

November 24, 2023

The Rt. Hon. Justin Trudeau, P.C., M.P.
Prime Minister of Canada
Office of the Prime Minister
80 Wellington Street
Ottawa, ON K1A 0A2

Via email: Justin.Trudeau@parl.gc.ca

Dear Honourable Prime Minister Justice Trudeau:

Re: Canada's Response to the Crisis in Gaza

The Canadian Association of Refugee Lawyers (CARL) is a non-profit, non-partisan organization that serves as an informed national voice on refugee law and the human rights of refugees and forced migrants, and promotes just and consistent practices in the treatment of refugees in Canada. CARL's membership includes lawyers, academics and law students from across Canada. Relying on the broad experience of this membership, CARL has a mandate to research, litigate and advocate on refugee rights, forced migrants and related issues.

We write with grave concern about the unfolding and urgent crisis in Gaza and the increasing number of displaced, injured and killed. Since October 7, 2023, the United Nations has estimated that over 1.7 million Gaza residents having been displaced from their homes, including more than 800,000 children, and many having lost their homes completely. As you are aware, hospitals and infrastructure are collapsing, and the population has no way to escape, with very little aid being permitted entry to Gaza.

We urge the Canadian Government to implement all measures possible to assist displaced individuals, those with ties to Canada, including Canadian citizens, permanent residents and their families requesting to leave Gaza to leave as soon as possible on a temporary or permanent basis. We urge your government to use any and all immigration tools at your disposal, including to:

1. Expand the eligibility scope of Canada's evacuation list to include any family member - namely parents, grandparents, children and grandchildren (regardless of age), siblings, and children of siblings - of a Canadian citizen or permanent resident, who requests to leave Gaza to reunite with family in Canada, and who has (i) a pending temporary resident application, (ii) a pending permanent resident application, or (iii) valid temporary resident documents for Canada;
2. Simplify and expedite the processing of Temporary Resident Visas to Gaza-based applicants, or Gaza-based applicants who have been recently displaced to bordering countries, and who have Canadian citizen or permanent resident family members. Canada

has done this for people impacted by crisis in other regions including Ukrainian nationals, Turkish and Syrian nationals impacted by the March 2023 earthquake,¹ Sudanese nationals,² and Afghan nationals³;

3. Simplify and expedite the processing of Temporary Resident Permits to Gaza-based applicants, and Gaza-based applicants who have been recently displaced to bordering countries, who are family members of Canadians and Permanent Residents in Gaza and bordering countries who have immigration applications in process, pursuant to s.24 of the *Immigration and Refugee Protection Act (IRPA)*;
4. Expedite processing of all immigration applications in process for Gazans in Canada, including family members of Protected Persons in Canada, and waive fees and passport requirements for extensions of temporary residence, as was implemented for Iranians in 2022⁴;
5. Implement a temporary public policy pathway under section 25.2 of the *IRPA* for all individuals recently displaced in Gaza and the bordering countries who remain without reasonable access to meaningful refuge, including access to water, shelter, healthcare, and nutrition, pursuant to international law.⁵ Similar to the CUAET program, individuals eligible for the proposed public policy program will have to identify mechanisms to evacuate Gaza and submit to security and biometric checks ahead of flying to Canada, as appropriate;
6. In addition to Canada's current resettlement targets, use all available tools to maximize the number of Gazan refugees that can be resettled to Canada and expedite processing for refugees in the region destined for Canada, including those in Egypt, Lebanon, and Israel;

¹ <https://www.canada.ca/en/immigration-refugees-citizenship/news/2023/03/canada-announces-support-for-turkish-and-syrian-temporary-residents.html>

² <https://www.canada.ca/en/immigration-refugees-citizenship/services/sudan2023.html>

³ <https://www.canada.ca/en/immigration-refugees-citizenship/services/refugees/afghanistan/afghans-canada/priority-processing.html>

⁴ <https://www.canada.ca/en/immigration-refugees-citizenship/news/2023/02/canada-announces-support-for-iranian-temporary-residents.html>

⁵ **International Covenant on Economic, Social and Cultural Rights**, 16 December 1966, 993 UNTS 3, art 11(1), 11.1; 1948 **Universal Declaration of Human Rights**, GA Res 217A (III), UNGAOR, 3rd Sess, Supp No 13, UN Doc A/810 (1948) 71, art 25; See also, the customary international law prohibition of the arbitrary failure to allow and facilitate such access: 9 ICRC Customary International Humanitarian Law database, rule 55 (Access for Humanitarian Relief to Civilians in Need).

7. Implement new and expedited measures for vulnerable groups from Gaza including human rights defenders, LGBTQIA+ populations, and unaccompanied minors to find safety and refuge in Canada;
8. In order to expedite the processing of the proposed measures above, postpone medical and biometric requirements until individuals are in Canada.

CARL observed and commended the swift action taken by your government to provide humanitarian relief to Ukrainians in the midst of the crisis, including new temporary and permanent residence pathways, and eligibility to apply for open work permits. The situation in Gaza warrants the same response. These measures should set the standard for Canada's humanitarian response in Gaza; they should be the norm, and not the exception. Canada should use its immigration policies to provide humanitarian relief for people whenever it can, in keeping with our humanitarian commitments.

The situation in Gaza also highlights the need for Canada to develop a consistent immigration framework and response mechanisms to ensure an equitable and accelerated response.

CARL looks forward to working with the government to implement measures to assist family members in Gaza to safely reunite with their loved ones in Canada as soon as possible and we request an opportunity to discuss these proposals with you further.

Sincerely,



Nicholas Hersh
President

Cc: Deputy Prime Minister Chrystia Freeland
Minister of Foreign Affairs Mélanie Joly
Minister of Immigration, Refugees, and Citizenship Canada Marc Miller
Minister of Justice Arif Virani
Minister of International Development Ahmed Hussen