



Ontario
Civil Liberties
Association

"The OCLA takes a vigorous and highly principled approach to defending free speech rights, which is an approach that is sorely needed in Canada today."

—John Carpay,
President,
Justice Centre for
Constitutional Freedoms

"I am very pleased to learn of the Ontario Civil Liberties Association, and wish it the greatest success in its work, which could not be more timely and urgent as elementary civil rights, including freedom of speech, are under attack in much of the world, not excluding the more free and democratic societies."

—Noam Chomsky,
Institute Professor, MIT

"Freedom of expression is our most fundamental and most precious freedom. It has been under attack in Canada for years. The Ontario Civil Liberties Association has taken a position on freedom of expression that is both courageous and principled. The OCLA now stands alone and its position should be supported by all Canadians who cherish democracy and freedom."

—Robert Martin,
Professor of Law,
Emeritus,
Western University

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January 7, 2018

By Email

The Honourable Ahmed D. Hussen
Minister of Immigration, Refugees and Citizenship
House of Commons
Ottawa, Ontario
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Minister@cic.gc.ca

Dear Minister Hussen:

Re: Government's intent to deport Mr. Abdoul Abdi, and systemic violations of international law

The Ontario Civil Liberties Association (OCLA) advocates for civil and human rights, including the right of citizenship.

We are writing about the rapidly evolving circumstances of Mr. Abdoul Abdi, and about Canada's emerging practice of denying or retracting citizenship in cases that have the appearance of being politically motivated and discriminatory.

As we understand the situation, Mr. Abdi came to Canada at age six as a refugee. He was almost immediately separated from his family and placed in the child welfare system. For the duration of his time in many different foster homes, some of which Mr. Abdi says were abusive, Nova Scotia's Department of Community Services never applied for his citizenship. As an adult, Mr. Abdi was convicted of criminal offences and sent to jail.

Mr. Abdi's jail sentence ended January 4, 2018. Instead of releasing him, the jail transferred Mr. Abdi to the Canada Border Services Agency (CBSA). He is now in immigration detention in Edmonston, New Brunswick. CBSA has not been allowing Mr. Abdi's lawyer to have a detention review. Instead CBSA has scheduled an admissibility hearing on Monday, where Mr. Abdi's lawyer believes the government will strip Mr. Abdi of his permanent residency as a preparation to deport him.

These circumstances, if our information is correct, show an egregious disrespect for human and refugee rights by Canada. The State has separated this person from his parents and held him in custody for virtually his entire childhood, then jailed him as an adult, all under the State's domestic laws, to then immediately commence a process that would make Mr. Abdi in-effect stateless, even if another state were to accept Canada's machination.

Irrespective of any technicalities that Canada might advance regarding international law of citizenship and against statelessness, the circumstances of Mr. Abdi justifiably would put Canada in a very bad light, were it to pursue deportation.

This is occurring in a North American political context of propagandist alarmism regarding safety, which is exploited by world leaders, and in a cultural context in which there is undeniable "Islamophobia" regarding exaggerated presumed threats from immigration, religious incongruity, cultural tension, terrorism, and so on.

As such, in this case, it would be difficult not to see Canada as violating Article 9 of the *1961 Convention on the Reduction of Statelessness*, which it ratified in 1978:

"A Contracting State may not deprive any person or group of persons of their nationality on racial, ethnic, religious or political grounds."

under your watch as Minister of Immigration, Refugees and Citizenship.

Furthermore, if we accept an inferred "safety" pretext or the government's expressed pretext of "serious criminality", it is difficult to see how Mr. Abdi could be treated fairly in whatever state collaborates with Canada in this project.

It is obscene that Canada would jail a person under domestic law for the purpose of punishment and reform only to then apply the capital punishment of statelessness and exile.

In 2013, OCLA alerted the previous government to the similar case of Mr. Deepan Budlakoti. We asked then Minister Chris Alexander to "introduce legislation and/or binding directives in order to prevent such an egregious violation of a Canadian's civil liberties from occurring in the future". Instead, there is the appearance of a practice that may be an undisclosed policy.

Canada must not violate human rights for political reasons, irrespective of legal technicalities in doing so.

We ask that you do everything in your power to strike down any such systemic practice and that you facilitate that the citizenships of Messrs. Abdi and Budlakoti be normalized.

Yours truly,



Joseph Hickey
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