

# Gaza program increase raises security concerns | Sergio R. Karas

By **Sergio R. Karas**

Law360 Canada (June 26, 2024, 1:03 PM EDT) -- On May 27, 2024, Canada announced a significant expansion of its temporary resident visa (TRV) program for Gazans, increasing the number of visas from 1,000 to 5,000. This decision seems strange considering the security concerns raised by trying to screen individuals who have been under the rule of Hamas — a group designated as a terrorist organization by the Government of Canada.

The program expansion comes amidst warnings from U.S. FBI Director Christopher Wray about the escalating threat of terrorism to Western countries. Given that the TRV program focuses on individuals from an area governed by Hamas since 2007, there are legitimate concerns about the potential for terrorist infiltration into Canada. As of the announcement, the minister of Immigration stated that 448 Gazans had been issued temporary visas.



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Under s. 33 of the *Immigration and Refugee Protection Act*, a foreign national may be found inadmissible to Canada on security grounds if deemed a member of an organization engaged in terrorism. For example, in *Mahjoub v. Canada (Citizenship and Immigration)*, 2017 FCA 157, the Federal Court of Appeal affirmed that support of terrorism abroad was a threat to Canada's national security, highlighting the need for preventive state action and comprehensive security screening against both immediate and future risks.

Applicants for the TRV Gaza program must complete a detailed application form that includes a comprehensive personal and employment history since age 16. This form requires exact dates, roles, responsibilities, supervisors, reasons for leaving jobs and any disciplinary issues. Applicants must describe any scars or injuries requiring medical attention and list all social media accounts, former phone numbers, email addresses and passport information. Critics argue that the information required is overly intrusive. However, Immigration, Refugees, and Citizenship Canada (IRCC) has stated that such detailed information is crucial because biometric tests, like fingerprint scans or facial photo recognition, cannot be conducted in Gaza due to the control exerted by Hamas over the territory. Migrants must first cross into Egypt via the Rafah Gate, with Hamas controlling who can cross. This complicates efforts to verify applicants' identities and histories both before and after they cross the border into Egypt, making it challenging to ensure the accuracy and reliability of their background information.

After leaving Gaza, individuals undergo security assessments in a third country, where the Canadian Security Intelligence Service conducts additional security checks. This process involves co-operation with international intelligence agencies, including the Palestinian Authority, Israel's Shin Bet and the "Five Eyes" intelligence alliance that includes Canada, the United States, the United Kingdom, Australia and New Zealand. Following these checks, IRCC collects biometrics and finalizes the TRV application.

Despite efforts to implement comprehensive screening, vetting individuals from Gaza remains challenging due to its unique political, military and legal structures, which are separate from those of the Palestinian Authority (PA) in the West Bank. This separation complicates the process of conducting accurate background checks. United States counterterrorism expert Javed Ali likens

intelligence analysis to assembling a complex jigsaw puzzle, noting that Gaza's dense population and instability hinder data collection, often leaving agencies with incomplete information. In addition, Ghaith al-Omari, a former adviser to the Palestinian peace negotiation team, has pointed out corruption, nepotism and inefficiency within the PA. These issues, combined with limited on-the-ground sources in and around Gaza, make PA intelligence unreliable for Canada's screening purposes.

Another weakness in the security measures for the TRV program is that biometric data are cross-referenced with databases of known militants or individuals involved in previous security incidents. This method is only effective if the relevant information is accessible. Some terrorists may not be known to authorities or may lack a detectable history of involvement in terrorist activities.

Canada is not alone in facing these security challenges. A *New York Post* article from May 19, 2024, highlighted similar issues in the United States, where disorganized foreign governments, poor record-keeping and lack of information-sharing enabled "a Colombian murderer, a Somali terrorist, and an Afghan on the terror watchlist" to enter the country. Further, on June 14, 2024, CNN reported the arrest of eight Tajik nationals linked to ISIS, raising concerns about potential attacks on U.S. soil. These individuals had been vetted by immigration authorities and granted entry before intelligence later connected them to ISIS.

This problem is not unique to the West. Israel, despite its advanced intelligence, was caught off guard by the Oct. 7 Hamas attack, illustrating the difficulties in interpreting fragmented intelligence. Similarly, Canada's multi-layered security screening may ultimately struggle to effectively gather and interpret intelligence from Gaza, making it inadequate to address the unique risks posed by this region.

The growing concern of "lone-wolf" attackers infiltrating Canada through the TRV program is particularly alarming due to the significant reduction in intelligence-gathering capabilities following U.S. military drawdowns in the Middle East, including Afghanistan. Lone-wolf attackers, who act independently and without warning, pose a unique and formidable threat.

Canadian cases, such as *Canada (Citizenship and Immigration) v. Harkat*, 2014 SCC 37, and *Canada (Minister of Citizenship and Immigration) v. Jaballah*, [1999] FCJ No 1681, held that even indirect connections to terrorism may render individuals inadmissible to maintain national security and prevent those with potential terrorist affiliations from entering the country.

More worrisome, a recent poll by the Palestinian Center for Policy and Survey Research, conducted on June 12, revealed that over two-thirds of Palestinians still support Hamas's barbaric attack against Israel. This widespread support raises concerns about the potential admission of terrorist supporters through Canada's TRV program. With an estimated 30,000 to 50,000 fighters in Gaza, the security risks are noteworthy, especially considering the high likelihood of sympathetic family members, friends and supporters of Hamas entering Canada through this program.

Ensuring the safety of Canadian citizens must remain the priority. Any increase in the cap on Gazans seeking entry into Canada should be accompanied by even more robust and stringent screening measures to mitigate risks. Currently, there is no indication that such enhanced measures are being implemented, highlighting a critical gap that needs to be addressed to ensure national security.

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