



March 7, 2022

The Right Honourable Justin Trudeau
Prime Minister of Canada
Office of the Prime Minister
80 Wellington Street Ottawa, ON K1A 0A2

Honourable Minister Marco Mendicino,
Minister of Public Safety

Mr. John Ossowski,
President Canada Border Services Agency

Dear Honourable Prime Minister,

It has been widely published in Canadian media over the last several weeks about Islamophobic practises by Canadian Border Services Agency (CBSA) officers. The officers, based in Vancouver, have targeted Egyptian refugee families and denied them an opportunity to seek refugee protection in Canada because of their affiliations with political organisations in Egypt. CBSA alleges that political organizations like the Freedom and Justice Party (FJP) engaged in acts of terrorism, subversion by force, and subversion against democratic institutions and processes under section 34(1) of the Immigration and Refugee Protection Act (IRPA). Egyptian asylum seekers are not only denied protections but also facing risk of deportation to torture and cruel and unusual punishments. Canadians have protested across the country calling for this to end.

We are writing to you as a group to demand that the Minister of Public Safety intervenes and directs CBSA to withdraw these unfounded accusations against these families.

To be clear, there is absolutely no specific allegation of personal wrongdoing against any of these claimants as individuals; rather, CBSA relied on their affiliation with the Freedom and Justice Party to establish them as members of the Muslim Brotherhood. Though the Government of Canada does not view Egypt's Muslim Brotherhood nor the Freedom and Justice Party (FJP) as national security risks, CBSA officers in Vancouver continue to allege these asylum seekers are members of terrorist and subversive organizations.



These refugees pose no national security threat. There is nothing that makes members of Egypt's FJP or Muslim Brotherhood dangers to the security of Canadians. In fact many Canadian citizens participated in Egypt's revolution and first free democratic elections in 2011 and 2012, many of them with the FJP.

Canadian courts interpreted sections 34 and 35 of the IRPA broadly to give immigration authorities the necessary powers to deal with real national security risks. The wide discretionary power can be abused by individual CBSA officers due to their own biases, opinions, and prejudices. This leads to inconsistent application of law, as some officers perceive security threats where others do not. With the 'reasonable standard to believe' framework, Board Members only need to be assured that there is evidence corroborating the CBSA officer's allegation. For claimants without representation or inadequate representation due to lack of finances, they are left in the monumental position of seeking to establish an organization – one that they may not even be part of – has never, at any point in history, been engaged in terrorism or subversion. This has nothing to do with their own conduct, yet they are forced to defend against the CBSA officer's opinion. Moreover, with individual officers able to bring forward cases without national consistency, only some refugee claimants are forced into this position.

If the law is implemented without national and consistent oversight of the security or danger posed by a refugee's membership or affiliation, then the rule of law has little meaning as consistent outcomes are not achieved. Problematically, it appears that individual officers' perceptions are shaped by Islamophobic beliefs. If the law is applied equally to all refugees, President Nelson Mandela and members of the African National Congress (ANC) would be prevented from entering Canada. This would also apply to members of the Democratic Party in the United States who supported slavery (a crime against humanity) and engaged in subversion, members of the Austrian Social Democratic Party for their ties to the Nazis, and members of the Greek Communist Party for their participation in armed conflict, to name just a few instances. If applied fairly, CBSA would be required to block entry into Canada by any member of the U.S., British or Israeli militaries — past, present, or future — because there are credible allegations that these organisations sought to subvert other governments or have committed human rights violations. The disproportionate application of section 34(1)(f) towards Muslim refugees stigmatises families without serving a national security purpose.

This risk of refugees being caught unjustly under section 34(1)(f) by CBSA officers is not new. It is for this reason that Parliament recognised that the Minister of Public Safety must have the authority to grant relief or exemption to a refugee who has been caught unfairly by the immigration act. However, when relief takes 8 or more years to be granted, then it is illusory.



Since 2016, Canada has provided protection to more than 2600 Egyptian refugees, many of whom were involved with the FJP. These refugees are now worried about their lives and future in Canada. A refugee should be able to have a realistic expectation about the country's position toward a group such as the FJP before coming to Canada for protection.

While the CBSA officers in Vancouver are operating within their authority, the position taken by these officers is at odds with the CBSA's position across the country, and these cases appear to be motivated by the personal opinions and prejudices of the CBSA officers in Vancouver.

For Abdelrahman Elmady, the refugee who has already been caught unjustly under section 34(1)(f), we ask that the Minister does what is necessary to ensure ministerial relief is offered to him without undue hardship or delay, so that he can be reunited with this family in Canada.

For the remaining families before the Immigration Refugee Board pending a decision, we are requesting that the Minister of Public Safety exercise his authority under the IRPA to give preemptive instructions or directives to the CBSA to halt the inadmissibility proceedings in Vancouver and allow their claims for protection to proceed.

With one decision made and upheld by the court as being reasonable, it is just a matter of time before this issue affects other refugees across the nation. As such, we request that the Minister look into the long-overdue revisions to section 34(1)(f) to guarantee that refugees are not discriminated against when they arrive in Canada.

At the National Summit for Islamophobia you stated “ on the world stage, our government will always stand up for peace and democracy, human rights, freedom of expression, and freedom of belief. This includes the protection of minorities.” Yet here in our own country the Minister is persecuting these Egyptian families who fought for democracy and freedoms in their home country, and are now paying the price. Even worse, the submissions made by the Minister's representative are Islamophobic and prejudiced, and should not be permitted.

Sincerely,

Canadian Muslim Public Affairs Council



National Organizations

Canadian Council of Imams
Canadian Muslim Civil Liberties Association
Canadian Muslim Research Think Tank
Canadians for Justice and Peace in the Middle East (CJPME)
Egyptian Canadian Coalition for Democracy
Human Concern International
ICNA Sisters Canada
International Civil Liberties Monitoring Group
ISNA Canada
Just Peace Advocates
Justice for All Canada
Mithoowani Waldman Immigration Law Group
Muslim Association of Canada
Solidarity Across Borders

Local Organizations

Al Rawdah Mosque (QC)
Al-Salam Centre (AB)
Centre Communautaire Laurentien Montreal (QC)
Centre Communautaire Villeray (QC)
Cold Lake Mosque (AB)
Downtown Muslim Professional Network (ON)
Foundation For A Pathforward (BC)
Hikma PAC (ON)
Islamic Center Of Waterloo (ON)
Islamic Centre of Outaouais (QC)



Islamic Community Centre Of Ontario (ON)
Kitchener Waterloo Masjid (ON)
MAC Centre Vancouver (BC)
MAC Hespeler Masjid (ON)
MAC Hyde Park (ON)
MAC Islamic Center - Rahma Mosque (AB)
MAC Islamic Center Ottawa (ON)
MAC Islamic Centre Of Verdun (QC)
MAC Noor Gardens (ON)
MAC Quebec Information Center (QC)
MAC Westmount Centre (ON)
Masjid Aisha (ON)
Masjid Toronto At Adelaide (ON)
Masjid Toronto At Dundas (ON)
Niagara Movement for Justice in Palestine-Israel (NMJPI) (ON)
Rose City Islamic Centre (ON)
Shalimar Housing (ON)
Western Thaqaalayn Muslim Association (ON)

Canadians

Aaron Wannamaker (AB)
Abdalazeem Kshim (AB)
Abdelrahman Wagdy (QC)
Abdelsalam Elhenawy (AB)
Abdi Eltassi (MB)
Abdo Ismail (BC)
Abdo Kattan (AB)



Abdulrhman Hamed (AB)

Adnan Shaben (AB)

Ahmad Ismail (BC)

Ahmad Imadi (AB)

Ahmed Sorrour (BC)

Ahmed Shalabi (BC)

Ahmed Ibrahim (AB)

Ahmed Elsokkary (ON)

Ahmed Abdelfattah (BC)

Alaa Fouli (AB)

Ali Assaf (AB)

Ali Salman (AB)

Ali Alanu (ON)

Ali Alnaggar (BC)

Ammar Omar (AB)

Angie Teliani (AB)

Aseem Khan (BC)

Ashy SQ (ON)

Belal Elhosany (ON)

Bilal Cheema (BC)

Carl Rosenberg (BC)

David Beaudin (NB)

Desmond Sequeira (ON)

Ehab AA (AB)

Emir Ramic (ON)

Fouad Abbassi (BC)

Fred Ah (AB)



Furquan Gehlen (BC)

Habiba Khatab (AB)

Hanan Awad (ON)

Hani Househ (AB)

Hatem Shalby (QC)

Hesham Fouli (AB)

Hina Gehlen (BC)

Ibrahim Mohamed (QC)

Insiya Moosavi (ON)

Isfand Cheema (BC)

Issam Saleh (AB)

Jamal Abdulwahid (BC)

Jan Steven (ON)

Kamron Bajwa (BC)

Mahmoud Ibrahim (BC)

Mahmoud Elkadri (AB)

Mahmuda Khan (ON)

Majed Shamseddin (AB)

Mariam Khan (BC)

Mariam Hamze (AB)

Marina Saleh (AB)

Mohamad Aly Barakat (QC)

Mohamed Salla (AB)

Mohamed Zouadi (AB)

Mohamed Nemir (QC)

Mohamed Alsrouji (QC)

Mohamed Abdelhameed (QC)



Mohammad Yasin (BC)
Mohammad Qazi (ON)
Mohammed Shaikh (ON)
Mohammed Farook (BC)
Mohammed Sidik (BC)
Mohammed Ahmed (AB)
Mouhamad Tarbine (AB)
Mukarram Zaidi (AB)
Nabil Sultan (ON)
Nabila Sabih (QC)
Nada Handous (AB)
Naseem Mithoowani (ON)
Nimao Ali (ON)
Noor Salman (AB)
Nooria Ahmed (AB)
Osama Mohamed (AB)
Othman Baalbaki (AB)
Rachel Small (ON)
Rami Alshoubaki (AB)
Raqiya Khan (BC)
Refaat Mohamed (ON)
Rose Marie Whalley (QC)
Sadique Pathan (AB)
Safia Khatoon (AB)
Samer Elniz (QC)
Shaykh Tarek Abu Noman (ON)
Shimaa Samy (BC)



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Tamir Ali (AB)

Tim McSorley (ON)

Toqa Abdelwahab (AB)

Wael Haddara (ON)

Washim Ahmed (ON)

Yasin Cetin (AB)

Yves Engler (QC)

Zohaib Bajwa (BC)