

International Civil Liberties Monitoring Group
Coalition pour la surveillance internationale des libertés civiles
338 Somerset Street West, Ottawa, Ontario, K2P 0J9
Tel. (613) 241-5298

October 15, 2013

The Honourable Steven Blaney
Minister of Public Safety
House of Commons
Ottawa, Canada
K1A 0A6

The Honourable Chris Alexander
Minister of Immigration
House of Commons
Ottawa, Canada
K1A 0A6

Honourable Ministers,

The International Civil Liberties Monitoring Group (ICLMG) is urging you to reverse the deportation order against José Figueroa, a Salvadoran refugee claimant living in B.C., who was forced to claim sanctuary in a Langley Lutheran church to avoid deportation to El Salvador at the end of the month. Mr. Figueroa, a married father of three Canadian-born children, has been ordered deported by the Immigration and Refugee Board (IRB) due to his past affiliation with the Farabundo Marti Front for National Liberation (FMLN), currently the governing political party in El Salvador. If deported Mr. Figueroa will be forced to uproot his family, including his Canadian-born children, despite by all accounts having contributed positively to his Canadian community for over 15 years.

The ICLMG is especially troubled by the fact that the IRB based its ruling on the Canadian Border Security Agency's (CBSA) assessment that the FMLN "is or was engaged in terrorism and/or subversion" and on coinciding legal arguments from the Ministry of Public Safety. This is ludicrous!

The FMLN is not, and never was a terrorist organization. It does not figure on the list of "terrorist entities" established by Canada or any other country. Furthermore, during El Salvador's 12-year civil war, the FMLN insurgency was internationally recognized as legitimate and representative, as per the joint declaration by the French and Mexican governments in 1981. At the time, the FMLN was a broad coalition of opposition forces that struggled against a murderous and repressive Salvadoran government and military

that targeted their own civilian population, violated human rights with impunity, and

..... / p. 2

sustained entrenched socio-economic injustice. One only has to remember the assassination of Bishop Romero, the murder of the six Jesuits at the Central American University, and the massacre at El Mozote, among other acts of terror committed by the regime. In 1992, following a peace process and negotiations supported by the international community, including the government of Canada, peace and democracy came to El Salvador and the FMLN became a legitimate political party. Since then it has participated in elections at all levels and has steadily become the country's leading political force. And on March 15, 2009, Salvadorans elected FMLN candidate Mauricio Funes as their President. The Canadian government recognized that election process as "free and fair," and was represented by Minister of State of Foreign Affairs Peter Kent during President Funes' inauguration on June 1, 2009. In addition, the Canadian government hosted an 'Ethics and Democracy Conference' in San Salvador in 2011, with the participation of President Funes. In light of all this, it baffles the mind that Canadian authorities conclude that a person is inadmissible to Canada simply for having been affiliated with the FMLN.

It is also no secret that most Salvadoran refugees in Canada came here to escape repression and would have similar sympathies, or even be associated, with the FMLN. The case of Mr. Figueroa therefore constitutes a very dangerous precedent for hundreds of other Salvadoran refugees who have been in Canada for many years and have made a very positive contribution to Canadian society. Under the immigration clause being used to justify this deportation, Nobel Peace prize recipients Nelson Mandela or Rigoberta Manchu would also be inadmissible to Canada.

This case also raises the question as to what extent Canadian immigration officials rely on US information when making refugee determinations, which in itself is extremely problematic when the US supported so many of the regimes that produced refugees in Latin America (Chile being another case).

Consequently, the ICLMG urges you to intervene without delay in Mr. Figueroa's case to reverse his deportation order and to allow him and his family to continue leading productive lives in their Langley, B.C. home. Also, your government must address the glaring policy gap this case brings to light and ensure that the FMLN is clearly and categorically recognized by the Immigration and Refugee Board and the Canadian Border Security Agency as a legitimate and representative political entity. Failing to do so would be an affront to the Salvadoran community in Canada, and others who have fled repressive regimes to seek asylum in our country.

Sincerely,

Roch Tassé
National Coordinator
International Civil Liberties Monitoring Group