

Researcher takes Ottawa to court over refusal to grant landed status

SIX-YEAR BATTLE

Security report clears claimant of suspicions of links to terrorists

BY SIOBHAN ROBERTS

One of Canada's top asthma researchers and a University of Alberta scholar — once suspected of terrorist associations but cleared by a federal security committee — is taking the Ministry of Citizenship and Immigration to court over its continued refusal to grant him status as a landed immigrant.

The ministry has delayed a decision for six years on whether to grant landed status to Saren Azer, despite a report from the Security Intelligence Review Committee (SIRC) advising it to do so.

Mr. Azer is a PhD candidate at the university's Faculty of Medicine and chairman of the university's chapter of Amnesty International.

The SIRC report was published in September, 2000, and stated investigations by the Canadian Security Intelligence Service (CSIS) on Mr. Azer, commissioned by Ministry of Citizenship and Immigration into suspicions that the refugee claimant had as-

sociations with a terrorist organization, were "biased and full of conjecture."

"The report clearly advises the Minister of Immigration to go ahead and give me landed immigrant status," said Mr. Azer in an interview.

Mr. Azer added that he has been invited for the past four years to present his research findings at the prestigious American Academy of Asthma, Allergy and Immunology but he has not been able to attend since he cannot travel outside of Canada without the necessary documents to leave the country, or to get back in if he did.

Sharish Chotalia, a Calgary immigration lawyer representing Mr. Azer, said his case demonstrates a lack of accountability and transparency — about who gets into this country and why — which is endemic in the Canadian immigration system.

Ms. Chotalia says that when Mr. Azer first entered Canada as a refugee, the Ministry of Citizenship and Immigration had the right — and good reason — to place Mr. Azer under CSIS surveillance — which, according to Mr. Azer's motion, included wiretaps on his phones, break-ins to his apartment and interrogation of family, friends and colleagues.

"When he came to Canada he was like a kid in a candy shop. [Here], he could speak Kurdish, he could write Kurdish — he was

put in prison for speaking Kurdish or writing Kurdish in Iran — so when he came he was excited and contacted people from all over the world who would support Kurdish culture and identity. And some of those people were pro-PKK," she said, referring to the Kurdistan Workers Party, a terrorist group fighting for an ethnic state.

"We're not saying that CSIS shouldn't have followed him, but once they did, they should have done an objective assessment of him."

"That's where they failed," she said, "If they had ... they would have realized that this man is nothing other than an enthusiastic peace-loving academic. And that's what the SIRC report said, that in fact he is not a threat."

The SIRC report stated the CSIS assertions about Mr. Azer, "lacked substantiation and some damaging allegations about the complainant were found to be untrue."

It cited concerns that the information CSIS reported to the ministry was out of date and that CSIS investigators never provided the complainant with an opportunity to respond to the adverse information they held.

The report concluded that there was, "no evidence to indicate the complainant had ever been anything other than a peaceful and law-abiding individual."

Elinor Caplan, Minister of Citizenship and Immigration, declined to comment.

Mr. Azer's motion for judicial review of his claim is currently before the courts.

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