

Special Committee on Afghanistan  
House of Commons  
Ottawa, Canada

April 18, 2022

Re: Embassy of Canada's Local Law Firm Left Behind

**Honorable Chair, Honorable Vice-Chairs, and Honorable Members of the Special Committee on Afghanistan;**

I am Saeeq Shajjan, Founder and former Managing Partner of [Shajjan & Associates](#)<sup>1</sup>, an Afghan law firm that was established in 2011 and soon became a prominent name in Afghanistan. Shajjan & Associates has been recognized as Band 1 law firm by Chambers and Partners<sup>2</sup> and Legal 500 for several years. In addition to rendering legal services to mostly international clients including the Embassy of Canada, Shajjan & Associates also provided pro-bono legal support to needy people on numerous issues particularly women's rights and violence against women. The firm helped countless women who were at risk of or subjected to domestic violence, supported workshops on violence against women, and became well-known for these initiatives among the needy people in Afghanistan. It has also trained many young lawyers and supported several moot court competitions, round tables, and debates, by providing sponsorship and mentoring assistance. We will be happy to provide any supporting documents if required. Due to the above briefly stated portfolio of the firm and in the aftermath of the unexpected collapse of the republic, employees at Shajjan & Associates are exposed to serious security threats not only by the Taliban but also by other rogue elements of the Afghan society who in a way faced punitive measures because of the effective advocacy on women issues.

**Engagement with the Embassy of Canada**

Shajjan & Associates was retained by the Embassy of Canada in Kabul to provide representation on matters of local Afghan laws from 27 March 2013 through to December 2021. It is widely known as Canada's law firm in Afghanistan, representing the Embassy in Kabul and the Government of Canada on public and private transactional and advocacy matters. Evidence of the legal retainers with the Government of Canada can be provided if required. The employees at Shajjan & Associates assisted under this retainer in various areas, including labor and employment law real property, financials, civil law matters, and insurance law matters for the property interests held by the Government of Canada in Afghanistan.

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<sup>1</sup> [www.shajjanlaw.com](http://www.shajjanlaw.com)

<sup>2</sup> [Shajjan & Associates, General Business Law | Chambers Global Profile](#)

Shajjan & Associates successfully represented the Embassy of Canada on several traffic accident cases that were extortion attempts. The employees of Shajjan & Associates also worked on unique and significant legal mandates for the Government of Canada like the purchase of the building of the Embassy of Canada in Kabul which involved negotiating with various departments in the previous Afghan Government such as the Ministry of Foreign Affairs, the Ministry of Interior, the Ministry of Finance, municipality offices and local courts. Accordingly, it is public knowledge in Kabul that employees of Shajjan & Associates had a significant working relationship with Canada providing extensive support to Canada's role in Afghanistan, often as opposing counsel to local Afghan parties, which puts them in genuine danger of reprisal by these elements and the Taliban. As a result of such essential and longstanding service to the Government of Canada, lawyers and other support staff at Shajjan & Associates meet the threshold test for the Special Immigration and Measures program ("SIM Program").

### **Applications under the SIM Program and What we have done so far**

Around July 23, 2021, the Government of Canada announced special immigration measures (the "SIM Program") for Afghan nationals who had a significant and/or enduring relationship with the Government of Canada and thus are exposed to greater risk due to the nature of their work for the Government of Canada.

Considering the strong relationship, we built with the Embassy of Canada over the past few years, I contacted a couple of colleagues at the Embassy. and inquired whether lawyers and employees of Shajjan & Associates would be eligible to apply under SIM Program. The response was positive. We all sent out applications to [Canada-Afghanistan@international.gc.ca](mailto:Canada-Afghanistan@international.gc.ca), which included a letter from Shajjan & Associates confirming the employment of each Target Individual with the Firm, two letters of recommendation from Canadian officials, and retainer agreements Shajjan & Associates had signed with the Government of Canada. The letters of recommendation acknowledge the work they performed for the Government of Canada through their employment with Shajjan & Associates and the tremendous personal danger they are exposed to due to that work. One of these letters was written by our focal point in Ottawa in her capacity as Legal Counsel at the Department of Justice. Ms. Smith's letter attests to the professionalism and commitment these individuals made to ensure that Canada receives the best possible legal services while anticipating the resultant danger. An additional letter of support was written by a former Consul and Counsellor at the Embassy of Canada in Kabul between 2017 and 2018, which further attests to both Shajjan & Associates' sincere commitment to representing the Government of Canada in Afghanistan as well as the threats made against the firm and its members. These letters can be provided if required. The work lawyers and other employees of Shajjan & Associates performed for the Government of Canada has placed these Target Individuals at significant personal risk. They have remained in hiding and, in some instances, have been forced to change their locations on a nightly basis for their safety.

I have been following up on my application as well as my colleagues' applications, but we did not hear anything. On 17 Aug 2021, I was evacuated by a couple of my American friends from Kabul to Doha. I was lucky that I could take my family out of Kabul through other contacts and then on 03 Sept 2021, we all made it to Canada. but however, to this date, my colleagues have not received any response from the Canadian authorities other than auto-generated responses.

Since early August 2021, I have been begging for the support of every Canadian official I have communicated with. In response, I only heard that the issue had been shared with the right people, and we should hear soon. After arriving in Canada, I started writing to everyone and called the IRCC Hotline number several times each day, asking for an update. But there was no positive response.

I was left with no option but to bring this issue to the media, hoping it would get the officials to act faster. My interview on CBC's The Current with Matt Galloway was heard by Kristin Taylor, Managing Partner of Cassels, Brock and Blackwell LLP, and it became involved. Based on its position as a provider of legal services and its ability to advocate as a national law firm, Cassels took on this matter pro bono to assist the Target Individuals in gaining entry to Canada under the SIM Program. In working with the Veterans Transition Network, Cassels was advised that a newly set up Immigration, Refugees and Citizenship Canada ("IRCC") hotline could be contacted to review the status of the Target Individuals' applications. Approximately 70 lawyers and legal professionals made hundreds of calls to the hotline to ascertain the status of the referral requests made by the Target Individuals. The overwhelming response from these calls was that no information could be found about any of these Target Individuals. The IRCC agents working at the hotline could not look up any details of the Target Individuals' initial referral requests.

By the time that Cassels became involved in the matter, the procedure that individuals in Afghanistan had to undergo to receive an application under the SIM Program (i.e. the initial referral) had changed. Instead of sending a referral email to the government email address listed above, individuals were told to submit their referral requests via web form on the Government of Canada's website. Due to concerns that the initial emails were buried in a pile of correspondence, Cassels resubmitted the referral requests through the web form. We have not received a response to any of the web form referral requests to this date.

Alongside these efforts, Cassels undertook a letter-writing and correspondence campaign with Members of Parliament urging them to inquire into files of Target Individuals from Shajjan & Associates and see why none of the Target Individuals have yet received responses to their referral requests. As part of this campaign, Cassels contacted the Managing Partners of the major Canadian law firms, encouraging them to ask their lawyers and staff to consider sending a letter to their respective Member of Parliament. In addition, Cassels approached law firms in Nova Scotia, as the Minister of Immigration, Sean Fraser, represents the riding of Centra Nova. In addition to encouraging letter writing, this campaign was meant to target correspondence to Ministers of Parliament and achieve unified work from the legal community in this matter. Cassels has taken several meetings with Ministers of Parliament, including cabinet ministers and the Shadow Immigration Ministers, and remains in contact and continues to take meetings across party lines. Furthermore, a letter of support was written by the Shadow Immigration Minister for the New Democratic Party.

Cassels has also corresponded with the Prime Minister's Office, Global Affairs Canada, and the Minister of Immigration. Thus far, the Prime Minister's office has advised that they do not get involved in such matters as they fall within the purview of the Minister of Immigration. However, Cassels has not received a response from the correspondence with Global Affairs Canada or the Minister of Immigration.

With this, Cassels has also begun widening the breadth of the letter-writing campaign by reaching out to leadership at the Canadian Bar Association (the "CBA"), the provincial and

territorial CBA branches, and law societies in Ontario, British Columbia, and Alberta, as well as the Nova Scotia Barristers' Society. Cassels has asked them to consider mounting a coordinated effort to support this cause by delivering a joint letter to the Members of Parliament and the Senate while also asking their members to send letters to their respective.

I would like to mention here that the Target Individuals are all high-achieving and successful individuals that worked in the legal community in Afghanistan, and they would make a significant and immediate contribution to Canada upon their resettlement. Lawyers and support staff who worked at Shajjan & Associates meet the threshold test for admittance to the SIM Program. Cassels remains committed to assisting the Target Individuals in escaping a life-threatening predicament in Afghanistan and making a responsible living in Canada.

On January 11, 2022, we received an email confirmation from one senior official from GAC that all names of Target Individuals have been referred to IRCC, but we are yet to hear anything from IRCC. The Target Individuals have not even been invited to submit their application. I firmly believe that this honorable committee can support us by inquiring from the relevant authorities, so the Targeted Individuals' applications are immediately processed under the SIM Program.

### **Gender and Ethnic Diversity of the Target Individuals**

This group of all high-achieving and successful individuals is made up of different gender and ethnic groups. We have six women in our group, four of whom are lawyers, and three of four are fluent in English. We have four people from the Hazara ethnicity. The Taliban always target them for their race and religious beliefs. In one instance Taliban mass executed people of Hazara ethnicity in Yakawalang District of Bamian Province in 2001. We have three of our colleagues hailing from Panjshir Province. Panjshir's conflict continues between the National Resistance Front and the Taliban have targeted people from Panjshir Province arbitrarily. It is unfortunate to see people are supported just because of their gender or ethnic background, but people who served the Canadian mission are not helped. Here we are talking about an ethnically diverse group of people who had an enduring relationship with the Government of Canada, and now they find themselves left behind exposed to danger. They deserved to be helped before anyone else.

One member of the Target Individuals applied to and received admission to the University of Calgary before the fall of the republic in Kabul. She applied for a study permit and was in the IRCC system as this permit worked its way through. As you know, the Taliban has cut off access to education for Afghan women. Well, in turn, despite this woman also meeting the SIM criteria and being on the list referred from GAC to IRCC, Canada also denied her access to education, denying her study permit on the basis that she would not return to Afghanistan.

One of my colleagues, a Duke graduate, directly involved in many assignments given to us by the Embassy of Canada, was able to get to the U.S. to safety, but not with his wife or infant, who remain in danger and in hiding in Afghanistan. I literally cannot imagine this scenario, and I am sure none of the honorable members of this committee can. This colleague is one of the two witnesses on records for the purchase of the property; his name and photos are part of the title deed registered for the Chancery Building purchased by Canada. He was praised for his work by Ambassador Dave Metcalfe and Prabhu Hariharan in a farewell

ceremony. This ceremony was attended by Afghan officials and diplomats from various Embassies in Kabul.

One other colleague, a young lawyer, was working as my assistant. He was involved in most of the assignments given by the Embassy. He would arrange meetings with Afghan officials for the Embassy staff and myself. He would also liaison between the Embassy and Shajjan & Associates, and he went to the Embassy regularly. He is well known to be affiliated with the Embassy of Canada. These are a few examples of who these Target Individuals are and how they are affiliated with the Embassy of Canada. However, still, there is no progress on their applications under the SIM Program.

### **Current State of Target Individuals**

The Target Individuals are left helpless at the mercy of the Taliban and face increasingly desperate circumstances. Their lives are devastated by being left behind with no path to safety. They are living in constant fear of persecution and reprisal. Only a few of my colleagues managed to get out of Afghanistan, and even there is no progress in their cases. They have remained in hiding and, in some instances, have been forced to change their locations on a nightly basis for their safety. I am afraid they will not be able to continue to remain in hiding for too long. The Taliban have been to our previous office building, and the residence of several of these Target Individuals and have asked about their whereabouts. On April 6, 2022, a member of the Taliban has been to our office address and was inquiring about me. Still, if the Taliban cannot find me, they will for sure go after my colleagues. This is the time to help before it is too late. Who will take responsibility if any of these individuals are persecuted by the Taliban because they served the Canadian mission in Afghanistan?

I am not asking for anyone's extended family members to be brought to safety, but I am pleading and begging for the lives of only 28 people who are known as lawyers or employees of Canada's local law firm in Afghanistan and their family members who live in the same household with them. In addition to my 28 employees, I have also been advocating for seven people who are known judges, senior lawyers, and former Afghan Government officials. A detailed list can be provided if needed.

### **Who Has Been Helped by the Government of Canada Thus far?**

After eight months, only 11,165<sup>3</sup> people have made it to Canada. We all sincerely appreciate the efforts of the Government of Canada. Still, I am afraid the government has not done enough, but it has also failed to prioritize those who served Canada's mission in Afghanistan. As per the information available on IRCC's website, only 5630 people have made it to Canada under the Special Immigration Measures for Afghanistan. In contrast, 5535 Afghans made it to Canada through the humanitarian program under government-assisted refugee and privately sponsored refugee programs. This is not consistent with what the Government of Canada has repeatedly announced that the priority would be given to those who had an enduring relationship with the Government of Canada. I see people are helped from safe locations, including people who had a durable solution to live in Turkey with Turkish residency/passport options. Canada is just looking to add up numbers by bringing people from other safe places. A young woman has shared her story of making it to Canada on YouTube. She explains that she neither worked for the Government of Canada nor had an enduring

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<sup>3</sup> [#WelcomeAfghans: Key figures - Canada.ca](#)

relationship with the Government of Canada but simply wrote an email and asked for help because she is a woman. She was helped and brought to Canada while people who live in fear of reprisal and persecution from the Taliban are left alone. This is unfair and unjust. Canada needs to honor its commitment to those who served Canada in Afghanistan.

I see organizations are helped that never worked for any Canadian Mission. I know organizations that received some small funding from the Government of Canada for several years, but they all made it to Canada safely.

We recognize that Canada is known for human rights and welfare standards. While we were urged to leave behind all that we have invested in for years both in terms of blood and treasure, my colleagues find it difficult for them to remain in Afghanistan because with the Taliban in power, living in Afghanistan and practicing the values that we have fought for is no longer an option. Afghan youth have been the key stakeholders during the last 20 years, particularly those who were affiliated with and engaged in the efforts made by the international community in Afghanistan; they paid a huge price as they have been the key targets of violence committed not only by the Taliban but also other rogue elements. Like in the past serious security threats to people like us are still a critical and relevant issue. We have received local accounts from our contacts on the ground which prove well that the Taliban's so-called amnesty is merely for the appeasement of the international community; however, on the ground, they have continued with a vengeance and tracked numerous individuals. On one hand, the Taliban sees us as enemies who cannot be reintegrated into the "ideal Afghan society" from their perspective; on the other, we are also seen as outliers by the mass as they believe we have worked for the "foreign invader" and that we in a way spied for them. Therefore, I seek your support in bringing my colleagues to Canada to live at peace and establish roots in Canada.

## **Recommendation**

We Urge IRCC to:

- Invite employees of Shajjan & Associates to submit their applications.
- Issue Case numbers to applicants.
- Ensure priority processing for those who served the Canadian mission while other people are helped based on humanitarian grounds.

Sincerely yours

Saeeq Shajjan  
Shajjan & Associates  
Canada's Local Law Firm in Afghanistan