

Security screening of refugees and immigrants

Section 19(1) of Canada's *Immigration Act* lists criteria under which certain people applying for landed status would be rejected. The criteria includes barring people who "may have" committed acts of "terrorism," either directly or by being "members of an organization" that has engaged in terrorist or espionage activities. In evaluating these immigration and refugee applications, the Department of Citizenship and Immigration Canada (CIC) draws upon the definition and description of "threats to the security of Canada," as provided under Section 2 of the *Canadian Security Intelligence Service Act*. The same process applies to citizenship applicants, the authority of which is provided under Section 19 of the *Citizenship Act*.

When CIC thinks a refugee or immigrant applicant could be a security threat, the applicant must undergo a Canadian Security Intelligence Service (CSIS) security screening, which includes one or more interviews between CSIS agents and the applicant. CSIS conducts its assessments under the authorization of Sections 14 and 15 of the *CSIS Act*. CSIS forwards the results of the interview and other information it gathered on to CIC, which then determines whether the person applying for landed or citizenship status is eligible or not under the *Immigration Act*. CIC can also carry out its own security check pursuant to Section 19 of the *Immigration Act*.

The purpose of a security interview is "to provide an opportunity for the prospective immigrant to explain adverse information in relation to his or her security status."¹ It is not meant to be an "investigative tool" or a way to recruit the services of immigrants and refugees for CSIS activities.²

According to CSIS' Procedures Guidelines on Immigration Screening Interviews, "the investigator should not create the impression that the applicant's cooperation with the Service [CSIS] could facilitate the processing of the application."³ Yet, even that guideline is not good enough for the Security Intelligence Review Committee (SIRC), the watchdog of CSIS. "In our view, the Guidelines should be less equivocal on the matter

¹ SIRC Annual Report 1997-1998, p. 11

² Ibid

³ Ibid

and state clearly that immigration interviews will not be used for recruitment or other unrelated purposes.”⁴

CSIS’ role is to advise the Minister of Citizenship and Immigration on who may be a security risk; the final determination of whether someone stays or goes rests with the Minister.⁵ The whole security screening process is supposed to be completed with speed and efficiency. According to CSIS, 51 percent of the of the 53,029 requests from Citizenship and Immigration Canada for CSIS security checks were processed in 24 days, with “less than one percent” taking longer than 12 months to process.⁶ There are approximately 400 files currently under review by CSIS.⁷

Anomalies in Sami’s and Suleyman’s cases

CSIS conducted security interviews three times with Sami and once with Suleyman. In addition, Sami had two CIC security interviews and Suleyman had one. A key theme in all interviews was whether the two men belong to the Kurdistan Workers’ Party (PKK), a group that has been named by the U.S. Department of State and others as an international terrorist organization. The security interviews and screening process in Sami and Suleyman’s cases contravened normal procedure in four key ways:

- during interviews, CSIS agents had implied subtly that Sami and Suleyman would get their landed status more easily if they agreed to report on their fellow Kurds;
- there were significant delays in CSIS’ security clearances.

Approximately two years and two months had passed from the time Sami’s case was referred to CSIS (on August 19, 1994) until CSIS had submitted its final report to CIC. Although Suleyman applied for his permanent resident status in April 1993 one month after receiving refugee status, he was not interviewed by CSIS until October 1994. CSIS had forwarded information to CIC in August 1995. Because he has not heard anything from CIC, Suleyman suspects the CSIS information is incomplete or inconclusive;

⁴ Ibid

⁵ The Minister’s involvement is primarily restricted to viewing the final report of a process that could take a long time

⁶ CSIS Background Document, <http://www.csis-scrs.gc.ca/eng/backgrnd/back9e.html>)

⁷ Craig Goodes, refugee branch, CIC,

- in Sami's case, the security clearance appears to have been reversed. On October 23, 1997, senior immigration official Anna Lombara recommended that Sami be landed because she could find no evidence from CSIS and other sources that Sami "is or was a member of an organization which is known to have been involved in terrorist acts of violence."⁸ Then in a May 1998 letter, Lombara had told Sami that he might not be landed because of information that had emerged since Lombara's report. That "information" turned out to be a discussion of the flag that was flying at the Kurdish Community Centre where Sami had volunteered briefly; and
- there is an internal contradiction in which CSIS and CIC officials have stated repeatedly that Sami and Suleyman pose no security threat to Canadians and, indeed, have not been found to engage in terrorist activities. Yet the two are inadmissible under Section 19 of the Immigration Act for their supposed "membership" with the PKK. The "evidence" includes Sami and Suleyman's volunteer activities with the Kurdish Community Centre in Toronto and the fact that Sami reads the only Kurdish-language newspaper in Canada.

As of this moment, Sami has no status and Suleyman has yet to hear from CIC on whether or not he received landed status. The SIRC report of April 7, 2000 recommends that both Sami and Suleyman be landed.

⁸ CIC Memorandum, 23 Oct. 97, p.6