

# Gaza visa program raises serious security risks | Sergio R. Karas

By **Sergio R. Karas**

Law360 Canada (January 12, 2024, 1:30 PM EST) -- On Jan. 9, the Canadian government launched a program that offers temporary visas to 1,000 Palestinians fleeing the ongoing conflict in Gaza. The initiative allows them a three-year temporary visa and work or study permit in Canada, contingent upon financial support from their Canadian anchor family members. However, admitting a large number of individuals from Gaza raises serious security concerns. These include challenges in screening for terrorist involvement, the potential strain on Canada's monitoring and enforcement capacities, and uncertainty about the return of Palestinians to Gaza after their temporary stay expires.



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These temporary measures pose a challenge to Canada's national security initiatives. That strategy, "Building Resilience Against Terrorism," as outlined by Public Safety Canada, prioritizes the freedom and security of its citizens, emphasizing prevention, detection, denial and effective responses to terrorist threats. The launch of the Gaza program raises concerns about Canada's ability to pursue its counter-terrorism objectives effectively. The strategy hinges on the proactive identification of trends, with a strong focus on preventive measures to dissuade individuals from engaging in terrorism. Yet, the large-scale entry of Palestinians from Gaza may increase security threats, potential overextension of Canada's capacities, and uncertainty regarding the identity and intentions of applicants entering through this program.

Further, the arrival of many individuals from the war zone has the potential to stoke the flames of anti-Semitism, which is on the rise. Given the surge in anti-Semitic incidents and attacks on Jewish people and businesses, hate crimes, and pro-Hamas protests, the proposed program could escalate tensions. In Toronto, home to Canada's largest Jewish population, police reported a worrisome increase in anti-Semitic incidents. Over 50 per cent of hate crimes are directed against Jews. Bringing in a large number of Palestinians from Gaza might heighten security concerns and potential violence. Prioritizing the security and well-being of Canadians, especially those in vulnerable communities, should take precedence over assisting foreigners and offers of sanctuary.

The Gaza relief program reveals that the Canadian government is willing to undertake substantial security risks to appease segments of the population that support Hamas and the Palestinians. These risks encompass screening challenges, monitoring difficulties, and lack of transparency. In contrast, in late 2023, Australia implemented a comparable program with stringent security checks, covering criminal records, aliases, known associates, family background, and a character test. Approval from the Australian Security Intelligence Organisation is contingent upon assessing applicants as not posing direct or indirect security risks. On the other hand, Immigration, Refugees and Citizenship Canada (IRCC) appears to fall short of addressing the unique circumstances of the Gaza conflict. The absence of rigorous security checks, in contrast to Australia's initiative, raises doubts about the Canadian government's commitment to protect the safety of its citizens and smacks of political expediency.

Section 34(1)(e) of the Immigration and Refugee Protection Act (IRPA) outlines reasons for declaring individuals inadmissible for engaging in acts of violence that may endanger the lives or safety of Canadians, and s. 34(1)(c) makes persons inadmissible for engaging in terrorism. However, it is extremely difficult to deport individuals on these grounds if they have not been convicted of a violent

act that has a nexus to national security.

The 2023 Supreme Court decision in *Mason v. Canada (Citizenship and Immigration)*, 2023 SCC 21, prescribes a rigorous standard for deportation without criminal convictions, requiring evidence of a genuine national security threat. That case involved individuals charged but not convicted, and therefore engaging in violent activity was determined not to be a threat to national security. Considering the challenges in deporting dangerous individuals, the Canadian government should heighten entry requirements to prevent potential terrorists and their supporters from entering the country.

The absence of transparency in the selection process, coupled with the government's possible expansion of the 1,000-application cap, raises concerns about Canada's capability to manage a substantial influx from Gaza appropriately. Given Gaza's population surpassing two million and the program's expansive family class definition, which includes siblings, proposals to eliminate the cap and increase applications underscore the security concerns about the program. Moreover, Canada may not have the infrastructure or sufficient intelligence officers to screen a large number of Palestinian applicants.

Canada's response to the Ukrainian refugee crisis, offering temporary visas to over 936,000 applicants, has been compared negatively to the Gaza program by pro-Palestinian activists. However, the Ukrainian conflict involves state actors and conventional warfare, whereas the Gaza program involves asymmetrical warfare and presents unique challenges because Hamas is a terrorist organization and has governed Gaza since 2005 with wide popular support for its aggressive stance against Israel. With Hamas controlling security through their brutal Izz ad-Din al-Qassam Brigades, allowing a large influx from a region governed by a terrorist organization seems to be a poor choice. Estimates by Middle East Eyes suggest that Hamas had between 30,000 to 50,000 fighters' strength in a population of 2.3 million. According to a *Globe and Mail* article on Dec. 21, 2023, the Minister of Immigration, Refugees and Citizenship has acknowledged the concern of potential Hamas members passing screening and entering Canada. This is not an encouraging sign.

In addition, this program lacks clear monitoring measures after the applicants enter the country. The absence of effective oversight raises significant concerns about the overall impact of the program on Canadian society.

It must be noted that several countries, including Egypt, rejected similar programs due to the potential risks associated with accepting Palestinians. The Canadian government has emphasized the limited number of partner countries willing to share resettlement responsibilities for the Gaza initiative based on security grounds.

The program requires urgent re-evaluation, emphasizing the need for transparency and rigorous enforcement. The swift implementation of this program admitting a high number of people from a conflict zone requires comprehensive screening of all applicants and severe penalties for non-compliance on participants.

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