



29 March 2016

The Honourable John McCallum
Minister of Immigration, Refugees and Citizenship
365 Laurier Avenue West
Ottawa, Ontario K1A 1L1
Canada

Email: minister@cic.gc.ca; john.mccallum@parl.gc.ca

Re: Conscientious Objectors in Canada

Dear Minister McCallum,

On behalf of the Commission on Justice and Peace of the Canadian Council of Churches, I am writing you to express our support for the American conscientious objectors to the war in Iraq (commonly called the “war resisters”) who have sought refuge in Canada. We urge you to grant Permanent Resident status to these war resisters so that they may have a secure future in Canada, free from prosecution.

The 2003 US invasion of Iraq was considered an unjust war by many, including the World Council of Churches, Pope John Paul II, and numerous other Christian leaders across Canada and the world. As you also know, Canada’s then-Prime Minister, Jean Chrétien, declined to support the US in the war. Several member churches of the Canadian Council of Churches have provided care and support for the war resisters since January 2004 when the first of these arrived in Canada.

More than twelve years on, our concern deepens as this matter remains unresolved, leaving in limbo the U.S. war resisters and their families, now well-established in Canada and contributing to their local communities, in limbo.

The government of Canada in recent years took multiple actions that made it difficult for there to be a fair adjudication of the applications made by U.S. war resisters. These actions included:

- publicly labeling U.S. conscientious objectors “bogus refugee claimants”¹ while their cases were before the Immigration and Refugee Board of Canada or the Federal Courts;
- issuing a directive to immigration officers specifically targeting applications made by military deserters from the United States;² and
- applauding the announcement in the House of Commons of the arrest of U.S. Army veteran and conscientious objector Kimberly Rivera after ordering her deportation.

At the same time, a majority of Members of Parliament voted on two separate occasions (June 2008 and March 2009) in favour of a motion from the Standing Committee on Citizenship and Immigration calling on the Canadian government to immediately implement a program that would allow U.S. conscientious objectors to stay in Canada, and to cease deportation proceedings against these individuals.

We believe that the Government of Canada could readily resolve the situation of U.S. war resisters in a positive way, consistent with the above-mentioned motion, by simply allowing them to stay on humanitarian and compassionate grounds.

Another approach entails actions to restore a fair and impartial process. As a first step, this would require rescinding Operational Bulletin 202, which was issued in July 2010. The first paragraph of the directive implies that military deserters who are seeking refugee protection in Canada may also be serious criminals and therefore inadmissible to Canada as desertion is a serious crime in some countries. Discouraging military personnel to prevent them from exercising conscientious objection rights guaranteed in the *UN Handbook for Refugees*, is, in our opinion, not in accord with Canada’s adherence to the norms of universal human rights.

As a second step, we believe that the pursuit of war resister cases through the Courts should be halted. Immediately halting the litigation currently before the Courts would allow delegated immigration decision makers to review these cases without the negative influence of current policies and practices.

Finally, in order to restore fairness for all war resister cases, we propose that a new directive or Operational Bulletin be issued, notifying immigration officers that humanitarian and compassionate reasons exist to justify a waiver under Section 25 of the IRPA for individuals who have left the US military due to conscientious objections over the justice of the 2003 Iraq war,

¹ <http://www.cbc.ca/news/canada/kenney-s-comments-prejudice-hearings-for-war-resisters-critics-say-1.781908>

² <http://www.cic.gc.ca/english/resources/manuals/bulletins/2010/ob202.asp>

and directing immigration officers to give these factors primacy when considering the cases of conscientious objectors.

Conscientious objection to military service, whether by draft resisters or deserters, is a widely recognized ground for granting refugee protection, both in Canada and internationally. As churches, rights of conscience and religion hold a particular significance for us as we seek to encourage people to live faithful lives. We are of the opinion that individuals who followed their conscience in refusing to serve in a war – and moreover a war recognized by many as illegal and in breach of the UN Charter³ - and who have subsequently come to Canada, should be accorded humanitarian and compassionate relief. Their beliefs are protected under domestic and international law, and facilitating their punishment by returning them to the United States would be regrettable (our previous correspondence to the minister and backgrounder on theological and legal arguments in favour of conscientious objection is appended).⁴

Thank you for your attention and concern on this issue. We look forward to your response and welcome an opportunity to meet regarding this concern.

In peace,



Mike Hogeterp
Chair, Commission on Justice and Peace

Attachments:

*Letter to the Minister of Citizenship, Immigration and Multiculturalism with
Backgrounder on Theological and Legal Arguments in Support of Conscientious Objectors
to War. 15 May 2012.*

³ For example, the UN Secretary General at the time, Kofi Annan, stated that the US invasion was illegal and did not conform to the UN Charter. http://news.bbc.co.uk/2/hi/middle_east/3661134.stm

⁴ <https://www.councilofchurches.ca/wp-content/uploads/2015/02/Conscientious-Objectors-May-15-2012-Final-EN.pdf>

Cc: **The Right Honourable Justin Trudeau**, M.P., Prime Minister of Canada
Hon. Michelle Rempel, M.P., Critic for Immigration, Refugees and Citizenship,
Conservative Party of Canada
Jenny Kwan, M.P., Critic for Immigration, Refugees and Citizenship, New Democratic
Party of Canada
Mario Beaulieu, M.P., Critic for Immigration, Bloc Québécois
Elisabeth May, M.P., Leader of the Green Party of Canada

The Canadian Council of Churches is the broadest and most inclusive ecumenical body in the world, now representing 25 denominations of Anglican; Evangelical; Free Church; Eastern Orthodox and Oriental Orthodox; Protestant; and Catholic traditions. Together we represent more than 85% of the Christians in Canada. The Canadian Council of Churches was founded in 1944.