

June 7, 2017

Hon. Ahmed Hussen
Minister of Immigration, Refugees and Citizenship
ahmed.hussen@parl.gc.ca

cc: Hon. Dominic LeBlanc, Beasejour, dominic.leblanc@parl.gc.ca, Hon. Ginette Petitpas Taylor, Moncton, ginette.petitpastaylor@parl.gc.ca

Re: Grant Mohamed Amine Maazaoui permanent residency

Dear Hon. Ahmed Hussen,

No One is Illegal Fredericton¹ urges you to intervene to grant permanent residence to Mohamed Amine Maazaoui on humanitarian and compassionate grounds.

Mr. Maazaoui, a 33-year old man from Tunisia, is a convert from Islam to Christianity. He fled Tunisia with his adoptive parents and sister due to a fear of religious persecution. He arrived in Canada with his family in 2011, and settled in Moncton, New Brunswick. He quickly obtained employment, and built a strong network of community support through extensive volunteer work.

His family has been granted permanent residence status on humanitarian and compassionate grounds, but Mr. Maazaoui was refused. **This result is unfair.** Both he and his family fled the same conditions or persecution in Tunisia, and they all share a family bond, which would be torn apart if he was to be returned to Tunisia.

Since 2015, Mr. Maazaoui has been living in the Shediac Bay Community Church sanctuary for fear of deportation to Tunisia. The church community has shown compassion and support for him, as he bides his time to have his case reconsidered. In this situation, he is unable to work, volunteer outside of the church and build a life of his own.

Church sanctuary supports a humanitarian and compassionate (H&C) claim

Mr. Maazaoui made the decision to seek sanctuary in the Shediac Bay Community Church (SBCC) as a last resort. The SBCC church committee decided to support Mr. Maazaoui's claim because they believe he has a right to stay in Canada. Case law in Canada provides support for granting humanitarian and compassionate relief to a person who has been offered sanctuary in a church. In the leading case of *Damte v. Canada* (2011)², the federal court decided:

... sanctuary was provided out of humanitarian and compassionate concern for her well being ... sanctuary was granted to the Applicant by the Church on the basis that it was

¹ **Who is No One is Illegal Fredericton?** Through our work on Unceded Wolastoq Territory (Fredericton, New Brunswick), we strive and struggle for the right to remain, the freedom to move, and the right to return for all migrants. We combat racial profiling, detention and deportation, and exploitative working conditions of migrants.

² *Damte v. Canada (Minister of Citizenship & Immigration)* 2011 FC 1212.

"just" for her to have the opportunity to remain in Canada until her H&C request was completed.

In the 2000 Immigration Appeal Decision case *Bahsous v. Canada*³, the board stated:

... One can imagine that not all persons trying to evade deportation would evoke such sympathy and support from a church, and one can only assume that Church leaders in this country would reserve their church basements for only those most deserving of sympathy.

Additionally, a manual has been produced by the Canadian Sanctuary Network for churches considering sanctuary, titled, *The Legal Implications of Offering Sanctuary*.⁴ The manual states:

“Sanctuary” is the act of offering a safe place for a refugee who is facing deportation. Religious communities may offer their place of worship as a temporary shelter for a refused refugee in order to protect that person from deportation to a dangerous situation.

The manual notes moral obligations to provide protection to those in need as well as legal obligations under international law, namely the *1951 Convention Relating to the Status of Refugees*. The manual is a demonstration that decisions to offer church sanctuary are not taken lightly, but based on careful consideration.

Finally, the fact that someone has taken sanctuary in a church should not diminish consideration of their degree of establishment in Canada. In the immigration policy manual for humanitarian and compassionate decisions,⁵ no mention is made specifically about the effect of living in church sanctuary on degree of establishment. However, the decision to offer humanitarian and compassionate relief factors, partly, on whether the person has developed strong connections and involvement with a particular community. While more challenging, this can still happen while an applicant is in sanctuary. In fact, evidence of an applicant garnering community support while in sanctuary, and of being included and involved in church community activities, should help support the claim that the person is established.

No One is Illegal Fredericton urges you to view the offering of sanctuary to Mr. Maazaoui as a positive factor, and intervene to grant permanent residence to him on humanitarian and compassionate grounds. His only home is in Canada, where his family and community resides, where he works and volunteers his time back to the community that supports him.

Sincerely,

Asaf Rashid
No One Is Illegal Fredericton

³ *Bahsous v. Canada (Minister of Citizenship and Immigration)*, [2000] I.A.D.D. No. 1876.

⁴ Canadian Sanctuary Network, “The Legal Implications of Offering Sanctuary: A statement from the Canadian Sanctuary Network” (updated May 30, 2014), online: <<http://sanctuarycanada.ca/userfiles/downloads/Legal-implications-of-offering-sanctuary-May302014.pdf>>

⁵ Citizenship and Immigration Canada, “IP5: Immigrant Applications in Canada made on Humanitarian or Compassionate Grounds”, (last modified November 23, 2012), p. 44, online: <<http://overseastudent.ca/migratetocanada/IMMGuide/CICManual/ip/ip05-eng.pdf>>