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—
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The Honourable Andrew Telegdi

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• (0900)

[English]

The Chair (Hon. Andrew Telegdi (Kitchener—Waterloo, Lib.)): The committee will come to order.

I'm pleased to say that Lui Temelkovski has been consistently coming in early, so he gets the platinum star for the month.

Today we have a happy day. We'll be tabling the report on recommendations to the citizenship committee. Certainly, our staff was very helpful on that, and we will get the report at about 10:15 or 10:30 a.m.

Today private members' business has been moved up to one o'clock, and Bill S-2 from the Senate, on the lost Canadians issue, is going to be introduced in the House. So it really is a good day.

Today, we are working on the border security issue. We are very pleased to have Claudette Deschênes and Daniel Jean with us. They're going to inform us how this new department is working and functioning. We look forward to that presentation.

But before we start, Madame Faille, please bring your name tag and you can take over the chair.

• (0905)

[Translation]

The Vice-Chair (Ms. Meili Faille (Vaudreuil-Soulanges, BQ)): I think Mr. Telegdi introduced our guests earlier on. Mr. Jean and Ms. Deschênes, hello. How are you?

Ms. Claudette Deschênes (Vice-President, Enforcement Branch, Canada Border Services Agency): Very well, thanks.

The Vice-Chair (Ms. Meili Faille): Without further due, I will now hand over the floor to Daniel and Claudette so they may make their presentation. We were very much looking forward to meeting with you. Go ahead.

Mr. Daniel Jean (Assistant Deputy Minister, Policy and Program Development, Department of Citizenship and Immigration): Thank you very much.

You've all received a copy of the presentation in English and in French. We will be giving you a quick overview of what has happened with respect to the sharing of responsibilities since the creation of the Canada Border Services Agency in December 2003. Further to that, you will have an opportunity to ask us questions, which we will answer to the best of our abilities.

As you know, on December 12, 2003, the Government of Canada announced the creation of the Canada Border Services Agency. At

the time, activities under the Immigration and Refugee Protection Act related to intelligence, interdiction and enforcement functions were immediately transferred to the CBSA.

On October 8, the Prime Minister and the government also announced that the future of immigration functions at points of entry would be examined and that a decision would be made later on, after consultations with stakeholders. We will give you the results of these consultations at a later date.

As of December 12, 2003, all intelligence and enforcement operations at CIC's national headquarters were transferred to the CBSA.

There's also an international Region's Migration Integrity Officer network. Our officers work with transportation companies and law enforcement stakeholders overseas. They help us in their capacity as experts in the field of screening. These officers were also transferred to the Canada Border Services Agency, but they remain posted abroad, in our embassies.

There's also the Immigration Warrant Response Centre. This is the centre that law enforcement officers and police officers call when they want to confirm that an arrest warrant, with respect to immigration, was indeed issued for a person. This activity was also transferred to the Canada Border Services Agency.

There are also portions of offices in Canada that perform enforcement or intelligence functions full time. That would be investigations, removal, detention, in short all traditional immigration act enforcement functions. All clearly distinctive entities were immediately transferred to the Canada Border Services Agency. Less distinctive portions will be transferred over time, following negotiations between both bodies.

Following the creation of the CBSA, a committee of senior officials from both CIC and the CBSA examine CIC's mandate, functions and business processes to determine how they should be divided between the CBSA and CIC within the broad directions articulated in the machinery order in council.

The principles the advisory committee based itself on were the following: respect broad machinery directions articulated in OIC transfers; favour clear accountability in relation to mandate and authorities, in other words ensure clear accountability; ensure smooth transition for clients; and given cost neutral assumptions, ensure efficient and effective partnership.

For instance, when I talk about respecting broad machinery directions articulated in OIC transfers, the idea was that the Canada Border Services Agency would focus specifically on intelligence activities, law enforcement, all of the things we try to manage, the costs or threats related to immigration, and that CIC's revised mandate be much more focused on maximizing the benefits of immigration.

The roles and responsibilities were divided according to two types of mandates. It is important to note that, although the Canada Border Services Agency is an agency, policy development responsibilities were transferred to it, specifically with respect to more serious threats in law enforcement. In examining roles and responsibilities, we wondered under whom the mandate for policy development should fall

● (0910)

[*English*]

and also who should hold the service delivery.

With the December 12 announcement and what was done at that time, 64 business processes of CIC have been affected. By now, we have pretty much jointly made the adjustment and have published for officials how the business process is going to work from now on.

In looking at these mandates, we determined that the policy mandate owners would be responsible for the maintenance of the act, the legislation, the regulations, and the functional guidance to the service delivery staff. So that's a manual, training, and forms. That means that in the future, if the committee wants to talk about detention policy, it would be CBSA that would be appearing in front of the committee to talk about either the policy, the service delivery, or the delivery of detention policy. Of course, if this committee wants to talk about something that is related to benefits, like selection, it would be officials from CIC who would appear in front of the committee.

As far as the service delivery mandate is concerned, the owners are legislatively mandated to provide a service or administer a business process. In the context of trying to make sure this is not creating new costs, there's a possibility to make arrangements to deliver service on behalf of the partner—and we've put a specific example in there. Very often when CBSA does a removal in Canada, that removal has to be confirmed. The person has to appear in one of our missions in Canada, where we confirm that this person actually effected their removal. It would not be very efficient or very effective if we were to ask CBSA to establish a presence in all the missions overseas in order to be able to do that, so CIC will be delivering that on behalf of CBSA. In reverse, there are situations where CIC will be asking CBSA to deliver some of its services. In some cases, the role may be shared between the two organizations.

As I said, on December 12, the Prime Minister announced that the future of the immigration functions at ports of entry would be determined later on, and that would be following consultations with stakeholders. There were consultations that took place with the Canadian Council for Refugees, Amnesty International, and the immigration chapter of the Canadian Bar Association. We had extensive consultations with the UNHCR as well. The two ministers, the Minister of Public Safety and Emergency Preparedness and the

Minister of Citizenship and Immigration, then made recommendations to the Prime Minister.

This led to a second phase of machinery that was with regard primarily to the ports of entry. On October 8, 2004, it was announced that all the immigration functions at the ports of entry would be transferred to the Canadian Border Services Agency. CIC will continue to determine the policy in terms of admission of people at the ports of entry, but the delivery of it will be done by CBSA at the ports of entry. What this does is create an integrated border management system. It also transfers the entities at headquarters that were responsible for supporting the port-of-entry operations, and in the regions as well those transfers have taken place where there are specific entities, and they will also take place in a context where there are not specific entities in the months to come.

At the same time, given the representations received from stakeholders, the Prime Minister made some adjustments. The responsibility to conduct pre-removal assessments—the operation of them, the service delivery of them—was transferred back to CIC because it was felt that it was a protection function and was better housed in CIC than in CBSA. At the same time, the need for a second minister to sign the user security certificates was re-established. So there is still now, as there was prior to December 12, the need for two ministers to sign when we want to use a security certificate. PSEP, which has the policy mandate, will be initiating the security certificate, but the Minister of Citizenship and Immigration will have to co-sign.

● (0915)

Now, what does that mean? What do we do at CIC in terms of our policy and service delivery mandate? At CIC we're responsible for all things that are related to citizenship; all things that are related to medical services; all things that are related to refugee sponsorship or refugee resettlement; all things that are related to settlement and integration programs; permanent resident processing and cards; temporary resident processing, status, and documents; non-status documents; visa policy—I'm talking here about the need for a temporary resident visa, compliance with terms and conditions—what we call “compliance”, the first level of making sure that people qualify and are not misrepresenting facts; pre-removal assessment; and all admissibility policies except security, war crimes, and organized crime—for the higher-level threats, the policy is with CBSA.

[*Translation*]

I will now ask Ms. Deschênes to continue the presentation.

[*English*]

Ms. Claudette Deschênes: From the perspective of policy and service delivery, CBSA is responsible for the arrest program and detentions, both in terms of how we deliver them and the policy.

We are responsible for intelligence. In other words, we are the intelligence arm of the CIC program both in Canada and also overseas.

Daniel spoke about compliance at the first level. If we believe there's organized fraud, CBSA will assist CIC in that investigation.

We do interdiction work. Our migration integrity officers do that overseas, in terms of stopping people who are not properly documented from arriving in Canada.

Daniel spoke about the Immigration Warrant Response Centre and assistance to the police for detentions.

In terms of relief, we're responsible for any request for someone who is inadmissible because of war crimes, organized crime, or security. If they would like to ask the minister for relief for national interest reasons, the minister of PSEP is accountable for that.

We conduct investigations, as Daniel indicated, for security certificates, warrants, removals, and the immigration operations at the ports of entry.

There are some policy and service delivery mandates that we share. Part of the work we did after the machinery was in place was to go through and make sure we understood it. For example, in permanent resident status, CIC will process all cases wanting to get permanent resident status overseas and in Canada, whereas the agency will support the screening. When someone arrives at a port of entry, we'll also do the admittance of the permanent resident. On temporary resident processing, status, and documents, CIC will process applicants and CBSA will support with a screening and will admit temporary residents at the port of entry.

In terms of refugee protection claim processing, we have a shared delivery. CBSA does the initial processing at the port of entry. CIC processes resettlement cases from overseas and also does initial processing for cases applying inland. The Immigration and Refugee Board, of course, is an independent agency in CIC's portfolio, and they make the final determination. On refugee redetermination, CIC retains the policy on how or why we would redetermine, and CBSA reviews eligibility redetermination where it's warranted, especially in our cases of security, organized crime, and war crimes.

For danger opinions, we have a shared service delivery. CIC is responsible for policy, but CBSA may be involved in providing the danger opinion if, for example, someone is a security risk to Canada.

[*Translation*]

The mandate for developing policies and delivering services is also shared in other situations where the agency is responsible for policy development and where CIC provides services. This is the case, for example, for reporting under section 44 of the act and removal measures.

In certain cases, CIC can initiate removal procedures and report in compliance with section 44. CIC may also be involved in document seizure. The agency, for its part, is responsible for delivering services at all hearings. That decision was made in order to reduce costs, since there are never enough hearing officers to divide the service up between CIC and the agency. The mandate for policy development depends on the process. For example, CIC is responsible for policies governing family-category appeals and permanent resident status.

● (0920)

[*English*]

CIC and CBSA are building a strong collaborative partnership to provide high-quality, seamless service to Canadian newcomers and

visitors. There are many things that we will continue to work on together very, very closely. For example, the global case management system—our IT system—is being developed as a joint use for both organizations to ensure that complete information is available to decision-makers at all stages of the client continuum, and to ensure the best quality service to clients so that clients don't have to give the same information to the two departments.

Right now, on access to information and privacy, requests on joint information holdings are being processed by CIC's ATIP unit, again to minimize clients feeling they're in a Catch-22 as to whom to contact to get access to their records.

CIC's case management branch—the key place to ensure that mistakes or issues on cases need to be righted—is providing service for immigration cases for both CIC and for the Minister of Public Security and Emergency Preparedness.

Now that most of our roles and responsibilities have been clarified, our next step is to codify the governance via a variety of instruments, such as MOUs and service agreements.

The CBSA is presently drafting its legislation, and that has just been put in front of Parliament. It will establish the CBSA as a corporate body and define its mandate, powers, and authorities. The draft legislation includes a proposed consequential amendment to the Immigration and Refugee Protection Act that is being developed jointly by CIC and CBSA and our lawyers.

This amendment will allow for the identification of ministerial responsibility for the administration and enforcement of the Immigration and Refugee Protection Act between the two ministers.

In conclusion, I think it's clear that CIC's focus is on a new, revised mandate to maximize benefits associated with migration and mobility. CIC will continue to focus on selection, settlement, and integration, while also offering Canada's protection to those in need. CIC will continue to maintain responsibility for admissibility policies, with the exception of policies related to security, war crimes, and organized crime.

CBSA's focus is on its role with regard to the management and operation of our nation's borders. Our first focus is to process quickly and efficiently to ensure that people who are entitled to come to Canada can get through the borders quickly and efficiently. We also must prevent people who should not be in Canada from reaching our borders, detect those who are in Canada but are in contravention of the Immigration and Refugee Act, and ensure these individuals are removed in a timely fashion.

It is clear Danielle and I have spent many, many hours together since the machinery changed. The machinery exercise has been approached in a collaborative way with a commitment to deliver on government's objectives. CIC and CBSA will continue to build a strong collaborative partnership and provide high-quality, seamless service to Canadians, newcomers, and visitors to Canada.

Thank you.

[Translation]

The Vice-Chair (Ms. Meili Faille): Thank you. It was very interesting to see how things have evolved. I am sure that the committee members will have interesting questions to ask. We will proceed in the usual way.

Diane

[English]

Mrs. Diane Ablonczy (Calgary—Nose Hill, CPC): Thank you, Madam Chair. Although your tie is not as attractive as that of our former chairman, I think your demeanour is every bit as good.

I want to thank our witnesses today for a very good overview, especially pages 10, 11, and 12, where you set out the division and the shared responsibility. That's a very good summary for us.

In principle, I think what is happening is good. It didn't make sense to me that the first people seeing entrants to Canada were tax collectors basically. Certainly that's not in line with what other democracies have been doing. However, the devil is always in the details.

I have a concern, Madam Chair, that this policy, a very comprehensive change, was put into place. The machinery, as our witnesses said, is moving without any legislative framework. I think that's wrong. I think Parliament should be examining this policy change and putting the rules into place, and then it should take place. Now any legislation that comes forward would be very difficult to oppose because it's a done deal, in a sense. I don't find that a respectful way to do that where Parliament is concerned. Nor do I think it leads to certainty and orderliness in such a big shift in the way responsibilities are carried out.

I have three questions. I'll put those on the table, and maybe our witnesses could deal with them as they see fit. The first is with respect to resources. There have been anecdotal complaints, I guess you could say, from the field that CIC's resources to deliver services for their areas of responsibility have been unreasonably diminished by the shift of resources to the new border agency and its responsibilities. I think it is fair to say that this has caused considerable morale problems, uneasiness, and upset on the part of the people dealing with front-line service providers in CIC, particularly in our country. That's unfortunate. I would really like to hear comment, both on the proportion of resources that have been shifted to the CBSA, and also on how these concerns about proper resourcing for front-line CIC officers and offices are going to be dealt with.

The second concern I've heard is with respect to our MIOs, our migration integrity officers. Now that they're no longer linked with CIC, they're even more out of the loop than they were before. There have been complaints that they were not linked with the rest of the intelligence community. Yes, they talk, but there wasn't any formal information-sharing arrangements. Now they've been taken out of the loop with respect to immigration and those checks. There is some concern that their effectiveness will be impaired. I know there are soothing words that, yes, there will still be discussions, etc., but the concern is very real and needs to be dealt with by more than just, oh, there will certainly be discussions and they will be in on things. They don't believe that.

The third question I have is with respect to this coordination of turf. One of the complaints—and my colleague Mr. Jaffer knows this from his days as revenue critic—was that there was not only very little communication between Revenue Canada and CIC, but in fact there was some pretty strong turf-protecting and exclusionary attitudes between the two. I would like to know what is happening to make sure that this is in fact seamless and that there aren't the two solitudes developing here—each fiercely protecting their own mandate but not necessarily coordinating in a meaningful way with their partner.

Those are my three concerns, and I'll leave those with you.

● (0925)

Mr. Daniel Jean: I think I'll handle question one and prepare the ground on question two for Claudette. Question three really is for Claudette, no question.

On question one, I can assure you that we're almost done in the resources negotiations. This is my fourth exercise in machinery, in 22 years of public service, and this is the one that has gone the smoothest. We've done it in a very different way from the way machinery exercises are usually done. Usually when you have a situation like that, where people work independently and meet and negotiate just once in awhile, such as collective bargaining and that type of thing, it takes a long time, and there's a lot of infighting. We decided to try to make it work for our clients, so we did it jointly.

For most of these things you see here, we would meet together and decide what was best for the program, given the objectives of the orders in council that came from the government—what they wanted to create in terms of the two visions of the department, what was best for the client at the end of the day. We were able to resolve most things without having to go much beyond that. At the end of the day, we always knew what was better for the client.

Where it gets more difficult is always when you start talking about resources. I can assure you that in terms of program resources, whether on the enforcement side or on the CIC benefits side, resources that were clearly identified as such have been transferred. The ones that were enforcement have been transferred to CBSA, and the ones that were related to benefits have stayed with CIC.

It gets a bit more complicated when you get into what we call the "arms and legs". The reality of CIC is that you have smaller centres where people have a dual function, some benefits-related work and some enforcement-related work. As well, we tried as much as possible to come to an understanding that did not penalize either program. This also applies to the many areas in which we will have to have some form of arrangement, because sometimes the service can be delivered by the other. In small communities, you just don't have enough resources.

Where it gets really tricky is the corporate resources side. Really, CBSA is a brand-new entity, and CIC has to remain as an organization. So it's been more difficult, and the cost neutrality challenge has been difficult, on the corporate side.

In answer to your first question, I think we can say, and Claudette can add to this, that the split of resources on the program side has been fair to both organizations. The corporate resources side is the one part we have not yet completed. It's a challenging exercise because of the reality of what we're doing.

On the MIOs overseas, I'll let Claudette handle most of that question. What I can tell you is that we were concerned about the very issue you put in the preamble to your question. That is why, even though the MIOs are CBSA resources overseas so that they are better linked to the intelligence world, they will report to our CIC program managers. They will be fully integrated into our visa sections to allow this kind of seamlessness between the support they need to give us in dealing with irregular migration and the work we need to do in processing applications.

I'll leave it there for Claudette.

• (0930)

The Vice-Chair (Ms. Meili Faille): I'm sorry, I have to interrupt. We've passed the time allowed for the member.

Would you like to continue on and take the second five minutes, or...?

Mrs. Diane Ablonczy: Unfortunately, I have another meeting. I'll just have to leave that in your hands. Those are important questions.

The Vice-Chair (Ms. Meili Faille): Would you like to take your additional five minutes, from the second round, right now?

Mrs. Diane Ablonczy: Sure, if my colleagues are okay with it.

Some hon. members: Agreed.

The Vice-Chair (Ms. Meili Faille): We'll ask Claudette to continue.

Ms. Claudette Deschênes: On the migration integrity officer network, even before the machinery changes, when we created the intelligence branch at CIC, there was a real recognition that to be effective we had to link the work they did with the rest of the work the immigration program was doing in both Canada and overseas. We worked very hard on that in terms of starting to set priorities where the intelligence and enforcement officers in Canada would work with the migration integrity officers, and we would have a whole together.

What we did with the machinery changes, as Daniel said, is make a decision that for the good of the program, we don't want to have migration integrity officers out of the loop. They will continue to report to CIC program managers. In some cases, our migration integrity officers are the CIC program managers. In other cases, they're part of the office.

In terms of the memorandum of understanding on this program, we've probably already gone further in terms of the work. We have an agreement that our CIC immigration program managers will continue to represent the agency in terms of migration integrity issues. We'll be starting a planning exercise, just as we have had in the last few years, where the in-Canada program will be linked to the overseas program in terms of the objectives we set for that program.

So I think from the perspective of the program integrity and where the immigration program is going, we feel quite confident that they

will continue to be tied into the program and into the loop. I'm not saying that every officer will feel included in that, but we have worked very hard to set up a framework that will permit that.

You raised questions about the coordination of turf in the organization. I will not minimize to you the challenges of creating a new organization. I think we are very proud of having a deputy minister like Alain Jolicoeur, who has said very clearly that the vision of the agency is a new agency. It's the vision of the border of the future. It's not about the customs program or the legacy immigration program. He has gotten very strong, I believe—and I may be biased—senior managers to help him in that. We have spent and will spend a significant amount of time focusing on how to create a vision of where the new program needs to go, and not where our legacy programs were.

When we come back and talk to you in a year or two, I think we'll be able to demonstrate that some of those turf issues, which I won't hide were there before, have slowly disappeared. As with any creation of any organization, it will take time. We'll say that some days weren't as successful as others, but I think we're quite positive that this is going to be a forgetting of the legacy and a moving forward.

• (0935)

Mrs. Diane Ablonczy: Good. Thank you.

[Translation]

The Vice-Chair (Ms. Meili Faille): Thank you.

Mr. Clavet, do you have any questions?

Mr. Roger Clavet (Louis-Hébert, BQ): Thank you, Madam Chair.

Ms. Ablonczy indicated her surprise that an agency could be created without any legislative framework. It does seem strange that the border services agency can exist without a legislative framework. It is a bit like the work of the Wholly Spirit. I share that concern.

The sharing of responsibility for resources is another source of concern. From what I understand, the border services officers will play somewhat more of a police role in certain areas. They will be responsible for sharing security information. The U.S. *Patriot Act* requires American police forces and businesses to exchange information. I wonder whether things are not going a bit too far with respect to disclosing personal information on immigrants. Does that not create a danger zone where resources are concerned?

Ms. Claudette Deschênes: The two main organizations, that is, Customs and Immigration, had systems to ensure that the sharing of information was done in compliance with the law. The two systems were a bit different. The Immigration Department worked under the Personal Information Protection Act, and Customs had a system that was even better defined.

One of the challenges for the organization is to come up with a coherent system for the whole agency. It is our intention that the systems we developed will comply with legislation and meet our obligations. We want to be sure that we can share information when we need to do so to carry out our mandate properly, but we do not want to overstep the law. We still have a bit of work to do in adopting a process that will enable us to carry out our work and protect personal information.

Mr. Roger Clavet: Still on the subject of resource sharing, are Citizenship and Immigration Canada and the Border Services Agency going to share the same director general? How will that work? Will there be one senior manager doing both jobs, or will there be two separate people?

• (0940)

Mr. Daniel Jean: There are two deputy ministers. The CIC deputy minister is Mr. Dorais, who has appeared before you a few times. He will be overseeing the mandate of the new CIC, which is to maximize benefits. You have already been given the figures. The number of employees in the department is approximately 3,500 to 5,000, depending on whether local staff in offices abroad are included. The president of the Border Services Agency is Mr. Jolicoeur, whom Ms. Deschênes mentioned earlier. The agency's mandate, of course, is not limited to immigration matters.

Mr. Roger Clavet: Will priority be given to staff training?

Mr. Daniel Jean: That is a very good question, Mr. Clavet. There is an important point that we should perhaps have mentioned. The name "Border Services Agency" contains the word "Services". That sends a very clear message. We want to continue to facilitate the legitimate movement of people across the border.

As for training, the unit responsible for drafting policies will be developing training tools for the other agency. For example, it is the CIC that is responsible for admitting people into Canada as temporary workers or refugee claimants at points of entry. So CIC will prepare the training tools and give the training to the agency people.

Conversely, when it comes to screening, which involves trying to target threats and ensure that officers dealing with a file either abroad or in Canada have a good understanding of what type of person constitutes a threat under our legislation, it is the Border Services Agency that will develop the training tools. So we have tried to maintain the vision with respect to both benefits and threat management.

Mr. Roger Clavet: Do I still have some time, Madam Chair?

The Vice-Chair (Ms. Meili Faille): You have two minutes remaining.

Mr. Roger Clavet: Regarding the points of entry, correct me if I am wrong. I thought I heard you say earlier that before September 11, the signature of both the security minister and the immigration minister was required. We seem to be going back to the situation before September 11. I'm trying to understand what is going on, since efforts were made after September 11 to intensify security everywhere, and the decision was made to require only one signature. Now it seems that we are going back to the requirements that existed before September 11.

I do not know whether there is a contradiction here. It is a bit strange that only one signature is being required after September 11, when two were required before then, which gave a double measure of security. It seems that we would now be going back to two signatures. What is the logic behind that?

Ms. Claudette Deschênes: We always required two signatures until the change in machinery on December 12, 2003. We then had to look at who was responsible for what particular mandate. We decided that the minister responsible for security would be responsible, since the agency and the security service came under her responsibility. In October, we decided to once again require two signatures because the groups had indicated that they would be more comfortable with that. It was in keeping with the legal norm, and the protections existed in any case because they had been granted to us by the Federal Court. We listened to the demands of the groups and decided that the government's objectives would be achieved more easily if we made that change.

Mr. Roger Clavet: Thank you, Madam Chair.

The Vice-Chair (Ms. Meili Faille): Mr. Siksay.
[English]

Mr. Bill Siksay (Burnaby—Douglas, NDP): Thank you, Madam Chair.

I want to join the chorus along the opposition side of the table here with our concerns about the legislation not being in place. I want to share the concerns raised by Ms. Ablonczy and Mr. Clavet about that. I certainly share those concerns.

I have a few questions. I'll go through all of them and then hopefully there'll be enough time to get the answers.

The first one is a practical question. I think members of Parliament have certainly understood the inquiry mechanism used when we encountered problems related to immigration issues in the past. It was through the minister's office, through the minister's inquiry unit, through the case management branch.

I'm just wondering what is in place in CBSA to handle those kinds of inquiries. Say, for instance, we get an inquiry from a constituent about a relative who's been detained coming into Canada. Where do those inquiries get directed appropriately, and what's the process involved in dealing with those?

I have a question about an enforcement issue around temporary workers. I'm wondering who does the follow-up enforcement on those. How many people are involved in that process? Say, for instance, a worker comes in to do a specific type of work. Who does the follow-up to make sure the worker is in fact doing it? If there's a complaint made, say from a labour organization, about that not being the case, where does this complaint go? Which agency follows up on it? How many people are actually involved in that work?

With regard to workers who come in under NAFTA, the criteria are pretty limited and straightforward. Again, who's doing the follow-up enforcement on those workers?

I have what I hope is just a quick question about how many removal orders are outstanding and what's being done to deal with those. I think Monsieur Clavet touched on this. I'm just wondering if you could talk about the balance between the risk assessment and the humanitarian concerns in terms of dealing with refugee claims at the border. It seems to me that it may have switched a little bit now that the folks involved in doing that are more related to the whole issue of security. There may be more of a bias on the side of risk assessment rather than humanitarian concern. I'm just wondering what the culture amongst those workers or amongst the agency is with regard to that and if there is a concern about the humanitarian issues being maintained.

That's my first round anyway.

● (0945)

Ms. Claudette Deschênes: On inquiries, I guess I would say that the case management branch, under director general Anne Arnott, is for both the agency and CIC. She works to support both ministers' offices.

We recognized very quickly that, at the end of the day, to be able to offer the service to the MPs and to clients in a way that didn't cause confusion as to where to go, it was best to have one place. So if you have a concern about someone being detained at a port of entry, your first place to go would be the case management branch.

Mr. Daniel Jean: As far as enforcement with regard to workers is concerned, if we're talking about a situation where let's say a person came in under an exemption, the person didn't require a validation of employment. I think that's the part you're concerned about, whether or not these exemptions are being abused by people who come and are given after-service contracts.

I'll take a specific example in the line of your question. Under NAFTA, if you have in the contract a post-service agreement, you can come and deliver that service. Your question is, what if these workers are delivering more than just the after-service, if they're doing work on the side that is not appropriate? The first level of inquiry would be done by CIC. It would make sure that they were actually in compliance and look into what the exemption is all about. If they are in compliance, there's not a problem and they will not be asked to leave. Otherwise, the inquiry may lead to a removal action.

Now, of course, if you were talking about something that was of such a nature that you needed to have a more in-depth investigation—you have some organized smuggling or trafficking or things like that—this is where we would be calling upon CBSA to investigate.

Your third question was about the removal orders—I'll let Claudette handle that one—but the fourth question was about refugees. We need to realize that in the refugee process, what happens at the port of entry or inland—because, as you know, we have claims at the port of entry when people arrive and we also sometimes have people coming inland and making their claims at a local CIC....

The first level of decision that is done by a CIC official there is what we call eligibility. Less than 1% of people are rejected at this stage. People can only be rejected if we have objective evidence that they present a serious threat to Canada, organized criminals or

security risks—a serious threat. The only other way people can be rejected is if we are able to establish with objective evidence that they received protection somewhere else. Maybe you were recognized as a refugee in the U.S. Then you've been given protection, and under the convention Canada doesn't have any obligation. Right now at the ports of entry less than 1% of people are rejected on this. I think we were able to satisfy the stakeholders that the decisions that have been made there are not really protection decisions; they're just making sure people are eligible to proceed with their claims.

As we've said before, the agency will be responsible for processing these asylum claimants at ports of entry, but the policy around how it's done and all that is still under the CIC's mandate. I take the example of safe-third agreements. We've just sent instructions to the field. Instructions on all safe-thirds that will be applied at the port of entry from a protection standpoint have been sent to CBSA officers by CIC officials.

I think we were able to satisfy stakeholders that this is not going to change a lot in their reality. It would have been extremely costly and inefficient to try to maintain two presences at the ports of entry, given the objective of the exercise.

● (0950)

[Translation]

Could you answer the question about the mandates?

[English]

Ms. Claudette Deschênes: I guess I'll just piggyback on that answer to say that when you look at what the Border Services Agency is actually doing at the border, the largest proportion of the work we do is facilitation. We will continue to work very hard to ensure that there is training and so on, so our officers are welcoming and understand what their accountabilities are. From our perspective, we continue to say facilitation and control; it's both sides of the work that we need to do. I think we will continue to do this in a way that's fair to the applicants in terms of what they require.

On removal orders, there are many numbers. If you believe the newspapers, I guess you could go in the hole. One of the key problems the program has always had is that we have not had a good system to be able to keep an exact count of the number of outstanding removal orders. Because Canada doesn't have exit controls and so on, we know that many people have left the country voluntarily who may still have an outstanding removal order against their name in our system.

We've worked very hard in the last few years to get a computer system out there. It's called the national case management system. Of course, when we get the global case management system, that will permit us much more to have good statistics to tell us exactly how many....

But again, the bottom line for us is that an outstanding removal order doesn't necessarily mean that the person named on the removal order is still in Canada. We would like to be in a position to be able to give an exact number for people who have a removal order and who have not left the country, but we're not there yet.

[Translation]

The Vice-Chair (Ms. Meili Faille): Thank you, Ms. Deschênes.

Mr. Temelkovski.

[English]

Mr. Lui Temelkovski (Oak Ridges—Markham, Lib.): Thank you, Madam Chair. It's nice to see you in the chair. We're missing Andrew already.

Thank you very much for the presentation. It was very well prepared and informative. I have a couple of comments and questions. We're dealing in the constituency with timelines. We're introducing another agency here. We also know that government bureaucracy works compartmentally. This means to me that two sets of eyes, CIC and CBSA, would have to look at an issue before it could be solved. Would this be part of the delay or the timeframe for processing refugee situations or people coming over as immigrants? The territorial issue I mentioned, CIC and CBSA, how good is the cooperation there? Government tends to divide the two.

The two levels of investigation you mentioned, level one and level two, may also be a cause for the delay in the process, which we're seeing. It's impacting us greatly around the table here.

We mentioned detention. I've had some presentations in my office from people being detained for prolonged periods. Now that we are in between, sitting on two seats, is this part of the reason for the delay in their detention, because of the two agencies being created, or since they've been created?

Bill touched on the removal process and the number of removal orders we have. We should know how many removal orders there are outstanding, but we may not know how many of those people are still here. It would still be interesting for us to know how many removal orders are on paper as of now.

On the humanitarian and compassionate issue, I think dealing with that is very serious. When we have refugees coming to the border and having to deal with intelligence, with the people who do the detentions and arrests at the same time, they may look a little bit different, those people, to the refugee. Should it be the same people doing it?

● (0955)

Mr. Daniel Jean: These are all very valid points. This is exactly why, when we were looking at the principles that should guide how we split responsibilities in the context of the directions the order in council's machinery had given us, trying to make it as seamless as possible for clients was a prime objective, and also maintaining efficiency so we could keep the cost down.

I think the best way for me to proceed is probably to take practical examples.

For people who apply overseas, nothing has changed. They apply and they're being processed by CIC, whether as immigrants or as temporary residents, unless they are identified as people who could pose a threat. Where in the past we would have gone to Claudette and her group, which was in the intelligence group of CIC, now we go to Claudette and her group, which is part of CBSA. These are a

very small proportion of the caseload. Then we will go to the experts.

The only difference is the experts are now part of the intelligence community. Some people would say this actually may create an advantage in terms of seamlessness, because they may have even better information and may be able to apply it in an even faster way.

People who come through and receive their landing at the port of entry are once again not going to see a difference. They apply for their permanent resident card. A few years later they apply for citizenship. This has not changed anything.

For people who apply for temporary resident services, it's the same. Unless they are people who pose a threat, they will be processed by CIC overseas. They will be admitted as legitimate people at the port of entry by CBSA. That does not change; there's no difference.

For those who are identified as potentially posing a threat, then again we go to the experts.

Concerning refugee protection, as we've said before, fewer than 1% of people are refused at the eligibility stage, whether at port of entry or at our inland offices. More than 99% of the people who come to apply for protection in Canada will continue to be referred to the Immigration and Refugee Board. Their case will be heard.

As to where we hope things may be helpful in working very closely together, we hope we can do better at giving status to people who are extended protection by our protection regime. At the same time, for those people who do not deserve protection, hopefully, because you have an agency that is focused on enforcement actions, they will have the capability to work better in effecting that removal faster, giving a chance to people to go on with their lives.

I think in the way we've approached it—you've described it well—those are challenges. But I think we've tried to address these challenges in the best possible way. Where is the risk? It works really well right now because the people who are doing it are the same people who were doing it the day before December 12, or the day before October 8.

Over time, people will change. Will that nice, collegial relationship be put in danger? That's why the governance aspects are so important. Now that we've pretty much completed the splitting of roles and responsibilities and have almost closed the resources negotiations, the next phase is to document in instruments how it should work, to make sure that at the end of the day your timelines do not increase. As a matter of fact, they should be reduced.

Did you want to say anything on detention?

● (1000)

Ms. Claudette Deschênes: I do not believe there are any changes in detention and time because of the split. We certainly have the conditions for why we have detention. We are working very hard to try to minimize, for example, people being detained, unless there's a good reason for it. Of course, there are reviews by independent adjudicators on that. So I'm not seeing that this split will cause a problem in that respect.

The Vice-Chair (Ms. Meili Faille): Merci, Claudette. I hate to do this, but you're over your time.

Mr. Anderson.

Hon. David Anderson (Victoria, Lib.): Thank you.

Let me second the remarks just made by the witnesses about the fine work done by the people at the border. Whatever the system, they make it work. They do a very good job regardless of difficulties that sometimes may be created by organizational structures. I think our Canadian immigration and customs people, the people at the border, are probably unrivalled. I just want to start with that point. They do excellent work, and we should acknowledge that at the committee.

That said, going back to the presentation, it appears—and this may be a little unfair—that you had the decision to create the Canada Border Services Agency, and then it took a year to work out later what you had created and what it was to do. I just wonder if you could tell us what preparation there was prior to December 12, or whether this reorganization arrived essentially for you to work out afterwards, which is, I have to say, the impression I've received from this report.

Mr. Daniel Jean: As in any exercise of machinery, it's only a few days before the machinery exercise is actually announced that a few people are in on the secret. It's a bit like a budget process, if you wish.

About a week before December 12, which saw the first phase of machinery, we were asked to put in gear what was required for the changes to happen. Immediately, on December 12, the resources that were specific entities were transferred. So CBSA started operating as an agency on December 12, and CIC continued.

For most of what I call phase one machinery—the announcement of December 12—most of the things we've described here today have been functional and operational ever since. We had clarity on most of the roles and responsibilities, even though we had to drill that down over time. When we say we have done that phase one of machinery, we mean we have 64 business processes that are affected and we made most of the adjustments several months ago.

What happened, though, is that a second phase of machinery occurred on October 8, which is far more recently. It's a transfer of the immigration functions at the port of entry, and I think it's fair to say that now we're just finalizing the splitting of roles and responsibilities. We don't expect it's going to take a very long time. There again, the same day it was announced, overnight the immigration officers at ports of entry belonged to CBSA; they are operating as part of CBSA. For our clients it's been seamless. It's operational; it's functional. But we're at the stage where we're just trying to codify and document how it's going to work in the long run.

Hon. David Anderson: Good. Thank you.

I have a question, then, relating to page 16 of your brief, concerning the exception of policies related to security, war crimes, and organized crime. Let me preface this question by saying I have serious concerns about the United States RICO legislation, which has been used in an extraordinarily wide manner to pick up just about anybody anywhere. I wonder whether we have any definition of organized crime.

What is organized crime as opposed to crime?

•(1005)

Ms. Claudette Deschênes: We do have a definition. Am I ever glad I brought the act. It's a definition that would be in the Immigration and Refugee Protection Act. Let me just make sure I can find it.

It says:

37(1) A permanent resident or foreign national is inadmissible on grounds of organized criminality for

(a) being a member of an organization that is believed on reasonable grounds to be or to have been engaged in activity that is part of a pattern of criminal activity planned and organized by a number of persons acting in concert in furtherance of the commission of an offence punishable under an Act of Parliament by way of indictment, or in furtherance of the commission of an offence outside Canada that, if committed in Canada, would constitute such an offence....

Hon. David Anderson: This confirms my worst fears, in a sense: that two people are adequate to have an organized criminal conspiracy, and therefore this is the break point. As long as you organize with somebody else—you're the driver of the van that is taking in the illegal immigrants and I'm the person who collects the money and finds them and puts them in your van—that then becomes organized crime.

This worries me. There's no way these witnesses are going to be able to solve this complex question for us, but I just would like to put on the record that this type of language slips in, and it needs to be watched closely by those of us concerned with civil liberties and other aspects, because it has been used in the United States sometimes in a manner that I felt was a pretty far stretch from what the legislators had intended. I suggest we look at this in the future quite carefully, because organized crime, as far as I can see, involves any two people who've managed to talk about it beforehand and carry it out later.

That's just an observation, Mr. Chairman, not a question. Let me again repeat that we're extremely lucky in Canada to have such fine people working at the border. When you compare them—I know comparisons are invidious—with people working on some other borders, or even on the other side of our own border, we come out very well in comparison. I hope those views will be conveyed to the people concerned.

[Translation]

The Vice-Chair (Ms. Meili Faille): Thank you very much.

I believe that it is my turn to ask questions. I hope that you have brought some statistics. I am interested in the detention issue. We have not talked about it very much, and I would like to know what is the most common reason for detention. Are people detained mainly because they do not have identification documents?

Ms. Claudette Deschênes: Unfortunately, I do not have any statistics on that aspect. You know that people may be detained because they do not have identification papers, because they are likely to disappear or because they pose a security risk to Canada. I do not have the percentages, but we will certainly be able to send you that information.

The Vice-Chair (Ms. Meili Faille): My concern is with the fact that asylum seekers might be tempted to get rid of their identification papers before arriving in Canada. When they get here, what is the average length of detention for people without identification? Since you do not have the numbers, could you also provide that information to us later?

Ms. Claudette Deschênes: Certainly.

The Vice-Chair (Ms. Meili Faille): I would like you to tell us about the conditions for families who are detained. When families arrive at a point of entry and request asylum, what conditions can they expect at the detention centre? Are those people detained?

Ms. Claudette Deschênes: Each case is considered in the light of its particular circumstances involved, and there are some differences from region to region. We are working very closely with the Red Cross on the issue of detention conditions in order to be sure that we meet international criteria. We believe that we meet those criteria very well. However, the agency—and CIC before it—obviously does not have the necessary facilities to handle everyone who is detained. We work with the provincial governments, for example, to ensure proper arrangements. Normally, we do not detain family groups, since we are able to get them back to finish the screening.

•(1010)

The Vice-Chair (Ms. Meili Faille): So you are telling me that when a family is detained, it is usually only for a short period. So the children are not there indefinitely. The detention only lasts a short time, is that right?

Ms. Claudette Deschênes: Generally, the detention time is very short. However, if a family is detained before removal and decides to initiate procedures to oppose being removed from Canada, the detention may be a bit longer.

The Vice-Chair (Ms. Meili Faille): Does it happen that people do not get a hearing and you automatically take removal measures? Are there criteria that can result in asylum seekers not getting a hearing? I will help you a little. I just attended a conference where we were told that delays sometimes occurred. When people arrive in Canada, they may not know how to fill out the application form properly. In addition to the time that they are allowed for submitting their application, there is no recourse for extending the deadline, and these people are automatically removed.

Mr. Daniel Jean: First of all, there is no deadline for applying for protection. People are allowed to do that. If for some reason, people have not sought protection, they will be entitled to a pre-removal risk assessment when removal procedures are initiated. At that time, they can explain the risks that they would face if they returned to their country of origin. Even if they have not mentioned before then that they need protection, they have the opportunity to bring out those risks when the pre-removal risk assessment takes place.

The Vice-Chair (Ms. Meili Faille): So experts...

Mr. Daniel Jean: The only exception to that, and this may be what you are referring to, is that traditionally, a lot of people applied for refugee status in Canada from the United States, went through the entire process and then, in the end, it was determined that they did not require protection. They were sent back to the United States because this is where they came from. Some people waited for a while, came back and reapplied, often using the same reasons they did at the time of their initial application, which had been rejected.

They went through the entire process again, were rejected, went back to the United States and came back again. For such cases, changes were made in the past few years. Now, on their return, all we do is a pre-removal risk assessment. Maybe that is what you are referring to, but even in such cases, they are not removed automatically. A risk assessment is done.

The Vice-Chair (Ms. Meili Faille): So, the individual knows a pre-removal risk assessment is done.

Mr. Daniel Jean: Yes, he or she knows a PRRA is done.

The Vice-Chair (Ms. Meili Faille): So, the experts are what are known as the PRRA officers.

Mr. Daniel Jean: That's right.

The Vice-Chair (Ms. Meili Faille): That's good.

Lui, do you have more questions?

[English]

Mr. Lui Temelkovski: Not yet.

The Vice-Chair (Ms. Meili Faille): Not yet.

Mr. Anderson.

Hon. David Anderson: I don't think so.

[Translation]

The Vice-Chair (Ms. Meili Faille): Roger.

Mr. Roger Clavet: We were talking about pre-removal assessment and removal orders. On page 8 of your document you describe the respective roles of partners in service delivery. It is said that a CIC visa officer overseas may confirm that a removal order has been effected. In some cases, the role may be shared between the two organizations. In other words, both CIC and the agency are tasked with performing PRRA's. Does this happen often? Isn't there a degree of arbitrariness when both the agency and the commission are entrusted with this? There is a degree of arbitrariness here. Doesn't this increase the potential number of reasons for removal—and there are many—when you multiply the number of people involved in deciding a removal order?

I see that it's not only the PRRA that is performed by both organizations, as you just said. But there can also be twice as many reasons to remove people.

•(1015)

Mr. Daniel Jean: In the first place, slide 8 refers to all services delivered, not only removals.

Mr. Roger Clavet: This was the example given.

Mr. Daniel Jean: As to the specific issue you raise, it does not refer to the PRRA. This refers instead to a situation where the individual is requested to leave. Often, we check that the individual has left because a performance bond has been posted. The individual must report to a post abroad to establish he or she has indeed left Canada. The post abroad certifies that the person is indeed there and is the individual who was under a removal order. It then advises CBSA that the individual has indeed left Canada. The person or his family may then get back the money from the performance bond.

Let me now refer to the respective roles of the organizations when both deliver the service, such as processing initial refugee applications. At entry point, the CBSA is responsible for that. Within Canada, it's CIC. There are other services that have been entrusted to both, otherwise we would have had to create service delivery units in both organizations, adding to the cost, inefficiency and waiting times.

Mr. Roger Clavet: With regard to French language services offered at points of entry, will anything be done to ensure that the quality of French is comparable to that of the other official language at points of entry throughout the system?

Ms. Claudette Deschênes: We will be very vigilant in that regard in order to meet our language obligations. As official languages champion for the agency, I will continue to work very hard toward this goal.

Mr. Roger Clavet: Thank you.

The Vice-Chair (Ms. Meili Faille): Mr. Siksay.

[English]

Mr. Bill Siksay: Thank you, Madam Chair.

I have a couple of other questions. I'm just wondering if there are any children currently in detention in Canada, and what those arrangements would be if they are in detention.

I wonder if you could tell me a little bit about the agency's policy around racial profiling. We know that a lot of Canadians and permanent residents travelling overseas have felt they've been targeted by racial profiling. We haven't heard as much about it here in Canada, but I'm wondering what the agency has done in terms of training and preparing its workers in that regard, or if there is an agency policy on racial profiling.

We've heard talk as well about no-fly lists. There's been some talk that such a thing exists in Canada. I'm just wondering if such a list does exist and if the agency has been participating in that, or if the agency uses no-fly lists from other countries or is part of enforcement of no-fly lists from other countries.

Ms. Claudette Deschênes: In terms of minor children, the Canadian policy is very much that it would be as a last resort that any minor children would be detained. It is true, though, that sometimes we have minor children arriving in Canada unaccompanied, and we're not quite sure where the families are, and so on. In those cases, we might, at the end of the day, detain the child if, for example, Pearson called the Children's Aid Society, so that we could ensure the child is well protected. But certainly the policy of the Canadian government is that it is a last resort to detain minor children.

There's also the issues of family groups. Sometimes you may have a case where I'm not sure it would be best to bring the minor children and put them in another environment and have their parents detained. So there are some discussions about what is best for the children in that case.

But the policy is very clear that it's as a last resort that we would detain children.

• (1020)

Mr. Bill Siksay: So they would actually go to a detention centre, though, in some cases?

Ms. Claudette Deschênes: Sometimes they would. For example, in Toronto, they would go overnight. Then, with the Children's Aid Society, they might be put in a home for a period of time.

But we continue to do work with the Red Cross and NGOs on that, because we want to minimize those types of things and we want to really understand what the case-by-case situation is. So that work is ongoing for us.

[Translation]

The Vice-Chair (Ms. Meili Faille): Ms. Deschênes, could you provide us with statistics on the ages of the people who were detained?

Ms. Claudette Deschênes: Right now, we don't have any precise statistics relating to the work I've just begun with the Red Cross. However, I have observed that there are no deficiencies in this area. We would like to have a better understanding of this kind of situation. We've also had consultations with the CCR. We intend to come back to discuss that with you.

The Vice-Chair (Ms. Meili Faille): All right.

[English]

Ms. Claudette Deschênes: In terms of racial profiling, I would clearly say that the agency and the Canadian government do not believe in racial profiling. What we do try to do, though, is identify the risk, and some of the risk factors may be identified with specific groups, and so on. So our policy is clearly not to do racial profiling, and we work very hard on that.

As we move to the new agency, we will be looking at the training that was given by the legacy systems to ensure we have addressed the concerns or to make sure the staff are well trained on these issues. I think both legacy organizations had good training programs; now it's a matter of seeing how we, as an agency, incorporate those things.

So we'll continue to do work on that, but I clearly can tell you that it's not the policy of the agency nor of the Government of Canada.

In terms of no-fly lists, and so on, certainly the agency does not have a no-fly list. We do exchange lookout systems with the Americans under an agreement on both the customs side and the legacy immigration side. That information is used when someone arrives in Canada. If we have information, we would use it in terms of an examination. But certainly there is no process at the moment by which the agency would exclude someone from flying to Canada based on the lookout.

[Translation]

The Vice-Chair (Ms. Meili Faille): Mr. Anderson.

[English]

Hon. David Anderson: The issue of racial profiling, in a policy sense, is obviously extremely distasteful, and I certainly hope we're able to prevent it occurring.

That said, sometimes this issue is not explained particularly well. For instance, young Saudi males turning up at the airport are treated the same as grandmothers from Sweden. Is that what it means, or is it more sophisticated than that? Is it based on nationality, where you can profile certain nationalities as having more of a risk and a need for greater surveillance? Is it certain passports? How do you go about that?

Let me give an example. I once went through the Miami Airport shortly after the Americans had done one of the their inevitable reorganizations. I was a male, travelling alone on a one-way ticket from Columbia. I think there was some issue of luggage as well. I was pulled aside. Even after they'd taken my ticket to get on the plane, they pulled me aside on the boom to get to the aircraft.

I'm not complaining about that. They have security issues. But you can see that they had me profiled as a single male, travelling alone, from an area of the world where terrorism exists.

Again, I'm not complaining about it. I'm simply saying that's how it was done, and it was done incompetently, I think, if I had to have three separate searches. How do we handle that type of situation? If we don't have racial profiling, are we also blind to nationality? Are we blind to the passports? Are we blind to the age group? What profiling do we then do?

I agree. I don't think it should be on the basis of race, but I do think, as a practical matter, our people must be given some instruction on where the greatest risk is. How do you handle that?

•(1025)

Ms. Claudette Deschênes: The example you've given is an excellent example of the types of things that we would consider in a risk profile in terms of people travelling at the last minute, buying tickets with cash, not carrying any luggage, and using travel patterns that are out of the ordinary. Sunni terrorism is a fact of life, and therefore possibly coming from certain areas is part of the equation, as are high criminality rates.

All of those combinations are used, but someone can also be stopped simply for quality assurance issues. Someone can be stopped or questioned more at an airport, but it's not always because there's a lookout or they fit a certain risk profile. It could also be because there's a certain percentage that we do for quality assurance to ensure that we aren't focusing on only one aspect, and so on.

Those are the types of indicators that are used. We try very much to ensure that when we are using them, we are balancing respect for individuals with the risk that might be there.

Hon. David Anderson: I certainly am flattered to hear that I might be part of quality assurance when I'm pulled aside

I hope this will have a little more honest discussion, because right now there's a great deal of public misunderstanding on the

procedures used. It generally falls into this issue of racial profiling, which I don't think is a particularly useful discussion, as it is not part of our process. If we can describe what part of our process is there, we can perhaps be more successful in pointing out that it is, nevertheless, a sensible and serious system.

Ms. Claudette Deschênes: I definitely agree with you. We need to have more discussion about it so people understand what is being done.

[Translation]

The Vice-Chair (Ms. Meili Faille): Bill.

[English]

Mr. Bill Siksay: I have one question, Madam Chair, that relates to racial profiling.

In response to my original question, Madam Deschênes, you said something about specific groups that could be of interest. Could you tell us what you meant by specific groups?

Your answer to Mr. Anderson talked about travel circumstances, luggage, and those kinds of issues, but you did mention specific groups. What would they be? How do you define the specific groups?

Ms. Claudette Deschênes: I think I would use Sunni terrorism as an example. Of course, we have a certain group of individuals who may have been involved, who travelled into Afghanistan or Saudi Arabia and that area, who went to certain schools, and so on. Those are the types of things that will fit into the risk assessment of cases.

In some cases, that can be perceived as racial profiling. From our perspective, it's whether there is an increased risk, and that's based on some of the indicators intelligence services would provide to us.

Mr. Bill Siksay: Does that mean if you're a member of the Sunni community you're immediately a source of concern?

Ms. Claudette Deschênes: No, it doesn't. It means you could be in or you could be out, but those are some of the indicators. If you're travelling on a passport that is often used—for example, a number of French passports have disappeared in the last year—we may look a little more closely at that type of thing for a period of time. So it's not that everybody of that nationality or ethnic group would be considered a risk, but it might be a part of the risk profiles we are looking at. There may be some who, because of a combination of an interesting travel pattern, no luggage, booked the flight at the last minute, also a member of.... That might also mean you don't get referred.

[Translation]

The Vice-Chair (Ms. Meili Faille): I don't think I understood. You're saying there isn't a no-fly list?

Ms. Claudette Deschênes: The agency does not have a no-fly list.

The Vice-Chair (Ms. Meili Faille): Who provides the information to the United States, for example, at the New York airport? People I've met told me that they were systematically asked to get off the plane when they were in transit to Canada. They were taken off the plane in New York. The officers who questioned them told them that they were taken off the aircraft upon request from the Government of Canada. This is at the New York airport. The Americans are telling us that it is the Canadians sending them information. If it's not the agency, who in the government can provide that information to the Americans?

• (1030)

Ms. Claudette Deschênes: Many Canadian government organizations have mechanisms in place to exchange information with the American government. Without knowing the exact context, it's a bit difficult for me to answer you. With regard to the no-fly lists that the Americans have, on the Canadian side, Transport Canada is responsible for that type of issue and not the CBSA.

The Vice-Chair (Ms. Meili Faille): All right. The people who are temporarily detained are asked about their travels, where they've been, what they did. They try to get information about their comings and goings. Is Transport Canada interested in that?

Mr. Daniel Jean: Those are two different things. When there's a no-fly list, that means that airlines are given an order not to allow a certain individual on board an aircraft. What Claudette is saying in this regard would come under the auspices of Transport Canada.

Without more details, it's very difficult for us to say whether what you're describing comes under the purview of the Americans. We certainly don't issue an order to have people who have the necessary documentation disembark. However, you have to understand that in the context of our foreign interdiction program, it often happens that an airline will call us to tell us they have the impression that a passenger is an impostor because he doesn't have the right documents. At that point, whether on the phone or on-site, we determine whether these people are legitimate travellers to Canada. If they aren't, they will not be allowed to board, but not for the reasons you've just stated.

The Vice-Chair (Ms. Meili Faille): I see. So there's an interdiction program through which information could be exchanged with the United States.

Mr. Daniel Jean: We do very little with the United States under the interdiction program. Information exchanges with the United States, both in the case of CIC and the CBSA, take place under an information exchange agreement signed by both countries. The type of situation you are describing is not covered at all by this agreement. As I said earlier, if you can't provide us with more details, this remains a hypothetical case.

With regard to the issue of information exchange agreements, you should know that existing agreements were signed in accordance with existing legislation on the exchange of information. For the past two years or so, all information exchange agreements have been subject to evaluation by the Privacy Commissioner. The commissioner examines them and makes sure that they comply not only with legislation but also with standards and objectives for the sharing of information. The current agreement in place with the United States was evaluated by the Privacy Commissioner.

The Vice-Chair (Ms. Meili Faille): Mr. Temelkovski.

[English]

Mr. Lui Temelkovski: I'd like to know more about the development of the CBSA. Was it done in collaboration with or as a reflection of what happened in the States, or was it a policy made for Canadians by Canadians? Are we losing any autonomy there?

Second, I've also been asked where I was born when crossing the border to the States. I think it's just because I speak with an accent. With the new citizenship laws or rules that we're putting in place, hopefully that question will cease to be asked. Whether I was born here or anywhere, once I have my citizenship I don't want to be asked that question. I think it's very sensitive for many people, and it makes them feel like second-class citizens.

On my third comment, you mentioned in the presentation that this first phase of machinery affects 64 business processes, leading me to believe there will be a second phase. When is it coming? What might we be looking at?

• (1035)

Mr. Daniel Jean: On your first question, it wouldn't be appropriate for an official to discuss what drove a policy decision like the creation of the Canada Border Services Agency, but it would be fair for an official to give you facts comparing it to the Department of Homeland Security. For example, DHS compared to CBSA is mammoth. DHS includes most of the CIC functions, what CBSA has, and many other entities. So in the DHS entity you have the benefits side under citizenship and services, you have a border group, and you have an interior enforcement group. So it's much broader, and they brought everything under DHS.

The decision that was announced in Canada is quite different. They've split dealing with the threat side, which has gone to CBSA, and the management of port of entry or border management into CBSA, but they left CIC as an entity to deal with the benefits.

On your second question, definitely on admission into Canada, where you were born is not... Once we've determined you're a Canadian citizen, from an immigration perspective the buck stops there. You are Canadian and you have a right to enter Canada. From an immigration perspective, the minute we've determined that you're a Canadian citizen, any question after that is not appropriate from an immigration perspective. They may have customs questions for you and other types of questions.

On the business processes, it's fair to say that we're working hard right now with those who are affected by the October 8 decisions on the port of entry transfers. We hope to have those done fairly quickly as well.

[Translation]

The Vice-Chair (Ms. Meili Faille): We have to leave this room in 10 minutes, since another committee has a meeting here.

Mr. Siksay.

[English]

Mr. Bill Siksay: Thank you, Madam Chair.

I just want to get back to the question of refugee claimants. I think you explained—and I hope I understood—that CIC will be responsible for developing the policy, CBSA will deal with refugee claimants at the port of entry, and CIC will continue to deal with them if they make the claim inland.

I'm just wondering what mechanism is in place to make sure the decisions that get made in those two different places are consistent with each other—the whole issue of consistency in how that will be maintained.

Mr. Daniel Jean: I go back to my earlier answer. The decisions that are made by CIC officials inland, or CBSA officials at port of entry, are solely on what we call eligibility. Are they eligible to proceed with claims? The only way somebody cannot be eligible to proceed with a claim is if they fall within one of the serious threat categories of security, organized crime, or war crime. Then we say, “You're excluded from having a protection hearing with the Immigration and Refugee Board, but you will have a pre-removal risk assessment.”

The other reason they may be excluded from proceeding is if they receive protection in another country. So if we have prima facie evidence that shows they were given refugee status in the United States, they have no reason to be seeking protection in Canada. Statistically speaking, right now fewer than 1% of people who apply for asylum are rejected on this eligibility screen. Yes, we will have monitoring, but there is no reason why it's going to change much for refugees.

When we had exchanges with the Canadian Council for Refugees, Amnesty International, and the Canadian Bar Association, these things were discussed at length. But given what was happening here, I think at the end of the day people felt it was how it was done, not who did it. I think people were reassured by the president of the Canada Border Services Agency that on the service and the balanced approach they will bring to border management, the commitment is there. They were also reassured by the fact that CIC will continue to define how it's done.

• (1040)

Mr. Bill Siksay: Is that 1% threshold being maintained now with the change?

Mr. Daniel Jean: The 1%, of course, is not a target. October 8 was not that long ago—two months—but I can assure you we've seen no change since then in the volume of people who are being declared ineligible.

[Translation]

The Vice-Chair (Ms. Meili Faille): If there are no further questions...

[English]

Do you have a question?

Hon. Andrew Telegdi: While I have a chance to speak, the question of the colour of my tie came up, and I wish Diane were here to hear the response. I celebrate the selection of Tommy Douglas as the greatest Canadian, but let me also say that my tie is to show solidarity with what's going on in Ukraine. I have a number of ties like it.

Getting to my question, I often wonder, in terms of removals, what kind of priority list we have. It seems to me that most of the removals we end up effecting are the ones who probably should be the last ones removed because they comply by coming in, they're easy to find, and they could be working. I often wonder if we'd not be better off spending more of an effort on those folks who actually represent some kind of danger to the country. I guess I'm asking about quality versus quantity.

Ms. Claudette Deschênes: We definitely have a priority system in terms of who we try to remove, and our priority is toward criminals and those who are dangers and risks to Canada. Most of our efforts are focused on that. There are a certain number of what we call easy removals that we also seek to do for the integrity of the immigration program in total. But I can assure you that our priority is on the criminal and security elements.

Sometimes these are the hardest removals, in terms of getting passports or travel documents, and having to work with governments that may not be too crazy about getting these people back to their countries. But our priorities are set on the types of cases that I think you would like us to focus on.

Hon. Andrew Telegdi: Could you table with the committee some numbers in terms of the different categories? I think that would be useful for me.

Ms. Claudette Deschênes: It would be our pleasure to do that.

Hon. Andrew Telegdi: Thank you very much.

[Translation]

The Vice-Chair (Ms. Meili Faille): To sum up, Ms. Deschênes, you will be providing us with statistics. Can we get the raw figures and percentages that we asked for? Do you have the number of interdictions on your list?

Ms. Claudette Deschênes: I don't have it. You are talking about interdictions abroad?

The Vice-Chair (Ms. Meili Faille): Yes.

Ms. Claudette Deschênes: I can provide you with that. I will provide you with all the statistics we have. We may not have everything you've asked for, but we will let you know if there's something we can't give you.

The Vice-Chair (Ms. Meili Faille): The questions asked in committee often deal with the number of deportations and the number of security certificates issued, for example. That gives us a clearer picture of the situation.

Will the CBSA be participating in the reform of the Immigration and Refugee Protection Act?

Mr. Daniel Jean: As part of the work that we have to do in several areas, including legislation, we will have to work very closely with the CBSA. In the context of the work we are doing as part of the reform, four entities are more involved than others: CIC, the CBSA, the Immigration and Refugee Board—it tells us how things are being done right now—and the Department of Justice, which always plays a very important role in order to ensure that we are meeting our international obligations and so forth.

The Vice-Chair (Ms. Meili Faille): That brings today's very fruitful meeting to a close.

•(1045)

Mr. Daniel Jean: With your permission, Madam Chair and members of the committee, I'd like to add a few words. We know that the transition period will be difficult. We've been experiencing it since December 12, 2003. We're always wondering who does what. When the committee has questions for us, it can write to us and we will make sure that we send you a response. We know that the

coming period will be as difficult for you as it has been for us in the past year.

The Vice-Chair (Ms. Meili Faille): In the future, it will be easier for us now that you've introduced yourselves. We often had questions and we were told that these issues were under the purview of the CBSA. Today we've had an exploratory meeting that has enabled us to gain a better understanding of your respective mandates. Thank you.

The meeting is adjourned.

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