

Cassels

January 12, 2022

VIA EMAIL

Tuma Young, QC
President
Nova Scotia Barristers' Society
Cogswell Tower
800–2000 Barrington Street
Halifax NS B3J 3K1

Kristin R. Taylor
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tel: +1 416 860 2973

Dear Mr. Young:

RE: **VULNERABLE AFGHAN LEGAL PROFESSIONALS WITH A SIGNIFICANT AND ENDURING RELATIONSHIP WITH CANADA**

I hope you are well.

I am the Managing Partner of Cassels Brock & Blackwell LLP (“Cassels”). As I’m sure you are aware, the situation in Afghanistan has been dire since mid-August when the Taliban seized control of the country. Canada’s military mission ended on August 26, 2021. Although Canada has pledged to accept 40,000 refugees, only 3,000 have been evacuated in the last two months. The haste with which the withdrawal had to be conducted has left many with connections to Canada stranded in a situation that is becoming increasingly dangerous, particularly for lawyers, judges, and others involved in the justice system who the Taliban perceive to be enemies of their regime.

Cassels is concerned about Afghan legal professionals who have helped the Government of Canada in Afghanistan in a significant and enduring way (the “Target Individuals”) and, as a result, are facing reprisal from the Taliban. Many of these Target Individuals were employed at Shajjan & Associates (www.shajjanlaw.com) which is Chambers ranked Band 1 and has represented Canada on matters of local Afghan law since 2013. The proprietor of the firm, Saeeq Shajjan, is a Harvard educated lawyer who was able to escape Kabul in mid-August and is now focused on assisting his firm members and the legal community in Afghanistan who, with him, assisted Canada in a significant and enduring way.

The Target Individuals have represented Canada publicly, before the local Afghan courts, and are well-known locally to have a close working relationship with Canada. As a result of the Target Individuals’ work with the Government of Canada they are in significant danger in Afghanistan. Many Target Individuals are in hiding and changing their location on a nightly basis to seek safety from the Taliban regime. The significant/enduring relationship between the Target Individuals and the Government of Canada, and the serious threat to several of the Target Individuals, has been verified by representatives of the Department of Justice and the Embassy of Canada. A

copy of the letters from the Department of Justice and the Embassy of Canada is enclosed with this letter. Moreover, the risk to the Target Individuals has grown exponentially as the Taliban has abolished the Independent Bar Association of Afghanistan, and now have access to all records.

The Target Individuals meet the requirements of Canada's special immigration measures program for Afghan nationals (the "SIM Program"). The Target Individuals have contacted the Canadian Government by email correspondence and/or via the Immigration, Refugees and Citizenship Canada (the "IRCC") web form, but to date have had no response. Cassels has assisted in these advocacy efforts on a pro bono basis, putting pressure on the IRCC and Members of Parliament to advance the applications for the Target Individuals through a process that has been slow-moving and uncertain to navigate, particularly for those in peril in Afghanistan. We understand from our discussions with various Members of Parliament and staff that this is the result of insufficient resource allocation to this important issue. Although the Canadian government has committed to resettling 40,000 Afghan nationals in Canada, only a small fraction have arrived in Canada to date and there is a backlog of hundreds of thousands of individuals waiting to hear back from the Canadian government.

Mr. Shajjan and Cassels' efforts have garnered some positive media attention through the CBC and the Globe and Mail. See:

[Canada's lawyers in Kabul have been left behind, and are losing hope | CBC News;](#)

[An Afghan lawyer and new refugee on his frustrations with Canada's resettlement plan | The Current with Matt Galloway | Live Radio | CBC Listen;](#)

[Ottawa urged to help Canada's lawyers left behind in Afghanistan.](#)

However, as indicated above, we still do not have any response from the IRCC. Through our discussions with various Members of Parliament, we have been advised that one of the most effective means of advocacy is mass outreach to Members of Parliament in an effort to bring attention to this issue, with correspondence copied to the Minister of Immigration.

I am reaching out to ask you to consider contributing to this important effort by soliciting volunteers from your members to engage in a letter-writing campaign, with a particular focus on the need to take action quickly, and to allocate appropriate resources to assess the eligibility of the hundreds of thousands of individuals awaiting a response from IRCC and prioritize those individuals who have assisted the Canadian government and are eligible under the SIM Program (specifically including the Target Individuals).

To that end, we have enclosed a sample letter which we would ask that the Nova Scotia Barristers' Society leadership send (tailored as you see fit, of course) and that you consider providing to your members for the purposes of reaching out to their local Member of Parliament, together with sample text for the covering email correspondence. This sample letter and email text is based on a similar letter-writing campaign that Cassels and a number of other major law firms have undertaken and the correspondence that members of Cassels have provided to their Members of Parliament.

We would ask you to consider urging your members to, if comfortable, reach out to friends and family members to ask that they contact their local Member of Parliament on this important issue. We have enclosed a form of sample text for that correspondence, but we understand that personalized emails often receive more traction and, as such, would encourage individuals to personalize as they see fit.

We would also ask you to consider mounting a coordinated effort with the provincial law societies in support of this cause, including delivering a joint letter to the Members of Parliament and the Senate.

We are hopeful that with our combined advocacy we can play a critical role in assisting the Target Individuals in escaping a life-threatening predicament in Afghanistan as a result of the work they did for the Government of Canada.

Our firm is grateful for this opportunity to make a difference in the lives of our colleagues in Afghanistan. Given the imminent danger, time is of the essence in acting on this request and we hope you will join us. We would be happy to meet with you further to discuss the pro bono efforts that Cassels has undertaken for the Target Individuals and encourage you to reach out to myself, as well as my partners Carla Potter (cpotter@cassels.com) and Ardy Mohajer (amohajer@cassels.com), or our Director of Equity and Associate Performance Zoë Paliare (zpaliare@cassels.com).

Sincerely,



Kristin Taylor
Managing Partner, Cassels Brock & Blackwell LLP
ktaylor@cassels.com

CC:

Noble Chummar, Deputy Managing Partner (nchummar@cassels.com)
Ted Frankel, Partner (tfrankel@cassels.com)
Carla Potter, Partner (cpotter@cassels.com)
Ardy Mohajer, Partner (amohajer@cassels.com)
Zoë Paliare, Director of Equity and Associate Performance (zpaliare@cassels.com)



Government of Canada Gouvernement
du Canada

Embassy of Canada Ambassade
du Canada

Port Au Prince
August 6, 2021

To Immigration, Refugees and Citizenship Canada:

I am writing this letter in my personal capacity, and as the former Consul and Counsellor at the Embassy of Canada to Afghanistan between 2017 and 2018

This letter is to confirm that Shajjan & Associates (A Full-Service Law Firm, led by Mr. Saeq Shajjan, registered under the laws of Afghanistan, in Kabul) was retained by the Embassy of Canada in Kabul and Global Affairs Canada to represent and advise Canada on matters of local Afghan Law impacting Canada's operation in Afghanistan since 2013.

Mr. Shajjan and his team have represented Canada Publicly, before the local court, with dozens of local Afghan citizens – mostly landlords as well Ministry of Foreign Affairs, Ministry of Interior, Kabul Municipality, local courts, the Office of the President and National Security Council. Mr. Shajjan and his team are well known locally to be Canada's local law firm and have a close working relationship with Canadian Staff at the Embassy.

His public representation of Canada does put him (and his family at considerable risk).

I have worked with Mr. Shajjan and his firm during my posting and have personal knowledge of his professionalism and commitment to ensure that Canada has received the best possible legal advice to anticipate and mitigate legal risks and successfully renegotiate lease agreement with landlords to avoid unnecessary spending and protect our taxpayers' interests.

I have personal knowledge of threats made against him and his firm from some local parties during a high value and hi-profile acquisition transaction that the Government of Canada embarked upon- namely the purchase of our USD 14 million Chancery. I myself was threatened in these cases and shared this info with Mr. Shajjan.

I strongly recommend Mr. Saeq Shajjan, his extended family (including his parents and two sisters who are financially dependent upon him, and taking into account the risk to educated women in a Taliban strengthened Afghanistan). Mr. Shajjan has specialized training, skills and job experiences as lawyer (with an LLM from Harvard University) which would enable him to make a valuable and productive contribution

Canada^{ca}

to Canada, and be an asset to Canada. His sacrifice, long dedication, and valuable service to our nation's efforts clearly warrant his selection for this visa.

I am available to provide any additional information about the close working relationship between Shajjan & Associates and the mission in Kabul that may be needed in support of eligibility or application for the Special Immigration Measures to Resettle Afghan Citizens who supported Canada's mission to Afghanistan.

Sincerely,

A handwritten signature in black ink that reads "Prabhu Hariharan". The signature is written in a cursive style with a large initial 'P'.

Prabhu Hariharan, MA, HBA, B Sc.

Director, Management & Consular services

prabhu.hariharan@international.gc.ca

<https://www.linkedin.com/in/prabhuhariharandiplomat>

Route Delmas, entre Delmas 71 et 75,

Port-au-Prince, Haïti

Cc. Mr. Francois Rivest, Charge d'Affaires, Embassy of Canada to Afghanistan

Cc. Mr. David Hartman, Director General- South Asia, Global Affairs Canada



July 28, 2021

To Whom It May Concern:

This letter is to confirm that the law firm Shajjan & Associates, led by Mr. Saeed Shajjan, located at House #11, Kocho-e-Miwa Froshi, Estgah-e-Burj Barq, Kolola Pushta Road, Kabul was retained by the Embassy of Canada in Kabul and the Department of Global Affairs Canada to represent and advise Canada and the Department of Justice on matters of local Afghan law impacting Canada's operations in Afghanistan. This representation has been continuous since 2013.

Mr. Shajjan and his team have represented Canada publicly, before the local court, with dozens of local Afghan citizens (suppliers and Landlords) as well as with the Afghan Ministry of Foreign Affairs. Mr. Shajjan and his team are well known locally to be Canada's local law firm and to have a close working relationship with Canadian Staff at the Embassy.

I have worked with Mr. Shajjan and his firm since 2013 in my role as legal counsel in the Department of Justice's Legal Services Unit to Global Affairs Canada. I have personal knowledge of his professionalism and commitment to ensure that Canada has received the best possible legal advice to anticipate and mitigate legal risks. I also have personal knowledge of threats made against him and his firm from some local parties during a high value and high profile acquisition transaction and put in place a communication strategy to minimize risks to him and his team.

I am available to provide any additional information about the close working relationship between Shajjan & Associates and the mission in Kabul, GAC and the Department of Justice that may be needed in support of eligibility or application for the Special Immigration Measures to Resettle Afghan Citizens who supported Canada's mission to Afghanistan.

Sincerely,

 Recoverable Signature

X Michelle Smith

Signed by: Smith, Michelle Lee

Michelle Smith

Legal Counsel / Avocate

Department of Justice Canada | Ministère de la Justice Canada

Global Affairs - Legal Services Unit | Unité des services juridiques – Affaires mondiales



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Sample Email Correspondence and Letter – Firm Members

SAMPLE EMAIL TEXT FROM FIRM MEMBERS:

[MP NAME],

My name is [FIRM MEMBER NAME] a resident in your riding and a **[partner/lawyer/manager/employee etc]**. at [FIRM NAME]. I am writing to you to draw your urgent attention to a group of vulnerable Afghans, including, lawyers, judges and other professionals, at Shajjan & Associates (the “Target Individuals”), who were contracted to provide services to the Government of Canada in connection with the mission in Kabul and had a significant and enduring relationship with the Government of Canada, which has put them in significant danger under the Taliban regime. These Target Individuals are currently in Afghanistan and meet the requirements under Canada’s special immigration measures program for Afghan nationals (the “SIM Program”). The Target Individuals have contacted Immigration, Refugees and Citizenship Canada for an application through this SIM Program but to date have had no response.

We urge you to review the enclosed correspondence and would like to discuss with you next steps for how you can assist us in helping these Target Individuals receive applications under the SIM Program and advocating for their care, evacuation and safety.

Thank you,

SAMPLE LETTER FROM [FIRM NAME] TO ATTACH TO EMAIL

November ____, 2021

VIA EMAIL

[NAME OF MP]
[ADDRESS]
[ADDRESS LINE 2]
[POSTAL CODE]
[ATTENTION]

Dear [Name of Member of Parliament]:

RE: VULNERABLE AFGHAN NATIONALS WITH A SIGNIFICANT AND ENDURING RELATIONSHIP WITH CANADA

We are lawyers at [FIRM NAME] (“[FIRM ABBREVIATION]”) who are concerned about lawyers, judges, and other Afghan legal professionals at Shajjan & Associates who have helped the Government of Canada in Afghanistan in a significant and enduring way (the “Target Individuals”). These Target Individuals are Afghan nationals whose employment involved a significant and enduring relationship with the Government of Canada. As a result of the Target Individuals’ work with the Government of Canada they are in significant danger in Afghanistan, with many of the Target Individuals in hiding and changing their location on a nightly basis to seek safety from the Taliban regime.

These Target Individuals meet the requirements of the special immigration measures program for Afghan nationals (the “SIM Program”). The Target Individuals have contacted the Canadian Government by email correspondence and/or via the Immigration, Refugees and Citizenship Canada (“IRCC”) web form and made referral to the SIM Program, but to date have had no response. Furthermore, this significant/enduring relationship with the Government of Canada is verified by representatives of the Department of Justice, who are aware of the serious threat to the Target Individuals as a result of their significant and enduring work with the Government of Canada, including as a result of the close working relationship between Shajjan & Associates and the mission in Kabul, Global Affairs Canada, and the Department of Justice.

[FIRM ABBREVIATION] is interested in arranging a meeting with you to discuss how you can contribute to helping these Target Individuals receive applications under the SIM Program and ensuring their care, evacuation, and safety.

We understand that there is a backlog in the IRCC system and hundreds of thousands of individuals are awaiting an assessment from IRCC under the SIM Program. Given the urgency of this situation, we urge you to allocate additional resources to (1) identifying, as a matter of priority, individuals that are eligible under the SIM Program (such as the Target Individuals) and (2) processing applications of individuals that are eligible under the SIM Program (such as the Target Individuals).

As it relates to the Target Individuals specifically, the significant and enduring relationship of the Target Individuals with the Government of Canada has been verified by representatives from the Department of Justice and supporting documentation was included in the documents submitted by the Target Individuals to IRCC. We would be pleased to provide supporting documentation to

you or any further information regarding the Target Individuals that would allow you to assist with ensuring that the Target Individuals receive applications under the SIM Program and can be evacuated to safety.

Our firm is grateful for this opportunity to make a difference in the lives of our colleagues in Afghanistan. Given the imminent danger, time is of the essence in acting on this request and we hope you will join us.

Sincerely,

[NAME OF MANAGING PARTNER]
Managing Partner, [FIRM NAME]
[EMAIL OF MANAGING PARTNER]

:

Sample Email Correspondence– Non-Firm Members

SAMPLE EMAIL #1 FROM NON-FIRM MEMBERS:

[MP NAME],

My name is [NAME], a resident of your riding. I am writing to you to draw your urgent attention to a group of vulnerable Afghans, including, lawyers, judges and other professionals, at Shajjan & Associates (the “Target Individuals”), who were contracted to provide services to the Government of Canada in connection with the mission in Kabul and had a significant and enduring relationship with the Government of Canada, which has put them in significant danger under the Taliban regime. These Target Individuals meet the requirements under Canada's special immigration measures program for Afghan nationals (the “SIM Program”) and the significant and enduring relationship of the Target Individuals with the Government of Canada has been verified by representatives from the Department of Justice. The Target Individuals have contacted Immigration, Refugees and Citizenship Canada (the “IRCC”) for an application through this SIM Program but to date have had no response.

The Target Individuals are currently in Afghanistan, with many in hiding and changing their location on a nightly basis to seek safety from the Taliban regime. They are in imminent danger as a direct result of the assistance that they have provided to the Government of Canada.

I understand that there is a backlog in the IRCC system and hundreds of thousands of individuals are awaiting an assessment from IRCC under the SIM Program. Given the urgency of this situation, I am urging you to allocate additional resources to (1) identifying, as a matter of priority, individuals that are eligible under the SIM Program (such as the Target Individuals) and (2) processing applications of individuals that are eligible under the SIM Program (such as the Target Individuals).

Given the imminent danger faced by many Afghan nationals (including the Target Individuals), time is of the essence in acting on this request and we hope you will do everything in your power to ensure that these individuals are evacuated safely.

Thank you,

SAMPLE EMAIL #2 FROM NON-FIRM MEMBERS:

[MP NAME],

My name is [NAME], a resident of your riding. I am writing to you to urge you to immediately allocate more resources to Canada's special immigration measures program for Afghan nationals (the “SIM Program”).

I understand that there is a backlog in the Immigration, Refugees and Citizenship Canada (“IRCC”) system and hundreds of thousands of individuals are awaiting an assessment from IRCC under the SIM Program. Many individuals who are eligible under the SIM Program are in imminent danger in Afghanistan as a direct result of the assistance that they have provided to the Government of Canada. Given the urgency of this situation, I am urging you to allocate additional

resources to (1) identifying, as a matter of priority, individuals that are eligible under the SIM Program and (2) processing applications of individuals that are eligible under the SIM Program.

Time is of the essence in acting on this request and we hope you will do everything in your power to ensure that all individuals eligible under the SIM Program are evacuated safely.

Thank you,