Canada must urgently fix flawed immigration security rules: Sergio R. Karas for Inside Policy

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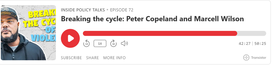
By Sergio R. Karas, January 28, 2025

As Canada faces increased threats of terrorist attacks, its lax, anachronistic immigration laws are putting all Canadians in jeopardy. Without urgent reforms to the *Immigration and Refugee Protection Act* (*IRPA*), Canada will face grave risks not just from terrorism but also espionage and subversion.

The critical need to tighten screening and secure the border comes as newly elected United States President Donald Trump threatens massive tariffs against Canada for failing to crackdown on the crisis earlier.

Section 34(1) of the *IRPA* sets out the inadmissibility criteria for individuals engaged in espionage, subversion, terrorism, being a danger to the security of Canada, engaging in acts of violence that would or might endanger the lives or safety of persons in Canada, or membership in an organization involved in such activities. This provision enables authorities to address potential threats to national security.

Canada faces several emerging security challenges, including terrorism, the rise of antisemitic violence, and Islamic radicalism. The trouble is, Section 34(1)'s overly broad definitions and inconsistencies in enforcement make it extremely challenging to address these rising threats.



Emerging threats to national security

Canada has long enjoyed a reputation for providing safe haven to refugees and other immigrants. However, the failure to properly screen newcomers – especially those from conflict zones – could exploit that weakness and allow radicals or terrorists to enter the country.

For instance, the federal government is currently accepting applications from Palestinians from Gaza to enter Canada. As of mid-January 2025, Immigration, Refugees, and Citizenship Canada has accepted 4,245 applications for processing under its temporary resident pathway for Palestinian extended family in Gaza; 733 people have been approved to come to Canada. Hamas's control of Gaza and Canada's limited ability to screen applicants pose heightened security risks. Since the October 7, 2023, Hamas terror attacks on Israel, Canada has been plagued by antisemitic violence and disruptive mass pro-Palestinian rallies. Meanwhile, polls indicate significant support for Hamas by Palestinians and its October 7 terrorist attacks. Although Canada has temporarily enhanced its screening protocols for Gazans, the risk of allowing Hamas terrorists or their supporters into Canada raises the risk of increased social tension and even antisemitic violence against Jewish Canadians.

Concerns about Canada's porous border are not just hypothetical. Recently, authorities arrested a Pakistani national in Canada for allegedly planning an attack on the Jewish community in New York. Muhammad Shahzeb Khan, in Canada on a study permit, told an undercover law enforcement officer that "October 7 and October 11 were the best days to target Jews."

Antisemitism has risen sharply in Canada since the October 7 attacks. The Canadian Security Intelligence Service (CSIS) warns that the Israel-Hamas war has led to a spike in "violent rhetoric" from "extremist actors" that could prompt some in Canada to turn to violence. According to the latest Global 100 survey conducted by the Anti-Defamation League (ADL), nearly half of people worldwide hold antisemitic views. The study found that 46 per cent of adults, an estimated 2.2 billion people, have strong antisemitic attitudes. This is more than double the level recorded in ADL's first global survey a decade ago and the highest ever reported.

At the same time, Canada has long struggled in its efforts to identify and deport potential threats to national security. For example, in *Mugesera v. Canada (Minister of Citizenship and Immigration)*, a former Rwandan politician accused of inciting violence against Tutsis during the Rwandan genocide, remained in Canada for over sixteen years before his deportation in 2012. His case highlights the extended timelines involved in the removal process. Former Immigration Minister Jason Kenney said that Mugesera's case showed that Canada was too generous with suspected foreign war criminals. He also said, "At some point, it turns into a mockery of Canada's generosity, eventually we have to remove war criminals and stop talking about it."

In another case, *Mahmoud Mohammad Issa Mohammad v. Canada*, a convicted terrorist managed to drag out his deportation battle 26 years. Mohammad – a member of the Popular Front for the Liberation of Palestine (PFLP) convicted of taking part in a deadly attack on an Israeli plane at Athens airport in the 1960s – lied about his identity, his criminal past, as well as his ties to terrorist organizations. Kenney told reporters at the time "This case is almost a comedy of errors, with delays, with a system that was so bogged down in redundant process and endless appeals that it seemed to some that we would never be able to enforce the integrity of Canada's immigration system and deport this terrorist killer." Authorities cited Mohammad for misrepresentation on multiple grounds, yet he still managed to remain in Canada for decades. The threat of misrepresentation is a significant security concern. Thorough screening is crucial to ensure that those admitted do not pose security risks, given their possible affiliation with groups involved in violence or other activities that threaten national safety.

The recent arrest of multiple suspects on terrorism-related charges is a wake-up call for Canada, highlighting an urgent need to overhaul immigration screening processes to safeguard national security.

On July 31, 2024, the RCMP announced the arrests of Ahmed Eldidi and his son, Mostafa Eldidi, on multiple terrorism-related charges. *Global News* reported that the two men, originally Egyptian nationals, were allegedly involved in terrorist activity connected to the Islamic State of Iraq and Syria (ISIS). The article also revealed that in June 2015, the father allegedly took part in an ISIS propaganda video where he was seen dismembering a prisoner with a sword. On August 28, 2024, the *Globe and Mail* reported that the father, who became a Canadian citizen just two months before his arrest, had initially been denied a visitor visa in 2017. However, after supplying additional documents, he obtained a visitor visa in 2018 and became a permanent resident in 2021. The fact that Ahmed Eldidi was able to become a naturalized citizen, despite his violent ties to ISIS is bewildering.

Furthermore, according to *Global News*, Canadian Hezbollah members have taken part in several attacks overseas. They include a Vancouver man wanted for a bus bombing in Bulgaria that killed five Israeli tourists and a local driver, as well as a former Toronto grocer, Fawzi Ayub, who was a hijacker and member of Hezbollah's Islamic Jihad unit. He was killed while fighting in Syria in 2014.

These arrests and the presence of such elements in Canada highlight the urgent need to revamp the system to prevent these security failures.

Reforming s. 34(1)

The Supreme Court of Canada in *Mason v. Canada (Citizenship and Immigration)* ruled that people can only be found inadmissible under section 34(1)(e) of the *IRPA* if they engaged in violent conduct linked to national security or the security of Canada. Since neither Mason nor his co-appellant were alleged to have engaged in acts of violence linked to national security or the security of Canada, section 34(1)(e) did not provide a basis for the inadmissibility of either person. This decision limits the ability of authorities to implement measures aimed at removing individuals from the country as it narrows the scope of grounds for inadmissibility.

Concerns about increasing Islamic radical activity in Canada have led the authorities to scrutinize events that may pose potential harm to the public. After Islamic radicals promoted a Hizb ut-Tahrir (HuT) Khilafah Conference 2025, authorities stated that "Reports of the upcoming conference, which was scheduled for January 18, 2025, in Hamilton, Ontario, were deeply concerning. Hizb ut-Tahrir has a documented history of glorifying violence and promoting antisemitism and extremist ideology." The conference organizers ultimately cancelled the meeting, but critics are still calling for Hizb ut-Tahrir to be designated a terrorist entity under the *Anti-Terrorism Act*.

Narrowing legislative definitions and enhancing oversight could address security challenges. In *Canada (Citizenship and Immigration) v. Harkat*, which deals with inadmissibility on security grounds, the Supreme Court of Canada noted the lack of clear definitions for critical terms such as "terrorism," "danger to the security of Canada," and "member of an organization" in Section 34(1) of the Immigration Act.

Further, in *Suresh v. Canada (Minister of Citizenship and Immigration)*, the Supreme Court of Canada provided a functional definition of "terrorism," drawing from international conventions. However, membership in a terrorist organization remains difficult to define. This absence of precise language has created challenges in interpreting and applying the provisions fairly and consistently.

In Charkaoui v. Canada, the Supreme Court of Canada dealt with the constitutionality of security certificates, the court noted the tension that exists between rights and security. In this complex security landscape, the responsibility to protect both national security and individual rights remains a challenge.

The overly broad definitions and terms in this section have meant that the courts have been reluctant to apply it. To address these issues, Parliament should bring forward amendments to render terms like "terrorism" and "member of an organization" more concrete by tying them to specific acts, so the courts will not have to guess what was meant in the legislation.

An internal audit of the Immigration National Security Screening Program, covering the period between 2014 and 2019, revealed that out of the 7,141 cases that were flagged due to security concerns, including war crimes, espionage, and terrorism, 3,314 were approved for temporary, permanent, and refugee status. That is nearly half (46 per cent) of the foreign nationals flagged by security agencies who have been allowed to become permanent residents despite those concerns.

In order to improve the system, Canada should conduct stricter background checks incorporating international intelligence, increase the scrutiny of applicants, and impose restrictions on individuals with links to regions dominated by extremist groups or nations known to sponsor terrorism.

Canada should also consider implementing policies and legislative initiatives such as the *No Visas for Anti-Semitic Students Act* introduced in the U.S. Congress to combat university encampments and antisemitic harassment, which aim to revoke visas for international students of pro-terrorist protesters, enabling immigration officials to remove foreign students engaged in illegal activities.

The federal government should also amend Section 34(1) of the *IRPA* to provide more flexibility to visa officers and to CBSA Port of Entry officers to deny visas and entry to individuals where there are reasonable grounds to believe that they will engage in

activities that will promote hate against an identifiable group, or whose rhetoric in public will be inflammatory. Further, authorities should also deny entry to individuals suspected directly or indirectly of ties to groups providing material support of terrorist organizations. The legislation must be updated so it can be used against modern-day public threats, and to ensure that the courts can rely on a clear legislative framework and policy to deal with judicial review of visa or entry denials.

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