



March 11, 2022

Via email: sean.fraser@parl.gc.ca; Melanie.Joly@parl.gc.ca; David.Lametti@parl.gc.ca;
marco.mendicino@parl.gc.ca

The Honourable Sean Fraser, P.C., M.P.
Minister of Immigration, Refugees and Citizenship
365 Laurier Avenue West
Ottawa, ON K1A 1L1

The Honourable Mélanie Joly, P.C., M.P.
Minister of Foreign Affairs
125 Sussex Drive
Ottawa, ON K1A 0G2

The Honourable David Lametti, P.C., M.P.
Minister of Justice and Attorney-General of Canada
284 Wellington Street
Ottawa, ON K1A 0H8

The Honourable Marco Mendicino, P.C., M.P.
Minister of Public Safety
269 Laurier Avenue West
Ottawa ON K1A 0P8

Dear Ministers:

Re: Call for Urgent Action on Ongoing Crisis in Afghanistan

I am writing on behalf of the 36,000 members of the Canadian Bar Association (CBA) to join our voices with those of others in the legal community¹ across the country and beyond, in urging the Canadian government to fulfill its promise to resettle 40,000 Afghan nationals in Canada, particularly those lawyers, judges and other individuals who share Canada's commitment to justice, democracy and the Rule of Law.

An independent judiciary and independent bar no longer exist in Afghanistan. The Taliban has taken over the Afghanistan Independent Bar Association (AIBA), appropriating its database (with personal details about AIBA registered lawyers, staff and committee members) and seizing AIBA assets. All licenced lawyers must reapply to the Taliban's Ministry of Justice or are prevented from practicing.

Afghan women judges and prosecutors still trapped in the country are hunted by criminals they prosecuted or imprisoned and by organized Taliban raids. Some have escaped to temporary, ill-equipped conditions in other countries.

¹ See: **Annex A**, [Letter from 21 Canadian law firms](#) to Ministers Fraser, Joly, Lametti and Mendicino, RE Call for Urgent Action on Ongoing Crisis in Afghanistan, 14 February 2022; and **Annex B**, Letter from the Hon Irwin Cotler, the Hon Allan Rock, and 11 representative organizations for lawyers, judges, and advocates across Canada and internationally to Ministers Lametti, Joly and Fraser, RE Call for Urgent Action on Resettlement of Afghan Female Judges, 28 February 2022.

The urgency to act is without precedent.

The CBA has led the legal community in responding to the crisis in Afghanistan. Our support has included an initiative to facilitate [pro bono assistance](#) to Afghans seeking to come to Canada.

Faced with relief measures that are insufficient, restrictive, and encumbered by lack of clarity and extensive delays, we have outlined to Minister Fraser several practical solutions to speed up the process for bringing Afghan refugees to Canada.² Our colleagues have also made sensible recommendations in their letters referenced above.

The time to act to bring these Afghans to Canada is now. It is the right thing to do.

Sincerely,

(original letter signed by Stephen Rotstein)

Stephen Rotstein

cc: Justice Parliamentary Secretary: Gary Anandasangaree (gary.anand@parl.gc.ca)
 Justice Deputy Minister: A. François Daigle (francois.daigle@justice.gc.ca)
 Justice Chief of Staff: Alexander Steinhouse (alexander.steinhouse@justice.gc.ca)
 IRCC Parliamentary Secretary: Marie-France Lalonde (marie-France.Lalonde@parl.gc.ca)
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Annex A

February 14, 2022

The Honourable Sean Fraser
Minister of Immigration, Refugees, and Citizenship Canada
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The Honourable Mélanie Joly
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Re: Call for Urgent Action on Ongoing Crisis in Afghanistan

We, the undersigned, are a group of Canadian national and regional law firms with offices and operations across the country. Together with all Canadians, we take pride in the transparency, efficacy, and functionality of our legal order. In this letter, we seek the extension of those very principles to Afghans who equally sought to uphold the rule of law and democracy in their country.

In August 2021, as news spread of the Taliban's rapid advance across Afghanistan, many Canadians were alarmed by the stories of fear and desperation among Afghans. The hasty evacuation of Kabul compounded the concern felt by Canadians who watched Afghans, many of whom had supported Canada and its allies for two decades, fall under the unchecked control of the Taliban.

Governments around the world have struggled to respond to the humanitarian crisis triggered by the resurgent Taliban and its renewed control over Afghanistan. Many vulnerable Afghans remain in hiding while others languish in precarious and untenable circumstances abroad with no clear pathway to secure resettlement. Recent reports indicate that the Taliban now has access to government and legal records disclosing information about lawyers, judges, and other individuals who worked alongside Canada and its allies.

As leaders of the Canadian legal community, we sought to respond meaningfully to the crisis in Afghanistan through a variety of initiatives. Staff members and lawyers at many law firms have conducted interviews with vulnerable Afghans and assembled, submitted, and pursued their applications for evacuation and resettlement in Canada.

We must do more.

We were encouraged by the announcement that Canada would resettle 40,000 Afghans in Canada. More recently, the announced resettlement of hundreds of female Afghan judges marked an important step towards this goal. However, many members of the legal community continue to

face the threat of retaliation by the Taliban. These individuals worked closely with Canada for years and provided our officials with vital support, such as thirty firm members at Shajjan & Associates, a law firm in Kabul, who provided legal services to the Government of Canada and the Canadian embassy in Kabul since 2013.

It is now time to satisfy fully the Government of Canada’s promise of resettlement – effectively, efficiently, and without delay. We therefore respectfully call upon the Government of Canada to do the following:

1. Devote dedicated government resources that are sufficient to review and rapidly determine the accumulated backlog of applications by Afghans for resettlement in Canada, including under the Special Immigration Measures program for Afghans who have helped the Government of Canada;
2. Coordinate the work of officials across government by creating a committee of Cabinet led by the Minister of Immigration, Refugees and Citizenship Canada and including the Minister of Foreign Affairs and the Minister of Public Safety, and encourage those Ministers to consult extensively with Canadians who are knowledgeable about the situation “on the ground” both here and in Afghanistan; and
3. Tailor Canadian resettlement policies and programs to the circumstances of this crisis. While Canadian programs for private sponsorship have offered a key method for Canada to receive and integrate refugee families successfully in the past, this approach must be adapted to address the special circumstances currently facing vulnerable Afghans. Where certain resettlement requirements can be eased, the government should consider these options carefully.

We believe that by taking these steps, Canada will more readily achieve our shared goal: the safe and rapid resettlement in Canada of vulnerable Afghans, so they can re-start their lives in peace and security.

Yours truly,

Bennett Jones LLP

[Signed]
Authorized Signatory

Bereskin & Parr LLP

[Signed]
Authorized Signatory

Borden Ladner Gervais LLP

[Signed]
Authorized Signatory

Burchells LLP

[Signed]
Authorized Signatory

Cassels Brock & Blackwell LLP

[Signed]
Authorized Signatory

Cox & Palmer

[Signed]
Authorized Signatory

Dentons Canada LLP

[Signed]
Authorized Signatory

Fasken Martineau DuMoulin LLP

[Signed]
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Fillmore Riley LLP

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Fogler, Rubinoff LLP

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Gowling WLG (Canada) LLP

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Koskie Minsky LLP

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Mills & Mills LLP

Pink Larkin

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cc: Justice Parliamentary Secretary: Gary Anandasangaree (gary.anand@parl.gc.ca)
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February 28th, 2022

Re: Call for Urgent Action on Resettlement of Afghan Female Judges

TO:

The Honourable David Lametti
Minister of Justice and Attorney General of Canada

The Honourable Mélanie Joly
Minister of Foreign Affairs

The Honourable Sean Fraser
Minister of Immigration, Refugees and Citizenship

CC:

Patrick Travers
Senior Advisor on Global Affairs to the Prime Minister

Oz Jungic
Policy Advisor on Global Affairs to the Prime Minister

Caroline Séguin
Director of Outreach and Strategic Initiatives to the Minister of Foreign Affairs

Eloge Butera
Senior Policy Advisor to the Minister of Foreign Affairs

Olga Radchenko
Chief of Staff to the Minister of Immigration, Refugees and Citizenship

Savannah Dewolfe
Director of Operations and Legal Affairs to the Minister of Immigration, Refugees and
Citizenship

We, the undersigned representative organizations for lawyers, judges, and advocates across Canada and internationally, wish to highlight for your Ministries the need for Canada to urgently resettle the eminently vulnerable group of female Afghan judges whose lives remain in great danger six months after the fall of Kabul.

To date, Canada has been able to extend offers of resettlement to these judges through an important alliance between the United States and Canada on August 31, 2021 (henceforth, the “US-Canada Agreement for Afghan Resettlement”).¹ This alliance is in line with Canada’s shared values of justice, rule of law, and the national public interest given Canada’s recently stated immigration priorities.²

The urgent need to resettle female Afghan judges

Under Taliban control, female Afghan judges are amongst the most targeted and vulnerable groups in the region.³ This vulnerability is documented by both domestic and international reports. The danger these female Afghan judges face is compounded by their gender, prominent profiles as judges, and the fact that the Taliban has released the very criminals these judges prosecuted and who are now pursuing these judges.⁴

Canada itself recognized the distinct vulnerability of these women in August 2021 when it introduced the seminal “Special Humanitarian Program” for women leaders, which explicitly extended protection for “female judges”.⁵ This was the right thing to do; the dire situation in Afghanistan merits immediate action and particularly so for this high-profile and highly vulnerable group of women who fall within Canada’s stated mandate. The Government of Canada stated in August 2021 that it would not stand idly by:

Offering refuge to the world’s most vulnerable speaks to who we are as Canadians, particularly in times of crisis. As more Afghan refugees continue to seek shelter in Canada, we’re redoubling our efforts to help 20,000 Afghan refugees—who remain

¹ IRCC, “Canada reaches agreement with U.S. to support refugees’ travel to safety,” available at <https://www.canada.ca/en/immigration-refugees-citizenship/news/2021/08/canada-reaches-agreement-with-us-to-support-refugees-travel-to-safety.html> [accessed 16 February 2022]

² IRCC, “Humanitarian program for Afghan nationals in need of resettlement” available at [Humanitarian program for Afghan nationals in need of resettlement: How the program works - Canada.ca](https://www.canada.ca/en/immigration-refugees-citizenship/services/humanitarian-program/afghan-nationals-in-need-of-resettlement.html) [accessed 14 February 2022].

³ Anbarasan Ethirajan (6 October 2021) “Afghanistan’s female lawyers are on the run from men they prosecuted,” BBC News, available at <https://www.bbc.com/news/world-asia-58742581> [accessed 16 February 2022]; Claire Press (28 September 2021) “Female Afghan judges hunted by the murderers they convicted,” BBC World Service, available at <https://www.bbc.com/news/world-asia-58709353> [accessed 16 February 2022]

⁴ *Ibid.*

⁵ IRCC, “Supporting Afghan nationals: About the special programs,” available at <https://www.canada.ca/en/immigration-refugees-citizenship/services/refugees/afghanistan/special-measures.html> [accessed 16 February 2022]

*vulnerable wherever they go—find safety here. The situation in Afghanistan is heartbreaking, and Canada will not stand idly by.*⁶

Canada must stand by its promise to these female Afghan judges who need assistance urgently for their lives to be spared.

Expanding the use of the US-Canada Agreement for Afghan Resettlement is in our national interest

Following the US-Canada Agreement for Afghan Resettlement on August 31, 2021, Canadian officials have indicated on numerous occasions the desire to assist female Afghan judges in easing their plight. Indeed, Canada has been making good on its commitment through use of the US-Canada Agreement for Afghan Resettlement. This agreement, however, currently contains a quota of 5,000 referrals, a number which has now been met.

The United States Department of State has signaled its willingness to refer the remainder of the judges through this mechanism if the quota is increased by Canada. Canada must increase the quota for this distinct group of female leaders desperately seeking Canada's assistance. This is the right thing to do and is in Canada's national interest. The additional spots would permit Canada to meet its promise to the female Afghan judges, whilst increasing the overall numbers of resettled at-risk Afghans. There are also recent and ample precedents for Canada's successful cooperation with the United States in this endeavour.

Canadians widely support the resettlement efforts. These women have upheld Canada's shared values of rule of law, democracy, and transparency. They also pose the lowest possible security threat to Canada. Afghan judges can easily have their identities verified through judicial badges, identification numbers, and previous judgements. Moreover, these impressive women bring significant human capital to Canada in the form of academic achievements, advanced linguistic capabilities, and attractive professional experience. Upon arrival, they hold the promise of rapid integration within Canada.

As advocates for justice and the rule of law, we are beholden to call on Canada to uphold its commitment to Afghan female judges – both in honour of their work to further justice and the rule of law in Afghanistan and because it is the right thing to do. We must extend the quota under the US-Canada Agreement for Afghan Resettlement and reinvigorate our collaboration with the United States to end the difficult limbo for these women. It has been six months since we made the commendable commitment to resettle vulnerable women leaders; we must complete our mandate by leveraging the systems which have proven to work.

Yours truly,

⁶ IRCC (31 August 2021) "Canada expands resettlement program to bring more Afghans to safety," available at <https://www.canada.ca/en/immigration-refugees-citizenship/news/2021/08/canada-expands-resettlement-program-to-bring-more-afghans-to-safety.html> [accessed 16 February 2022]

Honourable Irwin Cotler, P.C., O.C., O.Q., Ad.E.
Former Minister of Justice &
Attorney General of Canada

Honourable Allan Rock, P.C., C.M., O.Ont., QC
Former Minister of Justice &
Attorney General of Canada

International Bar Association



International Bar Association
the global voice of the legal profession

Canadian Council of Law Deans



International Association of Judges



Canadian Association of Law Teachers



International Association of Women Judges



International Association of Women Judges
Advancing Human Rights and Equal Justice for All

Avocats Sans Frontières



Women's Legal Education and Action Fund



LEAF WOMEN'S LEGAL
EDUCATION & ACTION FUND
FAEJ FONDS D'ACTION ET D'ÉDUCATION
JURIDIQUE POUR LES FEMMES

Lawyer's Rights Watch Canada



Raoul Wallenberg Centre For Human Rights



The Advocates Society



Lord Reading Law Society



the LORD READING
LAW SOCIETY

Letters of support for this initiative to be independently conveyed under separate cover:

Federation of Law Societies of Canada



Federation of Law
Societies of Canada

Canadian Bar Association



Canadian Superior Court Judges Association



CSCJA / ACJCS