



LAWYERS FOR SECURE IMMIGRATION

PO Box #67049  
Ottawa RPO Westboro  
K2A 4E4

lawyers4secureimmigration@gmail.com

July 1, 2024

By email:

[minister@cic.gc.ca](mailto:minister@cic.gc.ca)

Hon. Mark Miller  
Minister of Immigration, Refugees and Citizenship  
Government of Canada  
Ottawa, ON

The Immigration, Refugees and Citizenship website titled "Immigrate through the Economic Mobility Pathways Pilot: Who can apply" states:

"1. You must be a refugee or displaced person

To prove this, you must have one of these documents ...

a refugee certificate from the United Nations Relief and Works Agency for Palestine in the Near East (UNRWA) ..."

We request that this particular document be removed from the list of documents which would allow an applicant to be eligible for immigration through the Economic Mobility Pathways Pilot.

The definition of refugees which UNRWA uses is different from the international law definition for refugees. UNRWA refugees, unlike other refugees, have hereditary status.<sup>1</sup>

---

<sup>1</sup> [www.unrwa.org](http://www.unrwa.org)

The Office of the United Nations High Commissioner for Refugees (UNHCR) recognizes derivative refugee status under the principle of family unity. A person who obtains that status as a child can maintain it after reaching the age of majority.<sup>2</sup>

However, unlike UNRWA refugees, that status is subject to individual determination of the person from whom status is derived. As well, derivative refugees under the mandate of the Office of the United Nations High Commissioner for Refugees are subject to the cessation and exclusion clauses of the Refugee Convention, when these clauses apply either to them or to the persons from whom their status is derived. Moreover, a person who has nationality of another country can not obtain derivative status even if the family member has status.

UNRWA refugees maintain their refugee status even if they hold nationality in another state. For every other refugee, refugee status is a form of surrogate protection, where there is no state of nationality able or willing to protect. There are an estimated two million Palestinians who have refugee status with UNRWA despite having Jordanian nationality.<sup>3</sup>

UNRWA refugees need only to have been living in British Mandate Palestine for two years, between June 1946 and May 1948, to be eligible for UNRWA refugee status. They did not have to have nationality or even permanent residence in British Mandate Palestine to be considered UNRWA refugees. They could have been merely migrant workers.

Others must have nationality in the country where they claim a fear of persecution in order to qualify as refugees.<sup>4</sup> Only those persons who have no nationality can claim refugee status against a country where they have habitual residence.

---

<sup>2</sup> Procedural Standards for Refugee Status Determination under UNHCR's Mandate, "Processing Claims based on the Right to Family Unity", section 5.1 "Derivative Refugee Status"

<sup>3</sup> At the UNRWA Web site, click on "Fields" and then "Jordan."

<sup>4</sup> Refugee Convention Article 1A

Persons claiming refugee status under the Refugee Convention are excluded from refugee protection if they have the substantive rights of nationality of the country in which they have taken up residence, even if they are not nationals.<sup>5</sup> That is not the case for UNRWA, which has no such exclusion clause.

Every other refugee, in order to be eligible to seek protection from the international community has to renounce armed activity. A determination has to be made of the genuineness of that renunciation.<sup>6</sup> That is not the case with UNRWA refugees. There is no ineligibility provision based on intent to use force, or actual use of force.

Non-UNRWA refugees cannot be complicit in acts of terrorism. The Refugee Convention excludes those about whom there are serious reasons for considering that the person has been guilty of acts contrary to the purposes and principles of the United Nations;<sup>7</sup> terrorism is such an act.<sup>8</sup> That is not true, though, of UNRWA refugees. UNRWA has no exclusion or ineligibility clause based on complicity in terrorist acts.

The Palestinian Liberation Organization (PLO) drafted a citizenship law in 2012 granting citizenship to "those persons who acquired or had the right to acquire Palestinian nationality as of 6 August 1924"<sup>9</sup> This draft citizenship law has yet to be enacted by the Palestinian Authority.

---

<sup>5</sup> Convention relating to the Status of Refugees, 189 United Nations Treaty Series 150, Article 1E.

<sup>6</sup> "Operational Guidelines on Maintaining the Civilian and Humanitarian Character of Asylum," United Nations High Commissioner for Refugees, September 2006.

<sup>7</sup> Refugee Convention, Article 1F(c)

<sup>8</sup> *Pushpanathan v. M.C.I.* (1998), 1 S.C.R. 982, para. 120.

<sup>9</sup> <https://al-shabaka.org/briefs/the-case-for-palestinian-nationality/>

Nonetheless, the law is worth noting because it does not conform to the UNRWA definition of refugees. The PLO definition of citizenship excludes, for instance, migrant workers who had been living in British Mandate Palestine for two years, between June 1946 and May 1948, and had not acquired or had the right to acquire nationality in British Mandate Palestine as of 6 August 1924. The PLO definition also excludes the descendants of those migrant workers.

We submit, when one takes into account this combination of factors, a refugee certificate from UNRWA should not be on the list of documents which would allow an applicant to be eligible for immigration through the Economic Mobility Pathways Pilot. We so request.

Given the internationally accepted definition of Convention Refugee used by the UNHCR versus the more expansive one used by UNRWA for Palestinians, it is clear that the acceptance of the UNRWA meaning of refugee can and will be used to circumvent the parameters of the IRCC special measures for Gazans and offer another avenue for those to gain permanent entry to Canada where heightened security and background screening may not be employed.

Sincerely,

*Lawyers for Secure Immigration*

Lawyers for Secure Immigration

Cc: Hon. Dominic Leblanc, Minister of Public Safety, Democratic Institutions and Intergovernmental Affairs, [ps.ministerofpublicsafety-ministredelasecuritepublique.sp@ps-sp.gc.ca](mailto:ps.ministerofpublicsafety-ministredelasecuritepublique.sp@ps-sp.gc.ca), [dominic.leblanc@parl.gc.ca](mailto:dominic.leblanc@parl.gc.ca)