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Vigil and Press Briefing to Stop the Deportation of Mamadou Konaté

Join to Stop the Deportation of Mamadou Konaté

– Diane Johnston –



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The Canada Border Services Agency has undertaken procedures for the deportation of Mamadou Konaté, scheduled for Friday, September 30. He has been in Quebec since 2016, having fled his home country Côte d'Ivoire where his life was being threatened within the context of the civil war raging there.

Canada is using the very controversial Section 34 of the *Immigration and Refugee Protection Act*, introduced by the Chrétien Liberal government just weeks after 9/11, entitled "Security," to deny him admissibility to Canada. The legislation had been prepared before the events of 9/11, which means that the government had already been planning to crack down on dissent in certain countries where it and other so-called western democracies have definite interests, giving itself the right to deny asylum to some, no matter how undemocratic or dictatorial the government of a country. It has been suggested that under these provisions even Nelson Mandela could have been refused.

Côte d'Ivoire is a country rich in diamonds, gold, iron, manganese, bauxite, nickel, copper, natural gas and oil, with their exploitation still in its infancy. Many foreign companies are present there, including Canadian mining companies. In 2014, the government of Côte d'Ivoire adopted a new mining code that is very lucrative for them.

More recently, on September 24, Abdoulaye Maïga, Acting Prime Minister of the Republic of Mali, which borders Côte d'Ivoire, in his address to the general debate of the United Nations General Assembly's 77th session, accused France of violating Malian airspace "by sending aircraft such as drones, military helicopters and fighter planes over 50 times, bringing information, weapons and ammunition to terrorist groups."^[1]

He also blasted international response to the arrest of 49 soldiers from neighbouring Côte d'Ivoire who entered Mali in July. "We ask those who are refuting our version to ask if they would accept the military troops having hidden their identities by saying on their passports that they were painters or builders, would arrive with weapons in their airport without the country of destination having been informed in advance, with the idea of destabilizing the country," he was reported as saying.

In Quebec there have been three petitions that have garnered the signatures of close to 45,000 people demanding that Mamadou be allowed to remain in Quebec: the first presented in Quebec's National Assembly; the second in the House of Commons and the third, which can still be signed, on change.org.

At present, Amnistie Internationale Canada Francophone has undertaken a letter-writing campaign to the ministers of Immigration, Refugees and Citizenship and Public Safety, calling on them to stop the deportation proceedings against Mamadou Konaté. The letter expresses "deep concern" about the outcome of Mr. Konaté's case and calls on the Government of Canada to act quickly to put an end to this situation.

"Canada must respect its international obligations," it reads, "in particular the *Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment* (CAT), ratified by Canada in 1987." Article 3.1 of this Convention stipulates "No State Party shall expel, return ("refouler") or extradite a person to another State where there are substantial grounds for believing that he would be in danger of being subjected to torture."

Amnistie Internationale Canada Francophone has provided an English translation of the letter through a link on its website, which people can read and then return to its website to sign [here](#).

We appeal to all Quebecers and Canadians to sign both the ongoing petition and the letter to the ministers, as part of our responsibility towards Mamadou so that he is able to remain in Quebec and to ensure that no further injustice is committed against him.

Please join the movement against Mamadou's deportation by taking action now and calling upon all your colleagues, friends and family to do the same.

Together, we can make this happen.

Notes

1. Mali reports progress in political transition process, fighting terrorism, *UN News*, September 24, 2022.



Vigil and Press Briefing



A vigil and press briefing took place in Montreal on September 22 outside federal government offices at Complex Guy-Favreau. The action saw some 50 people come together in support of Mamadou Konaté, an asylum seeker from Côte d'Ivoire who is facing a removal order from the Canada Border Services Agency (CBSA) dated September 30. Mamadou has been living in Quebec since 2016, where he fled after being warned that if he remained in his home country, his life was in danger.

Since arriving in Quebec, Mamadou has had his work permit renewed numerous times and during the first waves of the pandemic, was employed as an essential worker in long-term care centres cleaning the rooms of vulnerable seniors who had contracted COVID-19. At that time, he also contracted the virus, but was unable to avail himself of health care because of his precarious status. Mamadou was also employed in warehouses, felled trees for Hydro-Québec and is presently a maintenance worker at Concordia University.

Interventions at the action were made by the Mamadou Support Collective; Mamadou Konaté, his lawyer Guillaume Cliche-Rivard, Quebec's Member of the National Assembly for Laurier-Dorion Andrés Fontecilla, Amnistie Internationale Canada Francophone spokesperson Marisa Berry Méndez, Carole Bénédicte Ze for Solidarity Across Borders (SAB), Noémie Beauvais from the Immigrant Workers Centre (IWC), and Frantz André from the Action Committee on Non-Status Persons (CAPSS).

A press communiqué issued for the occasion was read out by Amelia Orelia of the Mamadou Support Collective, which noted that despite "all of the mobilizing, despite all of Mamadou's efforts to expose the injustice of his situation," the CBSA has decided that he "will be deported on

September 30. Mamadou's story has been recounted in the media endless times over the past several years, particularly the role he played in long-term care homes during the first wave of the pandemic."

Over the past few weeks Mamadou's lawyer requested that the CBSA postpone his deportation date, however this was rejected on September 20. Cliche-Rivard had also filed an updated pre-removal risk assessment application (the last assessment dates back to 2018), as well as a new application for a temporary resident permit. His next step is an emergency application to the Federal Court for a stay of deportation, to buy time for a response on the new applications, as well as to Mamadou's request for a ministerial exemption, filed over a year and a half ago, so that his strong humanitarian case is considered.

Mamadou is being denied admissibility based on the controversial Section 34 of the *Immigration and Refugee Protection Act* (introduced by the Jean Chrétien Liberal government just weeks after 9/11), under the heading "Security." That section, the press release notes, "stipulates that anyone who has participated, directly or indirectly, in an attempt to overthrow a government will simply not be considered for their applications for status in Canada." The communiqué further informs that over the years, this section "has been questioned many times; notably because it entirely fails to take into account geopolitical contexts. While people like Mamadou are denied status because they have had the misfortune to live in countries torn apart by armed conflicts, the politicians directly involved in these conflicts have been welcomed into Canada, arms wide open. Mamadou is not complicit in any crime, here or in his country; why has the door been closed in his face once again?"

The press release concludes: "Mamadou's story continues to outrage the people of Quebec and it is high time that his status be regularized, like that of thousands of people living in similar situations. It is our responsibility as people living in Canada not to let this kind of injustice pass, especially since the federal government is in the process of developing a regularization program for undocumented people in Canada." "Status for all NOW!"

Participants at the September 22 action were informed that another action in support of Mamadou, this time in Rimouski, a four-hour drive from Montreal, had been organized the same day.



Mamadou's Case as Presented by Lawyer Guillaume Cliche-Rivard

"Support for Mamadou is absolutely incredible. ... and it's because of the support you are giving him, that he's still here in front of you." ... "Mamadou should have already received his papers ... been regularized and all of us should not have to be here, come what may, to defend him."

"Mamadou's case is extremely complicated but if we simplify it, there are two main aspects: the first is that the risks upon return have not been assessed since 2018 ... on whether the political and security situation in Côte d'Ivoire allows for his return. ... Safety wise, the situation has really gotten worse, as has political repression because of present government destabilization. ... Former prime minister Guillaume Soro has tried to take the presidency. There's a lot of tension. None of this has been assessed by Border Services or by the IRCC [Immigration, Refugees and Citizenship Canada]."

Guillaume Cliche-Rivard added that what also has not been evaluated is Mamadou's claims that he has returned to Côte d'Ivoire on a number of occasions and each time, was arrested, detained, and incarcerated.

"The person out to get him, wanting to cause him harm is today lieutenant general of the army in Côte d'Ivoire and what also has not been looked into is whether he is in a position to do so, and clearly he's in a position to go after Mamadou."

"Furthermore, there's also the issue of his case's high visibility, the fact that he has fought tooth and nail not to go back. Everyone there knows that when Mamadou gets off the airplane, he'll be arrested, detained, interrogated and unfortunately maybe even tortured.

"And all of that has been confirmed in a report by Amnesty International, a recent report submitted to Border Services signed by the Director General of Amnesty International in Côte d'Ivoire, with its conclusion that unfortunately Mr. Konaté will undergo an interrogation, an arrest, incarceration and inhumane treatment upon return.

"This has been confirmed by an expert on the ground and for the time being, Canada Border Services, are stubbornly attempting to deport him. So of course we'll apply to the Federal Court next week and we'll be keeping you abreast with respect to his deportation date. However, the Federal Court has the power to issue a stay on his removal and if it does not go in that direction, there's always the United Nations' Human Rights Committee, where we can lodge a complaint against Canada on behalf of Mr. Konaté. We're going to do everything in our power to avoid his deportation on September 30.



Mamadou Konaté a répondu à l'appel du Premier Ministre en travaillant dans les CHSLD lors de la première vague de COVID-19.

**Comment le Canada le remercie ?
En le renvoyant.**

"Above and beyond all the risks, there's also his positive file, all the work that Mr. Konaté did during COVID-19 in CHSLDs [long-term care centres]. He worked in three of them. He himself contracted the virus, which turned his life upside down for a time, then returned to work and continues to be employed today. He also has considerable support from the political class as well as within civil society. All these positive factors are there for him to be granted temporary status."

"We're putting pressure on the federal government, as it's the one that can grant status. Mr. Mendicino, the Minister of Public Safety as well as Immigration Minister Fraser must respond quickly, block Mr. Konaté's deportation and grant him status, but permanent status, as there's no way we're going to keep coming back here every three weeks, six months, or year to advocate for, then fight for Mr. Konaté."

"And so Mamadou, I truly hope that this time around, this mobilization is the right one and I hope that you find peace of mind."

(Quotes translated from the original French by TML. Photo: Amnistie Internationale Canada Francophone)



Speaking Up in Mamadou's Defence

Several people spoke at the press briefing:

Andrés Fonticella, who was the Member of Quebec's National Assembly for the Riding of Laurier-Dorion before the election was called, began by recounting that even though then Quebec Immigration Minister Nadine Girault had been called to avail herself of Quebec's immigration powers to intervene on behalf of Mr. Konaté, "She did not lift a finger."

The fact, he said, that Mamadou risked his life during COVID-19 "merits the gratitude of all of Quebec society, not only for what he did during the pandemic, but also all the others "with precarious migrant status who worked in the health care system, in warehouses, in the slaughterhouses. These are the people who kept the society functioning during COVID-19. If there's a duty of gratitude in Quebec society, it's towards all these sacrifices by these people who gave so much ...

"I'm also here to speak on behalf of all those in Quebec who do not comprehend the situation, who do not understand why the Quebec government is so close-minded." He added that during the election campaign he would have liked to have seen "just one CAQ elected member, just one candidate, say, 'Yes, Mr. Konaté deserves to remain here,' and 'Yes, he deserves recognition.'

"We are being called upon to mobilize in Quebec in support of Mamadou and prevent the injustice of sending him back to his country ... where he'll have problems ... to mobilize Quebec society, all those who support migrants with precarious status, to support the cause of Mr. Konaté ..."

Marisa Berry Mendez is the Spokesperson for Amnistie Internationale Canada Francophone. She said that Mamadou has been deemed inadmissible "even though the right to seek asylum is a universal right based on the Universal Declaration of Human Rights." She added that despite the report from Amnesty International's Côte d'Ivoire office, "Canada has determined that he is inadmissible to apply for asylum. In fact, since he has arrived in Quebec, Mamadou's rights have been violated on a number of occasions: his right to seek asylum has been violated by the inadmissibility clause contained in the *Immigration and Refugee Protection Act*, his right to health care has been denied, access to so-called universal health care was refused him based on the inadmissibility mentioned earlier.

"Mamadou's right to liberty has also been violated a number of times, when he was detained on four occasions at the Immigrant Detention Holding Centre in Laval."

She added that he is "a very valued member of the Montreal community, he has been an essential worker since arriving here, a neighbour, a friend and a colleague and continues to fight courageously for his rights to be recognized by Canadian institutions, and we support him.... Today we demand that the deportation of Mamadou Konaté be annulled and that a temporary visitor permit be granted while awaiting a response to the applications filed by his lawyer."

Carole Bénédicté Ze spoke for Solidarity Across Borders. She recounted her own experience as an asylum seeker and how, with the assistance of Guillaume Cliche-Rivard, she did not lose her status and is now a permanent resident. She spoke of the stress and fear that she experienced and raised the absurdity that on the one hand the federal government is preparing a regularization program for those without status and on the other, is deporting Mamadou.

Although Canada rants about freedom all the time, she said, "It doesn't give a damn and is a place where some people are not considered human beings and are treated as disposable work objects that can be returned to their country of origin. Generally, people who come here have no choice, they're forced to and are not looking for charity. We work hard, we sacrifice. There's a shortage of labour. I work in the health care sector, not because I have to, but because I see there's a need. And it's like that in all sectors of activity. It's incomprehensible that after sacrificing yourself, you're told that you won't be accepted." She added that this amounts to "21st century modern-day slavery" and "racism and discrimination."

Noémie Beauvais from the Immigrant Workers Centre spoke first and foremost as a friend of Mamadou's. She explained that after 11 years of fighting against the deportation of people like him, there's nothing that hasn't been said in the fight to have them treated with humanity, dignity and respect.

"Here we are again today," she said, "having to prevent the deportation of Mamadou for a fourth or fifth time, which is nothing compared to Mamadou himself, who has been convoked maybe 20 times, just to be asked the same damn questions, to be then called in again and relive the same circus, the same illusion of justice. It's just absurd.

"Everyone is critical of the decision, no one understands ... Yesterday, in researching articles on Mamadou, I found no less than 60 written by the media and even though many of the articles are denigrating, all the comments written by Quebeckers are always laudatory towards Mamadou."

Even her friends and family, she said, who live far away from Montreal and have no involvement in the movement, are familiar with Mamadou's story. "Mamadou, all of Quebec is behind you."

"Mamadou's story is full of suffering and injustice, full of precarious work under difficult decisions. But Mamadou's story is first and foremost a struggle for democracy, for social justice and for human rights."

Turning towards Mamadou, she concluded: "In this country, we feel that we need a lot more people like you."

Frantz André from the Action Committee on Non-Status Persons (CAPSS) said, "We are here today to demand respect for the right of Mamadou, a universal right, to live in a country peacefully, to bring up children and to give them hope that humanity is still alive. Mr. Legault was the first to speak about essential workers as 'guardian angels.' And we have before us here a guardian angel, and maybe ... of the wrong colour, who is being rejected and this, we have to talk about. ... Mr. Legault, who is talking about paying people from Europe \$53,000 salaries, I'd be curious to know what Mamadou earned working for hours on end during the pandemic.

"I'm the son of immigrants who arrived here in the '60s. My mother had to work illegally. I suffered from being separated from my parents for four years in Haiti. Ask Mamadou about the suffering he continues to experience today, of being far away from his family.

"Every time I come here, I remember what my parents had to go through. Each time, I again relive their pain. Every day I participate in assisting people in providing themselves with a reason to stay in Canada, because Canada said that diversity is our strength. That's what Mr. Trudeau continues to repeat. But even Mr. Trudeau, who travels to other countries, to train the military, and, in particular, welcome people here from the Ukraine when they arrive by plane, offering them a work permit and lodgings, supposedly on behalf of democracy, if we look at Mamadou here ... and look at who Canada chooses as its future citizens, we cannot keep on applying double standards."

(Quotes translated from the original French by TML)



**Day of Action Across Canada and Quebec Demands Status for All
Regularization for All, Now!**



Toronto, September 18, 2022

A successful day of action for *Status for All!* was held in cities across Canada and Quebec on September 18, two days before the opening of parliament. Events were organized by migrant rights organizations to demand that the Trudeau government uphold the rights of hundreds of thousands of people to permanent resident status.

Actions took place in Vancouver, Edmonton, Guelph, Clarksburg, Toronto, Hamilton, Sudbury, Ottawa, Montreal, Halifax, Charlottetown, Fredericton, Miramichi, and St. John's.

Montreal



In the pouring rain, hundreds of people congregated -- a literal gathering of the United Nations in Montreal -- at the foot of the toppled statue of Sir John A. MacDonald at Canada Place. A more fitting venue could not have been found by the organizers, which included Solidarity Across

Borders and the Immigrant Workers Centre. The atmosphere was friendly, militant and cultured, as activists, with undocumented migrant workers themselves at the forefront, expressed their resolve that everyone be included in a regularization program for permanent residency, where their rights are recognized, as human beings and as members of the Quebec and Canadian polity.

Mamadou Konaté, originally from Côte d'Ivoire, threatened by the federal government with deportation on September 30, was the first to speak. He pointed to the contribution made by undocumented workers throughout the pandemic, forced to work in essential services and deprived of any government assistance such as proper health care for themselves in Quebec and the Canada Emergency Response Benefit that was provided to Canadians and permanent residents. He called for an end to deportations and a regularization program for all.



Jasmin de la Calzada of PINAY, a Filipino organization in Quebec working with migrant workers, brought home the point that "all deserve to work in dignity and respect, whether they've arrived as workers, asylum seekers or because they want to make a new life, away from the social and political repression, turmoil and economic hardships that western nations like Canada have largely contributed to and perpetuated in many parts of this world." She added that displaced people, migrants, asylum seekers and the undocumented "deserve a regularization program that is inclusive and non-discriminatory. We can make this possible and today, we make it heard loud and clear."

Activists took to the street and made their way to the offices of the Canada Border Services Agency, where Frantz André of the Action Committee on Non-Status Persons (CAPSS) told the crowd: "We must continue to fight for those presently *en route* to Canada. We've seen thousands of people, Haitians amongst others, who have been deported to their country without even a hearing, and there are thousands who continue to leave their country to get to the U.S. and from there to Canada." He told the crowd, "Your commitment is proof that humanity is still very much alive and some day, we will all be Canadians, but we have to keep on fighting for it. They will not be giving it to us. We deserve to be Canadians. We've been contributing economically, socially."



Susana Pont Rivera from the women's organization Echo des femmes, spoke of her organization's motto, which is that alone, everything is difficult, however together, anything is possible. "We therefore call upon our sisters and comrades, on women's groups in Quebec and across Canada to mobilize for regularization. We salute the strength and the determination of women without status. They are part of our communities and must stay," she said. This is proof positive that the movement in Quebec for the recognition of the human rights of the undocumented continues to grow and through

all our efforts, will prevail, she added.

The procession then made its way to the offices of the Legault government in Montreal, where the very successful and inspiring action ended with the denunciation of racist statements made by the

Premier linking immigrants with violence.





Toronto



In Toronto 1,500 people, including migrant students and workers, refugees and undocumented workers, took part in the action. The spirit of the action was captured in the words of welcome by Vanessa Gray, an *Anishinaabe kwe* from Aamjiwnaang First Nation who expressed the solidarity between Indigenous people and immigrants, refugees and undocumented people. She pointed out that the Canadian state treats Indigenous peoples brutally, as it does newcomers and that by uniting and working together, by supporting each other's struggles, a bright and secure future for all will be achieved.

Many speakers addressed the participants in the rain at Christie Pits, including Merari Borgez, who moved from Mexico City to Toronto with her family as refugees. She spoke about how her family struggled to access basic services such as health care and education as well as her father's brutal exploitation as a factory worker who had to continue working despite a workplace injury or face the loss of his livelihood. "Living without status is dehumanizing," she said, and demanded that the Trudeau government prioritize the means to provide status for all migrants and refugees in Canada. "We don't want pity. We want action," she said.

Caroline Michael, an undocumented health care worker who works as a personal support worker in a Toronto hospital, shared her many efforts to remain in Canada. She must pay for her health care and other services and cannot take time off from work particularly during the pandemic. "This is like [you are] in prison. You're being held captive," she said. "Why should we be treated this way? All human beings deserve to be treated rightly. We have the right to live happily in Canada," she said. She demanded that the Canadian parliament regularize the status of everyone living in Canada so they have stability and dignity.



Following the speeches, with undocumented workers, refugees and migrant workers leading the way, participants marched to the constituency office of Deputy Prime Minister and Finance Minister Chrystia Freeland, chanting *Status for All Now!* and other slogans, drawing the attention and support of people along the route, some of whom joined in.





St. John's



Halifax



Ottawa





Sudbury



Hamilton



Edmonton





Vancouver





(Photos: TML, Migrant Action Centre, NOII Halifax, Justice for Workers, G. Kaur, C. Taylor Flook, Workers Education and Advocacy Centre, Hamilton and District Labour Council Young Workers, Migrante Alberta, M. Wiedmeyers, L. Davee, Defund 604 Network, D. Clark)



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