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# Standing Committee on Citizenship and Immigration

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**Monday, July 18, 2016**

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**Chair**

**Mr. Borys Wrzesnewskyj**



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•(1600)

[English]

**The Chair (Mr. Borys Wrzesnewskij (Etobicoke Centre, Lib.)):** Good afternoon. I call the meeting to order.

Pursuant to Standing Order 108(2) and the motion adopted by the committee on June 16, 2016, the committee will resume its study on immigration measures for the protection of vulnerable groups.

Appearing on the panel before us this afternoon is the Honourable Yonah Martin, senator and deputy leader of the opposition in the Senate. Welcome.

We have Professor Audrey Macklin from the faculty of law of the University of Toronto via video link. It's good to see you again.

As well, Mr. Martin Mark is here from the Office for Refugees of the Archdiocese of Toronto.

I thank you all for appearing before us, and I remind everyone that your opening statements are to be seven minutes. We will begin with Senator Martin.

**Hon. Yonah Martin (Senator, Deputy Leader of the Opposition in the Senate, As an Individual):** Good afternoon.

Thank you, Chair and members of the Standing Committee on Citizenship and Immigration, for undertaking this important study on how Canada can best support vulnerable groups in hard-to-access regions and for examining how Canada can accelerate the asylum applications of Yazidi victims of genocide and other vulnerable peoples.

As a member in the other house, I am honoured to have this opportunity to speak to the recent report entitled "The Forgotten Many: Human Rights and North Korean Defectors" that the Standing Senate Committee on Human Rights tabled, which highlights the plight of North Korean defectors and their perilous journey to freedom.

The United Nations Human Rights Council's report of the Commission of Inquiry 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. 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 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.

Despite international pressure on the North Korean regime with the release of the UN commission of inquiry report, North Korea continues to adamantly refuse to co-operate with the UN and other international human rights monitors. This includes denying access for the UNHCR special rapporteur on the situation of human rights in the DPRK.

In the Senate report, we carefully examined the issue of North Korean defectors, who are one of the most vulnerable groups of the world and who are in hard-to-reach places for Canadian officials, to offer solutions and recommendations the Government of Canada can seriously consider to help such desperate and vulnerable people. Having reviewed the *Hansard* of the Yazidi genocide motion debated in the House on June 9 and the June 15, 2016, UN Human Rights Council report entitled "They Came to Destroy: ISIS Crimes Against the Yazidis" confirming the genocide of the Yazidi people, I commend this committee in adopting the order of reference that is the basis of this current study. It is my sincere hope that my testimony about our Senate committee's report and the proposed solutions to help North Korean defectors will in fact be equally useful in helping more Yazidi victims and other vulnerable peoples find refuge in Canada.

The Senate Standing Committee on Human Rights began our study with the personal and compelling testimony of a North Korean defector named Hyeonsoo Lee, who witnessed her first public execution at the age of seven and authored the book *The Girl With Seven Names: A North Korean Defector's Story*. Of particular note from her testimony is that approximately 70% to 80% of the defectors escaping North Korea are women. She stated that women are subjected to horrible abuse along their journey to freedom, which is most often through China. Many female defectors become sex slaves or wives of Chinese men after they are captured, and sadly, some have even been willingly sold as prizes in order to earn money or to help their desperate families at home. Women are treated like merchandise and sold like slaves for as little as \$80, depending on their age and appearance.

Our study reported that pregnant women who are repatriated and are unable to prove that their child has a North Korean father may be forced to have abortions. Even more horrific and terrifying were cases we heard of mothers being forced to drown their newborn children in buckets. Children who are brought to North Korea from China are not recognized as citizens of China and are not accepted as citizens in North Korea, resulting in stateless children with no protection, no rights, and no benefits whatsoever.

According to the executive director of the HanVoice support association, Chris Kim, in the early 1990s North Korean refugees had three main escape routes out of China: via the Mongolian border; claiming asylum at foreign diplomatic missions in China; and via routes through Southeast Asia, which typically included Thailand. China has effectively shut down the first two options, leaving southeast Asian countries like Thailand as the only remaining path to freedom.

Currently, in the Southeast Asia region, Thailand is the only country that does not repatriate North Korean defectors back to the DPRK once caught for illegal entry. In Thailand, defectors are held in detention centres and await processing of exit visas from the Thai government to go to South Korea or, after a much longer period, to go to the United States as authorized by the North Korean Human Rights Act, which will be further explained.

• (1605)

We heard during our Senate study that the current North Korean regime has tightened security along the China-DPRK border to avoid further defections of not only DPRK citizens, but also, increasingly, the country's security border guards. We also learned that North Korean defectors, once they escape the DPRK with their lives, are suspended in a legal conundrum. South Korea's constitution identifies all persons living on the Korean Peninsula as South Korean nationals. By the virtue of this fact, there's a perceived durable solution that all North Korean defectors in a Thai detention centre can go to South Korea.

However, in certain circumstances, and with clear reason, there are defectors who fear returning to the very peninsula where they risked everything, including their lives, to escape. Their dread is not a reflection on South Korea's failure to protect defectors or settle them in South Korea but on the close proximity of South Korea to its northern half and the trauma that certain defectors must endure for being so close to the place of their suffering. This legal conundrum puts North Korean defectors in a precarious space, suspended in a category of their own, be it being stateless in China or ineligible to be designated as UN refugees to access the international asylum system.

In 2004 the United States implemented the North Korean Human Rights Act, which recognized the legal gap by providing humanitarian assistance to North Koreans inside North Korea; providing grants to private non-profit organizations to promote human rights, democracy, rule of law, and the development of a market economy in North Korea; increasing the availability of information inside North Korea; and providing humanitarian and legal assistance to North Koreans who have fled North Korea.

After receiving written submissions from the Council for Human Rights in North Korea and the Canadian Federation of North—

**The Chair:** Fifteen seconds, please.

**Hon. Yonah Martin:** There are two recommendations from the report that I will be putting forward for consideration. I think the committee will find them very applicable and useful. The report will be submitted, and you can then look at the recommendations clearly and directly.

I will close by saying that Canada's commitment to advancing the cause of human rights is not based only on the international conventions to which we are party; it is because with all the atrocities being systematically committed on human beings all over the world, it is simply the right thing for Canada to do, as we have done before over the course of our nation's history in times of war and peace.

I hope you will be coming to such conclusions in your study today.

**The Chair:** Thank you, Senator.

Professor Macklin, you have seven minutes, please.

[*Translation*]

**Prof. Audrey Macklin (Professor, Faculty of Law, University of Toronto, As an Individual):** I would like to thank the committee for the opportunity to speak to you today from Windsor.

[*English*]

I support what I understand to be a proposal to restore the source country class, which was eliminated under the previous government. I do not bring to this subject any specific expertise with respect to Yazidis, and I'd like to be very clear on that at the outset.

There are, in my view, two issues with respect to how one might consider restoring a source country class.

One is the perennial challenge, which perhaps played a role in its elimination, of meeting the logistical and political challenges of attempting to resettle people who are still in their country of origin. These are people who meet the definition of a refugee recognized under law, but for the fact that they're not outside their country of origin. It may seem that this distinction shouldn't count for very much, and, in principle, it doesn't—that is to say, we understand them to be people at risk of persecution on a convention ground—but practically and politically, it imposes significant challenges.

Why? It's because while they're in their country of nationality, the government from which they might well fear persecution or the government that is unable to protect them from persecution is still in sovereign control of that territory, so no government, including the Canadian government, can access it and resettle people from there without the consent and co-operation of the government of nationality. The problem is that if it's the government that is engaging in the persecution, it's going to be very difficult. Even if the government isn't, but isn't in full control of its territory, it's still going to be very difficult.

Sometimes the Canadian government relies for resettling refugees on the assistance of the UNHCR and similar organizations that operate in countries of asylum to help them identify and select people for resettlement. That's also not as available in a country-of-origin situation, because UNHCR will likely not be present there. Sometimes they will be with respect to internally displaced peoples, but not necessarily, and presumably the people whom one might be concerned about won't all be internally displaced. Civil society in those countries could identify people who are at risk, but that's a very risky activity for them to be engaged in.

All in all, I think the challenge here is that the principle of identifying a source country class and being able to resettle people from countries of origin is laudable, but it's important for the government not to make promises that it can't keep, to raise the expectation that people will be able to be resettled and then confront the logistical challenges that impede that.

One thought among many is to focus attention in source country classes on private sponsorship of refugees 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. That would suggest that the government is, in a sense, able to conduct what it needs to do, such as carry out the various kinds of clearances and so on, for immigration purposes, and could do it with people being resettled from that country. 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. That's one thought.

● (1610)

A second challenge regarding the source country class concerns the idea of naming particular subgroups, whether by ethnicity, religion, or otherwise, rather than relying simply on the refugee definition as such. I would say that here the history of the development of the international refugee regime has reflected a move away from ad hoc identification of particular groups that will be considered refugees by virtue of naming them as a group and toward developing a generic definition into which any individual might fit. That's what we now have with the definition of "refugee status": it doesn't name particular groups, but instead names grounds of persecution into which specific groups might fit.

Here I just point out that it's not necessary to name a group by its ethnicity or religion or race or something else in order to include members of that group in the refugee definition for purposes of refugee protection and resettlement; however, if you do proceed by a system of naming specific groups, that approach can have the effect of excluding other people who aren't in that group. Clearly, on the one hand, there's no loss to inclusion by just using the refugee definition, but there is a loss by way of exclusion if you turn to a system that specifically names groups instead.

Subject to any questions you might have, those are my submissions. Thank you.

**The Chair:** Thank you, Professor Macklin.

Now I'd like to ask Mr. Mark, for seven minutes, please.

**Dr. Martin Mark (Director, Office for Refugees of the Archdiocese of Toronto):** Honourable Chair, vice-chairs, and members of Parliament, my name is Martin Mark. I work for the Roman Catholic Church at the Office for Refugees of the Archdiocese of Toronto. We are one of the 100 SAHs, sponsorship agreement holders.

Last year we initiated to resettle over 2,300 refugees from all over the world, and in March, in an unexpected blitz, we submitted 700 additional files that were sitting in our office from last year. This over-3,000-person resettlement, compared to our allocation by the immigration department for this year—only 1,000—is not really encouraging.

We might be a little different from other members of the SAH association. For example, we conduct regular mission trips to visit refugee camps and communities to identify, select, and screen refugees for resettlement. There is a young man sitting behind me; we met him five years ago in a refugee camp, and thanks to Citizenship and Immigration Canada, he is now a Canadian. This is his first summer here.

This is a different method that we use, and in a week from now, at this time exactly, I will be sitting in a refugee camp in the Middle East, most probably with the Yazidi people.

Thank you for the invitation, and thank you for choosing this forgotten but crucial topic, which is related to the majority of those affected by the worldwide refugee crisis of our day. It has probably never before been discussed at such a high level, so our hopes are up.

Something went wrong, and we have to correct it before it's too late. It is well known internationally how generous Canada is when it comes to humanitarian efforts, especially in helping refugees. In my work, both locally and internationally, I hear a lot of praise and appreciation for what Canada and Canadians have done and continue to do for uprooted people. There are 100,000 people, if not a million people, who have found peace, safety, and unparalleled opportunity for a dignified and prosperous life for themselves and their children because of the Canadian refugee protection system in the past three decades and more.

Besides the inland protection and overseas resettlement, Canada was and is open to refugees who can afford to use other immigration venues and arrive without the label "refugee". Some economic migrants, business people, and other migrants are also people who were forced to migrate; however, they have had a chance to use other than refugee methods to arrive in the safety of Canada.

First, it is important to leave other immigration venues open so that these refugees who can manage their lives should not be forced to use the limited resettlement spots that we have. As a private sponsor board or, as I prefer to call it, a civic resettlement, we have seen great improvements and a significant increase in the past years. However, we have lost a lot of options and we did not get long-awaited basic improvements.

When we focus on vulnerable groups and individuals in the context of resettlement, the first issue we might want to address is direct access. Direct access was the policy of Canadian embassies for decades. It meant that people living in their own country, once they felt that their situation was dangerous and life-threatening, had the option to approach the Canadian representative to ask for protection. This was also fair in ensuring that people were not waiting for decisions for long years or decades in refugee camps, as people did.

In 2002 the Immigration and Refugee Protection Act, IRPA, limited access to a small number of countries, which were actually also the so-called “source countries”. By 2012, with the changes in the regulations, together with the elimination of the source countries, direct access was closed also.

The source country class had a very important role in providing protection. We know it did not function well in several situations. However, to close it means that today Canada excludes a majority of forced migrants. Of the 65 million people of concern to the UN, only 21 million are refugees who are eligible for the Canadian refugee protection system—resettlement or anything else—while the majority of uprooted people are IDP, internally displaced peoples. Thus, we exclude 41 million people in need. Something went wrong, and we have to correct it before it's too late.

Now let's talk about the nature of conflicts that create refugee situations and how to react to them.

In the 20th century, the main causes of conflicts were nationalism, racism, and political power hunger. This dramatically changed in the late 21st century. The power struggle is there as the main motivation in several conflicts; however, in most cases, it is with religious cover.

What we see worldwide now is a series of predominantly religious conflicts. A good example is Somalia. When we started to resettle Somali refugees, we had to help the minority clans—Bajunis, Madhiban, and others—because the biggest threat was based on their origin. They were targeted due to their ethnicity. Now we resettle Somalis because of al Shabaab. It has nothing to do with clans anymore. The only motivation is religious extremism.

•(1615)

In the last century, in the Yugoslavian war, the Serbian militants were fighting against both Christians and other Muslims, such as Croats and Bosnians, because their motivation had nothing to do with faith: they did ethnic cleansing regardless. We resettled them, both Christians and Muslims. They were targeted and they were victims.

The main issue is to identify why the person is persecuted.

In Iraq, when ISIS members place a symbol on a house, they focus on the person's belief. “Nazarene” means “Christian”, so they target them based on their faith. Persecuting the Yazidis and other minorities is based on their faith, and in this way they become the most vulnerable group, with no significant help and unbelievable abuse and extreme torture.

With One Free World International and Reverend Majed El Shafie and Chantal Desloges' law firm, we worked on a proposal on how to raise awareness for the Yazidis, the most abandoned group in the history of persecution and refugee protection. It is up to you to give

the legal framework, but in our project proposal we describe a possibility of a pilot project to help these internally displaced people, who have no political or religious lobby to get help and are somehow forgotten.

With opening up the source country class or with ministerial public policy decisions, civic sponsors could start helping these traumatized communities in desperate need. If you are serious about helping the most vulnerable, if you are serious about ensuring support for the safety of women at risk, as usually we Canadians proudly state, then there is no group in the world right now that is more in need of help than they are.

I would be pleased to discuss this further, but due to the time constraints, let me just briefly mention two issues in closing.

Processing times in several places worldwide are about three to five years. As one of the refugee singers wrote in his song for us, protection delayed means protection denied. We are losing selected and screened refugees to other resettlement countries, even to Australia. This is happening even in the Middle East, where we are very happy to say that Canadian processing is extremely fast. The backlog in the resettlement system in some parts of the world makes Canadian resettlement nearly impossible.

Finally, talking about vulnerable groups, we should not forget the most vulnerable: unaccompanied minors and children. In our resettlement programs, usually unaccompanied children are excluded. This is extremely sad and wrong. If you go to the Yazidis, you find an abused young woman under 18, whom we might not be able to help because of the ban on resettlement. Why don't we follow the U.S., which has an extremely successful program helping minors? We shouldn't just abandon children in the camps.

Thanks, and I wish you great success in this area of work. We can give hope for the most hopeless if we work together.

Thank you.

•(1620)

**The Chair:** Thank you, Mr. Mark.

Now we begin our first round of questioning. Mr. Sarai, you have seven minutes, please.

**Mr. Peter Fragiskatos (London North Centre, Lib.):** Mr. Chair, I think it was...I might be mistaken, but...yes? Okay.

**The Chair:** It was an error here.

It's Mr. Fragiskatos for seven minutes, please.

**Mr. Peter Fragiskatos:** Thanks, and thank you to all of you for appearing today.

Mr. Mark, I'm interested in the proposal you mentioned. Would you be able to provide the members of the committee with a copy of it?

**Dr. Martin Mark:** Definitely. I think that Reverend Majed El Shafie, who might appear at the committee just two days from today, will bring the copies with him. It's a very detailed plan. We worked on it for years and years, and we think the situation is now.

**Mr. Peter Fragiskatos:** I read about it in the press in early June, so I was interested from that time. The sooner the better, because this is such a critical issue.

Here are some questions on how it would work. Your organization and One Free World International would go to Iraq, to Erbil in the north, I take it. For how long would you go?

**Dr. Martin Mark:** The Office for Refugees of the Archdiocese of Toronto has a good record of going to areas where...for instance, you go to a refugee camp, a refugee community, where the UN cannot conduct its work. We have access and we—

**Mr. Peter Fragiskatos:** I'm sorry; I don't mean to cut you off, and you're very kind to come here and testify today, but I only have seven minutes, so I do have to ask the question. How long do you expect...? What will be the duration of this trip to northern Iraq?

**Dr. Martin Mark:** We first have an exploratory trip coming up in the next weeks, and then if we get permission, it looks as if we can select and identify about 400 families within six to eight weeks.

**Mr. Peter Fragiskatos:** Have you secured the...? Well, before that, let me ask about security. Obviously, northern Iraq is more stable than the rest of Iraq, but it is not terribly stable. What about security issues? Have you done anything to ensure the security issues are taken care of?

**Dr. Martin Mark:** We are extremely cautious about security, because we could definitely be targets. We go every time with the co-operation of our local partners. We have people on the ground who are working there with refugees, so the local refugee-serving organizations tell us which areas and which times are secure enough to process the....

**Mr. Peter Fragiskatos:** You think that there's no issue with security.

**Dr. Martin Mark:** What I think is very important is that we have up-to-date information on when and where it's secure to go.

**Mr. Peter Fragiskatos:** Have you been given approval by the KRG, the Kurdistan Regional Government? Have you spoken to Mr. Barzani's people? Obviously the north of Iraq is quite autonomous. Some would even say it is a de facto state. Have you received permission from the leadership there to do this?

**Dr. Martin Mark:** Yes, definitely, and I think everything is going as is needed.

Reverend Majed's—

**Mr. Peter Fragiskatos:** Let me just ask whether definite permission has been given on the part of the KRG.

**Dr. Martin Mark:** I didn't see the permission, but Reverend Majed is the leader of the delegation. He will be—

**Mr. Peter Fragiskatos:** It would be great to see that in writing, if you could. It's obviously critical that permission be given. If the Government of Canada were to support something like this, I would want to make sure that that we have the permission of local authorities.

I'm also interested in the dynamics of the region. You're specifically focusing on Yazidis. Some Yazidis speak Aramaic and Arabic; still others speak Kurmanji. Kurmanji is the most widely spoken Kurdish dialect. There are not too many folks in Canada who speak it. It's very difficult. I know, because I tried to learn it one time. It lasted a couple of days, and I gave up very quickly.

Again, there's Aramaic and Arabic spoken. Will you be taking interpreters with you who speak these languages? How will you be engaging with the local population?

• (1625)

**Dr. Martin Mark:** We are working very closely with the Yazidi community in Canada. We were very proud when exactly 14 days ago we welcomed the first Yazidi refugee we have sponsored.

We have no concerns whatsoever. We do all the necessary logistics according to the profession. In resettlement, we have a good record on how—

**Mr. Peter Fragiskatos:** So interpreters have been secured?

**Dr. Martin Mark:** Definitely.

**Mr. Peter Fragiskatos:** Definitely?

**Dr. Martin Mark:** Definitely.

**Mr. Peter Fragiskatos:** That's in writing too.

**Dr. Martin Mark:** I'm sorry; when I say “definitely”, it means at the time when the project was approved. First we need your approval to process it, because remember, please, there is no legal framework for us to do this yet.

**Mr. Peter Fragiskatos:** Apparently the previous Conservative government was ready to support this project. Is that correct?

**Dr. Martin Mark:** You have to ask the Conservative—

**Mr. Peter Fragiskatos:** This is what I've read in the press. I'm just asking you.

**Dr. Martin Mark:** Okay.

**Mr. Peter Fragiskatos:** As a final question, women have very unique needs, obviously, as far as resettlement goes. How will the project that your organization and One Free World International are apparently spearheading take into account the unique needs of women on the ground?

**Dr. Martin Mark:** It's a significant part of the proposal that on the ground we must have women-focused counselling, trauma counselling, or any abused person-focused counselling. In the same way as we discussed here, upon arrival it's not just a simple program like GAR, the government-assisted refugees program that was dumped on the city of Toronto. We already have things in place to ensure that counselling for women that is related to sexual abuse and any other issues will be addressed.

**Mr. Peter Fragiskatos:** I look forward to seeing that in due course. Thank you very much.

Do I have any more time, Mr. Chair?

**The Chair:** Yes, you do: one minute and 50 seconds.

**Mr. Peter Fragiskatos:** Okay.

Professor, thank you very much for appearing today.

You've been especially critical of how the previous government handled the Syrian refugee crisis in your interviews with Carol Off on *As It Happens* and in other testimonials you've given.

I don't mean to underline this only; obviously there are so many issues that we need to address in this study. However, with regard to lessons learned from that, I'm looking at a *Globe and Mail* report called "Prime Minister's Office ordered halt to refugee processing".

How does something like that happen in a democracy such as Canada, where we've seen such a compassionate response in our history, whether it was for the Vietnamese or the Hungarian refugees? How does it happen that a Prime Minister's Office intervenes to select which refugees can come into this country? The question is about lessons learned.

**Prof. Audrey Macklin:** I don't know that there is a legal answer to that question. It seems to me that it resides in the domain of politics.

It is not obvious to me within a framework of law how a process that is already set up in law could be halted or under what legal authority the Prime Minister's Office might have acted to do that. The Prime Minister's Office did not have operational or, ordinarily, legal authority to manage the resettlement process at all, so from my perspective, I think the answer must reside in the domain of politics. I have not seen any explanation of the sources of legal authority to do what I understand the PMO did, but beyond that I don't know that I could elaborate.

**Mr. Peter Fragiskatos:** Obviously, Professor, that didn't expedite the process. In fact, it created serious delays that in fact might have.... Well, if the delays weren't there, we might have accepted more people, and their lives might have been saved in the process.

Do you think that preferences matter, ideas matter, in politics? Do you think the former prime minister's apparent desire and preference for "old-stock Canadians" played a factor in any of this?

**The Chair:** You have 30 seconds, please.

**Prof. Audrey Macklin:** You know, I think others can answer that question as well as I can.

However, let me say this: what matters is integrity and a commitment to the rule of law. That involves, among other things, transparency and acting according to legal authority. We have a legal framework in Canada that permits us to do what Canadians have wanted to do and are doing, which is to engage in the resettlement of refugees in Canada. That this was thwarted appears to have been something that might have happened outside the legal constraints of the system.

• (1630)

**The Chair:** Thank you.

Ms. Rempel, you have seven minutes, please.

**Hon. Michelle Rempel (Calgary Nose Hill, CPC):** Thank you, Mr. Chair.

Mr. Mark, on behalf of all the committee members here, thank you to your organization as well as to all the privately sponsored refugee groups across the country, a majority of which have been responsible

for providing private funds and private support to bring refugees to Canada. While there are always photo ops to take, kudos to you and to all the groups that have actually been making this happen on the ground.

My question relates to how the government can best protect vulnerable people in the Middle Eastern region as part of its refugee initiative. It's my understanding that under the previous government, Iraqi refugees were exempted under the mission cap for privately sponsored refugees. How has the cancellation of this exemption affected your organization's ability to bring some of the most vulnerable groups, including persecuted Christians and Yazidis, to Canada?

**Dr. Martin Mark:** Thank you very much.

Under the previous government, we definitely had unlimited spots to help Iraqi and Syrian refugees. Without any notice, suddenly we woke up in the new year having a very strict quota, which is devastating, especially for Canadian community members who live here but have relatives in a refugee-like situation.

We worked overnight on Christmas and New Year's Eve to make sure we met the deadline of December 31 to submit as many cases as we could. When suddenly on March 30 it again opened up for one day, we therefore had 700 cases ready for submission in the office. It means that now that we have the 1,000 spots, we have to balance between how many Africans, Iraqis, Afghans, or Somalis we assist. It's a serious cutback.

When I talk with community members, as on Wednesday, for example, when I will be working in Toronto, I am already scheduled to meet some people to calm them down. We will try to use different methods to bring people here, because the need has increased. The government and the whole system encouraged people to move forward, and suddenly cutting back is not good for the voluntary sector.

**Hon. Michelle Rempel:** Was there any rationale given to your organization, one of the biggest responsible for resettling persecuted minorities? Did the government have any consultation with you or provide any rationale as to why they removed the exemption for Iraqi refugees, which, as we heard from UNHCR earlier today, is where the majority of Yazidis and persecuted minorities are coming from?

**Dr. Martin Mark:** Thank you.

We tried to negotiate with the government representatives so that there could have been a transitional period—let's say unlimited first come, first served until August 1—which would have been fair and would have encouraged the community to prepare their files for the most vulnerable so that we could submit them, but unfortunately this direction came without anything.

**Hon. Michelle Rempel:** Was there any rationale given to you by the government on that?

**Dr. Martin Mark:** No.

**Hon. Michelle Rempel:** Do you think that changing this back to the previous policy would help to resettle some of the most vulnerable from the region?



**Dr. Martin Mark:** Unfortunately, what it has done is create a rush. People who have money can hire a lawyer or something so that they can quickly process these files and submit those sponsorships. It is not only our office, but every sponsor.

However, we are trying to help, with fundraising and donations, those people who are marginalized, the weak community members—especially the Yazidi community, which is one of the most marginalized communities in Canada. There's Project Abraham and other initiatives that we do. However, it's going extremely slowly, and we are running against time, because spots are working out.

**Hon. Michelle Rempel:** Over the last two hours we've already heard, I think, a lot of bureaucratic language from some of the government members on this committee in terms of reasons we perhaps can't or shouldn't be processing, in an expedited way, applications for persecuted minorities. Certainly we're recognizing that there's a humanitarian crisis that affects many people, but is there something practical we can do?

We can talk until the cows come home about reasons why we shouldn't act. I feel as if the government is trying to make a case for why we shouldn't do this.

In your estimation, and based on the demand we're seeing from private sponsor groups to actually sponsor people who are among the most vulnerable groups, is there something we can do right now to help these groups? We know there are groups that have identified Yazidi sex slaves. We know that the UNHCR is.... What can we do right now just to try to do something to help these people who are being eradicated off the face of the earth?

• (1635)

**Dr. Martin Mark:** I think that we can rely on the civic initiatives. I speak on behalf of several sponsoring groups and committees without any type of special interest, just with the genuine interest of helping the most vulnerable Yazidis. I'm sure that if we could get permission from the government, we would sponsor internally displaced people from northern Iraq.

You go for prima facie recognition. You could use group processing. Then the private sector, with government assistance, could make a very unique, very historic move to help people who have never had any assistance until now in history.

**Hon. Michelle Rempel:** How does the private sponsorship program help to accelerate the applications of groups like the Yazidis, which we've seen the UNHCR ask Canada to do? How does that stream help when perhaps we see backlogs or we hear from the UN that they don't really have a program in place to accelerate these applications, which might be coming through the government-sponsored stream? Could you talk about the importance of prioritizing ethnic and persecuted minorities through the private sponsorship stream, as well as the exemption on Iraqis that the government hasn't followed through on?

**Dr. Martin Mark:** Just two months ago I was on a mission to Lebanon. I was with a team of 12 trained volunteers and with local partners. I told them that I would pay for dinner for anyone who could find a Yazidi refugee in Jordan, and we couldn't do it.

It shows that in terms of refugee status determination, the UN's mandate is mostly focused on refugees who are outside of their

country. They cannot even consider people who are inside their country for refugee status determination. The next step would be resettlement, but because of their mandate they are not able to do that. However, we and some other international organizations, such as the International Organization for Migration or the International Catholic Migration Commission, are worldwide when it comes to referring refugees. It would be very simple to go to northern Iraq and select refugees for resettlement.

**Hon. Michelle Rempel:** As a representative of one of the largest private sponsorship organizations in the country, which has done incredible work, would you say it would be fair to have a recommendation to the government to follow through with the UN recommendation to accelerate Yazidi applications and prioritize them as a group through government-sponsored refugee streams, and to do whatever it takes through the privately sponsored refugee stream to see persecuted minority groups like this come to Canada through our program? Would that be a recommendation that you would give the government?

**Dr. Martin Mark:** Definitely, because the reason for their persecution is their religion. If it wasn't, then no, but in this situation if the reason for persecution is faith, we have to mention it and it has to be accelerated.

**The Chair:** Thank you.

Ms. Kwan, you have seven minutes, please.

**Ms. Jenny Kwan (Vancouver East, NDP):** Thank you very much.

Thank you to Senator Martin for coming to the committee.

I would like to follow up with you about the Senate's work on "The Forgotten Many: Human Rights and North Korean Defectors". You were about to go into the recommendations, I think, and then you ran out of time, so I would like to focus on the recommendations.

Recommendation number one calls for a short-term solution for the North Korean defectors and for the minister to exercise his discretion under section 25 of the Immigration and Refugee Protection Act to allow the entry into Canada of the most vulnerable North Korean defectors, such as those trapped in Thailand and other third countries, with particular attention to women and children. As well, the initiatives should include a pilot project in Thailand to identify appropriate North Korean candidates for resettlement in Canada. That's your first recommendation.

In that regard we heard earlier today from the officials that the government really only considers refugees if they have been processed and accepted through the UNHCR application process. This would be a group of people who would not fit that criteria. Can you talk a little bit about this first recommendation as a pilot project? Would that be to override the existing policy in place for identifying this group of refugees?

**Hon. Yonah Martin:** Thank you for the question.

It's creating an exceptional category through the minister's discretionary powers under section 25 of the act. I know that Dr. Mark is aware of the pilot project, which was also raised in the study in terms of what advocacy groups have said. He himself has been in the Thai detention centre, I believe, to understand the situation.

The minister has certain discretionary powers, as we heard from his officials, on a case-by-case basis, even though the Canadian officials are not in the detention centre—they don't have that access—and UNHCR does not deem North Korean defectors outside of the Korean peninsula eligible to be designated as refugees. They're kind of in a legal limbo, as I explained. We feel that one of the short-term solutions is for the minister to exercise such discretion, as has been done in the past. It has been used in the past for displaced people in similar situations, such as stateless Vietnamese refugees and Tibetans in India.

These special programs follow the private sponsorship of refugee programs. There are private organizations on the ground in Canada with the Yazidi community and the Korean-Canadian community and others, so we feel that this discretionary power could be exercised, with careful study. Perhaps that's something that could also be considered for the Yazidi people and other vulnerable groups.

• (1640)

**Ms. Jenny Kwan:** Would you suggest that this pilot project identify privately sponsored groups? You're nodding.

**Hon. Yonah Martin:** Yes, absolutely. It's a pilot project, so it's to be tested in that way. We know already that Canadians have stepped up in their response to the Syrian refugees. There are very generous and capable community organizations and advocacy groups. I'm aware of certain service providers in Toronto that would also be able to help the vulnerable women who would need trauma counselling and other such services.

We have studied this very carefully over the years. This study happened recently, but it's a topic that was raised over the past few years with the previous government and the current one.

**Ms. Jenny Kwan:** How many people would you suggest to the government if they were to undertake this as a pilot program? Do you have an identified number that you would recommend? How many people are at the Thailand detention centre? I see in the report that at any one time, it's between 100 and 200 people.

What is your sense of the scope or the size of the pilot program?

**Hon. Yonah Martin:** It's hard to answer with specific numbers. What we are aware of is that with the current regime, the numbers have dramatically dropped, because the borders are very tight and are being very carefully monitored. There's a lot more at risk, and there are fewer defectors able to make that escape. However, at any given time, there are 100 to 200 people in the detention centre. I think it's entirely up to the government of the day, should this be considered carefully for this group or other vulnerable groups, to do it in a way that builds capacity. It can't be done all at once.

They're not large numbers, in my opinion, given what the total numbers are at any given time.

**Ms. Jenny Kwan:** Turning to the source country suggestion that was talked about earlier at the committee meetings, the suggestion—I think from Ms. Macklin—was to open this up to all the different

groups in terms of source country. In identifying vulnerable persons seeking asylum or refugee status elsewhere, this process would be opened up to all the different groups. Is that the suggestion you're making, Ms. Macklin?

**Prof. Audrey Macklin:** It would be open to whoever meets the refugee definition. Yazidis meet the refugee definition. There may be others who meet the refugee definition. You wouldn't want to preempt those who are in need of protection from accessing it on the grounds of their religion, as it were, in either direction.

May I go back for a moment and say something about the proposal regarding North Koreans, if I might?

**The Chair:** Yes.

**Ms. Jenny Kwan:** Yes, please go ahead.

**Prof. Audrey Macklin:** It's a...proposal, but you have, I think, an existing problem you have to address. The previous government created a regime that designated certain countries as "safe", and that designation was based on the premise that a refugee claim made by anybody who was a citizen of that country was, in the view of that government, not genuine.

Now it so happens, as Senator Martin said, that South Korea considers North Koreans to be citizens of South Korea, as it were. The intent of designating South Korea a safe country was really not to go after South Koreans but to prevent North Koreans who reached Canada from being able to successfully make refugee claims.

If you want this proposal to go forward, which is an interesting proposal and is certainly worth attending to, you would have to confront the contradiction that currently exists, which is that the designation of South Korea as a safe country effectively precludes North Koreans who actually physically reach Canada from making successful refugee claims. You might want to consider eliminating the safe country of origin if you want to go ahead with this proposal.

• (1645)

**The Chair:** Thank you, Professor Macklin.

We now go to our next round.

Go ahead, Ms. Zahid, for seven minutes, please.

**Mrs. Salma Zahid (Scarborough Centre, Lib.):** Thank you, Chair.

I want to thank all of the witnesses for coming today.

My first question is for Ms. Macklin. How does the internationally accepted legal definition of refugees, which requires someone to have crossed an international border, complicate the ability of the international community to provide assistance to internally displaced persons, and how does lacking this legal refugee status endanger internally displaced persons?

**Prof. Audrey Macklin:** Internally displaced persons are highly vulnerable. They meet the refugee definition in all sorts of ways, except they haven't crossed an international boundary. However, as I mentioned in my presentation, there's a big problem with accessing them. You can't access them without the consent of the sovereign government of the country they are residing in. That government may be actively engaged in persecuting them or be unable to control the territory and whatever non-state actors are persecuting them.

There are huge logistical problems that I think may be solvable on an ad hoc basis. To the extent that the source country stream has worked in the past, it is because in individual countries or in individual situations you can still find a way, but it is an institutional obstacle that you don't have when you're dealing with people outside their country of origin.

**Mrs. Salma Zahid:** What are the legal barriers to assisting internally displaced persons from within the borders of an unsupportive sovereign nation or within a failed or failing nation state?

**Prof. Audrey Macklin:** You can't get in there.

The legal obstacle is that no other country can go there and do anything without the consent of the government that's there, and if that government withholds consent, then you don't have a legal entitlement to be there.

**Mrs. Salma Zahid:** Do you think that the current internationally accepted legal definition of "refugee" is out of date, given the evolving nature of conflict and humanitarian displacement?

**Prof. Audrey Macklin:** If you altered the refugee definition to remove the requirement that somebody be outside their country of origin, the practical problems of accessing them and trying to deliver protection would remain. I don't think that it's so much a question of whether you want to change the refugee definition. It's more a question of how you want to access internally displaced people and provide them with assistance and protection that is very difficult to provide.

Certainly many countries do permit various UN agencies to go in there and try to provide assistance to IDPs, but it's partial, it's incomplete, and it's highly contingent. It can change on a dime.

**Mrs. Salma Zahid:** Thank you.

My next question is for Mr. Mark.

You mentioned the number of spots you have for this year. What number of people did you bring in in 2014 and what number did you bring in in 2015?

**Dr. Martin Mark:** Our number was much smaller. Definitely we preferred the submissions last year due to this special possibility.

**Mrs. Salma Zahid:** Do you have the exact number for 2014?

**Dr. Martin Mark:** I'm sorry. I was not prepared for that.

**Mrs. Salma Zahid:** Is it possible that the committee can get that?

**Dr. Martin Mark:** Yes, definitely.

**Mrs. Salma Zahid:** We would like to have more statistics on the number of people you brought in 2014 as well as in 2015.

**Dr. Martin Mark:** Definitely. I can email it. That is not a problem.

There was definitely an increase. Over the last five years we increased the numbers every year, but it was more significant last year when we had this unlimited opportunity.

**Mrs. Salma Zahid:** You mentioned the processing time of three to five years for the people you are dealing with. Do you have any pending applications for the people you have been dealing with? How long do those applications stay with you?

**Dr. Martin Mark:** Last month we had an arrival, an Afghan refugee, and he was in the process for six years. We still have applications that were submitted before 2011. We have different caseloads, which unfortunately—

**Mrs. Salma Zahid:** For those applications you have had since 2011, what was the delay? Was the delay in security checks?

**Dr. Martin Mark:** It's not only one case. We can say that the Canadian embassy even posts on its website that the average processing time is three to five years. If you go to the High Commission of Canada in Islamabad or in Pretoria, you will see that the average processing time is extremely long, unfortunately.

● (1650)

**Mrs. Salma Zahid:** How much time do I have left?

**The Chair:** You have two minutes.

**Mrs. Salma Zahid:** In regard to your plans for the proposal, do you have enough money? Do you have a plan for all the expenses to be covered for the privately sponsored refugees you are proposing to bring in?

**Dr. Martin Mark:** I was thinking, on Mr. Fragiskatos' question also, that it would be irresponsible to have all the details of the planning before we get the legal framework. We are keen and anxious for that. Yes, we have a possibility, an opportunity, and a plan. However, we need the legal context to go ahead, because we cannot just go to a country to start resettling people who don't qualify according to Canadian immigration law. That would be human trafficking.

**Mrs. Salma Zahid:** Do you have a plan to financially support all of this?

**Dr. Martin Mark:** We have a plan for fundraising and we have a plan to request funds from the government, because I think if you want something fast, the private sector is not able to react fast in a large manner. As I mentioned, two weeks ago our first Yazidi refugee arrived, so it shows that we have cases in place. We are happy to increase them. We have a fund, Project Abraham, that is just for fundraising for Yazidis. It is fundraising tens of thousands of dollars. Money is coming in. However, if we want it on a large scale, I think it should be jointly government resources and the private sector, and I have no doubt that we can manage it.

**Mrs. Salma Zahid:** You have not actually put the financial backing in your proposal.

**Dr. Martin Mark:** I think it would be irresponsible to put something in place if legally we don't have the go-ahead. It's illegal at this point. Immigration Canada would send me back the file saying "Martin, what happened? Are you drunk or what? Why are you submitting a Yazidi case from northern Iraq? It's against the law."

If it would be legal, we would mobilize sponsors, fundraisers, everybody, and I'm sure, because I saw the commitment from the government side also to do—

**Mrs. Salma Zahid:** What about the security checks and the processing of...?

**Dr. Martin Mark:** Definitely it has two parts. One is that the Canadian government is doing very thorough security and background checks, and we fully assist in that. Additionally, in the civic or private resettlement program, we have additional community information that helps us to deselect those who are dangerous or red-flagged. We have a lengthy process for screening cases. Because we are talking about, let's say, 400, it's a small number compared to the refugee numbers, so it's easy to select the non-problematic cases. We don't want to cause delays.

**The Chair:** Thank you, Mr. Mark.

Mr. Kent, you have five minutes.

**Hon. Peter Kent (Thornhill, CPC):** I think Ms. Rempel has a question first.

**Hon. Michelle Rempel:** Mr. Mark, I have to make a comment. My colleagues here are berating you for perhaps being somewhat laggard, which I know you're not, in fundraising private funds to support refugees, when the government can't cost out its own government-sponsored refugee program. I find that a little rich. I also find it rich given that you're supporting an organization that is trying to put in place in situ support for refugees so that they can best integrate, while we haven't even seen long-term plans for language training. I find it... I'm sorry; I just wanted to say that.

In previous years, we've seen Canada process over 23,000—I think that's the number—Iraqi refugees. I don't want to get into a numbers game here, since we're here to talk about how we support the most vulnerable, but I want to know if any of the cases you started that have been processed in the last year were submitted as part of that 23,000 cap. Were the numbers that have been counted actually submitted under that?

**Dr. Martin Mark:** Yes.

**Hon. Michelle Rempel:** Thank you. Over to you, Mr. Kent.

**Hon. Peter Kent:** Thank you.

Thank you, Senator Martin, Mr. Mark, and Professor Macklin, for your testimony here today.

I'm sure that every member of the committee wishes you well, Mr. Mark, on your mission next week, and looks forward to the answers and the information you bring back.

The government has made it very clear recently, and again today, that it does not track resettled refugees by either religious or ethnic composition. Does the Archdiocese of Toronto or do any of your fellow private sponsors have that sort of information, those numbers?

•(1655)

**Dr. Martin Mark:** Thank you very much.

Basically, what we do in each and every case is investigate the reason for persecution. I think the best example is the Eritrean community. We resettled a lot of Eritreans. As we know, the Eritrean community in Eritrea is about 50% Muslim, 50% Christian. However, their persecution is not based on religion, so we don't have information on that. However, when you go to a community that is persecuted because of their religion, yes, we register that in the file. We don't summarize the statistics, because we don't have a goal to have this or that percentage.

Another example is Darfur. Usually you forget about the genocide in Darfur, Sudan. Again, 50% of the people are Christian and 50% are Muslim. We don't know who is Muslim or who is Christian. They are persecuted; we help.

**Hon. Peter Kent:** But in terms of refugees from Iraq and Syria...?

**Dr. Martin Mark:** I think it would be a huge hypocrisy, when someone is persecuted because he's Chaldean or Syriac, that we would deny that fact. It's similar to saying we would not mention the gender of an abused woman. I mean, we are professionals. We don't care about political correctness or political interests. We care about the fact that I need to investigate the reason for persecution. In the Middle East, as I tried to mention, the focus is definitely religious persecution. The victims should be identified based on the persecution.

**Hon. Peter Kent:** Can you offer a ballpark set of figures in terms of the archdiocese's work over the past five years, for example, with the Iraqi and more recently Syrian refugees?

**Dr. Martin Mark:** Definitely. Of the cases resettled by the Archdiocese of Toronto, based on my personal experience—because each and every case goes through my hands—the majority are persecuted Christians or other religious minorities: Mandaeans, Sabians, some Yazidis, and others. I estimate that maybe altogether we might have about 80% who are minorities, but don't forget we also sponsor Ahmadiyya Muslims, who are also a minority. For us it's our work. It's about the lives of the people. If you are labelled an Ahmadiyya and therefore you are persecuted, we are there to help.

**Hon. Peter Kent:** I wonder if I could bounce off you a complaint that I've received through the Armenian community, who said that in three cases they've documented, applicants for refugee status at the Beirut mission were refused on the grounds that the applicants didn't meet the criteria of a “well-founded fear of being persecuted for reasons of race [or] religion”. In fact, these individuals escaped Aleppo, where they were persecuted. They were driven from their homes and their cathedral was deliberately targeted.

I'm wondering whether you have heard from your refugee applicants similar stories about the denial of Christian risk in Lebanon.

**Dr. Martin Mark:** Definitely. We have repeatedly heard of this problem.

I visited the visa office in Lebanon. They do an excellent job; however, they don't have the liberty to do prima facie recognition. If the government would introduce that, it would speed up the process. It would simplify it, and resources would be minimized. Second, if these Armenians return to Aleppo, it would be, “Aha. You are an IDP. You are not a refugee. You are not qualified.”

If the decision came to open up the source country stream or to allow IDPs to be eligible to enrol in the program, the problem would be solved.

**Hon. Peter Kent:** Thank you.

**The Chair:** Thank you.

Mr. Ehsassi, you five minutes, please.

**Mr. Ali Ehsassi (Willowdale, Lib.):** Thank you, Mr. Chair.

Mr. Mark, first of all I want to applaud you for your high-mindedness and your concern about various groups in Iraq. However, that having been said, I share some of the concerns that have been expressed by other colleagues here today.

Have you visited Iraq before in the past?

**Dr. Martin Mark:** No.

**Mr. Ali Ehsassi:** So you're not an expert in the topography, the terrain, the language...?

**Dr. Martin Mark:** That's right.

**Mr. Ali Ehsassi:** Yet you still insist on actually visiting Iraq and you insist on going to landlocked areas, which are places even the UNHCR is not venturing into. Is that correct?

**Dr. Martin Mark:** That's right, yes.

**Mr. Ali Ehsassi:** Could you imagine any security concerns from the Canadian government if you were to do so?

**Dr. Martin Mark:** Oh, definitely. In the refugee field, we work in a team because everybody has a special responsibility. If we are interested in security, languages, or budget, we have different people. That is how we do it as a team.

In the last 10 years, our office has had an impeccable record of going to different countries, maybe for the first time in our lives, to do fact-finding first, and then to establish what the reality is of working there.

● (1700)

**Mr. Ali Ehsassi:** Absolutely, that's understood, and you've been assisting groups as they come to Canada, which is incredibly helpful.

However, going there, to Iraq, on the ground, and trying to help, is an incredibly different exercise. For example, as you know full well, a lot of the displaced people in Iraq have a lack of access to documentation. That's one huge challenge you would face. Another challenge, of course, would be that in the event that you did select even 400 people, you would have to ensure their security until they were to leave that country.

How would you deal with all these cascading challenges, which are bound to confront any group that goes to Iraq?

**Dr. Martin Mark:** Thank you very much.

I really see the concern and I'm very happy about it, because it shows we are probably seriously approaching a good resolution. Most of the people who will be in the delegation have already been in Iraq or they are Iraqis, such as Kurdish people or others. We also have had colleagues working on the ground for several years, so we will work together.

In terms of the lack of documents, I think it's very similar to the Somali program. In Dadaab or Kakuma when we have Somalis without documentation in any other part of the world, the refugee law of Canada is really favourable to us in helping us in how to do it, and we have the access to the community to ensure that we establish identity and family composition.

**Mr. Ali Ehsassi:** I was trying to illustrate one of the many challenges that you would face.

Pardon me for asking, but, as you know, some of the most vulnerable groups have fled. They are in refugee camps in Turkey. Have you thought of visiting Turkey, as opposed to actually descending upon Iraq?

**Dr. Martin Mark:** On several occasions I visited Turkey, and we feel that while the situation in Turkey is worse than in some other neighbouring countries, for the Yazidis the worst place is northern Iraq, so if we want to focus on humanitarian help then, as I mentioned, we have a program in place in Turkey, but....

**Mr. Ali Ehsassi:** As you know, Yazidis are in refugee camps in Turkey as well, so it would behoove groups that are interested to actually go to those refugee camps and assist them there as opposed to going through the challenges of visiting a country where they're not invited.

Of course, I am sure you have cast your mind to the reality that if a variety of private groups decided to actually visit countries that are in crisis, that would have huge implications for everyone and quite frankly could very much hinder the possibility of assisting. Have you thought of that particular perspective?

**Dr. Martin Mark:** To the first part of your question, I apologize if I was not clear. Basically we have hundreds of applications going on for people in Turkey. We definitely use all the opportunities to resettle refugees based on a given framework right now. However, we feel that the situation in Turkey, based on the experience of other colleagues of mine, is nothing compared to what you can experience as a Yazidi in northern Iraq.

We feel just to leave out northern Iraq.... Some parts of northern Iraq are safe enough for diplomats, safe enough for UN operations, and our partners are working on the ground, so we cannot just ignore that area. The pontifical mission has a permanent representative and is working in the Yazidi refugee camps. We have no concerns. We monitor the situation. If the situation changes, we can definitely modify the plan, but in the refugee world, this is how we work.

One day there is peace and another day you have to flee. We have contingency plans every time.

**Mr. Ali Ehsassi:** Thank you.

Last, I understand you had the benefit—

**The Chair:** You have 10 seconds.

**Mr. Ali Ehsassi:**—of hearing Professor Macklin's testimony. She very eloquently explained that the international humanitarian regime is moving away from actually using groups and is more focused nowadays on highlighting the grounds on which individuals should be resettled in other countries.

Do you have any misgivings about that particular approach?

**Dr. Martin Mark:** I fully agree that we could open up the source country class based on this or that type of persecution or anything that is identified in the Geneva convention as a group. Just removing the requirement that the person has to be outside of the country would perfectly solve the problem and help us, with the assistance and help of the local governments, to start to resettle IDPs who are in need.

**Mr. Ali Ehsassi:** Thank you, sir.

**The Chair:** Thank you.

That will conclude this part of this session. We will now suspend

• (1705)

**Mr. Peter Fragiskatos:** Just for the record, Mr. Mark, I don't think I or Ms. Zahid or Ali have any personal issue here. The questions that we've put to you are about the plan. I take it that this—

**Hon. Michelle Rempel:** On a point of order, Mr. Chair, I don't understand why my colleague is getting—

**Mr. Peter Fragiskatos:** It's a point of clarification.

**Hon. Michelle Rempel:** I would like an opportunity to respond with extra time, as my colleague does as well. It's a point for debate.

**Mr. Peter Fragiskatos:** I'm just clarifying that we're asking about the plan. It's nothing personal.

**The Chair:** There will be an opportunity when I suspend to make any comments that anyone would like to the witnesses at that time.

As this point we will suspend.

• (1705)

\_\_\_\_\_ (Pause) \_\_\_\_\_

• (1720)

**The Chair:** Welcome back.

I would like to welcome the next panellists before the committee. Appearing before us on the second panel are Mr. Balpreet Singh of the World Sikh Organization here in Ottawa. We also have witnesses by video conference: Ms. Tarjinder Bhullar from Calgary, and Mr. Kang and Mr. Mattoo from the law firm of Kang and Company. They're appearing from Surrey.

Thank you.

Mr. Singh, you have seven minutes, please.

**Mr. Balpreet Singh (Legal Counsel, World Sikh Organization of Canada):** Good evening. I'm legal counsel for the World Sikh Organization of Canada. We are a non-profit human rights organization established in 1984 with a mandate to promote and protect the interests of Canadian Sikhs as well as to promote and advocate for the protection of human rights of all individuals, regardless of race, religion, gender, ethnicity, and social and economic status.

Our traditional understanding of refugees is that they are persons who have fled their homes for fear of persecution and are seeking asylum outside their home countries, but what happens when a group faces terror and persecution and is unable to escape its home country? What becomes of those people? This scenario describes the situation of Sikhs and Hindus in Afghanistan, and I'm grateful that the committee is taking the time to look into this pressing issue.

By way of background, Sikhs and Hindus in Afghanistan currently face an unliveable situation in many parts. The Sikh and Hindu communities that have lived in Afghanistan for centuries now have approximately 2,000 people. Prior to 1992, their population numbered approximately 200,000.

My experience with Afghan Sikhs began in November 2014, when I received a desperate series of messages from a remote Afghan Sikh community that was facing imminent danger. Their businesses had been publicly boycotted and stoned. Since then, I've come to meet and become friends with members of this community who have now, in some numbers, with great difficulty, managed to flee to India, with assistance.

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.

Many Afghan Sikhs and Hindus are also forced to pay the *jeziah*, which is a monthly tax on non-Muslims extorted by the Taliban or other extremist elements, or face the imminent threat of death.

Afghan Sikhs and Hindus are by all definitions communities under siege and in serious danger. As conditions worsen, travel for Afghan Sikhs has become increasingly difficult, because Sikhs are so visible due to their articles of faith. They are accosted on the street and subject to random searches by the police, including the forcible removal of the turban to humiliate them.

Just by way of an anecdote, I know an Afghan Sikh who told me that he was once travelling on a bus that broke down, and he was almost lynched by his fellow passengers, who blamed him for incurring bad luck on them for not being of the correct faith.

Sikhs who do travel do so in small groups or face being kidnapped.

With respect to Sikhs right now on the ground, there are Sikh communities centred in three main areas: Kabul, Jalalabad, and Ghazni. There are also some businesses operated by members in smaller towns, but by and large, those who are in smaller communities have now largely moved to cities or have left Afghanistan. The Sikhs and Hindus who remain in Afghanistan are mostly the vulnerable who are unable to move due to a lack of financial resources. These include lone female caregivers and their children, whose male family members have been lost or killed in conflicts. The community also includes elders who have been stranded by children who fled abroad during previous conflicts.

With respect to finding solutions, gauging the true situation of Sikhs and Hindus in the various parts of Afghanistan poses a challenge in itself, as members of the community are distrustful of outsiders and fear retribution and are therefore reluctant to speak openly about their circumstances. Afghan Sikhs who leave Afghanistan are often reluctant to even provide their names, as they fear that family members remaining behind may be targeted for kidnapping and extortion. That's not an unfounded fear, given the story of Kulraj Singh, a 22-year-old Afghan Sikh who came forward in September 2015 with a story of having spent 40 days in captivity facing torture and forcible conversion. He was only freed after the local Sikhs paid a ransom of 500,000 rupees.

The relocation of Sikhs and Hindus within Afghanistan is also not a viable option. No area in Afghanistan is hospitable to these communities or allows them to freely practise their faith. Furthermore, as visible targets due to their articles of faith, Afghan Sikhs face significant travel risks in any internal flight option in the form of IEDs, roadside attacks, kidnappings, summary execution, etc.

• (1725)

Members of the Afghan government have proposed creating a township specifically for Sikhs and Hindus and relocating all members of these communities there. The idea, as you can appreciate, is deeply flawed and disturbing, as it amounts to forced relocation into what is a proposed ghetto and what would be an easy target for extremists.

Fleeing to neighbouring states is also not an option for Sikh and Hindu religious minorities. Afghan Sikh and Hindu refugees who have fled to neighbouring Pakistan and India have for decades faced discrimination as minorities and have been systematically denied access to health care, education for their children, and long-term legal status.

Without the possibility of meaningful local integration or the prospect of voluntary return to a decreasingly stable country, permanent resettlement of Afghan minority asylum seekers into third countries is the only viable long-term durable solution. We would suggest that Hindu and Sikh communities in Afghanistan be surveyed by NGOs that they can trust to determine what supports they can be provided with, whether material, security, political, or otherwise. These may be able to allow some of them to remain in their country, which they have called home for centuries.

When these communities demonstrate an inability to exercise basic human rights or face overwhelming persecution and threat, Canada has a humanitarian obligation to assist them in their evacuation and resettlement. Canada has previously directly admitted persons in refugee-like situations without recognition as convention refugees under the source country class, which was eliminated in 2011. Other countries, recognizing the severity of human rights crises, have also accepted and protected asylum seekers directly from their homes. In 2015 Canada also temporarily waived refugee status recognition document requirements for sponsored refugees from Syria and Iraq.

Amongst Canadian Sikhs, there is a growing enthusiasm to help bring these suffering members of the Afghan Sikh and Hindu community to Canada. This project was championed by my late friend Manmeet Singh Bhullar, who dedicated himself selflessly in the final months of his life to see that Afghan Sikhs and Hindus who were most vulnerable could flee to safety. Despite the serious challenge I outlined earlier, efforts are ongoing to find a way to take his mission forward.

Regarding the challenges with respect to mobility and travel, we submit that an expedited or waived procedure should be established for Afghan Sikhs and Hindu refugees.

**The Chair:** Thank you, Mr. Singh.

Next is Ms. Tarjinder Bhullar, from Calgary. You have seven minutes, please.

**Ms. Tarjinder Bhullar (As an Individual):** Good evening to the members of the committee as well as to my fellow panel attendees.

In the simplest of terms, I am here today because the person who should be speaking to you about this is no longer with us. My name is Tarjinder Bhullar. I am the sister of Manmeet Singh Bhullar.

October 2015 was the last Thanksgiving that I will ever have with my brother. During that dinner and many Thanksgivings like it, we would spend time going around the room, sharing with each of us what we were thankful for. At this one Manmeet was particularly jubilant. Maybe it was because he was enjoying putting others on the spot when it was their turn to speak or maybe it was because he truly realized that he had so much to be thankful for and so little time to tell us.

As he stood to give his thanks, he began by giving gratitude for his wife. He continued with his commanding voice and a glimmer in his eye as he said, "I am thankful for the Sikhs in Afghanistan." Though I wish so badly that I remembered every word that he spoke, I unfortunately do not. However, the ones that stand firmly ingrained in me are the ones when he said the work of making sure that Afghan minorities were brought to safety was his life's mission, and those words I remember all the time.

So it continued. I saw Manmeet take every audience and every opportunity he had, and whether it was birthday parties, family dinners, meeting a cousin's in-laws for the first time, any sort of social gathering, a wedding reception, or a media interview, he wanted to spread the word on how religious minorities in Afghanistan were experiencing hardships that are unimaginable to those of us who have the privilege of being Canadian.

In May 2015, Manmeet was re-elected to his position as member of the legislative assembly for the constituency of Calgary—Greenway with one very distinct difference. He was now a member of the opposition. As his family and his friends, we naively thought that this would now free him up and give him time to relax, to focus more time on himself, and just generally slow down from his hectic pace. It sounds ridiculous now, as that is not how he was built. He knew that time was precious and he knew that it was to be spent doing *seva*, which is selfless service.

Through conversations he had with trusted friends, such as the Honourable Tim Singh Uppal and Mr. Balpreet Singh, he came to

know of the plight of the Sikhs in Afghanistan. Manmeet was built in a way that once he knew someone was in trouble, he took on his or her troubles as his own.

So for the next seven months, Manmeet used every moment he could to find a solution to the troubles that plagued his Sikh and Hindu brothers and sisters in Afghanistan. He did so not because it advanced his political career or agenda and not because it was a glamorous topic that would garner him attention on social media. Rather he did it because he knew that knowing of someone being treated unfairly and doing nothing about it was not how he was brought up, it was not what he was taught to believe in, and it was not what we do as Canadians.

For months, Manmeet communicated with Sikhs in Afghanistan, not allowing time zones or languages to become barriers. Instead he adjusted his schedule as much as he could to make himself available when they needed someone to talk to. He would even go so far as mimicking their Punjabi so they felt comfortable sharing their stories with someone who sounded almost exactly like them.

Manmeet didn't talk to them simply to save face. He talked to them to get a keen sense of what their day-to-day challenges were. That's how he worked. No matter what his task was he needed to know everything so that he could dissect the information and masterfully come up with what he thought was the best solution, never fearing what would seem too daunting or ambitious to others. I say that not because he was better than anyone else, but because he simply had this innate quality of never taking no for an answer and always believing that yes was a possibility.

In August 2015 Manmeet was determined to travel to Afghanistan to meet these families first-hand. A series of bombings in central Kabul determined it would not be safe to travel. Though he was not able to get to Afghanistan Manmeet did travel to India to meet those who were able to make it there safely. He also travelled across Canada as well as to Belgium and the United Kingdom to speak to individuals, organizations, government officials, basically anyone who he believed could step up and be a part of the solution.

Manmeet, with the help of his loyal and dedicated staff, worked with Sikhs in Afghanistan to ensure their safe travel to India. He showed his commitment to this project by not only asking others to give, but first giving himself. Once in India he arranged for locals to greet the Afghan Sikhs, assist them in registering as refugees with the United Nations, and then make their way to the province of Punjab where shelter awaited them.

In October 2015, when our father was in India, Manmeet made sure that he assisted Afghan Sikhs who were arriving and gave them temporary residence in our family home.



In November of 2015, Hamreet Bains committed to this project by travelling to India and assisting those arriving from Afghanistan and coordinating resources on the ground to make the transition as smooth as possible.

• (1730)

She was in communication with Manmeet on a regular basis to see what could be done to make this challenge possible for them to come to India. To date, 200 Afghan Sikhs have found temporary refuge in Punjab. Children are attending classes. Women are in a community where their gender does not make them targets for vicious attacks, and men are learning job skills that equip them to provide for their families. But this is definitely a temporary solution. Though they have their basic needs taken care of for the time being, shelter is limited and resources are based on the generosity of people in Punjab and those from Canada who are committed to seeing this project through.

Although Manmeet was able to meet the initial few Afghans who made their way to India, he was not able to see them start their new lives, ones that we hope are full of promise. Manmeet believed that Sikhs in Afghanistan could be given the opportunity to come to Canada. He believed that Canada could give them a safe place to live, work, and play, a place where religion simply does not make you a target.

Manmeet knew full well that government policy and procedure could be adapted to meet the challenges of the current day because he did that himself as a minister. He knew that change was sometimes met with hesitation, but he insisted on finding solutions that better serve the values and ideals that we have come to expect as Canadians. If Manmeet was here with you today, and speaking to you, he would so adamantly implore you to examine how we can assist in bringing Afghan Sikhs to Canada. He would tell you that bureaucratic processes, although necessary and respected, could always be examined for efficiencies. He would tell you that timelines could always be expedited. He would remind you that as Canadians we intrinsically open our hearts and our doors to those in need. He would take the time to promise you, as I am doing now, that the Sikhs that we welcome to Canada will give you more than they will take.

• (1735)

They, like those who have come before them, will build on Sikh principles of giving and sharing with others. Sikh Canadians have proven time and time again that they recognize the responsibilities that come with the rights and privileges of this country. We don't ask for a handout, we give a hand up to fellow Canadians. We will take an active role in making sure that the Sikhs who come to Canada are given the resources that they need, and we are asking in return that you hold hope.

Thank you.

**The Chair:** Thank you.

Mr. Kang and Mr. Mattoo, seven minutes, please.

**Mr. Narindarpal Singh Kang (Barrister and Solicitor, The Law Firm of Kang and Company, As an Individual):** Thank you to the Standing Committee on Citizenship and Immigration for the

honour and opportunity to speak to you on this topic, immigration measures for the protection of vulnerable groups.

Following my comments, my colleague at the B.C. bar, Mr. Jasdeep Mattoo, will be addressing specifically the issue of source country class. I thank him for his input on my prepared comments.

By way of background, I have practised public international human rights law since 1991. I was also appointed for two mandates through order in council to the Immigration and Refugee Board of Canada from 2002 through to 2010, with the return to private practice in advance of my end of mandate in 2007.

While there are many groupings of persons throughout the world who are worthy of protection, and internally displaced persons, I thank the committee for focusing on two prominent examples of peoples who have suffered persecution in their countries of nationality to the point of internal displacement as a result of that persecution. These are the Yazidi people of modern-day Iraq and Syria and the Afghani Sikhs, also known as Pathan Sikhs and Hazara Sikhs.

For the latter example, I wish to especially recognize the efforts of the late and great member of the Legislative Assembly of Alberta, the Honourable Manmeet Singh Bhullar, whose untimely passing last year while assisting a stranded motorist deeply affected Canadians across our land.

Respecting the Yazidi, one month ago, on June 16, 2016, a United Nations mandated human rights enquiry reported that the Islamic state of Iraq and al-Sham or ISIS, also known as ISIL and Daesh, is committing genocide against the Yazidi people that amounts to crimes against humanity and war crimes today. Hundreds of thousands of them are now in refugee camps as internally displaced individuals on Syria's border regions with Iraq and in Iraq itself.

Today, according to various subjective sources at the United Nations and the Afghan government itself, an estimated 4,000 Sikhs remain isolated or as internally displaced persons in Afghanistan and the Hindu community is virtually considered extinguished, a sad indictment indeed.

Prior to the Soviet Union's invasion of Afghanistan the community was magnitudes larger, in the hundreds of thousands, vibrant and well integrated. There are many analogies between the Sikhs of Afghanistan prior to extremist Taliban focus and the Yazidi prior to the destructive focus brought by ISIS against them. Hence, how Canada or other entities can afford protection to such peoples is a timely matter for this committee to examine.

Examples of laws proposed and implemented in Afghanistan, for example, were laws prohibiting Sikhs from building new worship centres, riding horses in the city, wearing clothes similar to Muslims, shaking hands with Muslims, and living in houses with Muslims. They also had to fly yellow banners above their houses and shops to distinguish themselves. One does not need to be a student of history to understand the significance of that type of action.

It's no small wonder that many have fled Afghanistan over the decades, but the plight of those remaining is dire indeed. The main unfortunate tie that binds the plight of the Yazidi and Afghan Sikhs is that their main agents of persecution have been non-state actors—and of course I mean their agents of persecution, not the government's—that the state is unable and or unwilling to control.

To date, the United Nations definition respecting who the refugee is has governed our domestic law, specifically the 1951 UN convention. The committee is well familiar with the definition. The definition is one that fits the post-World War II time period, as state actors were generally the agents of persecution. While reliance upon this definition is warranted for many persecuted people, the main confining characteristic is that persons concerned, by necessity, must be outside of their country of nationality. What ought to be noted is that our Canadian case law supports the contention that cumulative acts of harassment can amount to a finding of well-founded fear of persecution. This is very significant, insofar as one need not wait for individualized persecution to commence for one to fit within the definition.

Absent a significant amendment to this 1951 convention where hundreds of nations are now signatories, there exists really no or little formal protection one can offer to internally displaced persons.

Given the very limited time frame that we have to speak on this, I shall concentrate only on two potential avenues of redress and safety for those suffering acts of persecution within their own national borders, namely, a genocide determination and a differing application of what's commonly known as R2P or responsibility to protect.

First, turning to the designation of genocide that finally was achieved this past June 2016, such a designation, rare under international law, would mark the first recognized genocide carried out by non-state actors rather than state or paramilitaries.

•(1740)

It's significant insofar as the nature of conflict crosses international boundaries with increased technologies and mobility. In countries such as Syria, non-state actors such as ISIS operate in many areas with impunity, and the United Nations can arguably engage in robust peacekeeping initiatives supported wholeheartedly by Canada where such genocide designations occur.

Now, the clear deficiency in this process helps the survivors, but it requires many victims in advance. How, then, can Canada be proactive as opposed to reactive in this realm?

This requires some thinking outside of the box, and respectfully I suggest another potential avenue based on the R2P, or the responsibility to protect. This doctrine is an innovative human security regime that Canada helped to establish under the strong advocacy of former prime minister Paul Martin. In September 2005, R2P was adopted at the UN world leaders summit in New York.

Jennifer Welsh, a Canadian-born international human relations expert at Oxford, noted that Prime Minister Martin reached out to a number of world leaders, convincing them to support articles that acknowledge the responsibilities of individual states and the international community to protect populations from mass atrocity crimes. In the words of Prime Minister Martin, "R2P says that if a government is oppressing its people, or if a government is unable to

protect its people from oppression, then it is the duty of other countries to step in and make things right".

Thus the focus is upon human security as opposed to national security, which is often invoked by nation-states in the governance of people within their territories. Now, under R2P, sovereignty is based upon the degree to which a nation can protect its people; and if protection is inadequate, sovereignty is clearly amended and can be abridged.

Admittedly it sets a high bar. For example, as a former cabinet member noted, all other options—sanctions, arms embargoes, no-fly zones, etc.—should be exhausted before the UN authorizes the use of military force against a nation-state.

What is clear, though, is that R2P is a Canadian contribution, and in many ways it's an initiative designed to protect those such as the Yazidi and the Afghan Sikhs, if one is to take it to its logical conclusion. Canada can again lead the way in proposing a methodology to assist such individuals.

•(1745)

**The Chair:** Mr. Kang, unfortunately your time is up. We are over the seven minutes.

I understand there is a problem with translation. The issue is that, because of a white noise hum, it's not possible to translate simultaneously the testimony.

Obviously we won't be able to have simultaneous translation for these particular witnesses. I don't believe any of the committee members require translation.

The other option would be to unfortunately thank our guest for the presentation, and there would not be an option for him to further take part in the committee hearing.

Unless someone feels strongly otherwise, I would suggest we proceed with option A.

We appear to have unanimous consent.

At this point, we will continue. I would like to thank the panellists for their initial seven-minute presentations and we will begin the seven-minute rounds of questions with Mr. Sarai.

**Mr. Randeep Sarai (Surrey Centre, Lib.):** Thank you to all the panellists and I'll begin my question and first comment to Ms. Bhullar. Your family, starting with your late brother, the Honourable Manmeet Bhullar, worked very hard to help these particular minorities and your family has continued ever since on his behalf and we commend Manmeet and the Bhullar family for doing so.

Your family helped settle, or at least temporarily settle, hundreds out of Afghanistan and into India, and continues to support them.

Can you briefly tell us what were the greatest challenges you heard of, from your conversation with them, that they faced in Afghanistan?

**Ms. Tarjinder Bhullar:** Yes, great question. I think the challenges are diverse but they all wrap around the fact that their fundamental needs while they were in Afghanistan were challenging for them to meet.

I have stories from people who lived there who said that performing funeral rites was out of the question for them because they were not allowed. In Sikh tradition, you cremate the remains. That was not allowed. Children were not allowed to go to school. Women were not able to go anywhere except when they were wearing the burka. They were not able to practise religious gatherings. Most often when they would be gathered together there was fear of either a bomb or violence towards people who were taking part. If shopkeepers were found to be not Muslim, they were then used for something as horrible as being urinated on. In some cases, if there was a restaurant that had hot oil, that hot oil was spilt on them.

There have also been examples given of where people were kidnapped and held for ransom. One father used the example of not being able to take his little girl with him into the main market area because he was afraid the little girl would be taken away and harmed in ways that you would never want your daughter to be harmed by other men. Those are just some of the examples, and that effect has lingered with them even now that they are in India. One of the volunteers who went there, Hamreet Bains, mentions how children do not even simply know how to play outside because they have ingrained in them the fear of not being able to leave their homes and be safe.

● (1750)

**Mr. Randeep Sarai:** Thank you, Ms. Bhullar.

I'm going to ask Balpreet Singh a question. You mentioned in your testimony that Sikhs and Hindus face a treacherous journey in trying to reach Canadian missions in Pakistan or India. Are you able to expand on why it's so dangerous, especially for Sikhs and Hindus?

**Mr. Balpreet Singh:** Yes. As you can tell, Sikhs have a very distinct physical identity. So for Sikhs to travel, it takes quite a bit. They usually travel in packs because it is a treacherous journey and they can be identified and attacked. They can make short journeys, especially locally, but they tell me that even going internally, for example on a trip to Kabul from an outside region, is very dangerous. They don't know when a Sikh might be kidnapped, or when they might be targeted or attacked. This isn't just something that might happen. This has happened and it's an ongoing fear that they have.

**Mr. Randeep Sarai:** You've stated that the Afghan Sikh and Hindu minorities fear being on lists, even when they leave. Can you elaborate on why that's a problem and why people want to put their names on a list to leave Afghanistan, and even when they leave they fear putting their names on any list?

**Mr. Balpreet Singh:** Leaving Afghanistan is a challenge. The reason why Manmeet is celebrated so is because he made the impossible happen. I struggled with this problem for six months until

I contacted Manmeet and he made it happen, and he's not with us anymore.

The fact is that they fear having their names brought forward. If that is leaked publicly, either the regions where they're coming from or their names themselves, there is a distinct risk of their family members being kidnapped, being held for extortion for large sums of money, especially if it's known that they are able to pay or they have others who are helping them who might be able to pay. For these reasons, for them to leave Afghanistan is very difficult.

**Mr. Randeep Sarai:** In terms of Hindus and Sikhs, how are they co-existing? I know it's a unique relationship that they have, and it's probably predicated on survival. Could you elaborate on how these two communities are co-existing and why they're intertwined?

**Mr. Balpreet Singh:** Originally, Sikhs and Hindus were known as money-lending communities. They were very affluent. The ones who could leave have left. But out of necessity, the ones who remain are essentially relying on each other. So if you go to a Sikh corridor in Kabul, you will see that Sikhs and Hindus are essentially living together, worshipping together, and once again, that's out of necessity. They've just formed that bond.

**Mr. Randeep Sarai:** Mr. Kang, you've worked for the IRB appeals division and are well aware of the refugee acceptance process in Canada. Do you think that the current rules and regulations are adequate to assist internally displaced people such as the Afghan Sikh and Hindu minorities? If so, how? If not, how should they be revised?

**Mr. Narindarpal Singh Kang:** With respect, they are not adequate. Clearly, the determinations that we made inside are for inland refugee claimants. But for those who are abroad, overseas refugees, settlement processes are mired in bureaucracy. Those who are internally displaced simply do not meet the test for convention refugees until they flee their country of nationality.

Now the source country assessments that were made before, which have now been suspended—we ran out of time on that—I think ought to be re-engaged or reinstated. It's something that this committee certainly should look at, in terms of how we can designate certain countries where that methodology can then be utilized to secure a safe passage out for those people.

If I may briefly comment on the R2P concept, the responsibility to protect, if it's expanded or hybridized to the point where Canada says, yes, that responsibility is to see if we can engage with the country of nationality to secure safe passage, that's a methodology that's worth exploring.

To answer your question, no, it's not adequate right now.

● (1755)

**The Chair:** Thank you.

Mr. Saroya, you have seven minutes, please.

**Mr. Bob Saroya (Markham—Unionville, CPC):** Thank you, Mr. Chair.

First of all, Tarjinder, I'm sorry for your loss, as your loss is our loss, a loss for all Canadians. Single-handedly what he put on this issue, on the Afghani Sikh issue, I learned from him after his death. Again, I'm sorry for the loss, and we all feel for you.

**Ms. Tarjinder Bhullar:** Thank you.

**Mr. Bob Saroya:** I have a question for Mr. Singh here.

We had 200,000 Sikhs living there not too long ago—in the seventies, eighties, or something along that line—now there are 2,000 remaining. What happened to the remaining ones?

**Mr. Balpreet Singh:** Essentially, with the fall of the pro-Soviet regime, religious liberties also started to fall. Under the Taliban, for example, as was mentioned by Mr. Kang, there were identifications required for Sikh homes, on Sikh persons, so whoever could leave essentially spent whatever money they could and they left. What you're left with now are those who are so poor or so destitute that they just don't have the means to go anywhere. As the situation has become worse, the ability to leave is also decreasing, as the pressure on that community, the persecution they face, is actually increasing.

**Mr. Bob Saroya:** The persecution is simply the Sikhs, not the Hindus.

**Mr. Balpreet Singh:** I wouldn't say so. I think Sikhs are easier to identify. Hindus, because they don't necessarily have the same articles of faith, can blend in somewhat more easily. But locally I am told that both Sikhs and Hindus are not treated fairly or as equals.

**Mr. Bob Saroya:** On the whole list of issues they're facing—the religious persecution, the issue with cremating the bodies, fear, the lack of education, physical attacks, schooling, and many, many others—what is the solution? If you had a wish list today, what would be on the wish list?

**Mr. Balpreet Singh:** Our biggest challenge has been connecting with those communities and getting an honest, open assessment of what their needs are. To be quite frank, the Sikhs and Hindus in Afghanistan have lived there for hundreds of years. If there are any supports that we can provide them to allow them to continue to live there, that would be a priority. But we know, for many Sikhs in Afghanistan, that simply isn't possible. They've reached a point of no return. They simply cannot live there anymore.

What we are suggesting is that, with the assistance of NGOs or some sorts of bodies on the ground there, we actually connect with them and find out what their needs are, and if it turns out, as we suspect, that they cannot continue, that we provide them an expedited process to leave.

**Mr. Bob Saroya:** One day I spoke in the House of Commons on the Sikh issue. Within two minutes I received a call in my Ottawa office from somebody claiming to be non-Sikh saying that we should take all the Sikhs, Hindus, Christians, and everybody else out of the country; that this is an Islamic country.

In my opinion, it's hard for them to stay in the country. The solution possibly is that we take them out.

What can be done to bring them out?

**Mr. Balpreet Singh:** That is a difficult question. Bringing them out is indeed the problem. There are many things Manmeet did that we can't speak openly about, such as specifically what region he was targeting, how many he helped, and how he helped them. One issue was how to extract the six who fear it being found out that they are leaving, without others knowing. That was a huge challenge.

Manmeet and his family have been able to extract 200 people with the support of the Sikh community. If you're looking at 2,000, it's a huge task; it's virtually impossible. Manmeet was able to leverage his personal contacts and relationships to make it happen, but those were just amazing connections that regular people like me simply don't have.

● (1800)

**Mr. Bob Saroya:** Is there any way that immigration minister John McCallum or their side can help bring them into one part of Kabul or somewhere and then bring them out, with a different approach?

**Mr. Balpreet Singh:** I think it goes back to my earlier suggestion that if we can have an NGO or some sort of assistance on the ground—and I know Canada has relationships on the ground because of our military mission there and our embassy there—to help us reach out to the community and find out what the situation is on the ground, we'll have a better ability to understand how we can help them and, if it is indeed as we suspect the case that they need to be extracted, how that can happen.

**Mr. Bob Saroya:** Is there anything else you would add on the same question?

**Ms. Tarjinder Bhullar:** Yes. You asked what the wish list would be. If I could speak quite openly, the wish list would be that we get assistance from the government, whether in the form of NGOs or other government services, on the ground in Afghanistan so that we can make an accurate list of the number of Afghan Sikhs and Hindus in the country who are living in a situation that is no longer a viable solution. We'd like to have the assistance to officially make that list, find out whether they have the travel documents that are necessary, and then work with the Canadian government to figure out a way to bring them to Canada.

I know the rules state that they have to be in a different country first before they come here, but a simplified version of what we would like is that once we know how many of them there are, we would like to expedite their transfer here to Canada as refugees.

That's the wish list.

**Mr. Bob Saroya:** If I hear you correctly, you're asking whether we can change the rules for the Afghani Sikhs so that they can be brought here, rather than go to Pakistan or India.

**Ms. Tarjinder Bhullar:** Yes. It's been done before, and I'd like to see it done with the Sikh community now; that they be able to come directly to Canada from Afghanistan.

**The Chair:** Thank you.

Ms. Kwan, for seven minutes, please.

**Ms. Jenny Kwan:** Thanks very much to all of the witnesses.

I want some clarification on the numbers. I'm not quite sure, if I'm hearing correctly, whether we know the actual numbers. The document that I have, called "Plight of Afghan Sikhs and Hindus in Afghanistan", cites in the background approximately 395 families. I wonder whether that is still an accurate number, or do we not know the correct number at this point?

**Mr. Balpreet Singh:** You're right that there are various estimates of how many families remain. These are some estimates that we have. Six who have come from Afghanistan recently are telling us that it's probably even fewer than 395 families. But you also have cases of individuals who have sent some of their family abroad while some continue to remain, so that families have been split.

What Tarjinder said is correct, that we don't even have an accurate number of how many are on the ground, and that's what we're looking for help on as well.

**Ms. Jenny Kwan:** When you talk about getting NGOs on the ground to do an assessment to see where things are at, are you looking to see a Canadian government-funded NGO operate on the ground there, so that people would be able to gather that information and then come back and make the determination of what the best steps are in going forward? That's one question.

Also, in the brief in terms of the recommendations, it seems that the source country classification is a big key here to unlocking some of these problems. Would you suggest that we wait for that work to be done, or would you say that in fact one of the recommendations that could be implemented at this time is to have the source country class option open?

I'll open that up to all of the witnesses, but I'll start with you Mr. Singh.

• (1805)

**Mr. Balpreet Singh:** Very briefly, who does the study? It's not necessary that it be a government-funded study. I think the Sikh community would be able to put in resources to have it done. The fact is that we don't have the manpower on the ground and we don't know who can get it done. However, we believe that the Canadian embassy and other Canadian interests will know how that can be done.

With respect to the source country class, it was eliminated in 2011. We understand it had very serious problems, for example, the list of countries and a number of issues that were there. 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.

**Ms. Jenny Kwan:** Ms. Bhullar.

**Ms. Tarjinder Bhullar:** I would reiterate what Mr. Balpreet Singh has said. When it comes to the actual funding for the study, our hope is that the government assists us in figuring out how we can do the study. If money is the issue in terms of our having to wait for the study, I am very confident in saying that funding will not be an issue. We will make that happen as long as we know how the government can assist us in making sure that this study is done in a safe and effective manner.

**Ms. Jenny Kwan:** Thank you.

**Mr. Jasdeep Mattoo (Barrister and Solicitor, The Law Firm of Kang and Company, As an Individual):** Just to tag on to that, I agree with Ms. Bhullar that the private funding is not going to be much of an issue. The Sikh community in Canada is obviously very well connected and that shouldn't be an issue.

To the second option, the source country class, I think that's a very viable option. It was an option that was part of the Immigration and Refugee Protection Act and regulations when they were brought in. It's something that could be relatively easily revived and slightly revamped to take into consideration current affairs and assist with extracting people who are internally displaced and may not fit a full convention refugee definition.

**Ms. Jenny Kwan:** Would you see these as government-sponsored refugees under this class, or would you see the individuals as privately sponsored refugees under the source country class?

**Ms. Tarjinder Bhullar:** Privately sponsored refugees.

**Mr. Jasdeep Mattoo:** Yes, I agree. I think it should be private sponsorship in this particular case.

**Ms. Tarjinder Bhullar:** Certainly, private sponsorship is what we're looking at, but an expedited way of being able to do that.

**Ms. Jenny Kwan:** Would you suggest that work precede or happen simultaneously, as we try to figure out the work of gathering further information on the ground?

Is that correct, Ms. Bhullar?

**Ms. Tarjinder Bhullar:** Yes, I think that speaks to what I was saying in my statement. I fully respect the bureaucratic process, but certainly there's a way to expedite it and there's a way to make sure that it is efficient.

**Ms. Jenny Kwan:** Thank you.

**The Chair:** Mr. Tabbara, for seven minutes, please.

**Mr. Marwan Tabbara (Kitchener South—Hespeler, Lib.):** Thank you to all the witnesses for coming here today, and I want to send my condolences to the Bhullar family.

Mr. Singh, you mentioned about the Afghan Sikhs and the Hindus being unable to move freely and unable to own businesses, and there is much discrimination towards them. My question is, what is the status of the displaced Sikh communities when they cross the borders to Pakistan or India? Do they have any documentation with them or do they have anything from Afghanistan when they cross the borders?

• (1810)

**Mr. Balpreet Singh:** It's a good question. With respect to their status as internally displaced, what they tend to do is they congregate and go to the last places of worship. With respect to their travelling outside, one of the biggest issues that this group of 200 had was in fact access to government identification, passports. Manmeet made it happen. He leveraged some contacts that he had. He was able to find someone who could speak English and make it happen for them, but it wasn't easy, and it's not possible for the vast majority of these people to have that done.

To your question about passports, most of them didn't have passports, but Manmeet got it done.

**Mr. Marwan Tabbara:** When these families give birth to their children, is there any type of documentation? You mentioned that you needed NGOs on the ground to see how many of them there are. That's just adding to maybe your question. Is there any type of documentation?

**Mr. Balpreet Singh:** It's hard to speak universally, but the fact is Sikhs in most parts of Afghanistan haven't gone to school for at least two generations, so their ability to understand and interact with the system is highly limited. I would suspect that most of them don't even have basic registration papers.

**Mr. Marwan Tabbara:** Do the Sikhs and Hindus who are stuck in Afghanistan have any ties to Canadians here, any relatives in western countries or even in Canada that you know of?

**Mr. Balpreet Singh:** That's a good question as well. Some of them do have ties to relatives who may have managed to escape. Once again, those who could have done it have largely done it, and helped their relatives to do it as well.

In terms of ex-pat or refugee communities outside, there's a large contingent in places like Germany and the U.K., for example, but not so much in Canada. There are definitely still some Sikh refugees from Afghanistan who have made their way via Germany or other places.

**Mr. Marwan Tabbara:** Basically, the ones who are stuck there are the ones who are very vulnerable and don't have any ties to try to get to another country for refuge.

This can be to all the witnesses. If Canada allowed private sponsorship of persons in refugee-like situations who remain in their country of nationality, do you expect that enough private sponsors would be available to resolve the Sikh and Hindu issues?

**Mr. Balpreet Singh:** I don't see any issue in getting the private sponsorships done, particularly from the Sikh community, but I'll let the others comment.

**Ms. Tarjinder Bhullar:** Since Manmeet's passing, the urgency of this within the Sikh community has only become exponential. He had a running list of people who were willing to take on private sponsorship when he was personally working on this project, and that list continues to grow. There are people who reach out to my father, to friends and staff of Manmeet, saying, "Let us know how; let us know when; we are committed to doing this."

Really, we're just waiting for the government to say ready, set, go, and you will have a comprehensive list of people who are willing to be private sponsors for the Afghans.

**Mr. Narindarpal Singh Kang:** Yes, the private sponsorship route is obviously the route that the community at large is prepared to go in very short order.

The question was fading out here a bit on our end, but from what I understand in terms of identities and these types of issues, it hearkens back to the times when I started my practice, and we were dealing with Eritrean and Ethiopian refugees who were being resettled here without what we would consider the normal type of passport documentation. But there are many ways to facilitate the identity beyond official government documentation. Again, that's one of the bureaucratic hurdles that can be easily overcome either by

way of affidavit evidence or other evidence that's available and secured overseas.

I'm confident that a properly supported, federally supported refugee resettlement process will be met with great support by the Canadian community at large.

**The Chair:** Thank you.

You still have a minute and a half, or we can go to the next round.

• (1815)

**Mr. Marwan Tabbara:** I'd like to share my time with Mr. Virani.

**Mr. Arif Virani (Parkdale—High Park, Lib.):** I have three questions. I'll ask them all, because I don't want them to get cut off.

The first question is for Mr. Balpreet Singh. You mentioned the dangers for the next of kin in Afghanistan if certain Sikhs come out. This dovetails with some of the testimony we've already heard today. I wanted to ask if you can comment on how this can be resolved. Is it sort of an all-or-nothing phenomenon? To preserve the safety of the individuals there, do we need to get every family out, or can it be done piecemeal?

To Ms. Bhullar about the suggestion about NGOs assisting, do you think there's any potential risk of endangering the communities that are on the ground in Afghanistan in the process of collecting that information?

To Mr. Kang, could you talk a little bit about international law and whether you believe there's an need to entrench a definition of "internally displaced people" in international law so we can move the yardstick on this? And what kind of leadership role can Canada play in that?

**The Chair:** Mr. Singh, you have 10 seconds.

**Mr. Balpreet Singh:** All right. It's not all or nothing. It happened piecemeal, but it was very tricky to actually coordinate, especially given that Manmeet was one person. But he managed to do it. Could it happen again? I don't know.

**The Chair:** Ms. Bhullar.

**Ms. Tarjinder Bhullar:** Yes, there is some level of danger, but it has been done before. That's why we need the government's assistance in figuring out how best to do this so it's done safely and efficiently.

**The Chair:** Mr. Kang.

**Mr. Narindarpal Singh Kang:** Yes, Mr. Virani, there is definitely a requirement, in my view, for an entrenched definition of IDPs, or internally displaced persons. In that sense, as I indicated earlier, the responsibility to protect doctrine I think ought to be hybridized to some degree so that Canada and other entities can extract those in significant harm's way, for reasons that would allow them to meet the convention refugee test if they are outside the country.

**The Chair:** Thank you.

Ms. Rempel.

**Hon. Michelle Rempel:** Thank you, Mr. Chair. I'll be brief for once.

Tarjinder, I just wanted to say thank you for your family's work on this and put it on the record. I thank your brother for his support in encouraging me to get into office and to stand up for what's right.

This is an issue I think you'll get a lot of cross-partisan support for. Certainly this is something we supported more efforts on when we were in government. One of the outcomes I'd like to see from this committee meeting is some concrete recommendations around this particular issue.

Thank you for carrying the torch. I know it hasn't been easy, but on behalf of everyone here at the committee, thank you so much for the work Manmeet did and for the impact he had personally on so many of our lives, more than probably you'll know. I hope that's a gift you continue to get, these stories of the work he did.

Thank you. That's all.

**Ms. Tarjinder Bhullar:** Thank you so much.

**The Chair:** Thank you.

Mr. Fragiskatos.

**Mr. Peter Fragiskatos:** I have a question for Mr. Singh Kang.

Mr. Virani was a bit rushed there, and I think the question he asked is quite important. In fact, I think it's a recurring theme here, or it's about to become a recurring theme.

We have already touched on the issue of IDPs and how the international legal order is not equipped to deal with that very serious problem. Again, 40-plus million human beings are internally displaced. I wonder if you could expand on that, with reference to just about anything you want to raise.

I would also say that there are conventions in place on stateless peoples, but according to those who have analyzed those conventions, they are not powerful enough, there are no teeth there, to provide members of the international community, such as Canada, with the means to go ahead and assist IDPs. I wonder if you could comment on that.

**Mr. Narindarpal Singh Kang:** The whole aspect of what constitutes internally displaced peoples, or internally displaced persons, is important because one can look at it individually or collectively. When one looks at the Yazidi example, it's a collective thing where there's no individualized persecution per se that has to be there.

I agree that the conventions as presently framed are outdated and almost stale in the sense that the nature of conflict—and we're all aware of what's happening, through the media and others—has evolved and unfortunately changed to a point where we can't see a foreseeable time when it's going to be diminished. You're right that there are tens of millions of people who are internally displaced, but the magnitude of the problem shouldn't detract from our energy in terms of addressing these issues. When one looks at the Yazidis, and one looks at the Afghani Sikhs, they're clear examples of what happens when we come late to the table with proposed solutions.

I think Canada has to be proactive. Harkening back to what I indicated happened in 2005, it's a little over 10 years ago, but it was our Prime Minister and our government that advocated strenuously for the responsibility to protect. There hasn't been a consistency in

terms of that advocacy, and I'm not just singling out Canada, but around the world. Collectively, nations that are forward-looking can advance these types of causes. I think internally displaced persons are worthy of protection, and it should not be this legal fiction that they have to cross borders and cross boundaries, and then, and only then, does it become our problem to address. The European migration situation is a prime example. If we cannot go and secure protection for individuals above and beyond refugee camps that are temporary in their home countries, then people will seek refuge. I think it is a moral obligation on Canada's part to address the inadequacies of international covenants and conventions, and move expeditiously.

• (1820)

**Mr. Peter Fragiskatos:** Thank you very much.

Just to clarify, when I mentioned the conventions on stateless peoples, obviously that doesn't go far enough, because when we talk about IDPs, some are stateless, but a good number are not. A good number have citizenship, but basically fit the definition of a refugee, except for the fact that they're in their country of origin. Thank you very much for pointing out that we're in need of some action on the international legal front.

Mr. Singh, I'm not familiar with the history, but I was taken by the comment that was raised—I'm not sure if you brought it up or if was Mr. Singh Kang's testimony—that prior to the U.S.S.R. invasion, the Sikh and Hindu populations in Afghanistan were vibrant and well integrated. How did things turn out like this? What's the trajectory here? Did it happen after the Soviet invasion? Was it the Taliban that was particularly responsible for the discrimination we see? Where did things go wrong? My sense is, hearing the testimony, that relations between the Muslim majority and Sikhs and Hindus was relatively harmonious until a particular point. I'm wondering when that was.

**Mr. Balpreet Singh:** After the pro-Soviet government fell, and there were various extremist elements and different insurgent groups, pressure increased on the Sikh community there. It increased on all communities there, but there's been a rise in religious intolerances. Whereas Sikhs and Hindus were seen as tolerated people and protected people, that has fallen to the wayside, and you have this increasing victimization. Under the Taliban, the Afghan Sikhs have told us that they had to wear these badges, they had to have flags on their houses, and they had these arcane rules they had to follow. They still claim that if they paid the *jeziah*, and they followed the rules, then they were still protected to some extent. After the Taliban fell, and you had the Karzai government, you had a short honeymoon period, but things after that have deteriorated to the point where they can't live there anymore. They say the government's unable to protect them. They're being extorted for money all the time. Things have gotten worse.

**Mr. Peter Fragiskatos:** Okay, thank you.

**The Chair:** Thank you.

I'd like to thank all of the panellists for their testimonies and for their insights, and I'd in particular like to thank Ms. Bhullar, your family, and your late brother for all of the work your family has done, and continues to do, on behalf of the at-risk Sikh minority in Afghanistan.

Thank you. The meeting is adjourned.

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