

AWOL in Canada

a Counseling Memo

War Resisters Support Campaign April 2006

*The **War Resisters Support Campaign** in Toronto has been actively supporting U.S. war resisters in Canada since early 2004, helping them and their families to find Canadian lawyers, housing and jobs, coordinating hundreds of media and speaking engagements, organizing benefit concerts, and initiating a national petition campaign calling on the Canadian government to provide sanctuary for all war resisters. We have raised this issue in candidates' forums, and successfully enlisted the support of Canadian trade unions and progressive political parties.*

The Campaign supports individual war resisters who are currently seeking political refugee status in Canada, and we closely monitor the progress of all relevant legal proceedings. At the same time, the Campaign calls on the Canadian government to provide a sanctuary for all war resisters, whether or not they are granted refugee status.

*Based on this experience, and on discussions with the war resisters, their Canadian lawyers, and GI counselors in the U.S., we provide the following **Counseling Memo** for all those who may have occasion to talk to GIs and their families about their options for avoiding war. If you require our assistance or have further questions as the situation evolves, please do not hesitate to telephone us at 416-598-1222, email us at resisters@sympatico.ca, or check out our website at www.resisters.ca.*

AWOL GI's Have Been Going to Canada for Two Years

It is time to update our counseling information

For over two years now, AWOL U.S. soldiers, sailors, and marines have been arriving in Canada, most of them after receiving orders to deploy (or re-deploy) to the Iraq War. So far, not one of them has been deported back to the U.S.

Thousands of AWOL GI's are also in the U.S. The Pentagon estimates about 8,000. With proper counseling, some have been able to gain administrative discharges from the military. [See later sections, *AWOL in the U.S.*, *GI Rights Hotline*, and *Who Is Eligible for an Administrative Discharge?*, beginning on page 8.]

Canada's immigration laws have tightened considerably since the Vietnam War, when as many as 100,000 U.S. citizens moved to Canada. Current regulations require would-be immigrants to apply from outside Canada, to have much needed job skills and/or substantial financial resources, and to wait up to two years for a response.

The only exceptions are where the U.S. citizen is married to a Canadian citizen, or permanent resident (aka "landed immigrant") or is the son/daughter of a parent who has Canadian citizenship or permanent residency. In the case of marriage, the couple can apply from within Canada to Immigration Canada for a spousal sponsorship. If refused, there is no appeal process. In the case of parentage, the U.S. citizen can apply in-country for citizenship. Three resisters, so far, have fit these categories. But these are not options for most soldiers on the run.

Instead, for the first time in history, U.S. military personnel are applying for political refugee status in Canada. They claim that, if forced to return to the United States, they would face persecution based on their religious and political beliefs. Some say the military wrongfully denied their applications for Conscientious Objector status. They believe that deployment to Iraq would make them a party to war crimes. They do not believe they should be punished for obeying international law and refusing to fight in an illegal war.

Privates Jeremy Hinzman and Brandon Hughey Apply for Refugee Status

Army deserters Jeremy Hinzman and Brandon Hughey arrived in Canada in early 2004, and became the first two U.S. war resisters to seek political refugee status in Canada. In 2005, they both were denied refugee status by the same single member of Canada's Immigration and Refugee Board, Mr. Brian Goodman. But, in a promising legal victory, Canada's Federal Court agreed to hear Hinzman's and Hughey's appeals, based in part on Mr. Goodman's refusal to allow evidence of the illegality of the U.S. war in Iraq.

Federal Court Rules Against Resisters; Hinzman and Hughey to Appeal

Canada's Federal Court heard Jeremy Hinzman's and Brandon Hughey's appeal arguments on February 8, 2006, and a decision was handed down on March 31, 2006. Justice Anne Mactavish said that while high-level policy makers could argue the war violates international law, it's not clear whether soldiers can make the same claim for refugee status. The war resisters' lawyer, Jeffrey House, disagreed with Mactavish's assessment.

"Individual soldiers should have the same right to argue that a war is illegal that high policy makers have," House said. "The reason is it doesn't depend on whether or not they could be prosecuted for waging aggressive war, which the high policy makers could be. Rather, it depends on the whole idea that they shouldn't be forced to do something illegal, whether or not they're going to face a war crimes tribunal for it."

In upholding the Immigration and Refugee Board's decision, Mactavish also certified the question of whether a soldier can claim a war is illegal when making a refugee claim — a move that automatically opens the door to a review by the Federal Court of Appeal.

Hinzman and Hughey believe their refusal to fight in an illegal war and to commit war crimes is absolutely central to their refugee claim. They have announced their intention to appeal Judge Mactavish's decision. If a higher court agrees with them, Hinzman and Hughey will go before the IRB again to present their full case under international law.

Because Canada's Federal Court has agreed that their arguments are sufficiently solid to merit careful consideration, Jeremy Hinzman and Brandon Hughey may be allowed to appeal all the way to Canada's Supreme Court, if necessary. This process, which will ultimately bear on the refugee claims of other AWOL GI's, may take years, during which time Hinzman and Hughey will be allowed to live and work legally in Canada.

International Law Favors War Resisters

The struggle to achieve political refugee status for U.S. war resisters in Canada can be seen as one of many efforts worldwide to defend the primacy of international law. The Geneva Conventions on War and the Nuremberg Principles make clear that soldiers have not only the right, but also *the responsibility to refuse to participate in war crimes*. Such war crimes include illegal wars of aggression, indiscriminate or purposeful killing and wounding of civilians, and torture and abuse of prisoners.

According to the United Nations Handbook on Procedures and Criteria for Determining Refugee Status, soldiers who refuse to fight in wars that are "condemned by the international community as contrary to basic rules of human conduct" should be considered as refugees.

The Handbook states that there are "also cases where the necessity to perform military service may be the sole ground for a claim of refugee status, i.e. when a person can show that the performance of military service would have required his participation in military action contrary to his genuine political, religious or moral convictions, or to valid reasons of conscience."

[UN Handbook on Procedures and Criteria for Determining Refugee Status under the 1951 Convention and the 1967 Protocol relating to the Status of Refugees, Part One, Chapter V, Section B, "Deserters and persons avoiding military service"]

Canadian Precedents Also Favor War Resisters

At least two soldiers have been granted refugee status in Canada in recent years. One, an Iranian medic, had refused to participate in the illegal use of chemical warfare. The other, a Yemeni citizen who was enlisted in the Iraqi Army, went AWOL after refusing to participate in Saddam Hussein's 1990 invasion of Kuwait. Significantly, both men were initially denied refugee status by the Immigration and Refugee Board before receiving relief from the Federal Court of Canada.

AWOL GI's Come to Canada as Visitors

There are as many as 200 or more AWOL U.S. military personnel in Canada today, according to the War Resisters Support Campaign. As of April 2006, about 25 of them had filed claims for political refugee status. These include men who are AWOL from the Army, the Marines, the Navy, and the National Guard.

Significantly, most of the recent arrivals have already served one tour in Iraq. While the presence of women GI's in Canada is rumored, none have yet applied for refugee status.

These GI's traveled to Canada as visitors, and, after seeking legal advice, submitted their refugee claims to Canada's Immigration and Refugee Board. It is also possible, but not normally preferable, to declare oneself a refugee to Canadian officials at the U.S.-Canada border, or other point of entry, such as an airport. [See *Crossing the Border*, page 6.]

Once a person has applied for refugee status, he or she is automatically protected under Canadian refugee law, and may live legally in Canada, without fear of arrest or deportation, as long as their claim is pending. This may take several months to several years. Refugee applicants also have access to Canada's universal healthcare system.

After several months, refugee applicants are able to receive Canadian work permits, if they can demonstrate that they do not have substantial funds and would otherwise be dependent on welfare, called "social assistance" in Canada. Most refugee claimants in Canada receive social assistance for a period of time, and there is little social stigma attached to this.

Legal Advice in Canada

Canadian lawyers advise AWOL soldiers already in Canada to seek legal assistance and apply for refugee status as soon as possible. This will legalize their status in Canada as long as their refugee claims are being processed, up to a year or more. If they do not apply for refugee status, they do not benefit from the legal protections granted to refugee applicants, and leave themselves vulnerable to possible arrest and deportation.

Several AWOL U.S. soldiers have traveled to Canada with their wives or partners, and some with children. All of these family members are included as refugee applicants under the primary refugee claim of the war resister.

Even if a U.S. war resister is eventually denied refugee status, there are other avenues by which he or she may seek to remain legally in Canada. Refugee applicants from around the world often appeal to the Immigration Minister to be allowed to remain in Canada for "humanitarian and compassionate" reasons. Because they and their families have lived in Canada for some time, and have established themselves as self-supporting, responsible residents, the Minister has the leeway to allow them to immigrate.

Jeffrey House Represents War Resisters in Toronto

Jeffrey House is the primary lawyer for U.S. war resisters seeking refugee status in Canada. House, who moved from the U.S. to Canada to avoid the Vietnam draft, is based in Toronto, the largest city of English-speaking Canada. He can be reached at his Toronto office phone, 416-926-9402 x152, or by email at jeffryhouse@hotmail.com. He is happy to make himself available to speak with concerned soldiers and their families.

Political Support from Canadians

U.S. war resisters seeking sanctuary in Canada enjoy considerable political support among Canadians. Most Canadians strongly oppose the war in Iraq and are grateful that the Canadian government chose not to join "the coalition of the willing." They do not want their government to deport war resisters back to the U.S., where they would face prison for refusing to fight in a war that Canadians oppose.

Reflecting this broad support for U.S. war resisters, a coalition of Canadian organizations and individuals formed the War Resisters Support Campaign in the spring of 2004. The Campaign enjoys broad support from church groups, labor unions, university students, the New Democratic Party, and advocacy groups such as the Council of Canadians. Ex-patriot Americans are among the strongest supporters of the war resisters.

While we began in Toronto, where most AWOL GI's have been arriving, the War Resisters Support Campaign is now organized in cities across Canada, including Vancouver, British Columbia in the west, home to a growing number of war resisters.

The War Resisters Support Campaign is calling on the Canadian government to grant some form of sanctuary to U.S. war resisters, whether or not they are eventually granted political refugee status. Sympathetic Members of Parliament have presented thousands of petition signatures to the government. We have an online petition, which has also been signed by many U.S. citizens, and other valuable resources available at www.resisters.ca.

The War Resisters Support Campaign also provides counseling to AWOL GI's and refers them to Canadian lawyers. We have organized a support network that provides housing and other basic needs to newly arrived war resisters, and we are constantly raising funds to meet these needs. We maintain communications with U.S. peace groups and GI counseling organizations.

U.S. war resisters are actively involved with the War Resisters Support Campaign and are often invited to speak to Canadian audiences, as well as to media from all over the world. Several military resisters, including an Iraq war veteran and a longtime member of the Army National Guard, have even formed a "War Resister Hip Hop Front" in Toronto.

New Conservative Government in Canada: What Does It Mean?

Canadians went to the polls in January 2006 and elected a new government. For the first time in 12 years, the Conservative Party ended up on top of the parliamentary heap, but with a weak minority government. This should not necessarily be viewed as a shift to the right among the Canadian populace. In fact, more than 60% voted for left-leaning parties, despite a corruption scandal that had plagued the minority Liberal government.

The New Democratic Party, which supports a Canadian sanctuary for U.S. war resisters, actually made significant gains in the election. Although it is a relatively small, progressive party (polling about 18% of Canadian voters), it can be expected to exercise considerable leverage on the minority Conservative government, which does not have enough votes to pass legislation on its own. Some Liberal Members of Parliament can also be expected to be more vocal in their support of sanctuary for war resisters now that they are in the opposition.

No Immediate Changes for War Resisters

To our knowledge, neither Stephen Harper, the new Canadian Prime Minister, nor any other prominent Conservatives, have commented directly on U.S. war resisters in Canada. Harper did support the U.S. invasion of Iraq and he said at the time he wished Canada had joined it. While campaigning recently, however, he changed his tune. With polls showing that 80% of Canadians are glad that Canada did not join Bush's invasion, he promised he would not send Canadian troops to Iraq.

Harper does support the deployment of several thousand Canadian troops to Afghanistan, a move undertaken without fanfare, or even a parliamentary debate, by the Liberal government he is replacing. But escalating violence in Afghanistan has caused increasing Canadian casualties, and Canada's "peacekeeping" role in Afghanistan is coming under intense public scrutiny.

Stephen Harper says he wants to build better relations with Washington. He also wants to see more tax dollars spent on Canada's military. He believes that Canada's stature in the world will be enhanced when it can more effectively project its military into international conflicts.

It is unlikely that Stephen Harper will go out of his way to do any favors for those who refused to fight in Iraq. Nonetheless, at this time we see no reason to believe that Canada under a Harper government will become much more difficult for U.S. war resisters.

In the immediate future, nothing will change. Canada's immigration and refugee processes will remain in place. Customs officials will still allow U.S. citizens, including war resisters, to enter Canada without problems. Refugee claimants will still be given work permits and access to Canada's health care system. War resisters will still be able to travel throughout Canada, speak out, and live as they have been doing without fear of government or other harassment.

The minority Conservative government is expected to survive no more than two years before another Canadian election will be called. Canadian politics, once considered rather staid, are becoming quite volatile and interesting.

We continue to encourage any war resisters now in Canada to contact the War Resisters Support Campaign and let us assist them with legal advice and in other ways. We will continue to welcome and offer support to any member of the US military who comes to Canada to seek sanctuary because of her/his opposition to the Iraq War.

Toronto and Vancouver are Key Arrival Points

Most AWOL GI's going to Canada have traveled to Toronto, about a 4-hour drive north of Detroit, Michigan or a 2-hour drive north of Niagara Falls or Buffalo, New York. In Toronto, the War Resisters Support Campaign can be reached by phone at 416-598-1222, or by email at resisters@sympatico.ca. Their website is www.resisters.ca.

A growing number of war resisters have been arriving in Vancouver, British Columbia, on Canada's west coast, a 3-hour drive north of Seattle, Washington. The War Resisters Support Campaign in Vancouver is coordinated by Sarah Bjorknas at the Catholic Worker House, which provides temporary housing for war resisters. The Catholic Worker House is located in east Vancouver at 1143 E. Pender St., Vancouver, BC V6A 1W6. Sarah Bjorknas can be reached on her cell phone at 778-837-1475, or by email at bjorkna5@telus.net. The War Resisters Support Campaign in Vancouver has its own website, <http://ca.geocities.com/vanresisters/>.

There are also established chapters of the War Resisters Support Campaign in Victoria, British Columbia and Sudbury, Ontario. In Victoria, you can contact the Campaign at 250-727-5837 or email Valerie Lannon at vlannon@pacificcoast.net. In Sudbury, the coordinators are Alan or Daryl Shandro and they can be reached at shandro@cyberbeach.net or at 705-670-8222.

Crossing the Border

Crossing the border from the U.S. into Canada is easy. At most busy crossings, cars are waved across without much scrutiny. One can also cross quite easily by bus, by train or by plane (but one-way tickets may bring questions from Immigration officials).

Because of the great volume of vehicle traffic at major U.S./Canada border crossings, those traveling by car will likely receive the least scrutiny of all. Canadian border officials may ask where you are going, for what purpose, and for how long. Most people just say, "I am going for a visit," to Toronto, or Vancouver, or to "visit friends" in whichever city they are headed. When asked how long their visit will be, most people answer, "just for the weekend," or "three days," or "one week." This would all be true. A GI will be visiting Canada for a few days to check things out, and then she/he may decide to stay longer.

Those heading for Canada should have some ID to show, ideally a U.S. passport. Otherwise, a picture ID such as a driver's license, along with a birth certificate (to prove you are a U.S. citizen) will do. Military identification may be used in a pinch, and will not necessarily raise eyebrows. But this should not be the first choice.

Applying for Refugee Status at the Border

If a GI comes under particular scrutiny at the border, does not have the requested identification, or otherwise is facing the possibility of being turned back to the U.S., then and only then should she/he tell Canadian border officials they are seeking refugee status in Canada. At least one GI did this recently, without problems.

The reason we do *not* recommend applying for refugee status at the border, however, is that the refugee applicant will not have access to legal counsel before making some critically important statements to Canadian officials which will become a permanent part of the record of their refugee application.

Planning to Travel? – Get Yourself a Passport

An AWOL GI cannot return to the U.S. while applying for refugee status in Canada. By returning to the very country where they claim they would face persecution, he/she would, in effect, invalidate their refugee claim. Actually, those with pending refugee claims in Canada may not travel outside of Canada at all without jeopardizing their refugee application.

Canada is a huge country, though, with five time zones, amazingly varied and beautiful wonders of nature, quaint small towns, and large, modern metropolises. A number of U.S. war resisters have crisscrossed the country, speaking out publicly against the Iraq War, while searching for a home that best suited them and their families.

It is highly recommended that GI's obtain a passport before leaving the U.S. It will make a huge difference when they are ready to travel internationally again. Even soldiers on the run have been known to apply for passports. The U.S. Passport Office, unaware of their AWOL status, mailed the passport to the address of a friend in the U.S. who then mailed it to Canada.

Vietnam War Resisters Support New Generation

Thirty thousand Vietnam War resisters from the U.S. are now happy and productive Canadian citizens, many of them prominent in the media, arts, business, academia and the law. Quite a few of them are actively involved with the War Resisters Support Campaign.

Many other Vietnam era resisters who sought sanctuary in Canada, Sweden, England, France and other countries were eventually able to return to the U.S. with little or no punishment, due to widespread disenchantment with the war and a broad-based movement for amnesty for Vietnam War resisters. President Jimmy Carter's first act after his inauguration in 1977 was to grant an unconditional pardon to draft resisters.

Amnesty for War Resisters?

Upon taking office in 1977, President Jimmy Carter granted an unconditional pardon to Vietnam-era draft resisters. But the Pentagon phase of President Carter's pardon required deserters to return to military control and receive a Discharge Under Other-Than-Honorable Conditions. AWOL GI's were given until October 1977 to do so. Some deserters who decided to continue living outside the U.S. returned temporarily in order to "legalize" themselves, so they could visit family without fear of arrest. But deserters who did not take advantage of this 1977 program remain vulnerable to arrest and prosecution today, as we have seen in several recent cases.

It remains to be seen whether the U.S. movement against the Iraq War will spawn broad sentiment for amnesty or leniency for AWOL GI's. But in the absence of a draft and the large, middle class constituency that comes with it, an outright amnesty or blanket pardon for AWOL GI's must be considered unlikely.

U.S. citizens who go AWOL and flee to Canada or some other country WILL be able to return to the U.S. if and when they decide. But the price they may pay, whether a prison sentence or the stigma of a less-than-honorable discharge, will vary and remains to be seen.

Non-U.S. citizens who go AWOL from the U.S. military and leave the U.S. may possibly be barred from re-entry to the U.S., even if their charges are later cleared up.

Counseling Carefully

Those who advise GI's to go AWOL or UA (Unauthorized Absence) could theoretically be charged with criminal offenses, even though there is no record of this happening, during the Vietnam War or since. But, for both legal and ethical reasons, counselors should not tell people what to do.

The job of GI counselors is to provide the best, most objective information possible to active duty personnel, their families and friends. Providing this information is completely legal. Once they know all of their options, the GI's and their families can assess the legal and practical consequences of each, and make a well-informed choice best suited to them.

AWOL in the United States

Thousands of AWOL military personnel remain within the United States. For the first 30 days or so of their absence, the military issues a misdemeanor warrant that is not normally available to local law enforcement officials; those in small towns, in particular, may still be vulnerable to being apprehended. Generally speaking, AWOL's are not currently (as of 3/06) actively pursued by the military, although the Marines recently has been practicing a more aggressive policy of apprehension, and there have been cases of pursuit and apprehension in every branch.

GI's who surrender themselves before 30 days reported absent commonly receive non-judicial punishment and are retained in the service, provided no other reason for discharge manifests. Discharge is possible, but unlikely. This decision is made by the command they had left.

After 30 to 60 days or more, the names of AWOL GI's are dropped from the rolls of the units they left, and the military issues felony warrants. These felony warrants are available to local police authorities through the National Crime Information Center (NCIC) and may be discovered in the course of a routine traffic stop, for example. This may result in apprehension by local authorities, who hold the AWOL GI's in jail for several days before military police arrive to take them into custody. If a GI surrenders to the military, the felony warrant is lifted.

When AWOL GI's are dropped from their units' rolls, the military puts them in "deserter" status. In order to scare GI's into returning from AWOL before 30 days, the military likes to confuse deserter status with the crime of desertion. But actual court-martials for desertion are currently extremely rare, and wouldn't apply anyway to someone who is simply in deserter status.

GI Rights Hotline, 1-800-394-9544

The GI Rights Hotline is a national (US) network of independent, nonprofit, nongovernmental organizations that provides free counseling to active duty personnel, those in the Delayed Enlistment Program (DEP), reservists and National Guard members who want out of the military or who seek assistance in dealing with abuse, harassment or grievances. Hotline counselors help GI's who are pursuing discharges such as conscientious objector, hardship, medical, psychological, and entry-level.

The GI Rights Hotline also gets many calls from GIs who are AWOL or UA. With proper counseling, many AWOL military personnel have been able to turn themselves in at certain military bases where they have a good chance of receiving an Other-Than-Honorable administrative discharge from the military (see next section).

Before exercising this or other options, military personnel are advised to call the GI Rights Hotline and speak with a trained counselor. The free 800 number of the GI Rights Hotline is 1-800-394-9544. They can also be reached on the Internet at www.girights.org, or by email at girights@objector.org.

Who Is Eligible for an Administrative Discharge?

Before AWOL GI's make a decision to go to Canada, they owe it to themselves to learn all of their options, as do those who counsel them. Are they in a category that makes them eligible for an administrative discharge from the military? Certain categories of GI's are *usually* eligible for discharge in lieu of (instead of) court-martial, depending on branch of the military, length of time in military, length of time AWOL or UA, and administrative status (dropped from their unit's rolls or not).

Those who wish to leave the military and who MAY be eligible for administrative discharge include:

- 1) Those in the Army who
 - a) have not completed Basic Training and Advanced Infantry Training (AIT), or
 - b) are stationed outside the Continental United States, such as in Germany, Korea, Alaska or Hawaii (being deployed in Iraq, Afghanistan, or Kuwait is different);
- 2) Those in the Marines, but this is uneven and ever changing
- 3) Those in the Navy, but NOT those in the Air Force, which often court-martials even short-term AWOL's
- 4) Those in the Army National Guard or Army Reserves.

High school age youth who have been recruited via the Delayed Enlistment Program (DEP) are not yet in the military. They can get out of their enlistment very easily, either by sending a letter to the recruiter commander stating they wish to withdraw, or simply by not showing up on the ship date. Most, but not all, military recruiters lie to their DEP recruits about getting out of the DEP, threatening them with things like dishonorable discharges and jail if they try to get out of their enlistment, even though the recruiters' regulations forbid them from threatening or harassing DEP recruits.

In general, GI's eligible to be administratively discharged from the military, and who choose this option, will be put into an administrative holding company and processed out with an Other Than Honorable (OTH) discharge. The time this will take can vary between four days and two months, depending on the branch of the military and other factors. An OTH is not a criminal conviction.

In a minority of cases, a Special Court-martial may be given, with a brig or stockade sentence varying from nothing to a few months or more (maximum one year) and a Bad Conduct Discharge (BCD). A BCD is a misdemeanor conviction.

A Dishonorable Discharge (DD) can only result from a General Court-martial conviction and is equivalent to a felony conviction. Dishonorable Discharges are quite rare (and almost never just for AWOL), although the term is thrown around constantly by the military.

However, a General Court-martial conviction for desertion, missing movement, or disobeying orders can result in a prison sentence of up to five years, even more in some circumstances. And, although it has not been exercised since World War II, the death penalty remains in the Uniform Code of Military Justice (UCMJ) as a possible penalty for desertion in time of war.

What Is the Impact of a Less-Than-Honorable Discharge?

Generally speaking, discharges which are not under honorable conditions, whether OTH, BCD or DD, will result in the forfeiture of all military benefits, including educational assistance, housing loans, and access to Veterans Administration medical care, (although VA medical care is something that veterans with other-than-honorable discharges can still fight for). General discharges (under honorable conditions) will give all benefits except for educational benefits. Less-than-honorable discharges can also be stigmatizing in civilian life, particularly leading to discrimination in employment. Government and large corporate employers routinely ask job applicants for their military discharge status; some even ask to see military discharge papers.

There are also many employers who do *not* care about military discharge status. Even where employers ask for military service, sometimes it is mainly for statistical purposes of the number of veterans hired. GI counselors should never suggest that people lie on job application forms. They can, however, inform callers that those in the military only a couple months do not need to account for that time in their job history, in the way that those in the military for years would probably have to.

Going to Canada – No Easy Decision

The decision to go to Canada carries serious consequences and is certainly not an easy one. It may not be clear for years if U.S. war resisters can remain indefinitely in Canada. War resisters seeking sanctuary in Canada must therefore be able to cope with an extended period of uncertainty, with separation from family and the familiar surroundings of home, and quite possibly with periods of unemployment and limited funds. (It can take as long as 6-8 months for a refugee applicant to receive a work permit.)

Military resisters who have already been to war may also have to deal with Post Traumatic Stress Disorder and depression, which could add to their challenges in Canada. Despite the significant support offered by the War Resisters Support Campaign and others, coming to Canada may not be an easy ride, especially in the early months

Then there are the legal consequences in the U.S. If a GI goes AWOL and leaves the U.S., he or she may not be able to return home without facing arrest, prosecution, and possible imprisonment. If such a person were captured and then court-martialed for desertion, their application for refugee status in Canada would probably be used as evidence against them.

But this has not yet happened; nor is it the inevitable fate awaiting AWOL GI's who return to the U.S. In fact, in 2005, one AWOL sailor who applied for refugee status in Canada was able to successfully negotiate his return to the U.S. with an administrative discharge and no jail time. He actually had his discharge in hand before crossing the border back into the U.S.

Stark Choices for Today's GI's

Today's GI's face stark choices, including fighting in an immoral, illegal war or going to prison. By comparison, the consequences of fleeing the U.S. and seeking sanctuary in another country may not seem so severe. But obviously, they must be considered seriously.

Those GI's who follow orders and go to war may face the most severe consequences of all. As of March 2006, over 2,300 GI's have already been killed in Iraq, and tens of thousands have been severely wounded. According to the Pentagon, one in three returning Iraq War veterans has sought assistance for Post Traumatic Stress Disorder. Others war veterans will manage to bury this trauma deep inside themselves for years, only to have it emerge and shake the very foundations of their lives. Like veterans of previous wars, many thousands of veterans of the wars in Iraq and Afghanistan will struggle with physical disability, moral anguish and psychological trauma for the rest of their lives.

Which Path Away from War?

Whatever path a GI takes to avoid going to war is, arguably, a good one, even if it means spending some time in prison. Canada is only one option, and not necessarily an easy one. But it does have the advantage of being easily accessible from many points in the United States. For some military personnel, even a temporary stay in Canada may help them to avoid deployment to war while they explore their options.

For our part, we in the War Resisters Support Campaign will do our very best to support U.S. war resisters who come to Canada. Aside from offering legal counseling and logistical support, we will provide a platform for those U.S. military personnel who wish to speak out against war and help to bring home their fellow GI's from Iraq. And we will continue to press the Canadian government to provide a permanent sanctuary for war resisters. ***We firmly agree with Pierre Trudeau, Canada's Prime Minister during the Vietnam War, who said, "Canada should be a refuge from militarism."***

War Resisters Support Campaign

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The War Resisters Support Campaign has many supporters and contacts all across Canada. Contact our Toronto office and we will be happy to put you in touch with them.

Other valuable contacts:

Jeffry House, war resister lawyer in Toronto, 416-926-9402 x152, jeffryhouse@hotmail.com

GI Rights Hotline, 800-394-9544, girights@objector.org, www.girights.org

THIS COUNSELING MEMO was compiled for the War Resisters Support Campaign primarily by Vietnam War resisters and veterans, including Lee Zaslofsky, Campaign coordinator; Steve Morse, GI Rights Coordinator for the Central Committee for Conscientious Objectors (CCCO); and Gerry Condon, director of Soldier Say No/Project Safe Haven, who served as editor. Valuable contributions were also made by Jane Orion Smith, General Secretary of the Canadian Friends Service Committee (CFSC); Michelle Robidoux, Campaign organizer; Sarah Bjorknas, Vancouver Catholic Worker House and Campaign organizer, Alex Bacon, co-chair of the Seattle Draft and Military Counseling Center, and Marti Hiken, co-chair of the Military Law Task Force of the National Lawyers Guild. Many thanks to all.