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# **Standing Committee on Citizenship and Immigration**

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**EVIDENCE**

**Thursday, February 3, 2005**

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**Chair**

**The Honourable Andrew Telegdi**

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## Standing Committee on Citizenship and Immigration

Thursday, February 3, 2005

• (1110)

[English]

**The Chair (Hon. Andrew Telegi (Kitchener—Waterloo, Lib.)):** I call the meeting to order.

I'll start by mentioning to people who will be viewing this meeting that the Standing Committee on Citizenship and Immigration will meet to conduct consultations on a new Citizenship Act, recognition of international experience and credentials of immigrants, and family reunification issues. We will be holding public hearings in St. John's, Halifax, Fredericton, and Charlottetown the week of March 7, 2005; Quebec City and Montreal the week of March 21, 2005; and Winnipeg, Regina, Calgary, Edmonton, Victoria, Vancouver, Toronto, and Kitchener-Waterloo the weeks of April 3 and April 10.

Individuals and organizations that wish to consider making oral representations in each location should contact the committee clerk by noon on Tuesday, February 22. Those who do not wish to make oral presentations but are interested in commenting on the issues may send their submissions to the clerk at 180 Wellington Street, Room 672, by Tuesday, March 15, 2005.

Witnesses selected to make oral presentations to the committee will have seven minutes for their presentations. If possible, witnesses should submit their presentations to the clerk, in writing, at least seven working days before their appearance.

You can also find us on the immigration committee website.

Mr. Clerk, you have the address for this website.

**The Clerk of the Committee (Mr. William Farrell):** Yes. It's [www.parl.gc.ca/cimm](http://www.parl.gc.ca/cimm).

**The Chair:** Today we're going to be dealing with two topics. We'll get a briefing from the officials on the study of family reunification issues and we'll talk about visa permits—two issues that have been in the news lately. I think it's important for us to use this opportunity to inform Canadians on how the process works.

In the second part of today's meeting we'll be dealing with the safe third country agreement that came into effect on December 29. This committee is very interested in it and will be monitoring it.

We have, from the department, Monsieur Dussault and Madam Deslauriers.

Could you please start your presentation, which is going to be for ten minutes?

[Translation]

**Mr. Rénaud Dussault (Director General, Selection Branch, Department of Citizenship and Immigration)** Thank you, Mr. Chairman.

I believe that committee members were mostly interested in having us explain the issue of out-of-status spouses in Canada a bit more clearly.

[English]

We will start with some information on where we stand on family reunification in general and then proceed to a few notes on the issue of out-of-status spouses in Canada and how they are being processed at this time.

[Translation]

The first two slides, on pages 2 and 3, deal with the importance of family reunification under the current immigration system. As you know, that is a key objective of the current legislation. The department has followed through on this objective by affording priority processing to applications for partners and minor children, including overseas screening. Currently, 58 per cent of spousal and partner applications are processed within six months.

[English]

New Delhi and Beijing are the largest missions we have in terms of processing capacity. In New Delhi, 80% of the cases of spouses are dealt with in four months or less. In Beijing, 80% of those cases are dealt with in five months or less.

As far as processing in Canada is concerned—and we'll talk about this a bit more—the cases of spouses and children are being dealt with as a matter of priority. They usually get approval in principle within six to nine months.

On page 3 there are a few numbers.

• (1115)

[Translation]

These are 2003 figures because that's the last year for which we have final figures.

[English]

What you see there essentially is that there were close to 50,000 landings in the category of spouses and children in 2003. There are other statistics there on the size of the inventories, as we can establish them. Also it's probably worth noting that the largest proportion of immigrants in that category come from India and China, with 20% and 30% respectively, followed by the United States, Pakistan, and the Philippines.

It's important to note that we're talking about country of last permanent residence when we use those numbers. That does not always coincide with country of citizenship.

[Translation]

Pages 4 and 5 refer to the old system. Basically, they refer to the way spousal and partner applications made in Canada were processed before the new act came into force in June 2002. They explain that spousal and common-law partner applications made in Canada were processed through the humanitarian and compassionate (H&C) process.

Unlike the new act and regulations, this system did not provide for any special class for spouses and common-law partners in Canada. All cases were considered in the humanitarian class. A bona fide relationship was generally sufficient grounds to have an application considered under H&C without having to leave Canada. Sponsorship was encouraged but not mandatory.

[English]

Page 5 deals with some of the concerns about the integrity of the program that this situation entailed. In particular, the absence of a specific regulation to deal with those cases implied that sponsorships were not required, and consequently the eligibility criteria for those sponsorships was not specified.

[Translation]

Pages 6 and following explain how the new system works since the new act came into force in June 2002. I should mention that under the new act, the family class program was expanded in June 2002. For example, conjugal and common-law partners are now included in the very text of the act and regulations. Spousal and partners' sponsorships have been reduced from ten to three years. The family class application process has been redesigned for speedier processing overseas. A new in-Canada class has been created to process spouses and common-law partners. We'll come back to that specific point. It was felt that H&C grounds should only be raised in exceptional cases.

[English]

To talk a bit more specifically about that new system and the requirements for the new in-Canada class, as I said, one of the particular aspects of that new legislation is that a new class was created for the processing in Canada of spouses and partners. By the creation of that new class in Canada we introduced a mandatory sponsorship for those cases. For the family class, obviously there was a sponsorship attached to the application. Also, one of the requirements was that these people be in a bona fide relationship with, and living with, an eligible sponsor. Also, and this was probably one of the key points of discussion, one of the requirements

is that those people have legal immigration status in Canada. As I said, this is probably the point that has been discussed most specifically with the introduction of the new IRPR regulations. The concept was that we would encourage the applicants to have and maintain legal status in Canada in order to be part of that new in-Canada class for spouses and partners.

It's worth noting that this has already been discussed before the Federal Court, and the Federal Court has upheld that distinction of status between people with status being part of the new class and the people without status still being dealt with in the context of the humanitarian consideration issues.

That's page 8, essentially, of your presentation. We deal there more specifically, and we can go into more detail during the question period, with how the people who are processed within the humanitarian consideration group are being dealt with in the context of the new legislation.

• (1120)

[Translation]

Persons without legal immigration status may apply to remain in Canada by requesting H&C consideration. A bona fide relationship is not a de facto reason for in-Canada processing. The applicant must show hardship if required to leave Canada and apply abroad.

[English]

There are a number of statistics being provided on this particular page of your presentation. I think what is worth noting is that only a small percentage, less than 20%, of the applications being processed under the humanitarian and compassionate group after the new legislation are actually spouses.

The last point I'd like to cover in this presentation—and, as I said, we can go into more detail—is the issue of the service delivery strategy. I alluded to the fact that there have been significant representations to the ministers and to the department because people are concerned with the fact that for the people who are not with status in Canada and are consequently part of the H and C, humanitarian and compassionate, group, during the processing of those applications there is a possibility that the two members of the couple would be separated. So what we've done essentially is to work on a service delivery strategy to try to improve the processing of those applications even if they are without status.

In other words, to summarize the situation, and then we can open the discussion, if you are a spouse or partner, you have essentially three ways of being processed. You can be processed through the normal channels abroad. I indicated at the beginning of this presentation that this process has been accelerated very significantly in some key missions. You can be part of the class in-Canada if you are in Canada with status, such as if you came here as a student or as a temporary worker, or visitor, somebody with legal status in Canada. Then we will process your application very quickly as part of the new class that was created with the new act. The third possibility is if you are without status. If, for instance, you came to Canada illegally and you married during your stay here, in that particular group, that third group, what happens more quickly is you are part of the humanitarian and compassionate group, and in those particular cases we also try to isolate those cases within the larger category and try to process, at this point in time, those cases more quickly.

Thank you, Mr. Chair.

• (1125)

**The Chair:** Thank you very much.

We are now going to go into our questions and answers. The first round will be seven minutes, so I encourage everybody to be as succinct as possible. I also ask the officials to keep their answers short so that we can get everybody in, because this is certainly an issue that is of interest to members.

Mr. Mark.

**Mr. Inky Mark (Dauphin—Swan River—Marquette, CPC):** Thank you, Mr. Chairman.

Thank you for coming before the committee.

Let me begin by just saying that, having been here for four years, I never cease to be surprised by what I read in the paper about immigration. It's unfortunate that issues like Harjit Singh almost taint all the good work that people do. In my own riding, I actually have a lot of immigration files, and I have nothing but good words to say about the officers who do the case files and do the work.

The headlines I've read in the last few weeks basically say the immigration system is broken. Through the resignation of the minister this last month, I often wonder what really is the cause of that occurring. A lot of changes have occurred since Bill C-11 was put in place, and I know new regulations have been put in place. The question I have is about these difficulties we're reading about in the papers, difficulties that are obviously negatives to the immigration system.

On your last comment about how persons without legal immigration status can actually apply, I don't disagree with that. But how well is that being monitored and managed so that people like Harjit Singh don't spend seventeen years here while really having illegal status even when in the process of getting legal status? If it takes years to determine the status of someone in this country, that is really ridiculous, actually.

How do we avoid problems like this in the way the system should operate, in order to ensure that legitimate, well-rounded applicants and people who are concerned...? You know cases like this have a

negative impact on the good people who live here and who do want to see their families come to this country. I'm one of them. I came here fifty years ago to join my father.

These are the concerns I have this morning.

**Mr. Rénaud Dussault:** One of the points we want to make this morning is that we are trying to deal as expeditiously as possible with those cases that are not creating any problems, focusing on family, as I said. That's the reason why we've tried to accelerate the processing abroad of those applications: so that families can be reunited as quickly as possible. We created that class in Canada in 2002 for the same reason, fundamentally for those people who are in a genuine relationship and who are legally in Canada, who just happened to be here as students and decided to form a family in Canada. We want to try to deal with those cases as expeditiously as possible, and I think we've achieved some good results on that particular front.

As I said, the third group was the group that was creating more concern, because sometimes it involved relationships that were created recently, before the submission of the sponsorship applications. Obviously there are more concerns there in terms of the integrity of the program, but again we recognize that those people have either a legal marriage or a partner, and consequently we are trying to also find a way to deal with those situations as quickly as possible.

All that is to say that what the department is trying to do is find, as much as possible, the right balance between the facilitation of those cases and obviously the integrity of the program. In that regard, I can tell you the department is working very closely with the new Canada Border Services Agency in order to make sure that, through those discussions, we try to maintain that balance between facilitation and integrity.

• (1130)

**Mr. Inky Mark:** You know that today we live in a highly mobile world and that people come here for all kinds of reasons. They come here to visit, they fall in love, they fall in love on the Internet; these are common cases that all members of Parliament have to deal with.

I guess the question is, how do you monitor and how do you manage the numbers? Canadians still have the assumption that because they're married, their new spouse is legal. You know that.

So how do you manage the numbers, and how do you manage people who don't qualify? How do you ensure that they leave the country? That's always been one of the problems going back to deportation and the warrants that have been written many years ago, which made negative press as well.

Now, with the change in the application procedures within the country, I hope it just doesn't create another hornet's nest and create bigger problems in this country, because that's precisely one of the problems: we don't manage what we do. It sounds nice. Yes, we're compassionate, but we just create problem upon problem.

So how do you plan to manage this?

**Mr. Rénaud Dussault:** One of the advantages of creating the in-Canada class—and I think there's a lesson to be learned from this—is that by doing so, we are subjecting those people to a sponsorship application. Consequently, the responsibilities of the sponsor are established a lot more clearly through the formal process of submitting a sponsorship and what it entails. This could not be a requirement as part of the humanitarian and compassionate group.

To be fair to the people, there were a number of sponsorships, but they were not mandatory because it was not part of the family class. So by creating that portion of the family class in Canada, it is also something we've been able to do. We believe that by having a formal sponsorship, to use your terms, I think, is creating an additional element of control over that particular part of the movement.

**Mr. Inky Mark:** My last question is, with the people who don't qualify, do you get the RCMP involved? I remember years back talking to Commissioner Zaccardelli, who said to the committee that they really were not notified. They really had nothing to do with Immigration, that Immigration had its own enforcement officers.

So what's the procedure today for people who don't qualify? How do we remove them from the country?

**Mr. Rénaud Dussault:** Our primary contact there obviously is the newly created Canada Border Services Agency, and I would prefer to let the CBSA handle the specific questions in terms of their relationship with the RCMP, and so on. But I can tell you from a Citizenship and Immigration point of view that we work very closely with the new agency to make sure the concerns you mentioned are taken into consideration.

**The Chair:** Thank you very much. We will now go to Madame Faille.

[Translation]

**Ms. Meili Faille (Vaudreuil-Soulanges, BQ):** I would like to thank the officials from the department for coming back to give us a presentation on this particular program.

Although applications are processed in under six months in most overseas areas—on the site, it says that 30% of cases are dealt with in eight months—there are places, including Africa and the Middle East, where the processing takes longer. The same requirements apply there as in all of the other regions, for example, medical certificates, but DNA tests are increasingly being required for processing. For some reason, people are getting caught in a vicious circle. Security certificates are the last step, and by the time that is requested, the medical examinations are no longer good, so people have to start all over again and redo the medical examinations, among other things. All of that causes delays. As a result, most of the cases we see in our offices take four or five years to be processed. Monitoring those files places a heavy burden on our staff; just when you think the case is going to be finalized, certain steps have to be repeated.

In some countries, or regions where children are at risk, they are constantly moved from one place to another for their own safety. I just want to point out that it's often the files from trouble spots that wind up in our offices. In some cases, they come to us through Amnesty International or an NGO that feels somewhat baffled by the department's procedure. So we try to find a solution or a way of simplifying that procedure.

I don't know whether this situation is due to a lack of resources. I'd also like you to give us a bit of an explanation of the practice with respect to DNA test requirements. Is that very widespread at overseas missions?

• (1135)

**Mr. Rénaud Dussault:** I am going to ask Johanne to talk about DNA. I'd first like to repeat that the department's very clear objective, which is reflected in the objectives assigned to each mission, is to try to process 80 per cent of applications the world over in under six months. That remains the very clear objective of the department. Clearly, we're not there yet. We indicate, in the notes we've provided you, that we are now at 58 per cent. On the department's website, it says 50 per cent. Those figures will be corrected. We are now at 58 per cent. So we still have some way to go. I indicated that we had made much greater progress in some of the larger missions where the numbers are high. We're working on it.

I want it to be very clear that the international region is quite aware of the problem. The clear priority of overseas program directors is to try to find solutions, particularly in missions with lengthier processing times. There are always individual cases that, for one reason or another, take a long time to process. You mentioned a certain number of situations—involving security, among other things—that may involve such delays. I think we have to accept that we will never be able to process 100 per cent of cases in under six months. And that in fact is why we set an objective that I consider more realistic and attainable: To attempt to process 80 per cent of cases, within six months.

We've also taken some steps in recent years to try to expedite the processing of family cases. For example, combined consideration of the sponsorship and the application itself enables us to speed up the processing of the application in many cases. That's what enabled us to significantly reduce the processing time in the major missions. So there are steps like that that have been taken. As I was saying, we haven't yet reached our goal, but I think we are moving firmly in that direction.

**Ms. Meili Faille:** Before we talk about DNA tests, I'd like to know if you've taken any specific steps for the African and Middle East regions. That's really where the problems currently are. I'd like to know whether strategically, the department has taken concrete steps in those regions.

**Mr. Rénaud Dussault:** I know that the International Region is aware of the problem. I can't give you any specific details about specific steps that may have been taken in those parts of the world. It's also often a matter of distance. In a number of those countries, the logistics are less manageable. That could be one factor. I think that that's one of the issues we could take under advisement and perhaps discuss with International Region, to see whether specific measures have been taken to significantly reduce processing times in those regions.

**Ms. Meili Faille:** Okay. Johanne, I'd like to address the fact that for refugees who are here, accepted, awaiting family reunification, DNA tests cost nearly \$300 per person. If a mother who is here, accepted, has five children, it is going to cost her between \$1,800 and \$2,000. That's huge for a refugee in Canada of meagre means, and there's no legislation capping the cost. Overseas, it's left to the private sector or companies that charge fees. Family reunification is extremely expensive. Each family member has to pay almost \$300 for a DNA test. That's why I wanted to know whether the practice is widespread. It appears to be quite routine. Can you give us any statistics?

• (1140)

**Mrs. Johanne Deslauriers (Director, Social Policy and Programs Division, Selection Branch, Department of Citizenship and Immigration):** I don't have any specific statistics. It is neither widespread nor systematic. DNA tests are not required in every case. The policy is to use them only as a last resort, just in exceptional cases where there's absolutely no other way to establish an actual family connection. The policies are quite general.

Given the concerns we have about child trafficking, for example, there are all kinds of reasons for us to wish, from time to time, to establish with certainty that there is an actual relationship. We're talking about around 1,000 cases per year. The DNA test is not a specific requirement, it's a last resort. In addition, we're working with laboratories to reduce the costs. DNA tests are done by private labs, and there are costs associated with that. We are aware of the fees, and efforts are being made. Discussions are being held.

[English]

**The Chair:** Thank you.

Actually, this is one of the issues we'll be discussing when we do the cross-Canada tour. We very much invite people who might be viewing this program, if they have had experiences, to come forward and tell us the good and the bad so we can use the feedback to try to improve the system.

Mr. Siksay.

**Mr. Bill Siksay (Burnaby—Douglas, NDP):** Thank you, Mr. Chair, and thank you to Monsieur Dussault and Madame Deslauriers for being here.

I want to talk about the processing delays because it's something I think all members of Parliament hear about regularly. Increasingly, it seems, we hear from more and more constituents who are frustrated by the delays in processing applications. Some of the situations people get into because of those processing delays are truly horrible.

My colleagues in the NDP caucus and folks in other caucuses, I am sure, have been raising similar issues and are really concerned about these processing delays. There's my colleague, Ed Broadbent, from Ottawa Centre. His office was recently told that processing for in-country applications is falling increasingly behind. When they first set up their office in June 2004, they were told about a certain deadline in terms of when applications were being processed, and it's increased seven months for in-country applications in the period he's been in office. It's taking about four years now for some of those applications, he was told, and he finds that quite unacceptable.

My own office heard from the Canadian embassy in Manila that spousal applications there are actually taking 11 months—80% are being done in 11 months—so it's not quite as good as in Beijing or New Delhi. I would be interested to know what steps you're taking to bring down specifically the processing time on spousal applications in Manila.

My colleague from Hamilton Centre had a horrible case of a woman who was deported to Morocco, where she could easily be the victim of an honour killing, which is something many international human rights organizations say still takes place. Her application for H and C consideration was left unopened, probably in a processing centre, because no one had gotten to it in time to take a look at it.

All of these kinds of cases are certainly ones that I think most Canadians worry about in a significant kind of way. They're horrible situations. In the case of the woman who was deported to Morocco, she and her son are there away from their father and husband. According to immigration officials, if they'd just gotten to the application, it probably would have been received favourably. So I want to know what's being done to get through the mail pile at the processing centres.

The other question I have concerns family reunification, which is a broader issue than just spouses and children. Lots of people have applied for parents and grandparents as well, and we're not doing very well at all in that category. The letter from Manila we received said there were 30,000 such applications received in 2003 and that the landing target in that category has been decreased globally from 11,500 in 2004 to only 4,900 for 2005. That's going to make the backlog even larger for people who are seeking to be reunited with parents and grandparents.

The application we were inquiring about was received in May 2003, but it's not even going to be looked at until the second quarter of 2006. Now, that's an incredibly long period of time for a family to wait for reunification.

I'm just wondering if you could comment on those. You did say you were taking steps to improve the processing of agency applications in Canada. I'd like to know some details about what exactly is being done to improve that processing time.

• (1145)

**Mr. Rénaud Dussault:** I will ask Johanne again to address the last part of your question on the agency processing specifically, some of the steps that are being taken at this point in time. But I'd like to comment a bit more broadly on the other questions you raised, and I think they all gravitate around the issue of the inventories and consequently, obviously, of the processing times associated with those inventories.

I'm sure this committee has been briefed in the past about the size of those inventories both in terms of the economic and the non-economic part of the equation. Obviously we are very conscious of that. I think one has to realize that the department has a capacity to deliver so many visas and to proceed with so many landings during the course of any given year. When we talk about the processing of those applications, I think we should not forget also the integration dimension of that processing. It's not only the funds we need to process those people, but we need the funds to integrate those people when they arrive in Canada. The department has a capacity that is recognized in the annual report to Parliament on a yearly basis, and you will remember that the range that was announced for the last few years was between 220,000 and 245,000 every year.

We are successful in bringing those numbers every year, but obviously the number of demands is significantly higher than the capacity we have both to process and to integrate those people. The only recourse the department has essentially is to try to give some sense of priority within those different groups while maintaining a balance between economic migration to support the labour market needs of the country and non-economic needs, because of the family reunification objectives of the government, and also the compassionate objectives of the government as regards refugees abroad, refugees in Canada, and so on.

We try to maintain a balance and we try to give some sense of priority. That's the reason why, in the case of spouses and minor children, for example, we've given them the highest priority. That's the reason why those cases are being processed more quickly than parents and grandparents, for example. It's our assessment at this point in time that obviously the first priority of the department should be to try to reunite those spouses and minor children as quickly as possible, and that's the reason for some of the steps we have taken and have indicated earlier during this presentation.

There's more to be done. I've acknowledged that. I've also indicated that the international region is taking steps with specific missions. Those missions where the processing times are longer for spouses and minor children, for example, have received very specific objectives this year in terms of trying to reduce those processing times as much as possible.

Johanne, do you want to talk about the agency in Canada?

**Mrs. Johanne Deslauriers:** Yes, I can. The H&C and other classes in Canada include the in-Canada spousal class where spouses do have status.

Over the last year, we've embarked on a service delivery strategy to improve precisely what you are talking about: processing times and efficiencies. My colleagues on the operations side of the department have been going to the five biggest centres to review processes and to try to streamline. Three of those centres are in Ontario. There's Mississauga, Scarborough, and Etobicoke. The other two big centres are Montreal and Vancouver. Although they haven't completed the reviews yet, as they go along they can nevertheless implement some streamlining processes, and there have been efficiency gains since then.

Even though your case may not be finalized for several years, the approval in principle is the important step, because then you are allowed to work; you can apply for a work permit. The goal is to try

to bring the approval in principle to approximately six months so that applicants can benefit from that fact. There have been improvements again.

• (1150)

**The Chair:** Thank you.

We're going to move on to Mr. Wrzesnewskyj.

**Mr. Borys Wrzesnewskyj (Etobicoke Centre, Lib.):** Please excuse if this has been addressed earlier, because I arrived a little late. I believe everyone understands that breaking up families entails hardship, even if it's for six months, and often it's for much greater periods of time. In terms of the processing, what is the rationale for removing people from the country for the sake of processing?

**Mr. Rénaud Dussault:** As I said, we've created the in-Canada class to try to deal more expeditiously with those family situations where the people were here under a legal status. Obviously, when we talk about the other group, the people who are here without status and then enter into a spousal relationship, that situation is where we have to be more careful in terms of the integrity of the program. That is the reason why we created that distinction between those people who have status and those people who do not with the new act in 2002.

**Mr. Borys Wrzesnewskyj:** If there was an oversight in 2002, when the new framework was put in place—and it appears this could have been an oversight—wouldn't judgment—and it almost seems as if it is a bit of a judgment call—seem to indicate that we should err on the side of caution, caution not being to remove people out of the country, caution being that we should not subject families to this sort of hardship?

**Mr. Rénaud Dussault:** It was not an oversight; it was a judgment call. I'm more comfortable with that expression in the sense that the government of the day had to make a decision on that specific group of people. A determination was made at that point in time, after long discussions, that it was more prudent to establish a distinction between people with status and people without status.

As I said, there have been significant representations to ministers and to the department before and after the 2002 regulations about what you were mentioning, separating spouses. Obviously, we have been having discussions with all stakeholders. The Canadian Bar Association, for example, has expressed very clearly its concerns about that.

So we have been having those discussions, and we are trying to identify solutions to this particular situation, if we can, that will be more facilitative while maintaining the integrity of the program.

**Mr. Borys Wrzesnewskyj:** I know your function is to interpret and to try to maintain the integrity of the regulations, as you said. But on a personal level, and within the department, what kind of comfort is there in maintaining integrity in this sort of situation? It's obvious that there is discomfort if there's a debate around the issue, but what kind of comfort level is there in the department that you're actually doing the right thing as opposed to the wrong thing?



**Mr. Rénaud Dussault:** As I said, there have been significant representations from key partners of ours with whom we work very regularly, and we take that very seriously. The decision in 2002 was not made lightly. We were very conscious of the fact that a judgment call had to be made, and the demarcation was established at that level because we thought it was an objective distinction—you have status or you do not have status—as opposed to being too subjective.

But it is obvious that we are listening to our partners. It is obvious that we are discussing the situation, and it is obvious that in consultation with the Canada Border Services Agency in particular, but also within the department, we are trying to find a solution that would make it easier for those people to be processed while at the same time making sure we do not sacrifice the integrity of the program in the process.

• (1155)

**Mr. Borys Wrzesnewskyj:** Just for clarity in my own mind, with hindsight it has become obvious that perhaps this needs to be addressed and changed. Are you saying change in terms of the amount of time of separation, or change in the sense that we shouldn't actually be separating families while the processing takes place?

What are we actually looking at?

**Mr. Rénaud Dussault:** Obviously, I cannot indicate at this point in time what some of the changes to the situation would be. This is being discussed within the department. It's not a secret that we have a new minister and we need to take the time to discuss those issues. But I can tell you that we are basically looking at all the possibilities while maintaining that balance.

**The Chair:** Just so I can follow up on the point—we have two minutes left—this basically was changed by regulation. It wasn't debated in committee, so you could say it was done by bureaucratic fiat. The reality is, the minister had so much trouble over this issue. Under the old system, the bureaucracy would have granted a humanitarian and compassionate stay because that woman was a spouse. The system was changed without debate in this chamber, without debate in Parliament, and the result is that we have a new minister.

I think it's imperative that we, as a committee, understand it, because this has pointed to a real problem. Often you change things by regulation, as was done under the old Immigration and Refugee Protection Act. The point system was changed by regulation. The committee reacted to it after the fact, expressed a great deal of concern, was unanimous in opposing it, and the department did not change its mind until such time as they kept losing court case after court case after court case, and then they changed their mind and it was applied retroactively.

I guess the committee and members have a great deal of frustration. All you have to do is read *The Hill Times*. More and more of our time is being taken up by immigration cases, visa applications...and as the NDP critics put it so well yesterday, you end up buying more Kleenex boxes because situations arise that make absolutely no sense from a humanitarian and compassionate point of view, such as somebody wanting to have a family member come to this country because they're dying. It seems like a very heartless system. More and more of us MPs are buying Kleenex boxes.

I'll stop it there and go on to Mr. Jaffer.

**Mr. Rénaud Dussault:** I'd just like to make a point that obviously when it is changed by regulations, it's after a discussion within cabinet committee. Obviously, we don't make those decisions, in the same way that we would not make those changes. We can do the analysis portion of it, and this is our responsibility; I'm trying to explain the system as it was approved at that point in time.

**The Chair:** Mr. Jaffer.

**Mr. Rahim Jaffer (Edmonton—Strathcona, CPC):** Thank you, Mr. Chair.

It's almost like we need some tissue boxes here, because you almost had me in tears with that intervention in the committee.

Seriously, I want to follow up on a point that was made by my colleague from the NDP, Mr. Siksay, on the issue of...it seems to me the CIC is not being honest with Canadians, especially about the processing times of grandparents and parents, especially when I look at the website. That's the concern I have. If you look at the CIC website, it continues to publish historic and not prospective processing times. Based on the 2005 targets, and I have a list here in front of me, there will be significant disparities in processing times, depending on where the application is from.

I'll give you an example, because when I look at this list...for instance, with Beijing, the target for 2005 is about 100 cases, but the inventory as of November 2004 is almost 2,000 cases. Judging on the timeline, some of these cases will take up to 20 years to get processed, just to clear the backlog, so why are the processing times that you are currently publishing not being updated, based on the most recent data you have?

• (1200)

**Mr. Rénaud Dussault:** You're right to find the website information is based on historical data. Fundamentally, the reason is that at this point in time, that's the only hard data we have. We have been discussing within the department the possibility of being able to publish, as you very well indicated, numbers looking ahead, and being able to indicate for the future how long it is likely to take, as an average, if you submit your application today. We're looking at that possibility in order to be more transparent about those numbers. You are absolutely correct on that particular front. As I said, we are working on that ourselves.

I have to repeat what I said to your colleague—that there are just so many places available in terms of our capacity to process and our capacity to integrate those people into Canadian society, and that we have to make choices. We thought the best choice within the family class would be to try to put the majority of our efforts into dealing with spouses and minor children. That's the reason parents and grandparents unfortunately have to wait longer.

**Mr. Rahim Jaffer:** That is obviously a question of resources and priority. It seems to me that there has been almost a 75% reduction in quotas over the past two years when you look at that particular class, especially the parents and grandparents. Has there been direction from your department, especially to overseas posts, when it comes to issuing visas to secondary family and immigrants? Has there been a restriction put on those visas overall because of the actual problems in the system when it comes to priority or resources?

**Mr. Rénaud Dussault:** I can only explain partially how the international region actually processes those applications and identifies targets for their missions abroad. As a general rule, what they try to do is look at the priorities of the government that are being identified in the report to Parliament by category and subcategory, and they try to translate those objectives into targets for the missions in relation to the inventories of those missions. Obviously missions with the largest inventories are getting higher targets, because they usually also have the resources to support larger numbers. But it's a translation, as much as it is feasible, of the overall priorities of the government into the specific targets of the missions, depending on their specific inventories.

**Mr. Rahim Jaffer:** As my final question, it seems to me the issue of resources is still an issue. In the case of what I've identified, in the case of Beijing, many parents, but mostly grandparents, may not make it past that timeline to actually come here because obviously age is working against them.

What would be your suggestion? What should be happening in the department to actually address this? Is it a question of resources? I know you've mentioned the idea of priority coming down, but what needs to happen to actually address this particular problem? It seems to me that priority is obviously a factor, but in some cases you're never going to be able to process many of these people.

**Mr. Rénaud Dussault:** There's always one danger when we do projections, and it is that obviously we project with what we know at this point in time. Obviously the situation as described is the situation that exists at this point in time. We have a range of 220,000 to 245,000 and we have a breakdown according to categories and subcategories, based on the demand and the inventories in those subcategories and based on the priority.

Obviously a number of things might change both in terms of the capacity of Canadian society to possibly absorb more immigrants and in terms of the rate of application itself. As I said, projection is a good tool, but at the same time we have to be careful not to assume we will be dealing with exactly the same situation five years from now that we're dealing with at this point in time. A number of things might change in the process.

**The Chair:** Thank you.

We're going to move on to Madam Fry.

**Hon. Hedy Fry (Vancouver Centre, Lib.):** Thank you very much.

I know that in some circles it seems to be very popular to paint the department as being heartless villains. I will not join that group, because I have found that in my constituency office, for instance, as Mr. Mark said, we've had very good relationships. There has been a lot of willingness on the part of the officials locally to help and to speed up processes wherever possible.

I realize there are other reasons why, other than being heartless, the department is not allowing spouses to come together, in some instances, and children to come together. I heard you saying that you obviously have to set a priority, given your ability to integrate. I understand that, and that's what I'm going to ask you.

That has to do with provincial agreements, doesn't it? In many instances, the provinces have to work with you to decide whether you move over the 245,000 because of provincial responsibility for health care, education, housing, and other things that may not have the capacity to integrate. Are the provinces one of the groups you have to work closely with so that you do not have the full ability to make those decisions yourselves?

Are there other factors, other than resources, which I understand Mr. Jaffer spoke to? It would seem to me that you cannot tell us that you need more resources, but I'm hearing that resources are something we may obviously need to move forward on—and that means resources in terms of both people and dollars.

And other than whether the provinces play a role in terms of the ability to integrate, could I also ask about the other factors for which you would return a spouse? What are the criteria you use for deciding whether or not you think this is a bona fide marriage? Is it just subjectivity? Is it just that they don't look like they belong together? I would like to know if there are clear criteria. If not, do you see that as being one way of finding clear criteria?

For me, a clear criterion for marriage would be a marriage certificate. I can understand that there's a little more difficulty in the case of common-law relationships and conjugal relationships, but I also thought that meant that a year of living together was enough. So what are the criteria used to make a decision, on a subjective basis, as to whether the marriage is bona fide? And I'm speaking specifically of spouses.

Thirdly, what are the criteria for small children, other than DNA, to decide if they actually are children of that particular parent and that this isn't something to do with trafficking in children and/or pedophilia and other things?

I need to know answers to those three questions.

●(1205)

**Mr. Rénaud Dussault:** I will ask Johanne to address the two last dimensions of your question because she has been closer to the assessment of those cases through the pooling of cases, sampling of cases, and so on.

I want to thank you for mentioning the issue of the provinces. I think it's worth mentioning that as we do all those things, we are working a lot more closely with the provinces than we were only a few years ago.

[Translation]

There is of course the agreement with Quebec, which has been in existence for decades now.

[English]

We now have agreements with all the provinces, with one notable exception. I think it is a reflection of the fact that we are working very closely with the provinces. There have been three ministerial meetings, which never took place before, between the federal minister and her provincial counterparts. We are trying more and more to address all those issues with the provinces and to work a lot more closely with them. The provincial nominee program has been a big success. Some of the provinces have become very active in the selection of cases. We have agreements with provinces in terms of how we can provide settlement services in different ways—either the federal department provides services, we have joint agreements, or some provinces deliver the services themselves. But we certainly are working more and more closely with the provinces on all of those aspects.

On the second aspect of your question, you talked about the resources and the other possibilities. I think it's worth mentioning that in terms of reviewing or revising policies and all processes with regard to service delivery, these are clearly two of the areas that at this point in time we are trying to put forward in order to make the operation more efficient. Resources are not always the only solution. We're very conscious of that, and we are trying to deal with that through policy and service delivery.

**The Chair:** Thank you very much, parliamentary secretary. As usual, you did a good job defending the department.

We'll now move to Madam Faillie.

• (1210)

[Translation]

**Ms. Meili Faillie:** I'd like to thank Mr. Dussault for talking about the investment agreements. My next question is on that. As a matter of fact, it has to do with the agreements signed in Quebec. When a person signs one of these agreements, it covers about three or four family members. So when an investor decides to come to Quebec and signs an agreement, his wife and children often come with him. So it's an entire family.

In Quebec, we have been the champions of investment agreements. They cover over 50 per cent of admissions. We enter into investment agreements in various missions, in a number of places, and we currently observe that visas are not being issued at the same rate. Since 2000, there have been around 3,500 files in this class, in total. But only about 900 visas have been issued. The number of visas is insufficient. Quebec selects the files, but the department has criteria such that the number of visas is insufficient. There are currently 2,600 investor immigrants awaiting their visas. That doesn't include files that were pending in 2000, files from before June 2000.

We have seen a significant drop over the last few years. What explains that drop? Are there special procedures that discourage investors from coming to Quebec, because of our performance and because we attract the most people? Are you aware of the impact that has on Quebec's finances, of the provincial shortfall, both in terms of money and in terms of the number of qualified immigrants who may settle in Quebec?

**Mr. Régnald Dussault:** First, I would like to emphasize the fact that we have excellent working relations with the Quebec Department of Immigration. We have very regular unofficial meetings, but we also have official meetings. Last Friday, for instance, we held a meeting of the joint committee. This is a meeting where federal and provincial officials try to get together to review the files as a whole.

We discussed the investors in this context. Some of the concerns that were just raised were brought up at that time. We decided, by mutual agreement, to deal collectively with certain specific missions; the problem we are dealing with does, in fact, have an impact on some missions much more than on others. Our respective program directors at the federal and provincial levels are on site and are already doing a great deal of work together on these issues. I would also say that concerning the priorities we mentioned today, we made some efforts regarding the business immigration program in general, and the investors program more particularly, to sharply reduce the time it takes to process applications.

Obviously, Quebec has a very dynamic approach to the investors program, and let me assure you that we are working hand in hand with the Quebec Department of Immigration to ensure that this useful work goes smoothly.

**Ms. Meili Faillie:** So you did not issue a directive whereby there should be more investment in the other provinces so that Quebec would not be so competitive in this field?

**Mr. Régnald Dussault:** Absolutely not.

**Ms. Meili Faillie:** All right.

[English]

**The Chair:** Thank you.

Madam Grewal.

**Mrs. Nina Grewal (Fleetwood—Port Kells, CPC):** Thank you, Mr. Chair. I would like to thank Régnald and Johanne for appearing before us.

My question today is this. The processing time differs significantly from one country to another. For instance, I know in the late 1990s, the processing time for family reunification cases from New Delhi was about 22 months. Waiting time has now, according to the former minister, grown to nearly five years or 58 months. How do the processing times in New Delhi compare to those, let's say, in London? I think in London it's about 12 to 24 months. If there is a difference, how do you explain that?

Application fees are supposed to cover the cost of the services. Applicants should therefore expect the same services regardless of from where they apply. If it takes longer for your application to be processed in New Delhi than it does in London or New York, then that smacks of discrimination based on country of origin, and that is unacceptable. How do you explain that?

I would like to relate an example from my riding. There's another case. It concerns four members of an Asian family who applied to come to Canada under the family reunification program. The medical and security checks were conducted for all of them, but one family member, an old man, had some minor medical problems and the medical had to be redone. By that time, the medical checks for the other family members had expired and had to be redone. Once they were completed, the security checks had expired for the other members. That happened three times to the family. By the time everyone's medical and security checks were completed and up to date, it took them five years just to coordinate the medicals.

The medical checks are expensive, as you know. Poor management is both expensive and frustrating for applicants and their family members here in Canada. The staff should be better trained and at least use their common sense. I would like to know why the department doesn't simultaneously conduct applicants' medical and security checks and sponsors' income checks, or at least coordinate the medicals for the whole family at the same time. There is loss of money and harassment involved in all this.

• (1215)

**Mr. Rénaud Dussault:** I would like to indicate that obviously New Delhi is a very busy mission, as you know and as you pointed out, but at the same time the management of the mission in New Delhi is really trying hard to make sure that through all those processes they are dealing with the priority cases as quickly as possible.

I see as a very successful story the fact that New Delhi can now process 80% of its cases of spouses and partners in four months or less. I think for a mission like Delhi it's really a major success. Obviously because of the workload in Delhi, as in most other missions around the world, they cannot have that success rate in all the categories and subcategories, for the reasons of priority that we have already discussed a few times this morning, but I can tell you that the management of the mission is really trying hard to make sure that cases are processed as expeditiously as possible.

It's always unfortunate to see the terrible situations that you described. Obviously we are very conscious of the fact that in some cases, for one reason or another, the process becomes very complicated, and as you said, once you have a problem you might be out of the cycle and it creates another series of problems. We are very conscious of that, but I think we have to be able to look at the overall picture and realize that even in a mission like Delhi, there is a lot of work being done in order to process the priority cases as quickly as possible and, as I said, with real success.

**The Chair:** Mr. Temelkovski.

**Mr. Lui Temelkovski (Oak Ridges—Markham, Lib.):** Thank you very much for coming out today.

You mentioned earlier that the overall objective of the policy is to have families united, and yet we keep seeing people in our offices who are asked to be disunited. Just off the top of my head, one situation is that of a husband, wife, and one child from Peru. They had another child in Canada. The husband was here on a work permit. The child from Peru was slightly autistic. We've asked them to leave now, and when they asked, "What about our Canadian-born

child?" they said, "You can leave your child with Children's Aid. You have to leave."

That's totally disturbing to them and to us, and I'm sure to you as well. We must find better solutions to these problems than just telling someone they must leave their kids with Children's Aid.

Do you see situations like the ones we see, where we are working contrary to the policy, or are we the only ones seeing them?

• (1220)

**Mr. Rénaud Dussault:** Let me say—because the point has been made a number of times this morning—we realize that many of your offices are very busy with immigration cases, and we have been working with most of your constituency offices to try to help as much as we can with that particular problem. So we acknowledge the fact that some of those challenges that we've identified, those of inventories and so on, have a real impact for your respective offices.

As I indicated, separation of families is not the objective of the act. The act states very clearly and the department is working very hard to try to avoid separation of families, and this is the reason we are creating that class in the new act. It is the reason we are already trying to, with the means at our disposal at this point in time, to work at trying to improve that situation.

Johanne, that would be an opportunity to describe some of the steps that are being taken at this point in time in order to improve the service delivery in the agency cases.

**Mrs. Johanne Deslauriers:** Yes. I mentioned earlier the service delivery strategy that we embarked on over the last year. That's for all applications for permanent residence in Canada. There are various categories. There are convention refugees who need to be processed. There are live-in caregivers. We have the in-Canada spousal class for spouses in status. And there is certainly the humanitarian stream. There are a number of fronts being looked at.

I mentioned earlier trying to...well, we prioritize spouses, certainly, in those processes and try to achieve a goal of six months for the approval in principle.

On the children's front, perhaps I can mention at this point that one of the initiatives we have started on is we're working with our training division to try to develop enhanced guidelines for assessing the best interest of a child. That will be coming up during the course of the year, to try to develop a training module that would specifically address those issues.

**Mr. Lui Temelkovski:** Do I have a moment?

You also said earlier that the removal of people is left to the Canadian border crossing.... Is their mandate also to look after the immigration cases? Do you have any dialogue with them to make sure...? Is there a checklist? Do we know how many people have overstayed their welcome in Canada?

**Mr. Rénaud Dussault:** We're working very closely with the Canada Border Services Agency. Not that long ago we were the same department; a lot of the same people are there. Notwithstanding that very human dimension to the situation, the fact is by our mandates we both work on the basis of the same act and regulations. So even by the structure of the new organizations, we are working very closely together on a daily basis.

So there is that communication. Even if the responsibilities have been clarified in terms of mandates, the fact is it's an ongoing relationship on a daily basis.

**Mr. Lui Temelkovski:** Do you have any numbers?

**Mr. Rénaud Dussault:** I would not have any numbers to provide to you this morning.

**The Chair:** Thank you very much.

Ms. Guergis.

**Ms. Helena Guergis (Simcoe—Grey, CPC):** Thank you.

I want to follow up on the chair's earlier comments.

The case of the Romanian stripper who required a special minister's permit to stay in Canada with her husband brought attention to the policy change that the chair referred to earlier, a change that was carried out quietly by the current government two years ago that essentially removed marriage to a Canadian as a sufficient reason for allowing an applicant for permanent residence to remain in Canada during the process. The old policy simply required that the relationship proved to be genuine.

Only 20% of applicants are rejected under the current process. While the intent of the policy was to prevent people from jumping the queue, in reality it has led to months of hardship and strained relationships for families, who in most cases are let into the country anyway.

Is this policy consistent with Canada's commitment to family reunification? Has this policy served its goal of maintaining the integrity of the immigration system? Are there alternatives to separation to guard against abuse and queue jumping, perhaps better trained officers with greater discretion? Would you agree with that?

The former immigration minister was quoted as asking, "Why would I want to separate this woman from her husband?" I ask you the same question. Further, are you taking up the former minister's desire to return policy to what it used to be?

●(1225)

**Mr. Rénaud Dussault:** As I indicated, those concerns have been expressed loud and clear from many of our stakeholders. We are very conscious of those concerns. We are discussing them within the department and with all partners. Obviously, it would not be appropriate for me to try to guess where the government will go with a decision.

I just want you to know that we also are clearly concerned with the situation and we're trying to find a way of facilitating the lives of those people without jeopardizing the integrity of the program.

**The Chair:** Thank you.

Inky, do you want to use up the other three minutes?

**Mr. Inky Mark:** Basically, on the same question of queue jumping, because of the change allowing you to apply for status within the country, even though you are illegal really, if I wanted to join my family in this country, why would I wait for three or four years somewhere else when I can come here on a visitor's visa and either stay and report, or stay and hide in the bushes somewhere, or else apply for permanent status? Isn't that logical? How will that affect the whole system?

Isn't it better to come here on a visitor's visa and join my family and just get lost, like a lot of people do who come to this country, or be honest and apply for permanent status from here?

**Mr. Rénaud Dussault:** I think what we have tried to explain this morning is that for people who are applying abroad, it's now easier and easier to be reunited with their families. We consider this to be where we should put the priority—to try to reunite as quickly as possible with their families in Canada the people who apply from abroad.

**The Chair:** Thank you very much.

Madam Fry.

**Hon. Hedy Fry:** Thank you.

I realize I didn't get an answer to one of my questions about children, which concerns me a bit. I know there is a huge problem with reuniting children, especially children who are too young to be able to clearly state their parentage. And with the problem of trafficking in children and the sexual exploitation of children, I realize that DNA is obviously the only real scientific tool you have to identify the child.

Are you working on any other ways of creating a faster track for identifying children than that, children who are bona fide children of a parent, and to be able to crack down on trafficking in children at the same time? How are you dealing with that very difficult issue?

**Mrs. Johanne Deslauriers:** You're right, it is a difficult one.

When you asked the question earlier, you had also asked it in the context of how do we assess marriages even?

●(1230)

**Hon. Hedy Fry:** Yes.

**Mrs. Johanne Deslauriers:** In any relationship, whether a spousal relationship or a relationship with children, you start with documentation. But there are some parts of the world where documentation is not so readily available, or in some instances is not always reliable.

But within a family unit, you have financial interdependency, you have emotional interdependency, and social interdependency. There are various ways of demonstrating that. The onus is on the applicant to demonstrate it, and there are ways of doing it.

But you're right that for the children, it is a particularly difficult situation. We have a number of guidelines to assist officers in ascertaining whether there is a bona fide relationship, whether there would be undue hardship for the child who is perhaps a de facto member of the family but for whom there is no legal document to demonstrate that.... There are a number of ways of ascertaining whether there is in fact a bona fide relationship.

Again, as I mentioned, certainly for the humanitarian assessment of cases, we are working on that module to enhance guidelines on the best interests of the child.

[Translation]

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

[English]

**Mr. Bill Siksay:** A number of people have asked questions about the streamlining process, and you've mentioned that there are attempts being made about streamlining, but it sounds like we need the operations people, not the policy people, to give us the right answer for that. I wonder if you might ask them to send to the committee some information about what specific measures are being taken to streamline processing of in-Canada applications, of H&C applications, and of spousal applications, for instance, in Manila, where we're not meeting the six-month target. I appreciate that it may be something you're not able to answer for us.

One of my frustrations when I hear people from the department talk about the backlogs and the number of applications we have is that we're always talking about inventories, and it seems very bureaucratic and impersonal when we're talking about people's lives and people's hopes about being reunited with family members. I worry that it may be a symptom of one of the things we're having a problem with, with the department, in that it's seen as inventories, not people's lives on hold. I wonder if we might work on different language, especially when we're making public presentations, because "inventories" just seems very cold and removed from the reality of what we're actually talking about here.

Dr. Fry was raising the whole question of settlement, and we heard a lot of laudatory things about settlement programs, but in British Columbia we have a very weak agreement with the federal government on settlement. In fact, the British Columbia government is spending precious little of the money it receives from the federal government on actual settlement services. So there are serious problems with the agreement that's in place. I just want that to be on the record, that not all of us are happy with the way settlement is working in Canada.

But my specific question is around the special measures that were announced in light of the tsunami, and priority was given to applications from people in the affected areas. Can you give us an update on that, how many applications came from that area, where they are in terms of the processing, and how does this affect applications in those regions from other people who weren't specifically in the affected area? Have resources been diverted from the general processing into this, or did the department seek additional resources from the pool of emergency aid that was available from the government to address the crisis in the Indian Ocean? Was specific new funding sought and was it received to deal with the expedited processing of these applications?

**Mr. Rénaud Dussault:** On the issue of operations, you're absolutely right. I think our colleagues on the operational side could provide you with more details, and we will certainly convey that message.

That would apply to a large extent to the tsunami issue also, which has been really managed from an operational perspective. I will ask Johanne, who participated in some of the discussions, to give you

some details, but we could ask the operational side of the department to provide more details on that.

I would like to comment on your point about inventories. It's obvious that we are bureaucrats, and we talk about inventories. I also want to say that we are human beings, and I regularly meet with my colleagues who are program managers abroad. They make the same types of comments to me, about the parents and grandparents, for example, that you're making this morning. They are very concerned about those people who are involved in the process, and we are all very concerned about the people dimension of some of the policies we have to put in place in order to implement the agenda of the government the best we can.

**Mrs. Johanne Deslauriers:** Actually, from a policy perspective, on the tsunami front, yes, there were efforts made. You may be familiar with the fact that we did waive the processing fees for applicants who were deemed personally affected by the tsunami, specifically those with family or relatives in Canada. So a number of efforts were made.

I can't comment really beyond that, simply because it was very much an operational initiative, and you could get more information there, for sure, or numbers, for that matter.

• (1235)

**The Chair:** Thank you very much.

We will now have Mr. Anderson and Madame Fry, and that's going to be it for questioning this group of witnesses today. Then we'll move on to safe third.

Mr. Anderson.

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

Much of the commentary today has been about resources, and time, which has been related to resources directly, but in fact, in a good number of countries, as Ms. Deslauriers just mentioned, there are problems of documents not being available or not being accurate or reliable. I wonder whether you could give some indication of how much the delays at a number of posts abroad that we have listed—namely, Beijing and New Delhi—are related to that problem of documents not being available or unreliable, the need for those documents to be checked and processed, and indeed, the slowness of the government departments with which you're dealing in those countries in providing information that in Canada might come a lot more quickly, or that in some other immigration post—in New York—might come a lot more quickly too. Could you give some suggestion as to how much the difficulty is related to lack of resources from the Canadian side and how much you might put down to just the inevitable delays that come from less efficient systems of recording births, marriages, and relationships?

**Mr. Rénaud Dussault:** The issue of having the proper documentation, as you pointed out, is a key issue at certain missions in particular. As you said, it could add significantly to the process in certain parts of the world. Again, I would prefer, if you want to have more details on a mission-by-mission or country-by-country basis, to have operational colleagues provide more detailed information on that particular point.

As a general statement, I think you're absolutely right, but I am not in a position at this point in time to provide you with the type of details that I think you are probably looking for.

**Hon. David Anderson:** I wonder if some effort could be made. I can think of the case of Haiti where such records were, essentially, on paper and kept by the church. They were in shoe boxes, which were subjected to mildew and mould, and were simply non-existent after a certain number of years. The records simply disintegrated. There are others. Bill mentioned Manila, for example, as another post. I wonder if you could pick out three, four, or five of the posts where these delays are causing concern and give us a little bit of the difficulties that are being faced at the other end.

Even a doubling or a tripling of Canadian resources will do little in those posts if the problem is in fact elsewhere. If you, at a Canadian mission overseas, request information from the government of the host country and they in turn are dilatory in requesting it from a village registrar in some remote area who may or may not be literate, a doubling or a tripling of resources would make little difference to the ultimate outcome. I wondered if we could have a little more information on that.

In addition, perhaps you could provide a little more information, perhaps in written form, about follow-up. If you have concerns about fraudulent or inadequate documentation, do you do any check subsequently to determine, after a couple has been reunited in Canada, whether in fact you made the right decision when you relied on a certain piece of documentation?

**Mr. Rénaud Dussault:** Let me say two general things, and then we'll take on board your suggestion that we provide more detailed and written information on specific missions.

I want to reiterate what I said before. Obviously resources are not always the total answer. There are a number of other policy-related, process-related issues.

I think you indicated one other area where some complications might arise. I would just like to point out as a general statement that our missions abroad, and now in cooperation with the new agency, have worked very hard on the issue of documentation, the issue of verification of documentation, and the issue of trying to identify ahead of time reliable documentation that could be used for immigration processes. It would probably be important at some point for the committee to be briefed on some of those steps taken by the agency and by our offices abroad in general to manage the issues of fraud and to better handle the documentation aspect of the immigration process.

• (1240)

**Hon. David Anderson:** Good. Thank you.

Don't worry too much about the word "inventory". We rely in politics on the equally impersonal term of "majorities", which then covers a great number of differing opinions.

**The Chair:** Thank you, Mr. Anderson.

Madame Faille.

[Translation]

**Ms. Meili Faille:** I would like to thank my colleague, Mr. Anderson, for putting this question because I was about to put it

myself. Our concern is often with posts that are out of the ordinary. There are often problems specific to these missions. Mr. Dussault, I know that you went to Manilla and that you can tell us about the problems you met with at that office.

Let me ask you a question regarding families and the granting of visas for specific visits to Canada. Some persons settle in Canada, they live here and, for humanitarian reasons, which could be a death, a birth or the graduation of their children, their family members want to spend some time in Canada. It seems that it is increasingly difficult to obtain visas in such cases, even when we accompany it with a supporting letter, having verified on-site that a birth is expected.

This kind of case is more and more frequent in our offices. Large numbers of visas are granted given the fact that people are travelling more and more. There are certainly instruments with which we can determine whether an application is in good faith. Is there some mechanism for updating the criteria for individual cases?

**Mr. Rénaud Dussault:** As we know, many visitors get visas to come to Canada each year. I do not have the figures today, but they are increasing substantially every year. There are all kinds of ways that our agents abroad can make decisions, but determining the good faith of someone who wants to come as a visitor to Canada remains a matter of judgment. We can improve our instruments all we want, but our specially trained agents are the ones who will make the final judgment.

A part of your question was about what we call dual intention. This concept was stated much more clearly in the most recent legislation, which is currently in force, but we are aware of some difficulties in its enforcement. We have already held discussions with our colleagues from the International Region in order to clarify the application of this principle of dual intention. Let me tell you that we are working actively on this.

**Ms. Meili Faille:** Will the future case management system, in which the government has invested heavily, allow you to better manage exits and will it provide statistics, unless these exist already?

Do you see any trends as regards the number of people who come into the country under the pretext of visiting their family, and end up staying?

**Mr. Rénaud Dussault:** I am not an expert on the new case management system, but I doubt very much that the system will change the current situation, as we do not exercise any exit controls. That is not part of our system.

[English]

**The Chair:** Thank you very much. I certainly would like to thank Monsieur Dussault and Madam Deslauriers. Certainly these issues we're discussing are very important to the country and to members of Parliament, and we appreciate you being here. We will try to work together to see how we can improve the system.

In concluding, I want to reinforce the request that you get us some stats on the staffing levels in overseas missions and whatever information you can on the processing time. There's also an issue that just became known to myself. I want to thank the parliamentary secretary for providing this information. But it seems that in 1997 we had over 700,000 people applying for visas and we had a rejection rate of 10%. In 2003, we had approximately 670,000 people applying for visas, and they had a rejection rate of 21.4%. That seems to me a real dramatic jump in numbers; it's more than doubled.

So if you could provide us with some of those numbers, the committee would definitely like to look at them and see if you can pinpoint why the rejection rate has doubled over six years.

• (1245)

**Mr. Rénaud Dussault:** Yes, we'll provide this information. Thank you for this opportunity this morning.

**The Chair:** Thank you very much.

We're going to take a one-minute break.

**Mr. Bill Siksay:** Mr. Chair, can I ask something. On the meeting notice, we were also to hear from Robert Orr and Bruce Scofield before the committee today.

**The Chair:** That's right. That's where we're going through third safe countries.

I'm just going to stop for one minute. We're going to get a new group in so they can give us an update on the Canada-U.S. Safe Third Country Agreement.

• (1246)

(Pause)

• (1248)

**The Chair:** We're going to resume, and we're going to be dealing with the issue of the safe third country agreement. Citizenship and Immigration Canada is the lead department for the policy development aspect of the safe third country agreement, while the Canada Border Services Agency is responsible for operational matters at the ports of entry.

Gentlemen, welcome. We really appreciate your being with us today. As you know, this committee is quite concerned about the issue, and we certainly would like to have an update. We recognize that in terms of time it has been a little over a month. So welcome to the committee, and we're looking forward to your presentation.

Mr. Orr.

**Mr. Robert Orr (Director General, Refugees Branch, Department of Citizenship and Immigration):** Thank you very much, Mr. Chair. Perhaps I can begin by just introducing my colleagues.

George Bowles is with the Canada Border Services Agency, and my other two colleagues are from CIC. Bruce Scofield is the director of international protection, and Himmat Shinhat is the acting director of asylum.

The safe third country agreement was signed by Canada and the United States on December 5, 2002, and the agreement came into effect on December 29, 2004. The agreement is part of the smart border action plan and is designed to ensure that the United States

and Canada share the responsibility of providing protection to genuine refugees.

[Translation]

Refugee claimants accessing Canada from a Canada-United States land border are not eligible for a refugee determination hearing with the Immigration and Refugee Board unless they qualify for an exception as outlined in the regulations of the Immigration and Refugee Protection Act. The exceptions are consistent with the principles of the act: family reunification, the best interests of the child, and no returning to a country where a person may face the death penalty. The exceptions include situations where the refugee has family in Canada or where the claimant is an unaccompanied minor.

The Canada Border Services Agency (CBSA) has a primary role in implementing the agreement. CBSA officers examine people who arrive claiming to be refugees. These officers determine whether the claimant is admissible and whether their claim is eligible to be heard in Canada by the Immigration and Refugee Board. All CBSA officers working at land border ports of entry have received appropriate training and understand their responsibilities and the required procedures under this agreement.

• (1250)

[English]

The United Nations High Commissioner for Refugees has expressed support for the goals of the agreement, and the agreement reflects the advice from UNHCR and its executive committee. The UNHCR will be a full partner in the implementation and monitoring of the agreement.

Perhaps we can turn to what went on during the transition period and then proceed with an update on where we stand at the moment.

Refugee claim intake in Canada has been declining steadily during the last few years, from approximately 45,000 in 2001 to approximately 25,000 in 2004.

There was a surge in refugee claims at land border points immediately prior to the implementation of the safe third country agreement. However, to put this in context, this is not a new phenomenon. In recent years there have been at least three surges in the volume of refugee claims. For instance, there was the recent one in December where we saw about 1,100 claims received at Fort Erie in November and December in anticipation of the implementation of the safe third country agreement. There was another larger surge of over 1,500 claims received during the first three months of 2003 in response to changes in U.S. policy in the winter of 2002. Almost 1,100 claims were made at Fort Erie during May and June 2002 in anticipation of the implementation of the Immigration and Refugee Protection Act.

The surge felt at the Fort Erie port of entry in December came directly as a result of the particular context there—the existence of an NGO in Buffalo, Viva La Casa, which provides services and temporary accommodation to claimants destined to Canada. Other than a slight increase in the number of claims at Lacolle, interestingly, there was no corresponding increase in claims at ports of entry east of Quebec or west of Ontario.



The existing contingency plans for dealing with surges in volume at border ports of entry include the use of the direct-back policy; that is, claimants are directed back to the United States temporarily, with an appointment to return for an immigration examination.

In the days immediately preceding implementation of the safe third country agreement, additional measures were put into place by the federal government to ensure the orderly handling of these claims. Administrative measures were put in place to facilitate the processing of these claims under the rules in place before implementation of the agreement. On December 23 and 24, additional staff were called in on an overtime basis to direct back a surge of 412 claims at the Peace Bridge, and seven buses were hired to return claimants to the United States to wait for their appointment. From December 26 to 28, CBS officers went to Viva La Casa in Buffalo to record and schedule appointments for another 530 claims. Where we currently stand is that we're dealing with the appointments that were set up during that period, some 942 claimants—412 who were directed back prior to implementation and another 530 claimants who were in the United States at Viva La Casa just before implementation of the agreement. Thus we're now dealing with an average flow of about 95 cases per week, or just over 13 cases per day, for the 10-week period, and we expect to deal with this entire group of people by mid-March 2005. In addition, we're receiving roughly 10 new cases per week at Fort Erie.

Since the implementation of the safe third country agreement, the number of new refugee claims at land ports of entry has been minimal. It's far too early to draw any conclusions or to indicate trends on the basis of what is essentially one month at this stage, but here are some statistics of where things stand at present. From December 29, 2004, to yesterday, there have been 156 claims for refugee protection at land ports of entry across the country. Of those, 40 were deemed not eligible to make a claim. In other words, the rest were deemed eligible to make a claim—90 of them on the basis of family exceptions and the remaining 26 because they came from countries for which Canada has a temporary suspension of removal. Numbers at inland offices and airport ports of entry are at normal levels.

• (1255)

Finally, the UNHCR is actively monitoring the agreement and will be reporting its preliminary findings six months after the agreement came into force, and a full report will be issued after one year. The UNHCR has raised no issues of concern since implementation.

Thank you.

**The Chair:** Thank you very much, Mr. Orr.

Mr. Mark.

**Mr. Inky Mark:** Thank you, Mr. Chair.

Thank you for coming before the committee.

Previous to this third country agreement we had a lot of problematic applications for refugee status. So would you say that it has largely become a deterrent for people to apply? Even though you really don't want to say one way or the other...the effect it has had...obviously it has reduced the numbers coming across.

**Mr. Robert Orr:** If you compare January statistics from 2004 to what we have seen in the past month, yes, numbers are down. I'm very shy to draw any conclusions from this at this point of how much of a deterrent it is, or on the way it is going to play out. I think it's just too early to draw any conclusions at this point.

**Mr. Inky Mark:** Do you have any statistics on the country of origin? Have they changed? Are they still basically the same as previous to this agreement coming into force?

**Mr. Robert Orr:** I don't think we have that level of analysis at this point of the cases that have just come in. I think it's fair to say that in terms of the exceptions we're going to see some of the countries, the 26 cases, for instance, where there is a temporary stay of removal on those cases...a suspension of removal. We have seen 26 cases from those countries. Otherwise, I don't think we have the statistics on country of origin, at least not with us, but we could certainly get that for you.

**Mr. Inky Mark:** Do you have any information on other vehicles that refugee claimants are using, other than crossing a border?

**Mr. Robert Orr:** Well, thus far there has been no increase at airports of entry or at inland offices. I think it's important to point out that the general trend has been over the years that only just over 30% of applications are made at land ports of entry.

Since around 2000 we've seen quite a considerable increase in the percentage of cases that are made at inland offices, which is now at around 55% of cases, and it has been there for some time. We're seeing that continue. It's not increasing beyond those sorts of levels—the remainder being at the airports.

**Mr. Inky Mark:** In terms of successful refugee claimants, does the government have any targets through this agreement? We know how many we've taken over the past year: 16,000, 18,000, 20,000. If this vehicle becomes too successful, is there any thought of changing the way we're going to do business with refugee claimants?

• (1300)

**Mr. Robert Orr:** I think those who come to Canada and claim asylum...Canada is in a reactive situation. We will deal with cases that appear at our border. There are no targets involved at all.

**Mr. Inky Mark:** Thank you.

**The Chair:** Thank you.

You will provide us with a breakdown of the numbers.

**Mr. Robert Orr:** We will do that, and we will do that by nationality.

**The Chair:** That would be very much appreciated.

Madame Faillie.

[Translation]

**Ms. Meili Faillie:** I did not quite understand where people were living during their temporary removal. Were they staying at Viva La Casa or were there other areas where they might have been?

I would also like to know what additional resources were deployed during the peak period, because we met with CBSA representatives before the Christmas break, and we made your organization aware of the fact that it was a peak period and that there might be some confusion.

Furthermore, could you explain what happens in the case of those judged to be inadmissible? When these people arrive at the border and their file is rejected and they are considered inadmissible, what happens to those files? To whom do you give them? What happens to them after this decision has been taken? We also made the CBSA aware of the problem regarding interpreters' services. We specifically requested that people be able to obtain interpretation, translation services during peak periods, for French to English and for English to French. We were told that during that period, several people were unable to obtain services in the language of their choice, and that this had caused them harm. We were also told that there was an atmosphere of confusion at the ports of entry. Could you enlighten us on that point as well? Thank you.

[English]

**Mr. Robert Orr:** Perhaps I will ask Mr. Bowles from the CBSA to deal with some of the actual operational issues of what happened at the border at the time.

**Mr. George Bowles (Director, Immigration Ports and Borders, Canada Border Services Agency):** In terms of the additional resources that were made available, to a certain extent the large-scale movement that came forward was anticipated, so they had started to make resources available for overtime hours. If I remember it correctly, they increased their hours by five and a half hours per day within what is called the refugee processing unit at Fort Erie. They had done that in anticipation of an increase. They were seeing moderate numbers move forward. They obviously did not anticipate 400 showing up in one day.

In that context they had contingency plans that were put into play. For instance, they had buses moved to one site so people were in a warm, sheltered area while the initial and the short-term processing was done. Then on those buses they were allowed to go back to Quebec and the United States, primarily to Viva La Casa. They brought in some additional employees, students, who had worked in the summer and were trained in the work and who could help deal with the issues.

I know you mentioned the NGOs. They work fairly closely with the Red Cross and with the Salvation Army, for example, and they were used to provide services to the people who had come forward, certainly to the large numbers.

In terms of the linguistic capability, the offices have access to lists that are provided from headquarters. Most port managers have their own lists through local communities and whatnot for a certified interpretation. But if I understood the question correctly, you were referring to a specific case that took place through the period, and unfortunately I am not familiar with that.

**The Chair:** Thank you very much.

Mr. Siksay.

[Translation]

**Ms. Meili Faille:** When a person is not accepted, what happens?  
[English]

**Mr. Bruce Scofield (Director, Policy Development and International Protection, Refugees Branch, Department of Citizenship and Immigration):** As part of the development of operational procedures that was done in cooperation between the

Canadian and U.S. governments, we established with the U.S. a protocol governing the physical return of people who are found ineligible to make a refugee claim in Canada. This involves prior notice to the U.S. border authorities that the individual is ineligible to make a claim in Canada.

Information is provided to the U.S. describing who the person is and why they're ineligible, and the person is returned in a cooperative way. In some cases they may be escorted, if that's appropriate. In other cases they may not be. But it's done in close cooperation between the border officials on either side.

What happens to the person when he or she returns to the U.S. depends largely on their status in the U.S. The agreement and the U.S. regulations provide a guarantee that anyone returned under this agreement has access to the U.S. asylum system. But of course many of the people who make claims at the border have lawful status in the U.S. They may hold a visitor's visa or some other kind of status, and they don't have to make a refugee claim if they don't wish to.

The agreement provides them access to the U.S. asylum system. But if they have lawful status in the U.S., they may choose simply to return and go back to what they were doing before they came to the border.

• (1305)

**The Chair:** Thank you.

Mr. Siksay.

**Mr. Bill Siksay:** Thank you, Mr. Chair, and thank you, gentlemen, for being here this morning.

I want to go back to what happened in Fort Erie on December 23. The eyewitness account I have leads me to believe it was quite the horror show in terms of the way folks were dealt with and the way both agencies seemed to be completely unprepared for what happened that day. I appreciate that a large number of folks arrived all at once, but we have stories of people being denied access to washrooms, being denied access to their personal supplies, including even menstrual pads.

The language issues that my colleague from the Bloc raised were significant. Instructions were provided in English only. There was no one who could speak French. A group of francophone refugees from the Congo, who were part of this group, did not get service in French. When NGO people who were there tried to assist by translating into Spanish and other languages, they were told by officials of the department to speak English, and not to translate those instructions.

The report goes on and on about the really difficult situation people were in, the difficult circumstances, and the incredible disorganization and confusion that seemed to reign that day at Fort Erie.

I'm just wondering if you could respond to some of those concerns.

**Mr. George Bowles:** Obviously, when you have a large number of people showing up at one time unexpectedly, you're going to have some difficulties, especially when you're in an area where security is of importance and you have to maintain the operations of the port—especially when it's a port such as Fort Erie, which is significant for the region.

What they tried to do...and this may be the issue around the linguistics. They were not making decisions on people; they were just trying to get the basic information from people and then allow them to return, as quickly as possible, to the United States. In other words, it was just to get the basic information, and I think a photo was required so they'd know the person coming back, and then quickly allow the person to get back on the bus to go back to Viva La Casa once they were scheduled for an interview later on.

I mean, certainly interpretation is important, and providing it in French and in other languages is essential, but in this particular case I think what we tried to do was to get the process started just administratively. Subsequently, at the interview, for certainly the people from the Congo, someone who could speak French would be there for them.

**Mr. Bill Siksay:** Are there not people regularly at the border who—

**Mr. George Bowles:** Yes, there is service available, and certainly that's the case, but when you're dealing with that large a number of people, it's very difficult to ensure that everybody gets the service required, given the linguistic diversity that I think would have been there.

**Mr. Bill Siksay:** Well, I do have some trouble with this being an unexpected event. I think we were all anticipating exactly this kind of thing happening prior to the implementation of the agreement. So I do take issue that this wasn't expected, and I wonder why there wasn't a better plan in place.

I'd like to know if there's going to be an official review within the department of what happened on December 23, with a view to hopefully not seeing that kind of thing repeated and to seeing if there's a better way to process people, a more agreeable way.

**Mr. George Bowles:** I know that within my own context we want to do a post-mortem on it, on how things happened, on how well we handled the issue. You call it official; I don't know if it qualifies as that, but certainly when you have something new like this you do ask questions. How did we deal with it? How did we make it work? What problems did we have? We then can address those in due course.

● (1310)

**Mr. Bill Siksay:** I notice that in your report you mention that the number of refugees is down. I'm not sure that's a victory. It seems to me that in the context of refugee movements around the world, we still have significant numbers of people who are in refugee camps, who are displaced, because of trouble around the world. I'm just wondering how Canada is meeting its obligation. Seeing the number

of people who arrive at a land border being reduced may not be the kind of result we're looking for in Canada in terms of assistance to refugees.

How does that number fit into the context of the number of refugees Canada is receiving, and what resources are going into other programs to assist refugees around the world?

**Mr. Robert Orr:** First of all, I don't think the statistic was put out there to be seen in any sense as a victory. It was put out there as a fact, and quite simply as that.

I think we need to look at the numbers of both refugee and particularly asylum claimants, but we also cannot forget that we do a lot of resettlement from Canada as well. If we're just focusing on the asylum claimants, the numbers are going to be volatile. We've seen that over the years. If you look over many, many years, the numbers do go up and down. There is a volatility to it, which I think is entirely normal.

As well, we have to look at the number of asylum claimants in the broader scheme, in the broader international scheme. And you'll notice that the number of asylum claimants internationally is way down as well. So it's not something that's exclusive to Canada at all. I think just about every single country, every western country, is experiencing a similar situation.

Also, I think we've got to keep in mind that the number of refugees, those people who are recognized by the UNHCR, is down as well recently, largely because of significant repatriation and the significant success on repatriation movements in various parts of the world.

So I think a number of issues need to be taken into consideration there.

**The Chair:** Thank you very much.

You know time goes fast when you're having fun. These issues are very important to this committee, as you can tell, having sat through the hearings.

Could you provide us with the memorandum of understanding between Canada and the United States? The committee, I'm sure, would appreciate that. Also, the committee would like to take a look at the procedure that the border officer must follow, including when they refuse cases. We look forward to that, as well as to the numbers as to what countries these folks are coming from when trying to get into Canada. I would like to thank you.

I would like to remind everybody watching on TV that the website for this committee is [www.parl.gc.ca/cimm](http://www.parl.gc.ca/cimm). If you bookmark that, you'll be able to keep up with the work of this committee and the issues we are addressing.

Thank you very much.

The meeting is adjourned.





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