19 July 2016, 1045 (David Berson).

64 *Ibid.*, 1145 (Gloria Nafziger).

d) Immigration Level Plans and Caps

Although Canada's initiative to resettle a large number of Syrian refugees was praised, Mr. Casasola of UNHCR urged "countries to continue to expand their resettlement programs."⁶⁵ Most witnesses speaking on behalf of vulnerable groups asked that the number of spots for resettlement be increased⁶⁶ or the limit be waived altogether.⁶⁷ Ms. Desloges asked that "[IRCC] lift or at least better manage the caps on sponsorship agreement holders. Private sponsors are really excited right now, and they're willing to back up their enthusiasm with their wallets."⁶⁸

2. Expand Eligibility for Resettlement to Include People Residing in their Country of Origin

Many witnesses wanted people residing in their country of origin to be eligible for resettlement. With the current internationally-accepted legal definition for refugee dating back to 1951, the global refugee framework has a gap as "there exists really no or little formal protection one can offer to internally displaced persons."⁶⁹ The urgency of the issue was highlighted by Balpreet Singh, Legal Counsel, World Sikh Organization of Canada, who stated, "right now there's no viable option for those individuals who are internally displaced".⁷⁰

In proposing solutions for people in need of protection who remain residents in their country of origin, many witnesses referenced the Source Country Class, a former category of resettlement in the Regulations repealed in 2011.⁷¹ For instance, Rainbow Railroad stated:

For urgent cases who [*sic*] cannot leave their home-country, Canada already has experience with Source Country Class resettlement and this avenue could be considered

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- 65 CIMM, [Evidence](#), 42nd Parliament, 1st session, Meeting No. 22, 18 July 2016, 1405 (Michael Casasola).
- 66 CIMM, [Evidence](#), 42nd Parliament, 1st session, Meeting No. 24, 19 July 2016, 1025 (Murad Ismael, Executive Director, Yazda); also 1045 (David Berson); CIMM, [Evidence](#), 42nd Parliament, 1st session, Meeting No. 26, 20 July 2016, 0915 (Chris Lewa, Director, The Arakan Project).
- 67 Rainbow Railroad, written submission, p. 5.
- 68 CIMM, [Evidence](#), 42nd Parliament, 1st session, Meeting No. 24, 19 July 2016, 1455 (Chantal Desloges).
- 69 CIMM, [Evidence](#), 42nd Parliament, 1st session, Meeting No. 23, 18 July 2016, 1735 (Narindarpal Singh Kang, Barrister and Solicitor, The Law Firm of Kang and Company).
- 70 *Ibid.*, 1805 (Balpreet Singh, Legal Counsel, World Sikh Organization of Canada).
- 71 CIMM, [Evidence](#), 42nd Parliament, 1st session, Meeting No. 23, 18 July 2016, 1605 (Audrey Macklin); 1615 (Martin Mark, Director, Office for Refugees of the Archdiocese of Toronto); 1755 (Narindarpal Singh Kang); and 1805 (Balpreet Singh); CIMM, [Evidence](#), 42nd Parliament, 1st session, Meeting No. 24, 19 July 2016, 1220 (Christine Morrissey); CIMM, [Evidence](#), 42nd Parliament, 1st session, Meeting No. 25, 19 July 2016, 1405 (Michael Bociurkiw, Former Spokesperson, Special Monitoring Mission to Ukraine, Organization for Security and Co-operation in Europe, as an Individual); and 1500 (Janet Dench) CIMM, [Evidence](#) 42nd Parliament, 1st session, Meeting No. 26, 20 July 2016, 0915 (Chris Lewa); Rainbow Railroad, written submission; Jasdeep S. Mattoo, Barrister and Solicitor, Kang and Company, [written submission](#).

for individuals who face acute risk but are unable to leave their home-country for legitimate reasons.⁷²

The Source Country Class allowed persons who resided in a country listed in a schedule to the Regulations to be eligible for resettlement if they were seriously and personally affected by civil war or armed conflict, had been detained without charges or punished for an act that in Canada would be considered a legitimate exercise of civil rights pertaining to political dissent or trade union activity, or had a fear of persecution for reasons of race, religion, nationality, political opinion, or membership in a particular social group. In 2011, there were six countries that were designated: Columbia, the Democratic Republic of Congo, El Salvador, Guatemala, Sierra Leone and Sudan.⁷³ Direct access to Canadian visa officers without referral from a third-party organization was granted in those six countries.

Sarita Bhatla, Director General, Refugee Affairs, IRCC, testified to the reasons the Source Country Class was found inefficient in 2011, one of them being that “it was very difficult and cumbersome, with changing country conditions around the world, to take countries on or off that list, not to mention the diplomatic considerations.”⁷⁴ However, when asked, Mr. Manicom indicated that it was possible to bring back the Source Country Class.⁷⁵

Some witnesses suggested that the Source Country Class might be best suited for privately sponsored refugees.⁷⁶ As Professor Audrey Macklin explained:

Relying on private mechanisms more than government assistance for refugees removes the burden on the government of finding a way to identify refugees in a proactive way in circumstances where the local government may not be receptive and, indeed, may be antagonistic to that enterprise.⁷⁷

Professor Macklin also thought that the Source Country Class would be most effective “in circumstances where the Government of Canada is otherwise able to operate its immigration system—that is to say, in a country where people are otherwise able to leave, whether for family reunification or as economic immigrants.” This idea was echoed by another witness who stated this provision would be useful where it was possible to secure safe passage from the country of nationality.⁷⁸

72 Rainbow Railroad, written submission, p. 5.

73 IRPR, [SOR/2011-222](#), Regulatory Impact Analysis Statement, p. 2148.

74 CIMM, [Evidence](#), 42nd Parliament, 1st session, Meeting No. 22, 18 July 2016, 1340 (Sarita Bhatla, Director General, Refugee Affairs, Department of Citizenship and Immigration).

75 CIMM, [Evidence](#), 42nd Parliament, 1st session, Meeting No. 27, 20 July 2016, 1345 (David Manicom).

76 CIMM, [Evidence](#), 42nd Parliament, 1st session, Meeting No. 23, 18 July 2016, 1605 (Audrey Macklin); and 1805 (Balpreet Singh).

77 CIMM, [Evidence](#), 42nd Parliament, 1st session, Meeting No. 23, 18 July 2016, 1605 (Audrey Macklin).

78 *Ibid.*, 1755 (Narindarpal Singh Kang).

3. Humanitarian and Compassionate Grounds

Witnesses proposed that humanitarian and compassionate grounds be used to assist specific groups, as indicated in the case studies section that follows.⁷⁹ Ms. Desloges also recommended that humanitarian and compassionate provisions be applied more frequently:

The first [tool] is the increased use of the humanitarian and compassionate provisions in section 25 of the *Immigration and Refugee Protection Act* to cover off situations where people are not outside their country of origin—for example, internally displaced people—and people who do not have UNHCR recognition. That would cover people who are not able, for whatever reason, to access UNHCR registration or to access UNHCR camps.⁸⁰

The Committee also heard that specific instructions must be drafted for visa officers and immigration officers in Canada to ensure the proper implementation of the discretionary provisions found at sections 25, 25.1 and 25.2 of IRPA, which would allow for better outcomes in processing of these applications.⁸¹

4. Alternative Immigration Programs

After describing the large volume of persons in need of resettlement and how the current program cannot meet those needs, Mr. Casasola of UNHCR encouraged “states to develop new pathways” such as “family reunion, academic scholarships, apprenticeships and labour schemes.”⁸² Other witnesses underlined that study and work permits with more flexible requirements could provide legitimate access to Canada for people in need of protection.⁸³

Several witnesses saw the issuance of temporary resident permits as means to allow a vulnerable person to reach Canada.⁸⁴ Ms. Desloges suggested they could be used for urgent cases involving immediate risk.⁸⁵ Ms. Dench suggested that having family in Canada could be a criterion to issue a temporary resident permit in times of human rights crisis.⁸⁶

79 CIMM, [Evidence](#), 42nd Parliament, 1st session, Meeting No. 23, 18 July 2016, 1605 (Hon. Yonah Martin, Senator, Deputy Leader of the Opposition in the Senate, as an Individual); and 1615 (Martin Mark); CIMM, [Evidence](#), 42nd Parliament, 1st session, Meeting No. 24, 19 July 2016, 1030 (Mirza Ismail, Chairman, Yezidi Human Rights Organization International); and 1455 (Chantal Desloges).

80 CIMM, [Evidence](#), 42nd Parliament, 1st session, Meeting No. 25, 19 July 2016, 1455 (Chantal Desloges).

81 Ibid.

82 CIMM, [Evidence](#), 42nd Parliament, 1st session, Meeting No. 22, 18 July 2016, 1405 (Michael Casasola).

83 CIMM, [Evidence](#), 42nd Parliament, 1st session, Meeting No. 24, 19 July 2016, 1145 (Gloria Nafziger); and 1315 (Michael Bociurkiw).

84 CIMM, [Evidence](#), 42nd Parliament, 1st session, Meeting No. 24, 19 July 2016, 1145 (Gloria Nafziger); CIMM, [Evidence](#), 42nd Parliament, 1st session, Meeting No. 25, 19 July 2016, 1455 (Chantal Desloges); and 1505 (Janet Dench).

85 CIMM, [Evidence](#), 42nd Parliament, 1st session, Meeting No. 25, 19 July 2016, 1455 (Chantal Desloges).

86 Ibid., 1505 (Janet Dench).

As to specific recommendations regarding the current family sponsorship program and how Canada could improve it in order to assist internally displaced persons, one witness identified three changes:

[Canada] could enhance family reunification schemes by removing financial barriers to families in Canada who wish to sponsor family members who are IDPs and living in refugee-like situations. Canada could adopt a broader definition of the family for the purpose of family class sponsorships, again with respect to IDPs. Eliminating the excluded family member rule to ensure that initial omissions in immigration applications do not necessarily lead to lifelong separations is very important.⁸⁷

B. Case Studies: Different Immigration Measures for Different Circumstances

The Committee chose to look at the situation of specific vulnerable groups in inaccessible regions in order to gain a better understanding of the protection needs and gaps in current immigration policies and regulations. The Committee heard about situations where the safety and security of the person is compromised by ethnic and religious intolerance, such as Sikhs in Afghanistan and the Rohingya in Myanmar; where security of the person is compromised by the political regime, such as in North Korea and Eritrea; where security of the person is compromised by the non-exercise of rights recognized in Canada, such as the rights of Lesbian, Gay, Bisexual, Transgender, and Intersex (LGBTI) people and writers worldwide; as well as situations where security of the person is compromised by armed conflict such as in Ukraine, South Sudan, and the Assyrian and Yazidi people in Syria and Iraq.

Learning about the plight of these specific groups served to reinforce the Committee's awareness and concern for the depth of their human suffering and need. This testimony also allowed the Committee to hear how Canada can make a difference in specific ways, whether through a special measure on humanitarian and compassionate grounds to resettle a group of Yazidi women and girls, creating a permanent private sponsorship program targeted to LGBTI individuals, or offering displaced young Ukrainians more opportunities for temporary stay in Canada.

1. Sikhs in Afghanistan

Afghan Sikhs and Hindus are by all definitions communities under siege and in serious danger.⁸⁸

Witnesses before the Committee described how rising religious intolerance and extremism is making life in Afghanistan more dangerous and insufferable for Sikhs and Hindus. They stated that the Afghan government has acknowledged its inability to protect these minorities, and has proposed that these entire minority populations be relocated to a

87 CIMM, [Evidence](#), 42nd Parliament, 1st session, Meeting No. 24, 19 July 2016, 1145 (Gloria Nafziger).

88 CIMM, [Evidence](#), 42nd Parliament, 1st session, Meeting No. 23, 18 July 2016, 1720 (Balpreet Singh).

common township. Witnesses rejected this solution, positing that it would only increase Sikhs' and Hindus' vulnerability.

Witnesses described the restrictions on various freedoms and the vulnerability currently experienced by Sikhs in Afghanistan:

Sikhs in Afghanistan find themselves oppressed in almost every facet of life. They're unable to leave their homes freely for fear of attack and harassment. Sikhs are unable to find employment or to freely operate their businesses. Sikh children are unable to attend school for fear of harassment, physical attack, and pressure to convert. Sikh women are unable to leave their homes unaccompanied and must wear the burka. Girls are routinely married by the age of 16, because families fear that they may be kidnapped, raped, and forcibly converted and married if they don't marry earlier. Sikhs and Hindus are unable to respectfully cremate their dead, as funeral processions are often stoned and forbidden from proceeding. Funerals must be held clandestinely. Land that Sikhs and Hindus have lawfully owned for centuries has been occupied. Police and government officials are unable or unwilling to do anything about it. As a result, large numbers of Sikhs and Hindus live collectively in gurdwaras.⁸⁹

They indicated that as conditions worsen, travel for Afghan Sikhs has become more difficult, as Sikh articles of faith make them easily identifiable.⁹⁰ Those who could move have relocated to urban centres or left Afghanistan; only the vulnerable without sufficient resources remain.

Mr. Singh indicated that Sikhs and Hindus have lived in Afghanistan for hundreds of years and that if there was a way to provide them with a safe continued existence in their country of origin, it would be the priority. However, he suspects that remaining in Afghanistan has become untenable for most of the community and seeks Canada's help confirming through non-governmental organizations if that is the case. Witnesses suggested that fleeing to neighbouring Pakistan or India is not a viable option, due to discrimination and systematic denial of legal status and government services to minorities.⁹¹

However, the Committee also heard about the work of the late Honourable Manmeet Bhullar, former member of the Legislative Assembly of Alberta. He, along with associates, listened to the plight of Afghan Sikhs, and helped some to obtain safe passage to India and register as refugees with UNHCR.⁹² As a result, a group of 200 Afghan Sikhs have temporarily been relocated in the Punjab region as refugees, and are being equipped with the necessary livelihood training and education. According to witnesses, it was also Mr. Bhullar's vision that this group of vulnerable people could be resettled to Canada, a vision that his family and community carries still.

Witnesses suggested that resettlement to third countries is the only viable long-term durable solution for Afghan minorities,⁹³ but noted that they would not currently be

89 Ibid.

90 Ibid.

91 Ibid., 1725.

92 Ibid. (Tarjinder Bhullar, as an Individual).

93 Ibid., 1725 (Balpreet Singh).

eligible for resettlement to Canada, as they reside in their country of origin.⁹⁴ As such, witnesses recommended that Afghan Sikhs and Hindus be eligible for resettlement through a re-engaged or reinstated Source Country Class.⁹⁵ They indicated that there is sufficient support in the Sikh-Canadian community to partner as private sponsors if this legal avenue was created.⁹⁶

2. The Rohingya in South East Asia

The Rohingya Muslims have been described as the most persecuted minority on earth.⁹⁷

The Rohingya live mostly in Rakhine State, also known as Arakan, in Myanmar. Chris Lewa, Director, the Arakan Project, described the protection needs of the Rohingya, saying:

For decades, they have faced intense discrimination and exclusion on the basis of their religion and ethnicity. They have been rendered stateless. Their movements are severely restricted. They are subject to gross human rights abuses by the Myanmar authority. Moreover, long-standing hostility by Rakhine Buddhists broke out in communal violence against them in 2012, and for the past four years, 120,000 Rohingya have remained confined to segregated displacement camps in Myanmar.⁹⁸

Economic hardship and violence have forced more than 100,000 Rohingyas to flee their homes and live in camps for IDPs in Myanmar. Ms. Lewa stated that these camps are segregated, because Rohingya are not allowed by authorities to leave.⁹⁹ The living conditions in the camps are dire, without access to the local hospital – the local Rakhine community does not allow Rohingya patients – and there is a lack of proper shelter and sanitation.

Many Rohingyas have fled to neighbouring Bangladesh, Thailand and Malaysia. However, many are unregistered with UNHCR and it is hard to estimate their number. Ms. Lewa explained that a significant concern for those who have fled is that:

none of these countries have ratified a refugee convention or statelessness convention, nor have they enacted domestic legislation to protect refugees. The Rohingya in these states generally are considered to be irregular migrants. Malaysia, Indonesia, and India allow UNHCR to assist the refugees, including Rohingya, but UNHCR registration only provides informal protection and can be difficult to access.¹⁰⁰

94 Ibid., 1750 (Narindarpal Singh Kang).

95 Ibid., 1750 (Narindarpal Singh Kang); and 1805 (Jasdeep Mattoo).

96 Ibid., 1810 (Balpreet Singh); and 1810 (Tarjinder Bhullar).

97 CIMM, [Evidence](#), 42nd Parliament, 1st session, Meeting No. 26, 20 July 2016, 0910 (Chris Lewa).

98 Ibid.

99 Ibid.

100 Ibid.

Ms. Lewa made six recommendations to the Committee. She called upon Canada to expand eligibility for resettlement by repealing “the requirement that we settle refugees sponsored by community groups ... who are recognized and referred by the UNHCR.”¹⁰¹ She also suggested that Canada consider the “reintroduction of the source country class to allow resettlement of particularly vulnerable Rohingya from within Myanmar.”¹⁰² Ms. Lewa also recommended that the “Minister of Citizenship and Immigration increase the number of Rohingya refugees selected through government-sponsored refugee resettlement programs.”¹⁰³

She also suggested some non-immigration actions to be considered by the Government of Canada such as continued “advocacy, with respect to the Government of Myanmar, for democracy and human rights and the urgent need for a resolution to the marginalization of the Rohingya”¹⁰⁴ and, with respect to states in Asia, “for regularizing the Rohingya, including in Malaysia, through the issuing of work permits.”¹⁰⁵ Finally, Ms. Lewa also suggested that Canada “increase its support for the provision of basic services, including education, to Rohingya refugees in all countries.”¹⁰⁶

3. North Korean Defectors

The United Nations Human Rights Council's report ... on human rights in the Democratic People's Republic of Korea concluded that the violations of human rights constitute crimes against humanity. The gravity, scale, and nature of these violations reveal a state that does not have any parallel in the contemporary world.¹⁰⁷

Senator Yonah Martin appeared before the Committee to share findings from a recent report from the Standing Senate Committee on Human Rights, entitled *The Forgotten Many: Human Rights and North Korean Defectors*.¹⁰⁸ She described the protection needs of North Koreans at home and in transit to securing freedom:

Living conditions have deteriorated to extreme levels of deprivation in which the rights to food, health, and other essential needs are categorically denied. Any North Koreans who have successfully defected have done so for their survival, and until they have secured refuge in a safe country, their lives and the lives of possibly three generations of family

101 Ibid., 0915.

102 Ibid.

103 Ibid.

104 Ibid.

105 Ibid.

106 Ibid.

107 CIMM, [Evidence](#), 42nd Parliament, 1st session, Meeting No. 23, 18 July 2016, 1600 (Hon. Yonah Martin).

108 Standing Senate Committee on Human Rights, [The Forgotten Many: Human Rights and North Korean Defectors](#), June 2016.

members remain at serious risk if they are caught in China for illegally crossing the border, or in other countries of Southeast Asia, if and when they are repatriated to North Korea.¹⁰⁹

Senator Martin explained that it is very difficult for North Koreans to reach safety. Most defectors go through China and on to Southeast Asia, and Thailand in particular. The Senate Committee heard that 70% to 80% of defectors escaping North Korea are women, and they are subjected to sexual violence while in transit. In Thailand, defectors are held in detention centres until they receive an exit visa to go to South Korea or to the United States, which has enacted special legislation to receive them. While South Korea identifies all persons living on the Korean peninsula as South Korean nationals and will accept North Korean defectors, Senator Martin explained that many defectors are afraid and unwilling to return to the region.¹¹⁰

Because of the durable solution available in South Korea for North Korean defectors, they are generally not referred for resettlement to Canada. Senator Martin referenced the recommendations made by the Senate Committee to address this gap in protection. The Senate Committee recommended a special measure to resettle vulnerable North Korean defectors – women and children, detained in Thailand – on humanitarian and compassionate grounds, noting that the Korean-Canadian community was prepared to partner on such an initiative.¹¹¹ The Standing Senate Committee on Human Rights also recommended “that the *Immigration and Refugee Protection Act* be amended to create an exception to the definition of a refugee to allow North Korean defectors to qualify for refugee status in Canada”.¹¹²

4. Eritrea

The gross, widespread and systematic violations of human rights in the country, amounting to crimes against humanity, continue to be the main reason for the high flow of refugees from Eritrea.¹¹³

In her written submission to the Committee, the United Nations Special Rapporteur on the Situation of Human Rights in Eritrea, Sheila B. Keetharuth, noted that the situation of human rights in Eritrea and the refugee situation are “inextricably linked”. In her various reports, the Special Rapporteur

has documented the most serious human rights violations in Eritrea, including cases of extrajudicial killing, a shoot to kill policy at borders, enforced disappearances and incommunicado detentions, arbitrary arrest and detention, torture, inhumane prison

109 CIMM, [Evidence](#), 42nd Parliament, 1st session, Meeting No. 23, 18 July 2016 (Hon. Yonah Martin).

110 Ibid., 1605.

111 Ibid., 1635.

112 Standing Senate Committee on Human Rights, [The Forgotten Many: Human Rights and North Korean Defectors](#), June 2016, p. 19, referred to in the testimony during the Meeting 23, 18 July 2016, 1635.

113 UN Special Rapporteur on the Situation of Human Rights in Eritrea, Ms. Sheila B. Keetharuth, [written submission](#), p. 2.

conditions, indefinite national service amounting to forced labour, gender-based violence in the context of the national service and lack of freedom of expression and opinion, assembly, association, religious belief and movement.¹¹⁴

Further, she noted that these human rights violations – indefinite national service and arbitrary arrest and detention in particular – push people to flee, including unaccompanied minors. Traffickers, smugglers, and the dangerous flight route over the Sahara and the Mediterranean Sea await those that succeed in leaving.

In terms of gaps in international protection afforded to Eritreans, the Special Rapporteur highlighted the dangers that face failed asylum seekers and other returnees, including those who have signed an “apology letter” or “regret form” as a pre-condition for return. She also mentioned Eritreans’ vulnerability to trafficking and smuggling, including kidnapping for ransom. Of special note are her concerns for unaccompanied youth, who are more vulnerable to various protection risks and not always cared for by host countries in a manner consistent with international standards. Finally, the rapporteur mentioned that “according to the UNHCR, resettlement remains the most viable durable solution for refugees in Ethiopia but is only available to a small percentage of them”.¹¹⁵

The Special Rapporteur made a number of recommendations to the international community in her submission. Those of particular relevance to Canada include the following:

- “Provide Eritrean nationals seeking protection with refugee status in accordance with the provisions of the international law governing asylum, and in particular the Convention relating to the Status of Refugees;
- Expand channels of legal migration to reduce irregular migration in order to counter human smuggling and trafficking, while treating victims humanely; and
- Identify long-term solutions to help refugees, including local integration in the first-asylum country and resettlement in third countries, and strengthen international solidarity in sharing the responsibility to care for refugees and migrants.”¹¹⁶

5. Lesbian, Gay, Bisexual, Transgender and Intersex Individuals

Same-sex sexual acts are illegal in 72 states (37% of UN states) and you can be put to death in 13 regions, just for loving who you love.¹¹⁷

114 Ibid., p. 3.

115 Ibid., p. 9.

116 Ibid., p. 9.

117 Rainbow Railroad, written submission, p. 1.

Witnesses described the protection need of members of the LGBTI community in numerous countries, noting that “persecution on the basis of sexual orientation and gender identity is unique” in several respects. For instance, Dylan Mazur, Executive Director, the Vancouver Association for Survivors of Torture reported that homosexuality or the promotion of homosexuality is criminalized in more than one-third of countries worldwide. In his words, “this means that their own government has enacted legislation that criminalizes their identity; legislation that criminalizes this most fundamental form of human expression, the expression of gender and sexuality.”¹¹⁸ Further, this discrimination in law has been reported to foster “a culture of persecution with impunity”. According to the organization Rainbow Railroad,

The individuals we hear from report that they are often not only at risk of being arrested, imprisoned, or punished by the state, they also face acute social persecution, and violence in their communities and families, blackmail, and sexual violence, but do not have access to protection from police or their governments because their sexual orientation is criminalized.¹¹⁹

Mr. Mazur noted that this source of persecution is quite different than for individuals or groups affected by armed conflict or political violence.¹²⁰

Second, witnesses demonstrated that it is very difficult for members of the LGBTI community to find a safe country of first asylum from which to apply for protection to UNHCR or as a privately sponsored refugee. They explained that leaving their home country is sometimes impossible – for instance, some countries restrict women’s freedom of movement without male accompaniment, making it difficult for lesbians to flee.¹²¹ Further, leaving their home country may exacerbate a person’s vulnerability, as the host country may also be hostile to the LGBTI community and there may be restrictions on non-citizens’ access to work, for example. As stated in one submission, “one asylum seeker has described the prospect of see[k]ing asylum in a neighbouring country as “jumping out of the frying pan and into the fire”.¹²² Long wait times for UNHCR interviews or for processing as privately sponsored refugees places these individuals in extended periods of danger and vulnerability.¹²³ Witnesses indicated that refugees often wait two to three years for a UNHCR interview, while privately sponsored refugees in Pakistan and Kenya have to wait for more than six years to be resettled, four years or more in Cambodia and Egypt.¹²⁴

118 CIMM, [Evidence](#), 42nd Parliament, 1st session, Meeting No. 24, 19 July 2016, 1155 (Dylan Mazur, Executive Director, Vancouver Association for Survivors of Torture).

119 Rainbow Railroad, written submission, p. 2.

120 CIMM, [Evidence](#), 42nd Parliament, 1st session, Meeting No. 24, 19 July 2016, 1155 (Dylan Mazur).

121 Rainbow Railroad, written submission, p. 3.

122 Ibid.

123 CIMM, [Evidence](#), 42nd Parliament, 1st session, Meeting No. 24, 19 July 2016, 1200 and 1215 (Christine Morrissey).

124 Ibid., 1200.

Advocates appearing before the Committee recommended that a special program be created to allow private sponsors to sponsor LGBTI individuals still in their country of origin. However, witnesses felt that a renewed Source Country Class program would not necessarily provide the best solution for persecuted LGBTI persons, given that such a policy would likely list only a few countries. Instead, advocates for the LGBTI population focused on the legal context of a given country, arguing that vulnerable people should be eligible for resettlement if homosexuality is criminalized in their given country.¹²⁵

Witnesses also felt that the private sponsorship program was more suited to supporting LGBTI individuals.¹²⁶ They felt applicants would be more comfortable sharing their stories with people who would share a tacit understanding of gay culture and be sympathetic to the difficulties of seeking protection on the basis of sexual orientation when surviving often meant acting straight. They noted that UNHCR had released some important guidelines for interviewing gay refugees, but found implementation uneven.¹²⁷

A pilot project started by the Government of Canada in 2011 to target people in need of protection on the basis of sexual orientation or gender identity for resettlement through private sponsorship was perceived as a success. Witnesses asked that it be made permanent and that applications be processed more quickly.¹²⁸ They stated that long processing times were both dangerous for the refugees and challenging for private sponsors, who had to sustain a commitment over a period of years despite changing personal circumstances.

6. Writers

Our experience has taught us how critical immediate action by immigration authorities can be when advancing claims for writers who face imminent threats of violence, even death, for nothing more than the exercise of their right to freedom of expression.¹²⁹

PEN Canada drew the Committee's attention to the protection needs of writers (including bloggers, editors, journalists, playwrights, poets, publishers, screenwriters, translators), in the situation where the exercise of freedom of expression can lead to harassment, imprisonment, or even death. The organization reported receiving almost daily requests for immediate assistance from writers in imminent danger and advocated that writers be officially recognized as a vulnerable group.¹³⁰

125 Ibid., 1200 (Dylan Mazur; and Christine Morrissey).

126 Ibid., 1215 (Christine Morrissey; and Chad Walters, Board Member, Fountain of Hope).

127 Ibid. (Christine Morrissey).

128 Ibid., 1200.

129 PEN Canada, "Writers at Risk", Written submission, dated July 2016, p. 1.

130 Ibid.

PEN Canada underscored the urgency of the protection need for writers, noting with appreciation that journalists are eligible for expedited visas under Canada's Urgent Protection Program (UPP). However, their submission also stated that the designation for the UPP was not easily approved.¹³¹ PEN Canada argued that Canada could accelerate resettlement for writers by relying on "PEN International's monitoring system to evaluate and confirm the status of ... vulnerable individuals" noting that the Government of Norway regularly relies on PEN's assessments.¹³² PEN International's Writers in Prison Committee has extensive experience monitoring cases of imperilled writers around the world and has consultative status with the United Nations, monitoring between 700 and 900 cases each year.

7. Ukrainians in the Donbas and Crimea

Life, in short, to sum up, is terrible. As I've said, it's comparable to some of the most dire places on the planet. As I've said many times, the worst thing that could happen would be the international community, including Canada, averting its gaze from this humanitarian disaster.¹³³

The Committee heard about the situation in Ukraine, a country that has gone from having no internally displaced persons to having 1.8 million over a two-year period as a result of the illegal annexation of Crimea by Russia and ongoing conflict in the Donbas region.¹³⁴ According to Aleksandr Galkin, Director, The Right to Protection, the IDPs need permanent housing and employment opportunities, and those receiving government pensions need income security.¹³⁵ Michael Bociurkiw, formerly with the Special Monitoring Mission to Ukraine of the Organization for Security and Co-operation in Europe (OSCE), explained that a return to rebel-held areas is fraught with danger, where anyone who expressed critical opinions about rebels is at risk; there are documented examples of writers and others appearing on blacklists and being detained, tortured, and disappeared.¹³⁶ Witnesses also explained that residents living along or close to the "contact line" have very limited access to humanitarian and medical aid, due to security reasons and a ban on cargo deliveries.¹³⁷

Two witnesses, Iryna Dovhan and Oleksandr Gryshchenko, Ukrainian-government sympathizers shared their personal stories of capture and arrest, torture of all kinds, and impunity for abuses in the rebel-controlled areas.¹³⁸ The Committee also heard from

131 Ibid, p. 2.

132 Ibid, p. 4.

133 CIMM, [Evidence](#), 42nd Parliament, 1st session, Meeting No. 25, 19 July 2016, 1355 (Michael Bociurkiw).

134 Ibid., 1310 (Michael Bociurkiw); and 1320 (Aleksandr Galkin, Director, The Right to Protection).

135 Ibid., 1320 (Aleksandr Galkin).

136 Ibid., 1310 (Michael Bociurkiw).

137 Ibid., 1320 (Aleksandr Galkin).

138 Ibid., 1320 (Iryna Dovhan, as an Individual); and 1340 (Oleksandr Gryshchenko, as an Individual).

Gennadii Afanasiev, apprehended and tortured in Crimea, forced to testify against innocent people and sentenced to forced labour.¹³⁹ Both men implored the Committee to remember the people still held in captivity and to fight for their release.

In terms of recommendations for Canada's consideration, Mr. Bociurkiw suggested that existing immigration programs for temporary entry, such as study permits and youth exchanges, could be leveraged to provide opportunity to IDPs and young people in the affected regions.¹⁴⁰ He also felt that visits from Ukraine should be encouraged, noting that the refusal rate for temporary resident visas for Ukrainian nationals was regrettably high for a period. Another way to leverage current immigration programs, Mr. Bociurkiw suggested, would be to create a temporary worker program similar to the former Live-in Caregiver Program, targeted to professionals who have been displaced and that could be supported by private sponsors in Canada.

Witnesses also suggested non-immigration-related measures that Canada could continue or initiate to support the Ukrainian people. These include maintaining sanctions against Russia, continued or increased support for the OSCE and the OSCE special monitoring mission, continued support as election observers, and help to find a political solution to the conflict. Further, Canada could provide aid to help integrate IDPs, to rebuild institutions such as the media that have been destroyed by the conflict, and to battle corruption.¹⁴¹ Training to police officers and border guards and support to civil society organizations were also recommended areas for Canada's support.¹⁴²

8. South Sudan

The crisis in South Sudan is profound. A political crisis led to a human rights crisis, and the consequences have also resulted in a humanitarian, economic, and security crisis.¹⁴³

David Marshall, Team Leader of the Assessment Mission to South Sudan, the Office of the United Nations High Commissioner for Human Rights, released his most recent report in March 2016, in which he identified human rights violations committed in the country since December 2013. The report found "that in 2015 the government's counter-insurgency offensive in Unity state was carried out with the apparent purpose of spreading terror among civilians, including widespread sexual and gender-based violence that led to the abduction of women and girls, and indiscriminate attacks on villages, some

139 Ibid., 1335 (Gennadii Afanasiev, as an Individual).

140 Ibid., 1315 (Michael Bociurkiw).

141 Ibid., 1415.

142 Ibid., 1420.

143 CIMM, [Evidence](#), 42nd Parliament, 1st session, Meeting No. 27, 20 July 2016, 1210 (David Marshall, Team Leader, Assessment Mission to South Sudan, Office of the United Nations High Commissioner for Human Rights).

of which involved massive looting of property and the theft of thousands upon thousands of cattle”.¹⁴⁴

In terms of protection needs in South Sudan, there is a sizeable IDP population of 1.8 million, including 200,000 seeking protection at United Nations peacekeeping bases not intended for that purpose. Mr. Marshall also indicated that thousands of people are food insecure, even to the point of famine.¹⁴⁵

Mr. Marshall’s recommendations focused primarily on non-immigration measures that the Canadian government could take. Specifically, he recommended that Canada engage in “robust diplomacy” with the South Sudanese government, consider an arms embargo, provide military and police personnel to the UN mission, support civil society coalitions working for peace, and provide funding for both the UN humanitarian response plan and the UNHCR’s refugee protection and assistance programs.¹⁴⁶ Mr. Marshall concluded that for the situation in South Sudan, “the most obvious solution for protecting vulnerable people is a political transformation to end the orchestration of the violence, predominantly by the political elite of the country”.¹⁴⁷

9. Assyrians in Iraq and Syria

The Canadian government, as well as other governments, needs to give special attention to ethnic and religious minorities in Iraq and Syria, in particular Syrians, Assyrians, Mandeans, and Yazidis, because they are the indigenous people of the land. Without this protection and resettlement, those communities will disappear forever.¹⁴⁸

Aneki Nissan, President, the Centre for Canadian-Assyrian Relations, appeared before the Committee to speak about the plight of Assyrians, a “transnational, ethnic community that belong to a number of Christian churches in the Middle East and are indigenous to the region”.¹⁴⁹ He explained that Assyrian-dominated towns and villages in Northern Iraq have been attacked by Daesh¹⁵⁰, with hundreds of people taken hostage and imprisoned. Further, Assyrian places of worship and businesses have also been attacked in the city of Qamishly. Mr. Nissan reported that as a result of this violence, Assyrians have had to flee from their centuries-old homes and many now live as IDPs in Northern Iraq in “abhorrent conditions”.

144 Ibid.

145 Ibid.

146 Ibid., 1215.

147 Ibid.

148 CIMM, [Evidence](#), 42nd Parliament, 1st session, Meeting No. 26, 20 July 2016, 1005 (Rabea Allos).

149 CIMM, [Evidence](#), 42nd Parliament, 1st session, Meeting No. 27, 20 July 2016, 1205 (Aneki Nissan, President, Centre for Canadian-Assyrian Relations).

150 Daesh is from the Arabic language, and this group is also known as the Islamic State in Iraq and Syria (ISIS) or the Islamic State in Iraq and the Levant (ISIL).

Mr. Nissan emphasized the urgency of bringing people to safety, recommending first that Canada expedite processing of Assyrians' asylum applications.¹⁵¹ He also called for greater assistance to Assyrians in the Middle East, in the form of aid to displaced persons as well as funds, arms, and training for the nascent Nineveh Plains Protection Unit.¹⁵²

10. Yazidi People

What the Yazidis need from the world is a stand for humanity.¹⁵³

The Yazidi are a religious minority of around 700,000 people, concentrated in Northern Iraq, in and around Mount Sinjar and in the Nineveh Plains prior to August 2014. The Committee was informed that Yazidism is one of the oldest religions in the Middle East, dating back 6,000 years.¹⁵⁴ Mirza Ismail, of the Yazidi Human Rights Organization, added that Yazidi is “a religion, a culture, and a language”.¹⁵⁵

On 15 June 2016, the United Nations Human Rights Council issued its report “*They Came to Destroy*”: *ISIS Crimes Against the Yazidis*,¹⁵⁶ which declared Yazidis are victims of genocide and outlined a number of recommendations for the international community. The Canadian government also recognized this genocide. Nadia Murad Basee Taha, a young Yazidi of 22 years, made the genocide and sexual slavery she endured very real and personal in her testimony.

Ms. Murad described how her normal life of studies and friends and peaceful coexistence with other religions was shattered when Daesh attacked her village in Sinjar, Northern Iraq, on 3 August 2014.¹⁵⁷ According to Ms. Murad, after 12 days under siege, Daesh gathered the villagers at the school, separating the men from the women. The men were shot – more than 700 in a matter of two hours. Young girls and women were taken to Mosul, Iraq, where they were held captive, forcibly converted, raped, and sold into slavery. Young boys were taken to training camps, where they have been forcibly converted and trained to become suicide bombers and soldiers for Daesh.¹⁵⁸

151 Ibid.

152 Ibid.

153 CIMM, [Evidence](#), 42nd Parliament, 1st session, Meeting No. 24, 19 July 2016, 1020 (Murad Ismael).

154 CIMM, [Evidence](#), 42nd Parliament, 1st session, Meeting No. 26, 20 July 2016, 1020 (Nafiya Naso, Representative, Yazidi Community of Winnipeg, Operation Ezra); Yazda: Global Yazidi Organization, Written Submission dated July 2016.

155 CIMM, [Evidence](#), 42nd Parliament, 1st session, Meeting No. 24, 19 July 2016, 1025 (Mirza Ismail).

156 United Nations Office of the High Commissioner for Human Rights, Human Rights Council, “[They Came to Destroy](#)”: *ISIS Crimes Against the Yazidis*, A/ HRC/32/CRP.2, 15 June 2016.

157 CIMM, [Evidence](#), 42nd Parliament, 1st session, Meeting No. 24, 19 July 2016, 1005 (Nadia Murad Basee Taha, Human Rights Activist, as an Individual).

158 CIMM, [Evidence](#), 42nd Parliament, 1st session, Meeting No. 24, 19 July 2016, 1005 (Nadia Murad Basee Taha); Operation Ezra, speaking notes, p. 4.

This methodological violence and destruction, Ms. Murad reported, was repeated in hundreds of Yazidi villages. Further, she stated that “this continues today against more than 3,000 women and children in Iraq and Syria”.¹⁵⁹

Witnesses informed the Committee that more than 500,000 Yazidi people are displaced with well over 100,000 in UNHCR refugee camps, segregated from other refugees because the Yazidi are not safe among them.¹⁶⁰ Mr. Ismail informed the Committee about (and showed images following) an attack targeting Yazidi refugees in the Greek refugee camp Skaramages, saying that it was not an isolated incident.¹⁶¹ He said that Yazidi refugees are at risk of attack from Daesh supporters and other Muslims in Greece, Turkey, Syria, and even Germany.

Other witnesses also suggested that the temporary protection afforded to Yazidi refugees is inadequate. They reported that healthcare and humanitarian aid in camps in Northern Iraq is deficient, with aid not reaching its intended recipients and food rations insufficient.¹⁶² According to Raiija-Liisa Schmidt-Teigen of Samaritan’s Purse Northern Iraq, “Yazidis understand that they exist in a surrounding culture and context that views them with contempt. They do not expect to receive fair treatment in systems which we would expect would serve them.”¹⁶³

For some witnesses, this sentiment applied even to UNHCR, as Mr. Ismail stated that “UNHCR violently discriminates against Yazidis in Turkey and Syria” reporting as evidence that Yazidi refugees were being assigned interview dates four to five years from now.¹⁶⁴

Witnesses explained that many Yazidis would prefer to leave than return to Sinjar, having lost trust in the Peshmerga (Kurdish forces) and the Iraqi Army, which failed to protect them from Daesh.¹⁶⁵ They described being abandoned by neighbours and being prevented from escaping and arming themselves.¹⁶⁶

In terms of resettlement, the Committee heard from Operation Ezra, a Winnipeg-based group trying to sponsor seven Yazidi families. Their first family had just arrived, after an 18-month wait. Commenting on the long wait time, Operation Ezra representative Lorne Weiss stated, “Under a normal private sponsorship refugee program, that’s probably not so bad, to get access to a country like Canada, but when people are living in constant

159 CIMM, [Evidence](#), 42nd Parliament, 1st session, Meeting No. 24, 19 July 2016, 1005 (Nadia Murad Basee Taha).

160 Operation Ezra, speaking notes, p. 2; CIMM, [Evidence](#), 42nd Parliament, 1st session, Meeting No. 26, 20 July 2016, 1020 (Nafiya Naso).

161 CIMM, [Evidence](#), 42nd Parliament, 1st session, Meeting No. 24, 19 July 2016, 1025 (Mirza Ismail).

162 Ibid., 1030.

163 CIMM, [Evidence](#), 42nd Parliament, 1st session, Meeting No. 27, 20 July 2016, 1220 (Raiija-Liisa Schmidt-Teigen).

164 CIMM, [Evidence](#), 42nd Parliament, 1st session, Meeting No. 24, 19 July 2016, 1025 (Mirza Ismail).

165 CIMM, [Evidence](#), 42nd Parliament, 1st session, Meeting No. 27, 20 July 2016, 1220 (Raiija-Liisa Schmidt-Teigen).

166 CIMM, [Evidence](#), 42nd Parliament, 1st session, Meeting No. 24, 19 July 2016, 1030 (Mirza Ismail).

danger, when they don't have medical supplies, don't have access to services, when in fact Canadian officials aren't even coming into the refugee camps, it's not acceptable".¹⁶⁷

Based on their experience, Operation Ezra suggested that the private sponsorship program has "too many obstacles to be an effective solution", citing applications that are complicated and time-consuming, long waits for interviews, medical and security screening, the difficulty of transporting refugees for hours or days away from camps to distant visa offices, as well caps on Sponsorship Agreement Holders that limit new applications.¹⁶⁸ These issues were echoed by Or Shalom Syrian Refugee Initiative, which has worked with partners in Metro Vancouver to mobilize more than 3,000 people and raise more than \$775,000 to sponsor more than 100 Kurdish Syrian refugees.¹⁶⁹

Finally, the Committee was informed that some Yazidis struggle to obtain adequate protection because they are internally displaced, rather than refugees under the United Nations definition. They do not have the resources to reach another country and have difficulty obtaining passports and other official documentation from Baghdad.¹⁷⁰

A common message from witnesses was that Canada should, with utmost speed, bring Yazidi people to safety in Canada, "to save the Yazidi people from extinction".¹⁷¹ Some spoke in general terms that the Yazidi people should be prioritized for resettlement to Canada, while other witnesses tabled a concrete proposal with the Committee for a program to resettle 400 women and girls using the flexibility of the H&C provision and support from private sponsors.¹⁷² Some witnesses called for a large scale resettlement effort, of 5,000 to 10,000 people; others proposed bringing in a large number of Yazidi families with private sector support for settlement and integration.

In terms of which Yazidi people to target for resettlement, several groups urged the Committee to recommend to the Government of Canada to prioritize women and girls, the victims of captivity who have escaped Daesh. Others recommended Yazidis who have left Syria and Iraq but remain in places like Turkey or Greece.¹⁷³ Mr. Weiss suggested that Yazidi refugees in Turkey are the "low hanging fruit" who would be easy to help.

Several witnesses commented that the government would need to provide settlement resources and support for Yazidi people resettled to Canada as appropriate in light of the abuse they have suffered.

167 CIMM, [Evidence](#), 42nd Parliament, 1st session, Meeting No. 26, 20 July 2016, 1105 (Lorne Weiss).

168 Ibid., 1025.

169 CIMM, [Evidence](#), 42nd Parliament, 1st session, Meeting No. 24, 19 July 2016, 1040 (David Berson).

170 CIMM, [Evidence](#), 42nd Parliament, 1st session, Meeting No. 27, 20 July 2016, 1220 (Raiija-Liisa Schmidt-Teigen).

171 CIMM, [Evidence](#), 42nd Parliament, 1st session, Meeting No. 26, 20 July 2016, 1025 (Lorne Weiss).

172 Ibid., 1020 (Rev. El Shafie).

173 CIMM, [Evidence](#), 42nd Parliament, 1st session, Meeting No. 27, 20 July 2016, 1225 (John Clayton); CIMM, [Evidence](#), 42nd Parliament, 1st session, Meeting No. 24, 19 July 2016, 1030 (Mirza Ismail).

Witnesses also encouraged the Canadian government to find a way around processing challenges inhibiting resettlement of Yazidis through the GAR and PSR programs. They also recommended solutions, such as the use of armoured vehicles to ensure safe passage for visa officers to conduct interviews, or interviews by telephone.¹⁷⁴ Alternatively, the Yezidi Human Rights Organization offered to facilitate travel to Yazidi areas and identify victims for consideration for resettlement.¹⁷⁵ Another suggestion was to use UNHCR assessments or even have the UNCHR or IOM conduct interviews on Canada's behalf.¹⁷⁶

Finally, witnesses made recommendations beyond immigration measures, which would most appropriately be directed to government departments other than Immigration, Refugees and Citizenship Canada. For instance, Samaritan's Purse recommended that "Members of Parliament participating today help ensure that Global Affairs Canada and other departments thoughtfully consider and act upon what this United Nations Human Rights Council appointed commission has outlined".¹⁷⁷ More specifically, other witnesses recommended that Canada: provide humanitarian aid to Yazidis in camps (in Northern Iraq in particular), champion a war crimes referral to the International Criminal Court, rescue the more than 3,000 Yazidis still in captivity, and contribute to establishing an autonomous region in Iraq where Yazidis could live in safety.¹⁷⁸

174 CIMM, [Evidence](#), 42nd Parliament, 1st session, Meeting No. 24, 19 July 2016, 1045 (David Berson).

175 Ibid., 1120 (Mirza Ismail).

176 CIMM, [Evidence](#), 42nd Parliament, 1st session, Meeting No. 25, 19 July 2016, 1450 (Chantal Desloges); CIMM, [Evidence](#), 42nd Parliament, 1st session, Meeting No. 24, 1045 (David Berson).

177 Samaritan's Purse, [Written submission](#), p. 1.

178 CIMM, [Evidence](#), 42nd Parliament, 1st session, Meeting No. 24, 19 July 2016, 1025 (Murad Ismael); and 1030 (Mirza Ismail); Marsha Matheson, as an Individual, [Written submission](#), p. 1; One Free World International, [Written submission](#), p. 5.

CONCLUSION: COMMITTEE RECOMMENDATIONS

Having heard compelling testimony on the urgent protection needs of different groups and cognizant of the fact this study could not allow members to hear about the many other deserving populations requiring protection, the Committee feels that Canada can and must do more. In the spirit of building on the efforts of stakeholders, community groups, UNHCR, and department officials actively responding to this study, we offer the following recommendations to the Government of Canada.

IMPROVE THE RESETTLEMENT PROGRAM

Canada is a global leader in refugee resettlement, not only by virtue of its robust programs, but also in terms of cooperation with UNHCR and in its advocacy role for durable solutions at international fora. Yet, processing resettled refugee visas can take too long for a program whose objective is saving lives. Canada's private sponsorship program is a critical asset, allowing the country to do more than the government could alone, as well as providing newcomers with solid support upon arrival. In light of these realities, the Committee recommends the following.

RECOMMENDATION 1

That Immigration, Refugees and Citizenship Canada continue leading resettlement discussions at the international level with the objective of expanding the number of resettlement places available in light of the all-time high levels of forced displacement.

RECOMMENDATION 2

That Immigration, Refugees and Citizenship Canada accept *prima facie* refugee status for certain at-risk populations to facilitate their resettlement and to reduce the burden on the United Nations High Commissioner for Refugees.

RECOMMENDATION 3

That Immigration, Refugees, and Citizenship Canada examine the feasibility of expanding the use of the Urgent Protection Program in cases where genocide is confirmed to be ongoing.

CONSIDER EXPANDING ELIGIBILITY FOR RESETTLEMENT TO INCLUDE PEOPLE RESIDING IN THEIR COUNTRY OF ORIGIN

The Committee heard from many witnesses about the difficulties of trying to use Canada's resettlement programs to help people who are still residing in their country of origin. Witnesses emphasized that trying to leave the country to seek protection is simply not an option for some people, while others make that move at great risk. Further, the Committee was told that private sponsors are interested and ready to help in new ways, and their generosity is not depleted. Establishing a new resettlement class to privately

sponsor people from their country of origin would build on the strengths of private sponsorship, such as the sponsors' ability to identify vulnerable people for referral and offer strong settlement support, while reducing some of the political and diplomatic sensitivities of such a class. Therefore, bearing in mind the protection need of individuals within their country of origin and the willingness of private sponsors in Canada, the Committee recommends the following.

RECOMMENDATION 4

That Immigration, Refugees and Citizenship Canada consider establishing a resettlement class for private sponsorship of persons in need of protection and residing in their country of origin similar to the former Source Country Class.

MAKE USE OF THE HUMANITARIAN AND COMPASSIONATE PROVISIONS

As noted earlier in this report, the discretionary “humanitarian and compassionate” provisions in IRPA are the most flexible tool currently available to respond to people in need of humanitarian assistance, caused by natural disasters, international crises, or specific instances of religious or other forms of persecution. Establishing a public policy under these provisions allows the government to help an identified group. However, it is difficult to assess the existing use of humanitarian and compassionate provisions as well as its future potential due to the lack of reporting requirements. In order to address this gap, the Committee recommends the following.

RECOMMENDATION 5

That Immigration, Refugees and Citizenship Canada report its use of public policy based on humanitarian and compassionate considerations in the departments' annual report under section 94 of the *Immigration and Refugee Protection Act* to allow for increased awareness of existing programs.

CONCLUSION

Over the course of this study the Committee heard personal accounts of horrifying suffering. The Committee wishes to thank those witnesses who came forward and shared their stories and burden in such a candid manner. In light of the all-time high of forced displacement around the world, there can be no doubt that all those working to assist these vulnerable people should be commended. The Committee is grateful for their efforts. Resettlement is only one piece of the solution. It is the Committee's hope that as many people as possible now facing extreme hardship will have the opportunity to find security and stability in a timely manner, and opportunities that will offer a permanent solution where they may rebuild their lives in dignity. The Committee hopes that this report and the recommendations it puts forward will help to strengthen Canada's contribution to protecting vulnerable groups.

LIST OF RECOMMENDATIONS

RECOMMENDATION 1

That Immigration, Refugees and Citizenship Canada continue leading resettlement discussions at the international level with the objective of expanding the number of resettlement places available in light of the all-time high levels of forced displacement. 35

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APPENDIX A LIST OF WITNESSES

Organizations and Individuals	Date	Meeting
<p>Department of Citizenship and Immigration</p> <p>Sarita Bhatla, Director General Refugee Affairs</p> <p>Robert Orr, Assistant Deputy Minister Operations</p>	2016/07/18	22
<p>Department of Foreign Affairs, Trade and Development</p> <p>Heather Jeffrey, Director General International Humanitarian Assistance</p>		
<p>Office of the United Nations High Commissioner for Refugees</p> <p>Michael Casasola, Officer in Charge in Canada</p>		
<p>As an individual</p> <p>Tarjinder Bhullar</p> <p>Narindarpal Singh Kang, Barrister and Solicitor The Law Firm of Kang and Company</p> <p>Audrey Macklin, Professor Faculty of Law, University of Toronto</p> <p>Yonah Martin, Senator Deputy Leader of the Opposition in the Senate</p> <p>Jasdeep S. Mattoo, Barrister and Solicitor The Law Firm of Kang and Company</p>	2016/07/18	23
<p>Office for Refugees of the Archdiocese of Toronto</p> <p>Martin Mark, Director</p>		
<p>World Sikh Organization of Canada</p> <p>Balpreet Singh, Legal Counsel</p>		
<p>Amnesty International</p> <p>Gloria Nafziger, Refugee and Migrant Coordinator Toronto Office</p>	2016/07/19	24
<p>As an individual</p> <p>Murad Ismael, Executive Director Yazda</p> <p>Nadia Murad Basee Taha, Human Rights Activist</p>		
<p>Foundation of Hope</p> <p>Paul Tolnai, Acting Secretary</p> <p>Chad Walters, Board Member</p>		

Organizations and Individuals	Date	Meeting
<p>Or Shalom Synagogue David Berson, Co-Chair Or Shalom Syrian Refugee Initiative</p> <p>Rainbow Refugee Christine Morrissey, Special Advisor</p> <p>Vancouver Association for Survivors of Torture Dylan Mazur, Executive Director</p> <p>Yezidi Human Rights Organization-International Mirza Ismail, Chairman</p>	2016/07/19	24
<p>As an individual Gennadii Afanasiev Michael Bociurkiw, Former Spokesperson Special Monitoring Mission to Ukraine, Organization for Security and Co-operation in Europe Chantal Desloges, Lawyer Desloges Law Group Iryna Dovhan Oleksandr Gryshchenko</p> <p>Canadian Council for Refugees Janet Dench, Executive Director</p> <p>Canadian Refugee Sponsorship Agreement Holders Association Brian Dyck, Chair</p> <p>The Right to Protection Aleksandr Galkin, Director</p>	2016/07/19	25
<p>Catholic Refugee Sponsors Council Rabea Allos, Director</p> <p>One Free World International Majed El Shafie, Founder and President</p> <p>Operation Ezra Nafiya Naso, Representative Yazidi Community of Winnipeg Lorne Weiss, President Shaarey Zedek Synagogue</p> <p>The Arakan Project Chris Lewa, Director</p> <p>The Sentinel Project for Genocide Prevention Drew Boyd, Director of Operations</p>	2016/07/20	26

Organizations and Individuals	Date	Meeting
<p>Centre for Canadian-Assyrian Relations Aneki Nissan, President</p> <p>Department of Citizenship and Immigration Bruce Grundison, Senior Director Resettlement Operations</p> <p>David Manicom, Associate Assistant Deputy Minister Strategic and Program Policy</p>	2016/07/20	27
<p>Department of Foreign Affairs, Trade and Development Heather Jeffrey, Director General International Humanitarian Assistance</p> <p>Office of the United Nations High Commissioner for Human Rights David Marshall, Team Leader Assessment Mission to South Sudan</p>		
<p>Samaritan's Purse Canada John Clayton, Director of Programs and Projects</p>		
<p>Samaritan's Purse Northern Iraq Raija-Liisa Schmidt-Teigen, General Director of a Community Center</p>		

APPENDIX B LIST OF BRIEFS

Organizations and Individuals

Canadian Asian Community Think Tank

Islamic Foundation of Toronto

Matheson, Marsha

Mattoo, Jasdeep

One Free World International

PEN Canada

Rainbow Railroad

Samaritan's Purse Northern Iraq

UN Special Rapporteur on the Human Rights in Eritrea

World Sikh Organization of Canada

REQUEST FOR GOVERNMENT RESPONSE

Pursuant to Standing Order 109, the Committee requests that the government table a comprehensive response to this Report.

A copy of the relevant Minutes of Proceedings ([Meetings Nos. 22 to 27](#)) is tabled.

Respectfully submitted,

Borys Wrzesnewskyj
Chair

Supplementary Report of Her Majesty's Official Opposition The Conservative Party of Canada (CPC)

David Tilson, Member of Parliament for Dufferin – Caledon
Michelle Rempel, Member of Parliament for Calgary Nose Hill
Bob Saroya, Member of Parliament for Markham – Unionville

This summer the Standing Committee on Citizenship and Immigration held emergency meetings to study and bring forward recommendations to assist highly vulnerable displaced persons.

It is the opinion of the Conservative members that the report tabled by this Committee has not accomplished this objective. While evidence contained in the report outlines several dire situations demanding a response, the recommendations section is inadequate.

With this in mind, the Conservative Members of the Standing Committee on Citizenship and Immigration offer the following supplementary recommendations to the Committee's report *Distress Call: How Canada's Immigration Program Can Respond to Reach the Displaced and Most Vulnerable*.

CURRENT IMMIGRATION MEASURES FOR PROTECTION

Eligibility and Admissibility

During committee meetings, as reflected in the report, the Committee heard numerous times that the government should consider engaging with agencies other than the United Nations High Commissioner for Refugees for resettlement referrals. The predominant reason was a result of the UNHCR not having the legal authority to refer internally displaced persons, such as the Yazidis in Iraq.¹

Rev. Majed El Shafie, President and Founder, One Free World International suggested that, "the government must work with representatives of minority groups and organizations that work directly with those refugees who, for a variety of reasons, cannot access mainstream refugee support programs in order to help identify the most vulnerable and must not simply rely on the UNHCR and other mainstream agencies."² David Berson, Co-Chair, Or Shalom Syrian Refugee Initiative, echoed these sentiments.³

Mirza Ismail, Chairman, Yezidi Human Rights Organization International noted that it was not that the government was incapable of reaching remote populations like the Yazidis, but that they were unwilling to work with NGOs other than the UNHCR.⁴ Rabea Allos, Director, Catholic Refugee Sponsors Council also noted that Canada needs to consult with agencies other than the UNHCR for resettlement.⁵

¹ Meeting 23, 20 July 2016, 1355

² Written brief.

³ Meeting 24, 19 July 2016, 1045

⁴ Meeting 24, 19 July 2016, 1120

⁵ Meeting 26, 20 July 2016, 1040

One notable example the Committee heard was that the German government was working with the International Organization for Migration to resettle Yazidi women and girls.⁶

Given the overwhelming amount of testimony in favour of partnering with NGOs other than the UNHCR, we recommend:

- 1. That Immigration, Refugees and Citizenship Canada establish agreements with reputable agencies other than the United Nations High Commissioner for Refugees for resettlement referrals in order to expand the reach of Canada’s program targeting groups facing genocide.**

Identification for Resettlement

Under Immigration, Refugees, and Citizenship Canada’s current guidelines, private sponsorship groups (also known as groups of five) can only sponsor people who are recognized as refugees by the UNHCR or a foreign state. Therefore, those who are internally displaced are ineligible to be sponsored by groups of five.

The committee heard testimony from numerous witnesses recommending a change to this rule. Balpreet Singh, Legal Counsel, World Sikh Organization of Canada (WSO) stated, “We think that it might be an option to open it up to private sponsorships. It needs to be looked at because right now there’s no viable option for those individuals who are internally displaced.”⁷ David Berson, Co-Chair, Or Shalom Syrian Refugee Initiative, Or Shalom Synagogue echoed this by recommending that Canada: “[r]ecognize internally displaced people as candidates for sponsorship.”⁸ Gloria Nafziger, Refugee and Migrant Coordinator, Toronto Office, Amnesty International simply added to this, “Canada could permit private groups and groups of five sponsorships for individuals who are internally displaced.”⁹

Given that witnesses invited to the Committee by all parties made these statements, we recommend:

- 2. That Immigration, Refugees, and Citizenship Canada consider the allowance of private sponsorship groups under the Private Sponsorship of Refugees Program to sponsor internally displaced persons who would otherwise meet Canada’s eligibility for resettlement if they had the ability to leave their country of origin.**

Similarly, the committee heard evidence for creating private sponsorship programs on the basis of humanitarian and compassionate considerations. For instance Chantal Desloges, Lawyer, Desloges Law Group, stated: “The first [tool] is the increased use of the humanitarian and compassionate provisions in section 25 of the *Immigration and Refugee Protection Act* to cover off situations where people are not outside their country of origin – for example, internally displaced people – and people who do not have UNHCR recognition. That would cover people who are not able, for whatever reason, to access UNHCR registration or to access UNHCR camps.”¹⁰ Mirza Ismail echoed this, “We ask Canada to bring in the abducted Yazidis who were able to escape from ISIS. Canada can bring those escaped Yazidi girls from

⁶ Meeting 26, 20 July 2016, 1355

⁷ Meeting 23, 18 July 2016, 1805

⁸ Meeting 24, 19 July 2016, 1045

⁹ Meeting 24, 19 July 2016, 1145

¹⁰ Meeting 25, 19 July 2016, 1455

Iraq under section 25 of the immigration law. As my colleague said, Germany has accepted 1,000 who are underaged with their families.”¹¹

The Committee also heard that private sponsorship groups want to offer their resources to expeditiously resettle Yazidi refugees. David Berson stated:

We've raised more than \$775,000 and are prepared to do more. We've educated ourselves in terms of language, food, culture. We've been active long before November 2015 and we are ready to deploy.

Change is needed in how we expedite the processing of vulnerable populations in isolated areas. Here are some recommendations and possible solutions to consider.

Increase the number of private sponsorships allowed to sponsorship agreement holders because private sponsors significantly increase the acculturation process to Canada, even more so in cases where people are vulnerable and have special needs. Private sponsorships cost the government and taxpayers much less, and they develop more resilient communities and stronger community networks.¹²

Given that the government has the capability and that the UNHCR has asked for states to expedite the processing of Yazidis, we recommend:

- 3. That Immigration, Refugees, and Citizenship use humanitarian and compassionate grounds (for example, utilizing Section 25 of the Immigration and Refugee Protection Act (IRPA)) to bring Yazidi victims of genocide to Canada in an expeditious manner.**

Immigration Levels Plan, Caps and Allocations

Annual caps exist for the number of refugees which will be resettled to Canada via Sponsorship Agreement Holders. The Committee heard recommendations urging the removal of caps on private sponsors in order to fully capitalize on the generosity of Canadians. For instance, Chantal Desloges said: “lift or at least better manage the caps on sponsorship agreement holders. Private sponsors are really excited right now, and they’re willing to back up their enthusiasm with their wallets.”¹³

Given that many Canadians are willing to personally facilitate the sponsorship of refugees, and the current gravity of the Syrian and Iraqi refugee crisis, we recommend:

- 4. That Immigration, Refugees, and Citizenship Canada remove Iraq and Syria from the current Sponsorship Agreement Holders cap.**

This recommendation would put this government in line with a practice instituted by the previous government.

We also heard from witnesses that genocide victims, with particular emphasis on Yazidi victims of genocide, should be given high priority in selecting candidates for resettlement via the Government

¹¹ Meeting 24, 19 July 2016, 1030

¹² Meeting 24, 19 July 2016, 1045

¹³ Meeting 25, 19 July 2016, 1455

Assisted Refugee program. These people are being systemically exterminated and it is highly unlikely that they will be unable to return to their homes, even if general conflict in the region ceases. Given this, we recommend:

- 5. That Immigration, Refugees and Citizenship Canada set targets for the inclusion of genocide victims in annual levels for the Government Assisted Refugee program, and that a special program be established in 2016 to immediately resettle a target number of Yazidi genocide victims to Canada.**

The report recommends that Immigration, Refugees and Citizenship Canada consider a resettlement class for private sponsorship for persons in need of protection and residing in their country of origin similar to the former Source Country Class. However, department officials noted the following,

I would say that we repealed the source country class primarily because it was quite ineffective. We had a list of countries and regulation that we would consider, where applicants could go directly to a visa officer as opposed to through a referral, but it was very difficult and cumbersome, with changing country conditions around the world, to take countries on or off that list, not to mention the diplomatic considerations about saying to a country essentially that we consider that people inside its territory should be removed if they asked for—¹⁴

Given that there is ample additional rationale from department officials in the public domain providing warnings about the previous ineffectiveness of this program, we encourage the government to bear these facts in mind should they choose to accept this recommendation.

Integration Support

Given that successful integration support systems provide opportunities for success for refugees upon entry into Canada, we recommend:

- 6. That the Government conduct thorough consultations with resettlement support service providers, including provincial and municipal governments, and post a comprehensive, fully costed plan to provide integration support services to increases in resettlement spots significantly exceed the levels outline in the most recent Immigration Levels Report, and that this plan be studied by a Parliamentary committee.**

TESTIMONY ON IMMIGRATION MEASURES TO PROTECT VULNERABLE GROUPS

Improving the Resettlement Program

During committee, many witnesses commented on the issues of prioritization and on defining the term “most vulnerable.” Chantal Desloges noted: “[It] makes sense to draw certain distinctions between groups of people, not to discriminate against those who are not prioritized but to recognize the simple

¹⁴ Meeting 22, 18 July 2016, 1345

reality that some groups are singled out and horrifically targeted by their persecutors. If the persecutors themselves draw those distinctions, it only makes sense that our response has to be proportionate. Every refugee faces a well-founded fear of persecution, but not every refugee is a genocide victim. Not every refugee is a survivor of sex slavery.”¹⁵

Many witnesses echoed this rationale, including John Clayton, Director of Programs and Projects, and Raija-Liisa Schmidt Teigen, General Director of Grace Community Centre Duhok, Samaritan’s Purse Canada: “The genocide committed against the Yazidis merits priority and exceptional handling for those seeking refuge in Canada. ... We recommend that Canada implement the Human Rights Council commissioned report recommendation 212 (g):

*“212. The Commission recommends to the international community: (g) Accelerate the asylum applications of Yazidi victims of genocide”.*¹⁶

Lorne Weiss, President, Shaarey Zedek Synagogue, Operation Ezra, also emphasized the necessity of an immediate response: “The plight of the Yazidi people needs to be given priority in the face of this tragic genocide.”¹⁷

Murad Ismael also commented: “We would like you to have a special quota of 5,000 to 10,000 people, sponsored by the Government of Canada, to allow the Yazidis to come. I think the Yazidis must be allowed to go to any country, exactly as the people of the Holocaust were. The world finally recognized their genocide and allowed them to come in.”¹⁸

We recommend:

- 7. That the Government of Canada adopt recommendations found in sections 210, 212, and 213 of the June 15, 2016 report *They Came to Destroy: ISIS Crimes Against the Yazidis*; and that the government regularly report back to the House of Commons on the progress related to the implementation of these recommendations.**

In addition we recommend:

- 8. That Citizenship, Immigration, and Refugees Canada set specific targets for the number of victims of genocide within our refugee sponsorship programs, and implement mechanisms to measure whether the government is meeting these targets.**

Lesbian, Gay, Bisexual, Transgender, and Intersex Individuals

The Committee heard from numerous witnesses concerning the struggles confronted by LGBTQI refugees. A member of the non-profit organization Rainbow Road gave the following recommendation: “The inability to leave one’s home country due to gender identity or misogyny, homophobia in entire

¹⁵ Meeting 25, 19 July 2016, 1450

¹⁶ Written brief.

¹⁷ Meeting 26, 20 July 2016, 1025

¹⁸ Meeting 24, 19 July 2016, 1025

regions and possible countries of first asylum, and administrative delays that put individuals at risk are the main risks that the government of Canada can attempt to address in order to address the protection of vulnerable and persecuted LGBTQ individuals who are seeking asylum.”¹⁹

The Committee also heard that sometimes LGBTQI people encounter insensitivity during the refugee process from UNHCR officials themselves, possibly due to inadequate training. Chad Walters, Board Member, Foundation of Hope recommended that measures be taken to “ensure substantial LGBT competence training for immigration lawyers and officials. Meeting things like “but you don’t look gay” is commonplace for claimants. ... It is imperative that the way one looks is not a factor in one’s credibility as LGBT.”²⁰

Given this testimony, we recommend:

- 9. That the Government of Canada work with its partners in the UNHCR to ensure that adequate training and best practices are being implemented so that processing LGBTQI refugees is appropriate and does not cause undue stress and hardship or risk to these individuals.**

Secondly, in recognition that those who are persecuted based on their sexual orientation or their gender identity face increased security risk, including death, when travelling to a foreign country in order to file a refugee claim, we recommend:

- 10. That Immigration, Refugees, and Citizenship Canada create a private sponsorship program for members of the LGBTQI using measures such as humanitarian and compassionate grounds to allow Canadians to sponsor individuals based in their country of origin.**

Groups Facing Genocide

The declaration that ISIS is committing genocide against the Yazidi people by the United Nations compels Canada to act quickly to support them, and other groups facing similar dire circumstances. Much of the testimony on this topic supported specific recommendations to improve our immigration system to swiftly support victims of genocide.

We heard testimony, which is noted in the body of the report, that Yazidi victims of genocide face discrimination by UN refugee processing agents, which may preclude their selection as candidates for resettlement to Canada. Given that government officials have noted in previous committee hearings that only a handful of Yazidis have been selected to come to Canada as part of the government’s recent selection of 25,000 resettlement candidates, this testimony raises questions about the efficacy of the UN selection process as it pertains to assisting Yazidis and other persecuted minorities.

Most of the staff of the UNHCR in Turkey and Syria are Muslims and they violently discriminate against the Yazidi, who do not dare protest their ill treatment or demand their rights. They are

¹⁹ Written brief

²⁰ Meeting 24, 19 July 2016, 1155

given four to five years for a UN interview. I have evidence I am happy to show anyone who wants to see it.²¹

- Mirza Ismail

Just today I got two reports that I found disturbing. One was the report of some of our workers visiting a refugee who had an appointment for 2021, and was told maybe not even 2021, it might be 2022. I can confirm that is definitely true, and it makes no sense to me why the UNHCR cannot be providing refugees.... That was just for refugee status, that wasn't even for immigration, that was just for status as a refugee to be able to move forward in the immigration process.

The other report that I received today was from Greece. One of our Yazidi beneficiaries commented to one of our workers that it was really hard for them because they were still living in a Muslim context, and the Muslim NGO workers who were serving them were, after hours, overheard calling them all sorts of names.²²

- Ms. Raija-Liisa Schmidt-Teigen

As such, we recommend:

11. That the government should establish a formal process with the United Nations to audit lists of candidates presented for resettlement to Canada in order to ensure the acceleration of applications from victims of genocide.

We also heard that Yazidi victims of genocide face extreme persecution in general refugee camps with some making it to segregated camps, such as one in Greece. The know existence of the whereabouts of Yazidis in these types of camps presents and immediate opportunity for Canadian officials and the government to identify Yazidi candidates for immediate resettlement to Canada.

On June 23, 2016, in the Skaramagas refugee camp in Greece, the Arabs, Kurds, and Afghans called a jihad to kill the Yazidis in the camp. These Muslim jihadists attacked the Yazidi refugees with knives, metal bars, sticks, and stones. They injured 18 Yazidi men who tried to defend their families and their people. The 18 injured men were taken to the hospital for medical treatment. They also ravaged their tents and belongings. The attack started at 9:30 p.m. and ended at 3:00 a.m. on June 24. This is not the first attack against the Yazidi refugees in Greece. There have been attacks and violence against the Yazidi refugees in Greece, in Turkey, in Syria, and even in Germany, many times, by ISIS supporters or ISIS members in those countries.

There are about 750 Yazidi refugees in Skaramagas camp. In total there are about 3,363 Yazidi refugees in Greece. This is happening in Greece despite the fact that Greece is not a Muslim country. What about countries like Turkey or Syria? If that could happen in Greece, you can imagine what is happening. You can see on the screen pictures of the victims of the attack by ISIS members or supporters in Greece.²³

²¹ Meeting 24, July 19, 2016,1030

²² Meeting 27, 20 July 2016, 1240

²³ Meeting 24, July 19, 2016,1030

- Mirza Ismael

In addition to the recommendations throughout, we recommend:

- 12. That Citizenship, Immigration and Refugees review the selection process used by the United Nations to identify refugees for the government sponsored refugee stream, and encourage changes to accelerate the resettlement of victims of genocide.**
- 13. That Citizenship, Immigration and Refugees review processing times in Canada for asylum claims of victims of genocide, in both the government sponsored and private sponsorship stream, and make process improvements.**

CONCLUSION

The Conservative Party submits these recommendations with the objective that these will be considered with utmost urgency, in the same spirit as this Committee met during the summer.

“When they took us, the girls and children, we were not simply held prisoners, but they committed crimes against us. They forced us to change our religion. They raped us. They sold us. They leased us. This continues today against more than 3,000 women and children in Iraq and Syria. There is no place in Iraq or Syria under the control of ISIL where girls were not distributed. Girls who were 10 years old were in my company and they would be raped, and they would be sold among themselves. Until today, some girls continue to be raped by tens of ISIL members, This is not a secret; it's done in public. ISIL videographs the girls, and they're proud of what they are doing toward those girls.

Thousands of other Yazidis in the camps struggle with extreme poverty. Thousands of Yazidis had to migrate. Hundreds drowned in the Aegean Sea. Thousands of widows in camps are not able to raise their children. More than 35 mass graves have been discovered so far in the areas that have been liberated in Sinjar, and they have not been documented to date. With the grave where my mother is buried, for more than nine months I knew that my mother was buried there, but she has not been properly identified. Imagine human beings having to see more than six or seven of their siblings killed and not be able to even go to collect their remains. You see your mother killed with no guilt other than her Yazidi identity that meant others considered her an infidel.

We're talking about not being able to buy a container of milk for the children in the camps in Greece, Turkey, Syria, and Iraqi Kurdistan. The Yazidis are being eliminated. Since August 3, 2014, no Yazidi child is being helped by any side. Yazidis are not getting help from anyone.

We're talking about girls who have been raped tens of times, and they're currently in the camps of Iraqi Kurdistan. They've lost their mothers, their fathers, and their brothers. They are living just like other refugees in the camps after having been the victims of ISIL, but they're not

receiving any help or assistance. I know of girls who have been liberated. They're in the camps, but there is nobody to help them.

As Yazidis, we feel that the world is negligent toward us, especially when it comes to the survivors, the widows, and the orphans. We do not know for how long we will continue to be in this situation where we're being killed off.”²⁴

²⁴ Ms. Nadia Murad Basee Taha (Human Rights Activist, As an Individual). Meeting 24, 19 July 2016, 1020

Supplementary Report by the New Democratic Party

On June 15, 2016 the United Nations released an advanced version of a report by the Human Rights Council: *“They came to destroy”: ISIS Crimes Against the Yazidis’*. That same day, Minister of Foreign Affairs Stéphane Dion delivered a statement in the House of Commons echoing that declaration. The summary of the UN report opens with a chilling statement that should be a call to action for all world leaders:

“ISIS has committed the crime of genocide as well as multiple crimes against humanity and war crimes against the Yazidis, thousands of whom are held captive in the Syrian Arab Republic where they are subjected to almost unimaginable horrors.”

This report served as both the impetus and foundation for an urgent, intensive study which was undertaken by the Standing Committee on Citizenship and Immigration which took place from July 18, 2016 to July 20, 2016 on immigration measures for the protection of vulnerable groups.

The committee had the opportunity to hear firsthand accounts from both survivors of trauma and those working on the ground to extract vulnerable people from suffering. We received many thoughtful recommendations from individuals and organizations on how Canada can best position itself as a world leader in addressing the extreme suffering facing vulnerable people in the world today.

During witness testimony on July 19, 2016, I stated that this study is perhaps one of the most important moments of the work that we do here at this committee, and for that reason, we must focus on solutions¹.

When genocide is being carried out, immediate action is required. Canada played a key role in the establishment of the international doctrine “responsibility to protect”, also known as “R2P”, and this doctrine was brought up several times in many expert testimonies heard at the committee. This responsibility to protect people and groups from atrocities, due to the exceptional level of crisis, requires Canada to take extraordinary measures above and beyond any current actions. Regardless of immigration targets, humanitarian aid allocations, or any other policy directive, Canada has a duty to act immediately. It is important that these extraordinary measures are undertaken above and beyond current objectives and measures in order to ensure that others are not left to suffer. Canada has the ability and the responsibility to maintain current commitments, while taking immediate actions to protect a group of people from extermination.

Recommendations:

1. Genocide

Executive Director of Yazda, Mr. Murad Ismael appeared before the committee and recommended “Canada to have a quota for the Yazidis, between 5,000 to 10,000 people able to immigrate to Canada.”ⁱⁱ This is certainly an ambitious undertaking, but a challenge that Canada should rise to. For immediate actions, Canada should aim to bring 3,000 – 4,000 of the most vulnerable and victims of atrocities, which include, but are not limited to: human trafficking, sexual slavery, rape, torture, widowed women, and orphans. Mr. Murad testified that his organization alone has a database of 900 women still in Iraq, women who have suffered in ways similar Ms. Nadia Murad Basee Taha, who also appeared at committee and detailed the immense suffering she has had to endure at the hands of ISIS. Additionally, Mr. Mirza Ismail from Yazidi Human Rights Organization International noted that “in total there are about 3,363 Yazidi refugees in Greece.”ⁱⁱⁱ There are also thousands currently in Turkish camps. The committee was advised that currently Yazada is working with Germany and Australia to resettle 1,100 and 400 victims of genocide respectively.

- a) **For the Canadian government, through the Minister of Immigration, Citizenship and Refugees to exercise discretionary powers under section 25 of the *Immigration and Refugee Protection Act* to immediately take action and bring Yazidi peoples fleeing genocide to Canada with the goal of immediately resettling 3,000 – 4,000 direct victims of genocide, and with a 2017 year-end target of 10,000 through a special measure, utilizing credible, on the ground organizations to identify and select victims of genocide for resettlement in Canada. These measures are to be above and beyond any pre-existing initiatives and/or policies.**
- b) **That Immigration, Refugees and Citizenship Canada examine the feasibility of expanding the use of the Urgent Protection Program (UPP) in cases where genocide is confirmed to be ongoing.**

2. Humanitarian Aid

It is consistently reported globally that refugee camps and difficult to access conflict areas deal with significant and potentially dangerous shortages of basic food staples. Furthermore, the aid that does arrive can be difficult, if even possible to track. Mr. Ismail stated that it is can be very difficult to ensure the aid “gets into the hands of those who need it, those for whom it was intended due to skimming, corruption, and politics.”^{iv} Mr. Ismael echoed these concerns, stating:

“Go to a camp and ask them when was the last time they received dry food such as rice, sugar, and flour. They will tell you the last time they received that was six months ago. This is something that could be purchased in Turkey, Iran or other countries and could be given to the people.”^v

Additionally, access to healthcare, desperately needed medicine and electricity (generators) is often difficult and exacerbates the precarious situation of individuals fleeing conflict globally. Due to immediate requirement to flee, leaving their homes with few, in any of their personal belongings many individuals also lack access to basic clothing.

While decisions regarding humanitarian aid are undertaken by more squarely within the purview of Global Affairs, the Minister of Citizenship, Immigration, and Refugees has noted on multiple occasions at committee that his department is able to work closely with other departments ongoing initiatives. In cases such as genocide, internally displaced vulnerable groups, and other significant humanitarian crises, the need for cross-department collaboration to achieve the greatest results is even more important. It is with that in mind that New Democrats recommend

In response to the desperate needs and the challenges identified by the witnesses in some regions, New Democrats urge the Minister of Immigration, Refugees and Citizenship to a) work collaboratively with the Minister of Global Affairs (check is it Global Affairs) and other credible, established groups on the ground such as the Red Cross/Red Crescent and Médecins Sans Frontières (MSF) to ensure humanitarian aid reaches its targets ; b) to increase the humanitarian aid levels (including medical aid) and c) to consider the option of providing direct monetary to families where direct monetary support could be more beneficial.

3. Processing Delays

Dr. Martin Mark, director of the Office for Refugees of the Archdiocese of Toronto stated quite clearly to the committee that, "Protection delayed means protection denied."^{vi} He went on to highlight these delays through a sponsored refugee his organization brought to Canada: "Last month we had an arrival, an Afghan refugee, and he was in the process for six years. We still have applications which were submitted before 2011."^{vii} These long delays can put lives at risk.

An issue that has come up during many committee meetings with officials, in the media, and something the government has continually acknowledged but has yet to act on is the fact the Canada has no processing capabilities in Northern Iraq. In addition to the many Syrians, Iraqis, and Kurds there, Northern Iraq is also where many of the Yazidi population has fled. The UNHCR has already processed many of these people; it is the additional level of Canadian screening leading to severe delays.

Regarding this additional screening, immigration lawyer Ms. Chantal Desloges stated: “Everyone knows that they’re refugees. They’re prima facia refugees. They really only need to pass their security and medical screening. Why are we interviewing every single one of them? Not only is it creating backlogs, but it also creates a situation where it’s difficult to send Canadian visa officers into these various areas without a risk to their security.”^{viii}

Representative from the UNHCR, Mr. Casasola advised that based on international best practices, Canada can waive this additional level of screening and bring people to Canada following UNHCR screening.^{ix} For those in areas such as northern Iraq where the security situation makes it difficult to send Canadian staff for processing and screening, New Democrats urge the government to follow the international best practice suggested by Mr. Casasola. Should the government decide that this is not an option and additional screening is required; this can be achieved with the following mechanisms:

- 1. Using a process similar to those in place for family reunification, whereby should a case raise concern, an additional level of screening can be undertaken; or**
- 2. UNHCR screened refugees can be brought to Canada under temporary visas, and provided permanent residence upon completion of secondary screening or**

In either case, should this level of screening be required, allowing the using of video conferencing will reduce delays, and safety risks for Canadian staff.

4. LGBTI

An estimated 63 countries in the world criminalize people based on their existence (sexual orientation and/or gender identity). This coded in law discrimination and vulnerability is different than vulnerability due to conflict. In many cases, leaving the country in order to be able to make a refugee claim puts individuals in even more vulnerable situations because they will be forced to make their claim in another country that criminalizes their identity, and they have no supports in that country. By nature of them leaving, it can also put their family at risk.

As Ms. Christine Morrissey of Rainbow Refugee stated at committee, “in 2011 the federal government initiative a pilot for the sponsorship of folks seeking asylum because of their sexual orientation or gender identity.” Unfortunately, she went on to state: “When this pilot project began I asked the federal government at the time if we would be able to get some funding to establish an infrastructure. We have no infrastructure, we have no office, we have no telephones, and we have no money for advertising.”^x

Despite these issues, Rainbow Refugee has helped resettle 32 individual LGBTQI refugees, with a total of at least 70 currently in the system. With this pilot program in mind as model, New Democrats urge the government to

Establish an adequately funded pilot program to facilitate individuals facing legislated criminalization of their existence (sexual orientation and/or gender identify) making asylum claims within their country of origin. The program should be updated annually based on the legislative decisions made by countries around the world.

5. Internally Displaced Persons

Finally, this study has made it quite clear that internally displaced persons face unique vulnerabilities and are in some cases at elevated risks. It was also made clear that for internally displaced persons, leaving their country in order to meet the legal definition of refugee can actually put them at even greater risks.

That the Standing Orders of the House of Commons be amended to establish a subcommittee of the House of Commons Standing Committee on Citizenship and Immigration to study the issue of internally displaced persons in order to determine how Canada can best respond to the increasing incidents of internally displaced persons.

6. United Nations Recommendations

The Canadian government has very publicly signaled that it seeks to reengage at a high level within the United Nations. For example, Minister McCallum announced a partnership with the UN during the UN Summit for Refugees and Migrants on September 19, 2016 where the Canadian government would work with the UN and other stakeholders to export the Canadian private-sponsorship program for refugees to other nations. Initiatives such as this, as well as renewed and expanded engagement at the UN are welcomed by New Democrats. With this in mind, New Democrats strongly encourage the Canadian government to examine the feasibility of Canada acting on at least some of the recommendations made by the UN Human Rights Council in the above mentioned report. Of the recommendations, New Democrats would like to draw the government's attention to three specifically:

210. The Commission recommends that parties fighting against ISIS in Syria and Iraq:

- a) Strongly consider rescue plans targeted at Yazidi captives;**
- b) Ensure coordination between local and international armed forces where military operations target ISIS controlled regions where Yazidi captives are held;**

c) Use all means available to ensure Yazidis held captive by ISIS in Syria are rescued during on-going military operations; and

d) Put in place a protocol for the care and treatment of Yazidis rescued as areas are seized from ISIS

212. The Commission recommends to the international community:

a) Recognize ISIS's commission of the crime of genocide against the Yazidis of Sinjar;

b) For those States that are contracting Parties to the Genocide Convention, engage with Article 8 of the Convention, and call upon the competent organs of the United Nations, including the Security Council, to take such action under the Charter of the United Nations to prevent and suppress acts of genocide;

c) Provide expertise, on request, to assist in the preservation and documentation of mass grave sites;

d) Provide further funding for psychological support programmes, with increased emphasis on trauma therapy for children, noting that Yazidi children suffered different violations depending on their sex;

e) Provide funding and expertise to support the training of psychologists and social workers in Iraq and Syria;

f) Provide funding for the reconstruction of Sinjar and expertise to allow the more efficient clearing of improvised explosive devices;

g) Accelerate the asylum applications of Yazidi victims of genocide; and

h) Ensure provisions of Genocide Convention are enacted in national legislation, as contracting States are obliged to do under Article V of the Genocide Convention

213. The Commission recommends that States and Organizations involved in the care of Yazidi refugees and asylum-seekers:

a) Ensure that Yazidi victims of genocide, including but not limited to sexual violence, are identified and treated as a vulnerable group for the purposes of housing, psychological support, and with regard to the asylum process;

b) Hire appropriate Kurmanji Kurdish speakers, preferably those able to speak the Shengali dialect;

c) Promote awareness among staff and contractors of the situation of the Yazidis, including the most recent crimes committed against them;

d) Take steps to root out discrimination against Yazidis in refugee camps and in hosting communities where Yazidis are placed, including ensuring that historical misunderstandings of the Yazidi faith which often underpin such discrimination are addressed; and

e) Set up a clearly understood reporting system for harassment and crimes committed against the Yazidis in the camps^{xi}

Conclusion

It must be stressed that there are current global events which require above and beyond action from the Canadian government. This year has seen an unprecedented level of forced displacement, be that internally displaced persons, or prima facie refugees. Too many times throughout history it has taken too long for the international community to take concrete actions in the face of war crimes, crimes against humanity, and genocide. Canada has the opportunity to be a world leader by moving immediately to address the great suffering that is ongoing as a result of some of these conflicts. While there is much to debate about how best to stop war crimes from being committed, one aspect where there should be no debate is that Canada should be doing everything in its power to prevent human suffering. It is therefore undeniable that immediate actions should focus on removing innocent people and providing them with safe asylum to rebuild their lives. The recommendations above outline just a few immediate actions the Canadian government can undertake to do just that.

Lives are at stake, and Canada has the opportunity to make truly important contribution to the alleviation of great suffering.

ⁱ CIMM, Evidence, 1st session, 42nd Parliament, 19 July 2016

ⁱⁱ Ibid.,

ⁱⁱⁱ Ibid.,

^{iv} Ibid.,

^v Ibid.,

^{vi} CIMM, Evidence, 1st session, 42nd Parliament, 18 July 2016

^{vii} Ibid.,

^{viii} CIMM, Evidence, 1st session, 42nd Parliament, 19 July 2016

^{ix} CIMM, Evidence, 1st session, 42nd Parliament, 18 July 2016

^x CIMM, Evidence, 1st session, 42nd Parliament, 19 July 2016

^{xi} “They came to destroy: ISIS Crimes Against the Yazidis”, United Nations Human Rights Council, 15 June 2016

