

**GOVERNMENT RESPONSE TO THE
STANDING COMMITTEE ON CITIZENSHIP AND IMMIGRATION'S ELEVENTH REPORT ENTITLED
*IMMIGRATION RESPONSE TO EVENTS IN IRAN***

INTRODUCTION

The Government of Canada thanks the Standing Committee on Citizenship and Immigration for its 11th Report entitled, "*Immigration Response to the Events in Iran*," which was tabled on October 17, 2022.

A recommendation was put forward, to which the Government responds below. The Government agrees with the recommendation to stop issuing visas. The Response identifies immigration measures currently in place to protect the safety and security of Canada, as well as to promote international justice while supporting the objectives of the immigration system. This includes Canada's designation of the Islamic Republic of Iran as a regime that engages or has engaged in terrorism and systematic or gross human rights violations, extensive economic sanctions against Iranian individuals and entities for gross and systematic violations of human rights and ongoing grave breach of international peace and security as well as screening and enforcement measures to refuse visas to those who are not admissible to Canada.

Recommendation 1

That the Standing Committee on Citizenship and Immigration report the following to the House: In light of the downing of Ukrainian International Airlines flight PS 752 by the Iranian Revolutionary Guard Corps (IRGC), and in light of the killing of Mahsa Amini by the Iranian Guidance Patrol, that the committee demands the Government of Canada stop issuing visas to all Iranian nationals directly affiliated with the Iranian Revolutionary Guard Corps (IRGC), Iranian Armed Forces, Iranian Guidance Patrol or Iranian intelligence organizations and that, pursuant to Standing Order 109, the committee request a response to the report by the government.

The Government agrees in principle with this recommendation.

The Government of Canada currently has the requisite tools, as listed below, to refuse visas under the *Immigration and Refugee Protection Act* (IRPA) on the grounds that a foreign national is inadmissible to Canada or for failure to meet the requirements of the Act in order to protect the safety of Canadians and uphold the integrity of Canada's immigration program.

Refusing applications for visas from Iranian nationals affiliated with branches of the Iranian military requires a case by case assessment of each application under the IRPA. In addition, case by case assessment ensures that many Iranian males (age 18+) who had to undergo mandatory military training would not be unjustly denied access to Canada's immigration program and ensures there is no unintended barrier to family reunification.

Designation of the Iranian Regime

On November 14, 2022, the Honourable Marco Mendicino, Minister of Public Safety, announced the designation of Iran as a regime that has engaged in terrorism, as well as systematic or gross human rights violations pursuant to section 35(1)(b) of the IRPA. As a result of this designation tens of

thousands of senior officials of the Islamic Republic of Iran, including those from the Islamic Revolutionary Guard Corps, Iranian Armed Forces, Iranian Guidance Patrol ('Morality Police') or Iranian intelligence organizations, are inadmissible to Canada.

The designation of the Iranian regime applies to those who were senior officials at any time from November 15, 2019, onwards. Senior officials include: heads of state, members of the Cabinet, ambassadors, senior diplomats, members of the judiciary, senior military and intelligence officials and senior public servants. In addition to ensuring that applications for visas from senior officials determined to be inadmissible to Canada as a result of the designation are refused, current and former senior officials currently within Canada may be investigated and removed from the country if determined to be inadmissible.

This designation is one element of the Government of Canada's broader efforts to hold the Iranian regime and the IRGC accountable for their many crimes.

The Government recognizes that the designation will not apply to individuals who are not represented within the higher ranks of the Iranian regime. However, measures are currently in place under Canada's immigration law to render inadmissible to Canada all individuals who have committed or been complicit in the commission of war crimes, crimes against humanity or genocide or on security grounds, such as membership in a terrorist organization. Therefore, individuals who are not captured by the designation but who have nevertheless been implicated in the atrocities committed by the Iranian regime may be subject to sanctions (see below), and could be found inadmissible on other grounds, including for being a member of a terrorist organization. These individuals, if determined inadmissible, would be denied a visa. Those already in Canada may be subject to enforcement measures, including removal from Canada.

Sanctions under the Special Economic Measures Act

The sanctions imposed under the *Special Economic Measures Act* (SEMA) on October 3, 7, 13, 19, 31, and on November 10, December 2 and 9, 2022 and on January 9, 2023 affirm Canada's condemnation of gross and systematic human rights violations that have been committed in Iran. This includes Iran's systematic repression of women and in particular, the egregious actions committed by Iran's so-called 'Morality Police,' which led to the death of Mahsa Amini while under their custody, as well as Iran's grave breaches of international peace and security. Where the sanctions are based on gross and systematic human rights violations, the individual will be inadmissible to Canada. While sanctions issued on the basis of grave breaches of international peace and security will not directly result in inadmissibility, individuals will be assessed against all admissibility provisions in determining whether to issue a visa to permit them to enter Canada. The refusal of an application for a temporary or permanent resident visa, or other application, on the basis of inadmissibility or a failure to meet the requirements of the IRPA is determined on a case-by-case assessment.

In May 2022, Bill S-8 was introduced in the Senate proposing amendments to the *Immigration and Refugee Protection Act* to better align with Canada's sanctions framework. If passed, a foreign national who is subject to SEMA sanctions, including sanctions made on grounds of a grave breach of international peace and security, would be inadmissible under the IRPA. The Bill has passed the Senate and is at Second Reading debate in the House of Commons.

If passed, the amendments would represent an effective and targeted measure to prevent Iranian nationals who are subject to SEMA sanctions for the implementation of repressive measures from traveling to and entering or remaining in Canada, as the implicated foreign nationals would be inadmissible to Canada and subject to potential removal proceedings.

Security Screening

In addition, the Government protects the security of Canadians through security screening and risk assessments, which are important parts of the overall immigration application process to determine whether a person is inadmissible to Canada for national security concerns. IRCC assesses applicants through the visa application process or through an electronic travel authorization. All foreign nationals seeking entry to Canada are screened for inadmissibility, including for security reasons and human rights violations. The case-by-case assessment of individuals will also ensure that Iranian nationals who are not linked to Iran's gross human rights violations, and who are otherwise admissible, are not banned from entering Canada. Under IRPA individuals may be inadmissible to Canada on several grounds, including for the reasons of security, human or international rights violations, organized criminality, criminality and misrepresentation. Where an individual is sanctioned under SEMA for gross or systematic human rights violations, an IRCC official will confirm that the identity of the applicant matches the sanctioned individual. All inadmissibility assessments require a case-by-case analysis based on the facts of the case and the evidence before the decision maker.

Cases may be flagged for additional screening based on information provided by the individual applying to come to Canada, security indicators or on any adverse information that may be flagged in IRCC and CBSA systems. IRCC may refer such cases to the CBSA or the Canadian Security Intelligence Service for a more in-depth review.

All temporary and permanent residence applicants between the ages of 14 and 79, unless exempted (e.g. an applicant holding a diplomatic visa), are required to provide biometrics, which are a reliable and accurate tool to establish a person's identity.

The Government of Canada stands in support of the people of Iran, and does not tolerate the gross violations of human rights, the terrorist activity, and the repression of Iranians, in particular of women systematically carried out by the Iranian regime. Canada will continue to stand up for human rights around the world, and not just within its borders. The perpetrators of gross or systematic human rights abuses are not welcome to come to or stay in Canada.