



House of Commons
CANADA

Standing Committee on Citizenship and Immigration

CIMM • NUMBER 034 • 1st SESSION • 38th PARLIAMENT

EVIDENCE

Thursday, April 7, 2005

—
Chair

The Honourable Andrew Telegdi

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•(0835)

[English]

The Chair (Hon. Andrew Telegdi (Kitchener—Waterloo, Lib.)): Good morning. I'd like to call this session to order.

Let me start by saying it's great to be back in Edmonton. The citizenship and immigration committee is travelling the country to seek input, as you all know, on the issue of citizenship. We're looking forward to getting new legislation.

The next issue is on family reunification as well as international credentials. All of these are important issues facing Canadians.

The first panel is going to be on citizenship. We have Mr. Bill Pidruchney, who's going to be starting off, as well as Miriam Stewart, who's with the Canadian Institutes of Health Research, and Ilana Kogan Gombos. We have another couple of people—I'm not sure if they're here—from the Academy of Learning.

What about the Multicultural Health Brokers Co-op?

Well, we'll start off with the witnesses we have in front of us.

Mr. Bill Pidruchney, could you make a five-minute presentation? After all the presenters make their presentations, we will go into questions from members.

Thank you very much.

Mr. Pidruchney.

Mr. Bill Pidruchney (As an Individual): Thank you very much, Mr. Chairman.

[Translation]

Ladies and gentlemen, welcome to the beautiful city of Edmonton,

•(0840)

[English]

the city of champions, as we would like to believe it. It's very nice to see you here and nice to see you again.

It's very important that we have meetings like this, because even though a new draft of the act has not been produced yet, the current Citizenship Act still contains revocation and deportation provisions, and these, I think, really have to be dealt with because they're fundamental to the issue. They are the source of what has been called denaturalization and deportation. I have dubbed that stripping and shipping—stripping of citizenship and shipping people out of the country—so I'm going to refer to it as S and S, stripping and shipping, henceforth.

My position is very simple, and I know most of you have heard it before. It's expressed on the cover of the brief that I presented to you, of which you have a copy. The position simply is to abolish stripping and shipping, revocation and deportation, because it is unconstitutional, and it is unconstitutional in fundamental respects. Also, we should, in any coming legislation, prevent things like the annulment that was proposed in the earlier Bill C-18.

These things, to me—and I hope to all of us—are embarrassingly inquisitorial types of activities that do not belong in a country like ours, and that's why I say they're distinctively un-Canadian.

As you're aware, I'm not victimized by this act, because I was born here. But anybody who came to Canada as a citizen by choice, as an immigrant who decided to settle here, is subject to the provisions of this act, and that includes the Governor General of Canada, who came here as a babe in arms. I know it won't happen, but imagine what the country would look like if this act of revocation and deportation were brought against our own Governor General.

The act as it sits now breaches the Constitution and the charter of Canada in what I call the six Ps: philosophy, principles, policy, the processes, the practices, and the punishment or the penalty, which is deportation, and is, I believe, cruel and unusual punishment under the charter.

In the worst possible case, if Parliament does not manage these items—preferably abolish them from the legislation in the new act—their constitutionality can be tested in the Supreme Court of Canada by way of a reference.

The fundamental problems we're dealing with here are primarily two. Number one is the inequality the act has caused, and secondly, the discrimination that is created by virtue of that inequality. Equality and freedom from discrimination are fundamental charter rights, and that is why I say I think the Constitution will have to prevail.

Our act created two kinds of citizenships. Two distinct and different standards are established for each of these citizenships. First, we have what I have dubbed a full or a genuine citizenship, which applies to those who were born in this country. Second, we have what I have called a phantom or a shadow citizenship, which is the one that's acquired by somebody coming in as an immigrant. I call it a phantom because it is citizenship in form but not in substance, and it's the substance that counts. I believe, for instance, that a charter test on these particular grounds alone would indicate that they're unconstitutional.

Prime Minister Martin himself spoke about rights in the House of Commons on Wednesday, February 16, this year, as reported in an editorial in the *Edmonton Journal* on February 20. He said:

We are saying proudly and unflinchingly that defending rights, not just those that happen to apply to us, not just those that everyone else approves of, but all fundamental rights, is at the very soul of what it means to be a Canadian.

I endorse that comment.

As you know, the Canadian Charter of Rights and Freedoms is part of the Constitution Act of 1982, and in speaking of that on March 4 this year at the federal Liberal convention in Ottawa, the Prime Minister said, "The charter is the heartbeat of our Constitution". I agree again with that. He also reported that his party was the embodiment of Canadian values and the protector of equality for all citizens. I'm happy that he agrees with us, or we agree with him. Perhaps he will take heed and lead this cause now.

I wish to define citizenship very quickly by saying—I know it's been dealt with in your paper of November, but I want to go a little further—citizenship is not merely a contract, not a social contract or any kind of a contract. Actually, what it is is a grant by the state, which is our country, which bestows a status on an individual and endows that individual with certain constitutional rights and privileges. In that granting, the grantee agrees to become a subject of that state. So the grant is a form of a covenant between the state and the citizen, and that's what binds them together in a legal relationship.

How is status different from a contract? Very simply, status is a condition. I can only think of an analogy to help this definition by suggesting one with a woman who bears a child. Forever after the birth of the child, that woman has the status of being a mother—forever. Regardless of what happens to her, the status is permanent. That's what I believe citizenship is as well, that kind of a status.

There are other grounds of unconstitutionality I believe apply and could be brought up in any reference to the Supreme Court, such as that the Citizenship Act is civil legislation, but now it includes punitive aspects such as deportation and revocation. The Canadian bar has said, as you know, that these are probably the most serious types of penalties you can impose on any citizen of this country. But the act does not give the protections of criminal procedure and therefore becomes susceptible to being a subterfuge for any other unstated purposes. I think this act will fail the charter test.

You would like to say that if we look at this from the other side of the fence—that is, from the standpoint of the person who is coming into Canada as an immigrant and receives citizenship—perhaps we owe them an explanation of what it is this citizenship certificate stands for. I've taken the liberty, perhaps in a bit of a teasing way, to

say that perhaps we should have a disclaimer or a waiver on each citizenship certificate that will say something like this: "Warning. This citizenship is permanently temporary"; or, "Of course you have rights. You just don't have as many as I do."

I think on that note I will wind up, Mr. Chairman. Thank you very kindly. I'd be pleased to answer any questions.

• (0845)

The Chair: Thank you very much.

Next we have Ms. Stewart.

[*Translation*]

Dr. Miriam Stewart (Scientific Director, Institute of Gender and Health, Canadian Institutes of Health Research): Good morning. It's a great pleasure to be here.

[*English*]

I'm representing the Canadian Institutes of Health Research. I want to congratulate the standing committee on behalf of the CIHR for addressing the critically important issues of citizenship, family reunification, and credentials.

I want to speak with you about two initiatives. One is the large-scale initiative that is reflected in our one-page handout, called "Reducing Health Disparities and Promoting Equity for Vulnerable Populations". We have numerous national partners over and above the 13 institutes of the CIHR. These include the Social Sciences and Humanities Research Council of Canada, the National Secretariat on Homelessness, and, most recently, Citizenship and Immigration Canada, which is not on this particular handout. Hopefully all of you have it. In addition, my presentation, with more details than I'm allowed within the five minutes, will be circulated to you once it's translated.

Within this initiative we've done many things, including holding an international think tank. One of the major focuses of discussion, besides homelessness, issues of aboriginal people, and so on, was immigrants and refugees. We have produced a large paper, which has been translated and will be provided to you, as well as a summary of that paper pointing out policy implications. It focuses specifically on health disparities experienced by immigrants and refugees in this country. We will provide that to you following this meeting.

In addition, we have funded numerous projects that focus on immigrants and refugees, and indeed many of them deal with issues of family, family reunification, issues of credentials, and so on, but always from a health perspective in this case. These are funded through the Canadian Institutes of Health Research. Indeed, the CIHR has funded up to \$10 million on research pertaining to immigrants and refugees and would be happy to share with you examples of it, and in addition actual details on the projects if you have interest in any particular project. Some of them deal with, for example, migration and reproductive health studies; others deal with childbearing newcomers and their access to services, and so on—there are numerous studies.

The census paper—this large-scale paper on immigrants' and refugees' health disparities, which we will supply to you—points frequently to the importance of issues of family reunification, and also of credentials, of unemployment, of poverty faced by immigrants and refugees, and of course the particular challenges faced by refugees. We'd be happy to supply any of those details, and you will in fact receive the paper.

The second part of the presentation is on a study that is funded by the Social Sciences and Humanities Research Council of Canada. I'm the principal investigator. It's actually conducted in three cities: Edmonton, Toronto, and Vancouver. I know a number of members are from B.C., others are from Alberta, and others are from Ontario.

This study engaged interviews with 60 service providers and policy-makers, 120 immigrants and refugees—these were Somali refugees and Chinese immigrants—and 74 policy influencers and service managers in these three cities. In addition, we had 23 community partners, including the people who are here today—the Multicultural Health Brokers Co-op—and the three Metropolitan Centres in those three cities.

Key challenges that were pointed out would not be surprising to any of you. They include dwindling social networks once people come to this country; language difficulties; navigating the system; family reunification and social isolation; racism and discrimination; lack of awareness of programs that are available and supports and services; recognition of foreign credentials and work experience; and of course immigration status. As I said, you will receive a copy of this presentation.

From the service providers' perspective, there are limited mandates and inadequate funding. These, as well as staff shortage and gaps in partnership, were key barriers to providing support to newcomers. From the newcomers' perspective, inadequate supports and lack of linguistically and culturally appropriate services were major problems. More specifically, the newcomers pointed out that their foreign credentials and work experience were not recognized in Canada; that language training was insufficient for occupational requirements; and that their job search support and skills upgrading programs were insufficient, really, for their needs.

● (0850)

In addition, they pointed to systematic discrimination barriers to hiring and promotion. The policies, in their view, made them ineligible to work or to access employment programs or required them to retrain. Again, we can provide you with a copy of this report.

My last point is from another study, one that focused on immigrant women family caregivers, which was conducted here in Alberta. In this case, Chinese and South Asian women and policy-makers in Alberta pointed to the importance of immigration policies for sponsorship and family reunification. The challenges they identified, in conclusion, were a huge investment of time and financial resources by their sponsor; limited use of community resources by recent immigrants, which presented, of course, a burden for relatives; access to services and resources, language difficulties, as well as their immigration status; separation from their family in their home country and, consequently, isolation; and truncated or dispersed familial networks.

We wanted to share with you these two studies, one funded in Alberta by the Prairie Centre of Excellence for Research on Immigration and Integration and the other by the Social Sciences and Humanities Research Council, and this large-scale initiative involving Citizenship and Immigration Canada, which has produced a major paper on immigrants and refugees as well as funded numerous projects focused on immigrants and refugees. We'd be delighted to provide the details on any of these. Indeed, we do plan to share with you the paper on immigrants and refugees. But I'd be happy to share with you titles of projects and summaries of what those projects are all about, the ones we funded through the Canadian Institutes of Health Research and our partners, including SSHRC, CIC, etc.

Thanks so much for this opportunity.

The Chair: Thank you.

Ms. Brattberg.

Ms. Audrey Brattberg (Academy of Learning): Thank you.

Chris Culshaw is going to do our presentation.

The Chair: Okay. Go ahead.

Mr. Chris Culshaw (Academy of Learning): Thank you. I'd like to introduce myself. My name is Chris Culshaw. I am director of international programs. I'm here with Audrey Brattberg. She is the owner and administrator of the Academy of Learning in Edmonton. She is also the director of the National Association of Career Colleges and the current chairperson of the advisory committee on international student recruitment.

In this presentation we state that the problems and solutions stated here are in concurrence with those of the NACC.

We offer our programs to international students. They are the same programs we offer to domestic students. In general, the programs for international students who want to come to Canada to get Canadian credentials are for people who have already completed their academic training in their home country. They have college- and university-level degrees. What they want to do is obtain Canadian credentials in English.

We have international initiatives that we're engaged in at this moment, and the international students we recruit come here to Canada. We're also involved in recruiting foreign skilled workers. Skilled workers refers to training initiatives we're engaged in to bring qualified tradespeople to the oil and gas industry in Alberta. The tradespeople have to achieve certification outside of Canada before they are considered for the HRSDC-approved companies for temporary work visas. It is a different approval process but with the same outcome. We are finding skilled workers to keep the Alberta economy expanding.

Today we'd like to address the current low approval rate for study permits compared to historical patterns, and we would like to see private colleges...right now they are unable to offer work experience with the diploma programs. It is a policy that is allowed under the public colleges and universities.

We are experiencing low approval rates for study permits. Because of the security threat in post-9/11, the rejection of study permits from countries with no history of a security threat seems to be disproportionate to the risk.

The other thing we see is that there's no perceivable pattern to the rejections. The rejections we get are very subjective. The CIC officers cite insufficient financial resources even though the documentation has been provided. Another reason offered is that there's no proof they will return to their home country even though the student has studied outside of the country before and returned. So there's an inconsistency to the reasons for the rejection of the study permits. We find that study permits are easier to obtain from Korea and Mexico. Vietnam, China, and India seem to be problem areas. So they're treating countries differently.

There's also an inconsistency between the policy for HRSDC and CIC. HRSDC wants to bring in skilled workers and immigrants to satisfy the labour shortages and the fact that our own population is not expanding at a rate that it was historically. CIC has a perception that students use study permits to circumvent the long processing times for landed immigrant status.

The other key point is that we'd like private colleges to be able to offer work experience in related areas of study, just like the public colleges and universities.

We have supportive strategies. We deliver ESL training outside of Canada. It is our desire to bring in qualified individuals to study in Canada. Canadians are the beneficiaries of these initiatives. We leverage the academic training obtained in a person's home country and give them a credential that is recognized globally. It makes no sense to throw away a person's previous training. We build upon it and give them marketable skills.

International recruitment makes good sense from an economic development perspective. The average student spends two times

their tuition fee while living in Alberta. This is very important. International students do not require government funding. They pay their own way. We intercept the students before they come into the country, before they become landed immigrants, before they become an issue, as cited by a previous presenter.

● (0855)

Our recommendations. The approval process takes three weeks to three months. In some cases we have to reissue approval documents three or four times because the approval has dragged on past admission dates. We recommend that you increase the staffing levels at the CIC offices, shortening the processing times for study permits.

If HRSDC has determined there is a skills shortage in a particular area in the economy, allow us to recruit and train people for these positions. Applications can be processed to qualify the applicants as foreign skilled workers. We would like to see work authorization allowed as part of the study permit, and we would like to see policy consistency between CIC immigration offices and HRSDC initiatives.

Finally, to assist CIC in determining whether a study program is offered through a recognized college, a pre-approved list of private colleges can be set up through the National Association of Career Colleges. It will prevent abuse of the process and reduce the investigative time spent by the CIC officers.

The positive outcomes. It is our intent to focus on what is good for Canada in our initiatives and good for Alberta. We want to promote Canadian credentials as the best credentials to have. The other is to create highly skilled, highly valued job candidates who are sought by companies worldwide and specifically by companies in Alberta.

Lastly, a highly skilled workforce is the main driving engine for a healthy economy that can support the made-in-Canada social programs of which we are so proud. Our objective is to get these people trained and credentialed before they come into the country.

Thank you.

● (0900)

The Chair: Thank you very much.

What we'll do is have a five-minute back and forth session with questions and answers. I'd like to get everybody in to ask a question.

We're going to start off with Mr. Rahim Jaffer, and of course most of you would know Mr. Jaffer as the member of Parliament from this area.

Mr. Jaffer.

Mr. Rahim Jaffer (Edmonton—Strathcona, CPC): Thanks, Mr. Chairman, and thanks to all the witnesses for being here. They're all familiar faces, and it's great to see you all here.

I wanted to start by just asking you something, especially Ms. Miriam Stewart. You mentioned in your presentation—I look forward to seeing the full report, and I know we've discussed this in the past—the issue of language training being insufficient and that often there are insufficient opportunities for people who want to get Canadian experience. This is an issue we've heard consistently throughout these consultations.

One of the suggestions we heard from a fellow in Regina was that—I don't know if this came up in your studies—there be a way for the federal government to create incentives for employers, whether it be some sort of grant to a company or an organization, or whether it be some sort of tax incentive, to create the opportunity for them to hire someone with foreign credentials to give the person that Canadian experience. It seemed like an interesting idea for us to explore. I'm wondering if that's something, according to the research you've done, that would help or hurt.

Chris, you might have a comment on this as well.

If you wouldn't mind, mention if these are the sorts of solutions we should be looking at.

Dr. Miriam Stewart: Rahim, it's wonderful to see you again, and thanks so much for helping us make this presentation.

Indeed, that sounds like a very viable strategy, and there are other strategies proposed within our policy summary that pertain to language but also pertain to the issues of credentialing as well as the work experience. I think that's a superb idea. It connects the language issue, which is an enormous issue, to credentialing and intern employment, which are enormous....

Interestingly enough, the project coordinator for my research program who headed up this particular study funded by SSHRC is from Zimbabwe, and he has had a horrendous time with respect to employment credentialing. It's not language training; his language is perfect. He has two master's degrees from this country and he has a PhD from this country. He's worked for many years with me, and he's headed up most of our research projects and initiatives, and of course he was the program coordinator in this particular study. I suspect he would validate your particular suggestion.

In addition, Dr. Morton Beiser, who's the author of the immigrants and refugees paper...which, by the way, will be published next month, even this month possibly, in the *Canadian Journal of Public Health*, and that will appear of course in a translated version. So the

entire paper will appear in the *Canadian Journal of Public Health*, but we will ensure that you receive it.

I think that's a great suggestion, and I'd be interested in sharing that with my colleagues.

● (0905)

Mr. Rahim Jaffer: Did you have a comment on that, Chris?

Mr. Chris Culshaw: Yes, I do. We're being very proactive on this issue. We are going to the source to solve the problem before it hits Canada. We are in initiatives right now to set up technical ESL programs outside of the country. We are in initiatives right now to do the certification and testing of tradespeople for the skilled workers outside of the country. We're involved in partnering with other universities and institutions outside of the country so that it doesn't become a problem after they've landed here. We need to get their ESL levels up, particularly the technical ESL. And the others don't need to come to Canada to do more academic training. They need the practical skills so they can fit into the workforce here and be productive once they hit here. That is what we are offering so that they fit into the Canadian environment. And it's not that we're looking for government assistance; we just want the bureaucracy to get out of the way so that we can process the study permits, because these people are willing to pay their own way in. If we make it so it's a direct application for study permits, and then into work experience, and then into immigration, you will circumvent all of the other nefarious activities—the fly-by-nighters that work outside of the system—because you will make it so difficult to come into the country through the legitimate means if they try to circumvent that. It's much, much, much easier to get a study permit for the U.K. or for Australia, and they're our chief competitors.

So there are two areas in which you penalize us. One is that you don't allow us to expand a very good economic development initiative, which is to export knowledge and education and our credentials, and the other is that we are satisfying the need of preparing a skilled workforce before they even come into the country.

Mr. Rahim Jaffer: One thing I wasn't clear on, Chris, is that if you're setting up some of this—which seems to make a lot of sense if you could do it outside before they come here—are you then having troubles with both student visas and work visas, or are they separate in the process you're dealing with? It seems to me if they're getting the accreditation, it sounded like you said you're sourcing up companies here that obviously are looking for some people they can't find here. Are they already trained and then you're looking for just authorizing work visas, or are they both student visas and work visas? I wasn't clear on that.

Mr. Chris Culshaw: Our school, the academy, cannot apply for HRSDC approval. The companies have to. So they're just starting out. The first company that is bringing in a significant number of workers was just approved a month and a half ago. There are other companies in the pipeline, but they're going through the process. So that is new. It's the study permits that are of particular concern to us.

The Chair: Okay. Thank you very much.

Now we're going to go on to Madam Faille.

Madam Faille, go ahead, please.

[Translation]

Ms. Meili Faille (Vaudreuil-Soulanges, BQ): I will make my comments in French, because it's my language, and because I feel more comfortable speaking French. I missed part of the discussion in the first part of the meeting with Mr. Pidruchney. I'd like to ask him to focus on the problems he sees with the current legislation and the rights of permanent residents, as set out therein.

Does the research centre conduct research relating to regionalization, more particularly? What kind of experience do you have in Western Canada with respect to Francophone and Anglophone immigrants? What types of problems do these immigrants face in the regions? What positive or negative experiences have they had, and what is the status of these two communities?

In Quebec, there is a lot of focus on regional development. We have put a structure in place, and the number of immigrants in the region is steadily increasing. In the West, do people tend to settle in the urban centres, or is an effort being made to draw them out to the regions? Do people see immigrants as a source of energy for the regions, as we do? In terms of research, what kind of suggestions are being made by communities in the regions? Thank you.

• (0910)

[English]

Mr. Bill Pidruchney: Thank you very much, Madam Faille.

I admit that I have really not studied the issue of permanent residency, so I think it would not be appropriate for me to make any comments on that, except that permanent residency falls somewhat into the context of status of a person who has arrived in Canada and has not yet obtained citizenship.

I endorse the position of this committee in its rejection of the idea of having sort of probationary citizenship, or something like that. I think the statuses we have at the present time are probably adequate. A person arriving here would have the right to be here as an immigrant, whether we called them landed immigrant, permanent resident, or whatever, until such time as that person received their grant of citizenship. Then, as you know, I'm saying that once the grant is given it should be irrevocable.

[Translation]

Ms. Meili Faille: So, it should be permanent.

[English]

Once acquired it would be permanent.

Mr. Bill Pidruchney: It would become permanent and full.

Ms. Meili Faille: Thank you.

The Chair: Thank you.

Madam Stewart.

Dr. Miriam Stewart: Thank you, Mr. Chairman.

I agree with the previous response.

[Translation]

Ms. Meili Faille: I was thinking more along the lines of research related to efforts aimed at regionalization. I wondered what kind of effort had been put into that and what kind of action had been taken in Western Canada to encourage people to settle in the regions. How do the communities perceive this immigration? What are the pitfalls and what potential solutions exist to encourage it?

[English]

The Chair: Does anybody want to take it up?

Mr. Chris Culshaw: I will address that.

The issue is not initiatives to bring people to the regions. There's the perception that it's so difficult to get in that people don't even try.

We have disparities between the metropolitan areas in terms of awareness outside of the country. Vancouver, Toronto, and Montreal are known to people outside the country, and Edmonton, Calgary, and Saskatoon to a lesser degree. But I don't know what you can do to solve that, other than to have more presence in recruiting activities in those cities to sort of say, you're welcome to come here.

On the willingness to come to Alberta and the Edmonton region, the economic activity here will drive that more than anything else.

The other thing is if a strong community-based diaspora exists inside a city, they pull in their relatives and friends. That's what draws them in, because they have a support network. They don't need to rely on government assistance. They just need to be allowed to function in the country and have the freedom to find employment, become employable, and become contributing members to the economy. That's what they want to do. They want a better future. That's the bottom line.

The Chair: Thank you.

Mr. Siksay.

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

Thank you to the witnesses for your presentations this morning. They've all been very helpful.

I want to ask Ms. Stewart to talk briefly about the specific health problems immigrants are facing. I think we've all met with constituents who've made it very clear to us what their personal health issues are. Yesterday in Calgary we met a man whose permanent resident status has been delayed for over eight years. He was very clear about what health problems he was personally facing. I wonder if you can tell us what your study has shown on that.

• (0915)

Dr. Miriam Stewart: Absolutely, yes.

The interesting revelation, I guess, from our study and the review of all the research that's been conducted in this area focusing on the health of newcomers is that newcomers are, by and large, well educated, well trained, and healthy, or more highly educated and in better health when they arrive than native-born Canadians on average. However, it takes at least 10 years before they achieve their economic potential, and during their resettlement process they lose their health advantage. There are many reasons for this, most notably, poverty, unemployment, etc.

More than 30% of immigrant families, compared with 13% of all Canadian families, live below the poverty line during those first 10 years. Poverty and deterioration in health are connected and attributable, obviously, to high unemployment, discrimination, and lack of language skills, which we were just talking about, and lack of job training opportunities. They also give up health-enhancing cultural behaviours when they are introduced to different health behaviours in this country. Then, of course, there is lack of access to needed health services and health-related services. I say the latter, because we view health in a very broad perspective; if you don't have access to social services or justice systems, or other kinds of services, this indirectly affects your health.

In terms of examples, some immigrant groups are at particularly high risk of developing heart disease because of their genetic predisposition. This doesn't get translated into compromised health in their home countries, because they eat traditional diets there, but it becomes a problem in Canada where they turn to higher-fat diets. Tuberculosis offers an example of deteriorating health because of stressful living conditions, and immigrants account for most of the new cases of TB in Canada today. They don't have it when they come in, but they develop it five years after arriving here.

All of this is in our census paper on the health of immigrants and refugees. I find all of this really interesting. I'm not the expert, but Dr. Morton Beiser is. The paper said that poor diets and poor living and working conditions predispose them to developing new infections when they reach this country and that, of course, family and community support affect their health.

Anyway, that is a very lengthy answer to your question, but you'll see the foregoing in the paper on the health of immigrants and refugees.

Mr. Bill Siksay: I think it was interesting yesterday that one of the groups that testified, the Calgary Catholic Immigration Society, which runs the welcome house in Calgary, has a doctor on staff now so that when someone arrives they see the doctor almost immediately. The person we were speaking with said informally that because of that practice, they feel they're responsible for almost doubling the number of reported communicable diseases in Calgary. I was surprised to learn that wasn't standard practice across the country, that folks often arrive and don't see a doctor until they get obviously sick, which could be months down the road.

Have your studies looked at the timing of when newcomers see doctors and made any recommendations around that process?

Dr. Miriam Stewart: Yes, they have. Both the review of the research in this area conducted by Dr. Martin Beiser and our SSHRC-funded study looked at the connections between health and social supports once they reached Canada and were separated from

their supports in their home country, and we have looked at the timing of the transition of health problems. The health concerns are huge in the immigrant and refugee community, and, indeed, the group you mentioned were key partners in our SSHRC-funded study. They were very helpful to work with.

Mr. Bill Siksay: That was our experience.

Dr. Miriam Stewart: Yes, they were key community partners in our study.

Mr. Bill Siksay: Mr. Pidruchney, it's good to see you again. I just wonder if you can comment on the question of fraud and citizenship, and if there should be a time period during which someone can lose their citizenship because they committed fraud in the process of applying and obtaining it. If so, how long should that be, and what's a reasonable restriction in that situation?

Mr. Bill Pidruchney: Thank you very much. I realize the committee addressed that earlier. I'm glad you asked the question, because this is an area that I think, again, is very dangerous to be in.

As you know, in about 1995 or so the idea of revocation was activated within the act and implemented and so forth, and at that time it was intended only to deal with people who were guilty of war crimes or terrorism or genocide, or something like that. But in the meantime, to the present day, this has been watered down to this particular situation that you've alluded to. Now we talk about revoking citizenship if you have committed a false representation or fraud or concealed a material circumstance. To me, this is a corruption of the original intentions. We're into territory that was not contemplated when this was originally activated. I think there's a dangerous threat to democracy because the act does not define what fraud is or what the materiality is that we're concerned with.

So you have to address some of these issues.

Number one, in my opinion, fraud does not occur, does not exist, unless there is a victim. So if somebody comes in and makes a fraudulent statement that's not material—and you have the difficulty of deciding what the materiality is—is there a victim? Is it the whole country, or is it some individual who's been defrauded?

You must distinguish between civil fraud and criminal fraud as well. With civil fraud you have the right to sue in the civil courts and obtain your remedy. Criminal fraud does exist in our Criminal Code, and my suggestion is if anybody in Canada, of whatever status, has committed a criminal fraud, the process for managing it in the criminal courts is already there and it should be undertaken.

But the concern is, what is a material circumstance? What if somebody lied in his application to arrive about speaking one of the official languages? What if somebody said, "Oh yes, I speak English, no problem", and when they arrived here we discovered they didn't speak English? Do we revoke his citizenship for that and deport him? Is that material?

What about a false representation, which is the third prong of this potential ground for revocation? What if somebody said, "Oh yes, I was really wealthy in my country of origin, I'm a multi-millionaire", and after he's landed here and has applied for citizenship, or after he has his citizenship, it turns out that he actually was a pauper in his home country. Are we going to revoke his citizenship?

So it's terribly dangerous, and I would, again, like to see that area simply removed totally. If there's a fraud, we have criminal law in place to accommodate it. Otherwise, let's just take it out of this act.

• (0920)

The Chair: Thank you very much.

Now we're going to go to Mr. Anderson.

Hon. David Anderson (Victoria, Lib.): As I understand it, fraud, or a material misrepresentation of a fact or misrepresentation of a material fact, take your choice, is the reason for the provision that allows for citizenship to be removed. It's not removing citizenship. It is simply a recognition that citizenship did not exist because it was based on a false statement. If I were to declare myself to be a medical doctor and managed to get away with it for a number of years, it would not make me a medical doctor. Similarly, if I were to acquire title to a piece of land, and my title turned out to be fraudulent, it would be as though I never owned the land. That's the basis, as I understand it, of the denial of citizenship. Misrepresentation of a material fact—that's what would cause citizenship to be taken away.

My question really is, at what point do you decide that it doesn't matter whether there was a material misrepresentation of fact in the application for citizenship? Is it the day after the citizenship certificate is given? Is it five years later? Is it, as in some jurisdictions, 10 years later? Or is it, as in our situation, whenever the misrepresentation of the material fact is discovered?

I should add that someone who had citizenship by birth, obtained fraudulently, is not a Canadian citizen. That is a distinction I'd like to make and to put to you to comment on. If somebody says their parents were military persons serving the Canadian government overseas, and that they are thus entitled by birth to be Canadian, and it turns out that this material representation is fraudulent, they don't become a Canadian citizen by birth just because they've evaded detection for 10 years or 15 years. They lose their citizenship, even though it was based upon birth.

My question to you is, at what point would you say that we no longer concern ourselves with misrepresentation of a material fact? At what point in the system would you say, "They've got away with it for this long, so we'll accept it as reality"?

• (0925)

Mr. Bill Pidruchney: To address your last point first, if a citizen falsely claims citizenship by birth, that's a matter for the authorities to examine. If they accept the birth as having been within the citizenship grant, then it's a matter of interpretation. This is not

necessarily a matter of fraud. Somebody could say, "Look, I believe I'm a Canadian because my parents were Canadian and I was born while they were serving overseas." That's for the authorities to determine. But the thing is, once we have granted citizenship, it is granted forever. Citizenship is a status. It's not a contract; it can't be revoked or cancelled or withdrawn.

Hon. David Anderson: In other words, your position is that the final point is the time that citizenship is granted?

Mr. Bill Pidruchney: That's right. It should not be retracted once it's granted. It should be irrevocable.

Once your child is born, you're stuck with that child. The same thing with citizenship: once citizenship has been granted, you're stuck with that citizen. If you made a mistake in granting it, we'll do whatever we have to, but otherwise it's our baby, so to speak.

Hon. David Anderson: I raised the question because we've had a variety of witnesses who have suggested various time limits. Not many have suggested, as you have, that it be at the time of granting citizenship. Your position may be more logical than some of the others we have heard. The principle upon which you base it is clear, and I appreciate the fact you brought it forward.

The Chair: Thank you very much.

Mrs. Grewal.

Mrs. Nina Grewal (Fleetwood—Port Kells, CPC): Thank you, Mr. Chair.

Thank you all for your time and your presentations.

My question is to Mr. Culshaw. You mentioned in your presentation that when students are coming from China, India, and Vietnam, they really have a difficult time. They don't get visas. What are the main reasons for that, and what should be done, in your opinion, so that students from these areas can get easy access to visas like the students from other countries?

Mr. Chris Culshaw: My answer to that is there should be clear guidelines as to what documentation has to be presented. At the moment, it is not an objective review of what is presented. It's very subjective, we feel. We cannot tell, when the rejection occurs, what the real reason is. It just seems that when there's an overwhelming number of applicants, there's a higher rejection rate. If it's perceived that there are fraudulent documents being presented by people trying to circumvent the system, then there seems to be a very high rejection rate for everybody; even legitimate visa applicants seem to be cast aside outright.

There also seems to be an issue that when the personnel in the high commission office or in the consulate office changes, the approval rate will change too. There should be consistency between CIC officers; the fact that there are new personnel shouldn't affect the approval rate.

The Chair: Thank you.

Madam Fry.

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

I was going to say that Mr. Anderson has just taken the question I was about to ask because I wanted to ask you whether you thought at any time you would see citizenship being revocable and under what circumstances, but you have answered that. However, I think in this instance—and as an immigrant myself, I have a tendency to ask the question, when do I really get to be a citizen if one can take it away from me?

But are there any circumstances...? Let us imagine that this person has been a criminal outside, has hidden it very well, and after the person has citizenship it has suddenly come to light that the person had been a criminal, whether it's a war criminal or a criminal of any other kind. Let us imagine that the person had been engaged in terrorist activity, etc.

You're saying it should not be revocable in a case like this, but do you see any other penalties that this person should suffer as a result of having fraudulently obtained it? I think the question here is, did the person fraudulently obtain his citizenship? In other words, did he give the wrong information? Did he voluntarily, willingly, hide facts when he sought citizenship?

This is the basic nub of the question that I think people are wanting to get an answer to. I haven't made up my mind; I just want to hear what you have to say on this.

• (0930)

Mr. Bill Pidruchney: Thank you.

Let's assume you're talking about a case where the person has committed genocidal acts or crimes against humanity, which usually means having caused death—in other words, murder. Generally speaking, those kinds of crimes have no limitations on them, certainly not in Canada.

Since 1995 in Canada we have done a number of things legislatively that can address this particular concern, and this concern is legitimate. We will occasionally have people slipping through the system. We are not in support of having people coming

in who have very bad backgrounds and as a result are not essentially good, quality citizens.

But in 2001 we domesticated all crimes of terrorism, genocide, etc., committed anywhere in the world by anyone who is now a Canadian citizen by incorporating that jurisdiction, through our Anti-terrorism Act, into section 7 of the Criminal Code. It deems that all acts, regardless of where they've been committed in the world, are deemed to have been committed in Canada and gives Canada jurisdiction over their citizens. We can haul this person up criminally the same way we can haul up somebody who committed a murder in Edmonton.

The other thing we have done is, in the year 2000, Parliament passed the Crimes Against Humanity and War Crimes Act, which addresses specifically terrorism and establishes the procedures for dealing in Canada with people who've committed these crimes abroad. Again, it gives us jurisdiction.

So we have the tools and the law available—and of course we are signatories to the International Criminal Court in The Hague now, which we were not in 1995 when this revocation was made instrumental. We can send people to that particular court to take their punishment for whatever crimes they've committed, and presumably this would be terrorists who've committed crimes abroad. There are extradition treaties we have with other countries where if the crime occurred in another country we can send the criminal out.

My suggestion is that we have all the tools now that we need to manage people who have committed these horrendous crimes.

Hon. Hedy Fry: So you think that should be done under due process of law? You said extradition, so let us imagine the country in which the crime has occurred wishes to have this Canadian citizen deported to be tried and/or punished in that country. How do you feel about that?

Mr. Bill Pidruchney: I'm sorry, I missed the question.

Hon. Hedy Fry: Let us imagine that the country in which the crimes were originally committed, if they were genocidal or war crimes, asks Canada to deport this now Canadian citizen. What is your feeling on that?

Mr. Bill Pidruchney: We call that extradition. That would not be a deportation. And extradition has been a mechanism that's existed for probably centuries between countries internationally. So if some other country agreed to it, we would probably yield and have the person extradited. But as you know, that person has a right to a hearing in Canada before extradition takes place, and then, as you know, Canada has said, Parliament has said, that we will not agree to extradition if the country receiving him or wanting him has the death penalty, capital punishment, in place.

So we have strictures in place to deal with this situation.

Thank you.

The Chair: Thank you, Madam Fry.

Mr. Temelkovski.

Mr. Lui Temelkovski (Oak Ridges—Markham, Lib.): Thank you very much, Mr. Chair.

I'd like to turn to Mr. Culshaw. You mentioned in one of your recommendations that the CIC and HRSDC have to work together. Maybe you can give us a little more information on that first recommendation.

The second item I'd like you to delve deeper into is the ESL outside of the country prior to people applying or coming. How would that help?

● (0935)

Mr. Chris Culshaw: In terms of the first question, which is on the harmonization of the policies between HRSDC and CIC, it seems one of the logical solutions to satisfying the human resources issues in Canada is to train people and to get them qualified before they come into the country.

What happens with immigration right now is when they come in for landed immigrant status under the foreign skilled workers program—or landed immigrant status, I'll correct that—they have no job offer before they come in. So when they land in the country they are told their credentials qualify them to come into the country, but when they get here they have difficulty finding work because their credentials are not recognized.

So if you work with the initiative HRSDC has embarked on right now, which is to identify shortages of skilled workers in the Canadian—and specifically here in Alberta—and the Alberta economy, you prequalify the employer, so these certifications are obtained before they come into the country or in a process where the job exists after they have obtained certification, if they've come to a program like ours where the credential is issued and then they're accepted into the workplace. Then you don't have this time, which we have over here where they live below the poverty line. They're gainfully employed, supporting their families, the health issues go away, they contribute to the economy, and they become taxpayers. They expand the economy because they have to buy homes and furniture and get established here. That is what you want. You don't want to have this gap.

The reason we're sitting here is because we were encountering landed immigrants coming to our domestic program under EI funds. When they became landed immigrants they were eligible for those, and we asked ourselves, why are they coming? They're very highly trained. They have university backgrounds. They have lots of experience. What's happening? Their credentials aren't recognized. Then by the time they realize they can't get work, they've exhausted their savings, so they're living below the poverty line, they're depressed, the health issues come up, the economic issues come up—

Mr. Lui Temelkovski: How is that going to shorten the credential process if it's done internally or outside?

Mr. Chris Culshaw: We identify the recruit before they've applied for any of these processes. We dovetail our training right into an HRSDC program, as they're doing with the foreign skilled workers initiative here in Alberta.

In other words, we train them up before they come in, and there's a job waiting for them. That's the initiative we're on.

Mr. Lui Temelkovski: And the ESL?

Mr. Chris Culshaw: The second point is that the biggest impediment to finding work here is that when they land here, while they can speak English, often they are not fluent in the technical English needed to work in a workplace. The other has to do with accent. You need to get into accent reduction, because co-workers can't understand to communicate properly. This is critical, in terms of quality assurance issues within a workplace environment and in workplace safety.

Mr. Lui Temelkovski: Thank you.

The Chair: Thank you very much.

Mr. Pidruchney, I want to go back to the points you raised. What I find most outrageous about the current citizenship revocation process is the fact that essentially what the government is accusing somebody of is having committed fraud to get into the country.

Fraud is an issue that is handled by our criminal courts each and every day. It engages section 7 on legal rights of the Charter of Rights and Freedoms. The process we have doesn't fall under section 7 of the Charter of Rights and Freedoms. Justice Reilly ruled in January of last year that there can be no question that revocation of citizenship engages section 7 legal rights of the Charter of Rights and Freedoms.

That is the one thing I find incredibly offensive, because it applies to six million Canadians who are naturalized Canadians or citizens by choice. When it comes to status of citizenship, citizenship has to have permanence. It becomes very frightening to think that one's citizenship can be revoked outside of the charter.

I'm not sure whether I agree with you that once it's granted it cannot be taken away, but I understand the logic of it. Let us suppose Osama bin Laden somehow managed to become a Canadian citizen. If they caught Osama bin Laden, the prudent thing to do would be to stick him in jail and never let him out, not send him back to the caves in Afghanistan.

Please focus on the process and how it contravenes the legal section of the charter in the way citizenship revocation works now.

● (0940)

Mr. Bill Pidruchney: My main paper, which was sent to you in advance, went through the aspects of the charter and responded, in some measure, by indicating which parts of the process were offensive to the charter statements. In fact, when I prepared the paper it was basically intended to be a structure for a proposed brief to the Supreme Court of Canada, if we ever have to go that far.

There are so many ways in which the charter is contravened by the process. The first one is, there is no individual service on the individual. You're given a letter, which is sent to your last known address. You might have changed addresses five times and never have received the letter in which you're told there's going to be a hearing about your revocation. Secondly, if it went to your actual, real address and you were in Hawaii at the time on vacation, you could come home, be stopped at the border in Vancouver, and told you can't enter Canada because your citizenship is about to be revoked, or has been revoked, in your absence. And so forth: all sorts of ridiculous consequences flow from lack of due process.

Then, of course, there are no rights of appeal. The Federal Court listens and makes a determination as to whether or not there was a breach of any aspect of the statute, and there's no right of appeal. Refugees in Canada have the right to appeal through the Immigration Appeal Board and the courts all the way to the Supreme Court of Canada, and the taxpayer pays for that, even though they're not citizens. Here, we preclude a citizen from appealing a Federal Court first-level judgment.

Then the decision to deport or not to deport is up to the cabinet. The cabinet, who are respectful people chosen because they're very knowledgeable and sensible, are not lawyers; they are not judges; they are not trained in applying the law. Yet they make what is a judicial decision as to penalty. As you know, the Canadian Bar Association has said that the penalty is the most punitive thing; it's even worse than a life sentence in Canada, which is only 25 years and can be shortened.

Every step of the process is unconstitutional. I don't know if I should continue, because there are so many other steps that are not suitable.

Then there are secrecy proceedings. You may not ever know who's even accused you, which opens the process to abuse by somebody who has a grudge against you—this sort of thing. It's an absolutely inquisitorial process. We got rid of the Spanish Inquisition many years ago, centuries ago, and we shouldn't be restoring it in Canada.

It is not fair, in the context of fairness, and it is an abuse of the charter, etc.

• (0945)

The Chair: Thank you.

Mr. Bill Siksay: I just want to sneak in another question to Mr. Culshaw. Mr. Culshaw, I wonder if you can tell us about your students, who come from many countries, obviously, and some of them go back with Canadian credentials. Do you have any sense of their experience using Canadian credentials in their own countries and of the systems of other countries? Is there someone doing a better job of evaluating credentials from overseas training and putting people into the workforce faster, or are we significantly stickier than other countries?

The other question I had is this. A lot of corporations now are multinational. They have operations around the world, and it seems to me they would have experience in dealing with credentials themselves from many different countries and within their own operations. But that doesn't seem to be trickling down to how they

deal with people who have international credentials here in Canada. Can you comment on whether there is any particular expertise among multinational corporations that's different from that of a company that may be based solely here in Canada?

Mr. Chris Culshaw: I will have to get you to ask the first question again, but I will address the last one, which is how global multinational corporations deal with this. They really want the person in the workplace to function and to fit in. So what we find is when a person has their English and can function in English, which is the language of commerce around the world, and they can operate within the work environment, which is computer based for the most part—they use North American standards or European standards, but these platforms work across lines—then they will hire them.

The only other issue that comes up is whether they have to have a professional stamp, like an engineer. That is a separate issue in Canada, because professional associations like APEGGA are very difficult to crack. They will not move off their position that you have to have your four years of university in Canada. And the same is true on the medical side. I won't comment about the legal side; that's a different issue. But at least for those two areas where professionals need to have user stamps it is very difficult to get through that process.

It seems to be a bit easier here to get functional workers who don't need the professional designation but who will work in lower positions inside that industry or that sector.

Mr. Bill Siksay: The other question is about your students' experience of going back to their home country or to another country with Canadian credentials and whether there are systems that are better than ours or seem to deal with that issue more expeditiously than we do.

Mr. Chris Culshaw: Other countries deal more expeditiously with it because they actually issue the study permits and they allow people to gain the credential in the other country. So if they gained the credential in Australia or the U.K., obviously that's what is recognized.

Because we deny people who come here the opportunity to gain the Canadian credential, there are fewer of them out there to become the de facto standard by which the rest of the world judges the other workers.

We should be training more people to our standard and making that the one that is sought after, because we have a highly qualified workforce here. Companies come up here to set up operations in Canada and Alberta because we have a very highly educated workforce and we're very proficient.

The Chair: Madam Fry, go ahead, please.

Hon. Hedy Fry: Yes. I wanted to ask a question with regard to training people before they come, getting the expanded language training or the technical language training done, etc., before they come and seeing if one could get the credentials recognized and some of those other things. That is great, and this is what the Government of Canada is doing through a portal that we are currently setting up for the provinces. But it doesn't respond to the needs of the 540,000 people who are living in Canada today—as the Conference Board tells us, and we believe there are far more—who are either Canadian-born or citizens, having been immigrants a while ago and having landed, who cannot work. So you want to be very careful that you don't leapfrog over those people in bringing in new people before the people here have had an opportunity to be upgraded and to get into the workforce. That is the sort of delicate balance that one has to achieve.

We heard this from the unions when I met with them on my round tables on this issue. We heard as well from some of the sector councils and some of the credentialing bodies that they don't want to see people being leapfrogged over by those coming in. And we have heard from the people that are here waiting to be credentialed and to get into the workforce. It's a sensitive issue.

They are here. They have been living here for a while and they don't want to be left out. They need to find work now, because they are Canadian citizens.

• (0950)

Mr. Chris Culshaw: I have been informed that we would very much like to work with you on that issue. The issue that confronts us is that we cannot access funding for anyone who comes to us wanting to gain ESL training or technical ESL training. They are not eligible under EI or under student loans. So if you could open up that avenue we would gladly solve that issue for you.

Hon. Hedy Fry: They are eligible because it's a totally different program now. It's called the expanded language training. There is \$20 million a year dedicated to it, starting last year, that is accessible to colleges, universities, non-governmental organizations, and others who wish to provide that expanded language training in the different provinces.

Mr. Chris Culshaw: Thank you. We'll pursue that.

The Chair: Thank you.

Mr. Jaffer.

Mr. Rahim Jaffer: I just had one follow-up question for you, Chris.

I remember that in your last statement you said you were often concerned about the consistency of our foreign missions in approaching applications. That's something that's a concern for all of us, because the number of immigration cases has increased. I think for some of us it's about 60% to 70% of the work we do, if not more in some cases, which is a concern.

I've sensed some of the accountability problems at some of our foreign missions. Concerning some of the people we deal with on visas or applications, often when we send them a letter to check into a particular case, we get a different reaction, depending on how they feel that particular day, and this is something that concerns me a great deal.

It seems to me we do have a problem with accountability at our foreign missions, and I'd like to hear about your experience, particularly because I know you deal directly with some of these people in the missions. Do you find there are no real guidelines they follow in certain approval processes, and if they've had a bad lunch on a particular day and are not feeling very well they may react differently? What sort of feeling are you getting? Because you mentioned that you don't see that consistency; they're almost arbitrary, the decisions they tend to make.

Mr. Chris Culshaw: The first thing is that it's very difficult to speak to people inside the high commission. You cannot get access to the people; they set up a barrier when discussing the reasons they reject them.

The second thing is that it seems that because they have such a backlog, they use this to clear the backlog, just rejecting them outright. I know that in Vietnam, pre-9/11 and before the clampdown on security, if you applied, 80% or 90% of the applications got approved. Now we're down to 50% or 30%. It's very frustrating, and you cannot get a reason. They state reasons; they put them down on paper, but they're just like little check boxes. They're standard answers as to why the applications are rejected.

Mr. Rahim Jaffer: So you'd like to see more consistency in evaluating that process and in sharing that transparency, with certain reasons for rejection and things like that. Is that what I'm understanding?

Mr. Chris Culshaw: Yes, because what happens is that we cannot counsel the applicants to tell them this is what they need. It's a situation where we have to go in and accept their money for the tuition and they have to post their living expenses before they even go and apply. We're in a position where we accept the funds, and then we cannot say what will get them the approval. There's no fixed guideline. We can't say if you present this, this, and this, you'll get approved. We can't do that.

• (0955)

The Chair: Thank you very much.

I would like to thank you all for appearing and say that today we've had the biggest attendance so far. We've usually been travelling with seven of the twelve members, and today we have eight.

Thank you very much for your input. We'll send you copies of our report when it gets done.

I will suspend sitting for five minutes, and we will give a chance to the next panel to come up and get settled.

● (0955) _____ (Pause) _____

● (1015)

The Chair: I would like to reconvene the second panel.

We'd like to start with Mr. Okelu, who's here making an individual presentation.

Mr. Okelu.

[*Translation*]

Mr. Chinwe P. Okelu (As an Individual): I would like to begin by welcoming you to Edmonton.

[*English*]

I welcome all of you to Edmonton, and thank you for giving us a chance to speak to you.

I'd like to speak about the proposed revision of the citizenship bill.

Being a first-generation immigrant to Canada, and having now lived more than half of my life in this country, I'm really concerned about this proposal that is being put forward. I sense that this is going to end up creating different levels of citizenship in this country, making some people more equal than others. I don't think that augurs well for Canada.

I believe that if anybody in this country has done something wrong, there's absolutely no reason why that person shouldn't be dealt with right here in this country, instead of being shipped off somewhere else. What does that say of the country itself? Does it mean that Canada can just get people, use them, and then toss them out because they have done something wrong?

I believe if somebody has been vetted and admitted into this country as a citizen, he or she should have the same rights as anybody who was born in this country. One doesn't have to live in a shadow all one's life waiting for the day when somebody knocks on the door and says you are now on your way back to where you came from, even though they may not have a place to go.

So I feel very strongly that this issue should be dealt with, and that all Canadians should be treated as equals under the law.

Thank you.

The Chair: Thank you very much.

Mr. Zuzak.

Dr. William Zuzak (As an Individual): Thank you, Mr. Chairman.

Much of the material I present today is a continuation of my submissions on Bill C-18 to the committee in Edmonton on February 14, 2003, and my addendum dated April 27, 2003. This and other relevant material is archived on my website at www.telusplanet.net/public/mozuz.

Here, I will summarize the five sections in my written brief on oath of citizenship, revocation of citizenship, Canada's war crimes program, myths of judicial independence, and potential for black-mail.

In section B, on oath of citizenship, I propose:

In accepting Canadian citizenship, I pledge my loyalty to the citizens and land area of Canada, and hereby renounce any other citizenship which I may hold. I join with other Canadians to promote and uphold the five following principles: equality of opportunity, freedom of speech, democracy, basic human rights, and the rule of law.

You will note that I am not in favour of dual citizenship.

In section C, on revocation of citizenship, I maintain:

Canada, as well as all countries in the world, should adopt the principle that citizenship cannot be revoked by the state. There should be no stateless person; there should be no person with dual or multiple citizenships. On the other hand, a person should be able to give up his/her citizenship to become a citizen of another country, if that is his/her desire and he/she is accepted by the other country.

I further maintain that no person on the planet should possess more than one passport. Passport abuse is rampant in the world today, and was recently illustrated in July 2004 by the New Zealand and Israel spy scandal, where in one of the felons, Uriel Kelman, used his Canadian passport inappropriately. He presumably retains Canadian citizenship. Both spy agencies and organized crime are deeply involved in passport abuse. I would propose an automatic one-year incarceration for people using a false passport.

Section D refers to Canada's war crimes program. In my previous submissions I have questioned the validity of the denaturalization and deportation process. Since April 2003, the situation has become decidedly worse, as illustrated by the eight points I make in my written brief.

In the past, Irwin Cotler has been obsessed with Nazi war criminals. He has stated, "...every time we bring a war criminal to justice, we strike a blow against the Holocaust denier movement".

Mr. Cotler is now Minister of Justice, about which department John Bryden has stated:

The Justice Department has a total monopoly over legislation in Canada. It proposes policy, writes legislation and interprets legislation for all cabinet ministers. The whole process is dominated by one single group of bureaucrats, and what makes it worse is that it is a badly abused, secret monopoly.

The media continues to repeat the obvious falsehood that there are thousands of Nazi war criminals in Canada, despite the fact that all the D and D cases since 1995 have proven beyond all reasonable doubt that there are no Nazi war criminals in Canada. In the past, the media demonized and defamed old, decrepit, and defenceless men with complete impunity, and it continues to do so today.

Judicial rulings by Justice Robert Reilly on January 6, 2004, and by the Federal Court of Appeal on May 31, 2004, restoring Helmut Oberlander's citizenship have confirmed that the denaturalization and deportation process utilized by Canada's war crimes unit is invalid. Despite these rulings, Denis Coderre and his bureaucrats initiated revocation of citizenship proceedings against Jura Skomateczuk and Josef Furman. Even more incomprehensible is that on December 14, 2004, Judy Sgro signed directives to proceed with the revocation of the citizenship of Wasyl Odymsky, Vladimir Katriuk, and others, exactly one month before being replaced by Joe Volpe as Minister of Citizenship and Immigration. I submit that these actions are a gross breach of the democratic process, as well as an insult to the judiciary, to Parliament, and to Canadian citizens.

In section E, myth of judicial independence, I question whether the judiciary in Canada is truly independent of outside pressure or political interference. In my addendum I have demonstrated that Kenneth Narvey has, over many years, been deliberately intimidating and influencing the Canadian judiciary. In today's brief, I review the cases of four judges: Antonio Lamer, former Chief Justice of the Supreme Court of Canada, whose relationship with Israeli Supreme Court judges Shamgar and Barak may have influenced the Tobiass judgment; Supreme Court judges Louise Arbour and Rosalie Abella, both of whom come from highly politicized backgrounds; and Pierre Blais, former Solicitor General responsible for CSIS and the RCMP, as well as the former Minister of Justice and Attorney General, who morphed from a politician into a judge ruling on the validity of the so-called "security certificate" issued by Denis Coderre to incarcerate and deport Ernst Zundel to Germany.

•(1020)

This case is particularly relevant here, because the majority of the witnesses on Bill C-18 were very critical of the "security certificate". David Matas, Jack Silverstone, Kenneth Narvey, and the CIC bureaucrats were obsessed with Ernst Zundel and hate-mongering.

In section F, on potential for blackmail, I point out that recent immigrants to Canada often come from very troubled regions of the world. Fear of loss of citizenship makes naturalized Canadians especially prone to blackmail by organized crime, foreign spy agencies, and even CSIS. For all these reasons, I maintain that any new Citizenship Act should adopt the principle that citizenship cannot be revoked by the state.

Finally, I would like to thank the immigration committee for allowing interested Canadians to express their views on these issues. I would also like to commend the people responsible for the parliamentary website, www.parl.gc.ca. In my opinion, you are all performing a very valuable service to Canadians.

Thank you.

The Chair: Thank you.

Monsieur Arès.

[*Translation*]

Mr. Georges Arès (President, Fédération des communautés francophones et acadienne du Canada): Thank you, Mr. Chairman. Good morning, ladies and gentlemen members of the Committee. I want to thank you for giving me this opportunity to talk to you about this plan to update Canada's Citizenship Act.

The Fédération des communautés francophones et acadienne du Canada is the main spokesperson for one million Francophones and Acadians living in minority communities—in other words, outside Quebec. We act as an umbrella group for provincial et territorial associations representing our communities, as well as eight national sectoral associations, including the Alliance des radios communautaires du Canada and the Association de la presse francophone.

Our mission includes ensuring recognition of, and appreciation for, the essential contribution our communities make to the development of Canadian society and the Francophonie throughout the world.

For some years now, immigration has been a priority issue for Francophone and Acadian communities across Canada. Like all Canadians, we are concerned with renewing the population base in our regions, and are aware that the future of our communities depends in large part on newcomers and on our ability to support them and integrate them into society.

Our communities have thus been working for more than three years with Citizenship and Immigration Canada, and with various other partners, to increase immigration to our communities. The mother tongue of newcomers who settle in Francophone minority communities may not necessarily be French. However, for them, French is an important language of communication.

New immigrants who settle in Francophone and Acadian communities face significant challenges in trying to become integrated in the community. Although they may conduct their daily lives in French, the labour market also requires knowledge of English. We believe that measures aimed at facilitating their gaining proficiency in English must be part and parcel of a strategy aimed at integrating immigrants who choose our communities.

As you know, social integration of newcomers means attachment to the labour market. However, many immigrants arrive here with credentials and qualifications that are not recognized in Canada. Often they have to spend several years obtaining Canadian diplomas, or have to accept work below their level of qualification.

Given the importance of immigration for the future of our society, mechanisms are needed to accelerate the recognition of foreign credentials and experience, and foster labour market integration.

Furthermore, in light of the significant labour market shortages currently affecting our communities in such areas as education and health care, among others, we would like to see the government of Canada work with Canadian universities with a view to concluding reciprocity agreements with Francophone countries on the recognition of foreign trade and professional qualifications, such as those already in place with Commonwealth countries.

Linguistic duality is one of our society's fundamental values. It is often said that official language minority communities, which are a reality all across the provinces and territories, are one of the best demonstrations of that duality. So, it is clear to us that this fundamental value must be reflected in every step of the process of acquiring Canadian citizenship.

However, a publication called *A Look at Canada*, aimed at people applying for Canadian citizenship, makes no mention of linguistic duality as a fundamental value.

The democratic values discussed in this publication include equality, respect for cultural differences, and freedom. Although it does state further on that French and English are the official languages of Canada, there is a difference between recognizing the established fact that French and English are an important part of our identity, and clearly indicating that this duality is a fundamental Canadian value.

It is important that, in any information provided to immigrants with respect to our country, they are able to understand the historic contribution of the two official language communities and the importance we attach to the principle of linguistic duality.

• (1025)

We also believe that the citizenship exam should test newcomers' awareness of linguistic duality as a fundamental Canadian value, as well as the existence of official language minority communities and the contribution they make to Canada.

Furthermore, the symbolic importance of citizenship ceremonies, as a way of officially welcoming new citizens to this country, as well as one whereby they subscribe to our society's values, must be clearly recognized. That being the case, all citizenship ceremonies should be carried out in both official languages.

Finally, the citizenship oath must reflect the fundamental values which all Canadians support. It is therefore important that the oath be amended to allow new Canadians to clearly subscribe to those values, as well as to the principles underlying the rights and freedoms guaranteed under the Canadian Charter of Rights and Freedoms.

In conclusion, we must ensure that the new Citizenship Act clearly reflects the fundamental value that Canada's linguistic duality represents and that it includes measures aimed at passing on that value to new citizens.

I want to thank Committee members for the interest they have taken in an issue of such vital importance to Canada. I am now available to answer your questions.

Thank you.

• (1030)

[English]

The Chair: Thank you very much.

I will start off with Mr. Jaffer.

Mr. Rahim Jaffer: Thank you, Mr. Chair, and thanks to all the presenters this morning.

I'd like to start with Mr. Okelu. I appreciate your presentation; unlike many presentations, it was very short and to the point, which is always nice to hear. It gives us a chance to expand on some of the things you mentioned.

I understand you clearly when you say that all Canadians should be treated equally under the law and that we shouldn't create different levels of citizenship. I want you to expand in particular on where we should be focusing in the current Citizenship Act and where you see the potential creation of that unfortunate inequality. If you could expand on that, it would be very useful.

Mr. Chinwe P. Okelu: Thank you very much, Mr. Jaffer.

What I mean, first of all, is that I believe that before people are admitted into Canada they should all be vetted and be worthy of coming to this country as legitimate people. If by any chance, during the period they're Canadians, they commit any crime or get associated with any kind of crime, my contention is that these people should be treated like Canadians who have committed some kind of crime, and the laws of Canada should apply to them the same way they should apply to anybody born here. Don't treat them differently because they happen to have come from elsewhere, which is the case with the majority of people in this country.

So I insist that they not be treated differently, because there have been instances of Canadians committing crimes elsewhere. I would remind the panel of what happened in Bosnia, where a Canadian-born person tied a Canadian soldier to a tree and was going to shoot him. Now, would we have deported him and sent him back to Bosnia to be tried? This is just a living example that if anybody, whether born in Canada or whether an immigrant, commits a crime, the laws of the country should apply to them.

Do not use whatever is happening elsewhere. I get this feeling that Canada should be acting independently, and not allow itself to be influenced by external forces.

Mr. Rahim Jaffer: Thank you. I appreciate that.

[Translation]

Georges, it's a pleasure to see you here.

There is one point that I didn't really understand. Are you suggesting that there isn't equal recognition of academic and professional qualifications for immigrants coming from Francophone countries and Commonwealth countries? Did I get that right?

Mr. Georges Arès: My understanding is that some agreements with Commonwealth countries go further than those that apply to immigrants from French-speaking countries. As a result, we may want to consider signing a reciprocity agreement with universities in Francophone countries, as we have done with universities in English-speaking Commonwealth countries.

In terms of how that actually works, the situation is not all that clear. The fact is there are still some issues in terms of recognition of academic and professional qualifications for Anglophone immigrants from Commonwealth countries.

Mr. Rahim Jaffer: Here in Edmonton, there is a fairly large Francophone community. In many cases, French-speaking immigrants who come here think they are going to be able to function solely in French, given that this is a bilingual country. Thus they find themselves facing some real challenges as they try to become integrated into society and seek support.

The problem may be that our embassies abroad are giving people seeking to immigrate to Canada the impression that they can function entirely in the French language all across Canada. Would you care to comment on that?

• (1035)

Mr. Georges Arès: Mr. Jaffer, you are absolutely right. I have heard newcomers to Canada who are French-speaking say that they had been assured that this was a bilingual country and that they could work and function in French all across Canada. And yet when they touched down at the airport in Calgary or Edmonton, they immediately came across people who only spoke English. Since they couldn't speak the language at all, they were completely lost.

So there is definitely a problem in our embassies and consulates abroad. There is also a problem in terms of the kind of reception immigrants get from immigration officers. These are issues we have been looking at over the past three years through the joint committee set up in collaboration with Citizenship and Immigration. The committee includes departmental representatives, as well as representatives of our communities all across Canada. In concert with our communities, officials from Citizenship and Immigration are developing an action plan which I hope will be released, or at least finalized, by late June, or if not, in early September. It should address those areas of concern.

I would just point out that the problems relating to embassies and consulates abroad, as well as the reception given immigrants, have been raised a number of times in this Committee.

Mr. Rahim Jaffer: Thank you.

[English]

The Chair: Thank you very much.

Madame Faillie.

[Translation]

Ms. Meili Faillie: I want to thank Francophone community representatives for appearing before the Committee today.

I agree with Mr. Jaffer. When I came here ten years ago, I was surprised to be greeted by the Francophone community here in Edmonton. I was here to take part in a broomball tournament. It was interesting to see that people recognized our Quebec accent. Because of its sensitivity, the Francophone community gave us a great reception as soon as we got here.

I fully understand what you're asking for. Even though Francophones represent 80 per cent of the population in Quebec, within Canada, we are a minority community. Our struggle to access services is an ongoing one. It happens quite frequently that when representations are made on behalf of Francophone communities elsewhere in Canada, people come to us because we speak French and can help them find their way in the administrative maze.

In fact, my understanding is that outside Quebec, it isn't always that easy to access services. We hear back home that work is ongoing and that efforts are being made. We're also told that an increasing number of public servants are Francophone, although there is still some way to go. But there is a process, and progress is being made. Have you noticed a definite improvement in the last three years?

Mr. Georges Arès: I must say that I have. Cooperation with officials from Citizenship and Immigration is excellent. The committee works very well. Successive ministers responsible for Citizenship and Immigration have been extremely supportive of the committee's work. The department really seems determined to develop a good action plan.

We also recognize the need to work with Quebec, which has some expertise when it comes to settling immigrants. We could benefit from that expertise as we continue to develop the action plan.

Ms. Meili Faillie: I myself come from an immigrant family. My mother is Chinese, and my father is from Quebec. In terms of linguistic duality, I am already at my fourth or fifth language, including English. My mother tongue is Mandarin, followed by French, as well as a number of other languages. So, I hear you and I certainly agree with you. I will continue to support you.

Thank you.

Mr. Georges Arès: Thank you.

[English]

The Chair: Mr. Siksay.

Mr. Bill Siksay: Thank you, Mr. Chair.

Thank you for the presentations this morning.

I don't have a question for Mr. Zuzak, but I do have to say, Mr. Zuzak, that I'm very troubled by a certain section of your brief. I find the use of the term "Holocaust industry" to be trivializing of the experience of the Holocaust and that terrible period in our history. I'm concerned about the conspiracy that you seem to outline there. If my expressing my concerns about that merits my addition to your list of conspirators, I'd be happy to see if they're in a future brief. I don't have a question for you, but I just have to be on the record that I find that extremely troubling.

I'd like to ask Mr. Arès a question. You mentioned the particular difficulties francophone immigrants have when they come to Canada and settle outside of a major francophone region of our country—like Quebec or perhaps New Brunswick. They have difficulty with maintaining their French language and living in French, but also with having the need to learn English as well to function appropriately in that community.

We've been hearing of the difficulties of learning English for new immigrants in general, but I wonder if you could comment further about the difficulties and the considerations that need to be addressed for someone who needs to integrate into a francophone community but also needs to learn English in that context as well.

•(1040)

Mr. Georges Arès: I don't think I can answer your question in detail. This is a matter that the joint committee of Immigration Canada and our communities is addressing. Unfortunately, I don't sit on that committee, and I haven't dealt with this in detail. But it is a problem where if they don't have English as a language of usage when they come to Canada, if they don't understand English, outside of Quebec—and even in New Brunswick, except for the *Péninsule acadienne*—they have to learn English to be able to function. It is important, as we said in our brief, that they be offered the opportunity to learn English to be able to find a job and to function in English in their communities.

It doesn't mean that we expect them to lose their French and abandon their French. Most of our people speak both languages fluently. We find we have to work in English as well, but we can always speak French at home and among ourselves in cultural activities and stuff like that. There's a way of keeping both and developing both. I think it's important, though, that the immigrants be offered this opportunity at the first possible opportunity when they come to Canada, especially if they're outside Quebec or the *Péninsule acadienne*.

Mr. Bill Siksay: Now, you mentioned as well that often immigrants who might choose to settle in a francophone area or in a francophone community might not have French as their first language, but it may be an important language to them. I would suspect this is even more problematic in the sense that they might have to learn English as well, but they also don't want to lose their French or may need to upgrade their French, say, if they were working in a French context, a francophone context. That's another particular aspect of the problem. Is it possible for them to do language training in both official languages in a situation like that?

Mr. Georges Arès: I'm not sure about the possibility of perfecting their French. I don't think that's being offered. But that's not necessarily a big problem for the immigrants who have French as a language of usage. The main problem is that they're not really recognized by the Government of Canada as francophones under certain government programs, and they're not recognized by Statistics Canada as francophones. This limits their access to certain government programs that would encourage or help with their community development and with different programs like that.

So that's one of the things we're on with the federal government, to have the government, through Statistics Canada, recognize that these people, who use French as a language of communication and a language of usage, should be considered francophones so they could have access to these government programs, which in a lot of cases is denied them at the moment.

Mr. Bill Siksay: Mr. Okelu, I wonder if you could comment on an issue that's come up in a number of our hearings. It's the debate about whether citizenship should be absolutely irrevocable, or whether there should be an initial period of say five years during which a grant of citizenship is subject to review. Is this something that you would find acceptable or workable? Do you have comments on that?

Mr. Chinwe P. Okelu: My problem with this approach is that it tells me that the government doesn't have an efficient way of vetting people that come here. Why should I have to wait five years after I

become a citizen to see whether I continue to be a citizen or not? What could happen in five years that couldn't have been detected before that person became a citizen?

If the government makes a mistake in admitting somebody who is not a citizen, and you don't find out for a long time, then it prompts the question: Is there something wrong with the process? If somebody succeeds in meeting all the criteria for citizenship, once you give it to them, they should become Canadians and be treated as such.

•(1045)

Mr. Bill Siksay: I guess the issue becomes when someone who's a criminal becomes a citizen, they become our criminal. If we've granted them citizenship, then I think we have to take responsibility.

Mr. Chinwe P. Okelu: It all depends on when the person became a criminal. There are native-born Canadians who become criminals, right? If that person was a criminal before coming to Canada, he shouldn't have been admitted in the first place. If it is discovered that if he lied, that's a different issue. If he told lies and it's discovered, yes, he deserves to be treated differently.

I have spent more than half my life in this country. Let's say tomorrow you found out that when I was teenager back in Nigeria I committed a crime. Do you ship me back to Nigeria? Is that what you are saying? How relevant is that to my living in Canada and my contribution to this country?

Hon. Hedy Fry: I want to thank everyone for coming and I thank you, Chinwe, for your succinct presentation. You make some good points. As an immigrant as well, I keep wondering whether my citizenship is second class. One has to ask those questions.

Mr. Arès, I wanted to talk to you a little bit about the French language. I don't know if you are aware that Heritage Canada has an enormous budget for access to French language training outside Quebec—French schools, French school boards—and that anyone, citizen or or immigrant, has access to this language training.

In British Columbia, there are a great number of people enrolled in those French schools. Edmonton has many as well. The west coast carries on trade with several French-speaking Asian countries.

The Minister of Citizenship and Immigration has been working to bring about francophone service-delivery models outside Quebec. Outside Montreal, it's difficult for anglophones in Quebec to access services in English.

These are things we need to talk about. I'm glad you brought it up. What should we do about access to these services for English-speaking immigrants in Quebec or French-speaking people outside of Quebec? How do you see us increasing and improving this access? What are some of your suggestions?

Mr. Georges Arès: First of all, you have to make it known the services are there and are available; you have to do an active promotion of those services. I'm not sure a lot of immigrants who speak French who arrive in Alberta or B.C. are aware those programs exist and are available to them. I think there has to be a lot more active promotion of those programs. Make them aware.

An immigrant who spoke French who arrived in Edmonton in the past was not made aware there was a Franco-Albertan community with French schools, French theatres, French dance groups, and all that kind of stuff. They just were not made aware of that. They had to find that out on their own, and a lot of times they didn't find it out for many months. There has to be a lot more promotion of what exists and what is available. Even in Quebec, I would think, that would be applicable.

This is just one of the things our joint committee is working on. I'll be very keen to see the action plan the joint committee is going to produce in a few months. It's been worked on now for the past three years, and I think it's going to address a lot of these questions.

We do have sitting on that committee French-speaking immigrants from all over the country as well. They're going to have a good perspective on things that are needed and on how things can be changed in the way these programs are presented or made known.

• (1050)

Hon. Hedy Fry: Thank you.

The Chair: Mrs. Grewal.

Mrs. Nina Grewal: Thank you, Mr. Chair.

Thank you all for your presentations. All of us have learned a lot from you.

Mr. Zuzak, you mentioned in your presentation that you are not in favour of dual citizenship. Please, could you explain the reasons behind that?

Dr. William Zuzak: Thank you, Ms. Grewal.

To me, a person should only have one citizenship, because if you have dual citizenship, it makes it very complicated to keep control of what's going on. As a matter of fact, I wrote to the committee on January 17, and I'll just read it quickly:

The issue of dual or multiple citizenship has been discussed peripherally at CIMM meetings several times. My understanding is that Canadian citizenship was defined in 1947 and dual citizenship was not allowed. Presumably sometimes after 1977, it was introduced surreptitiously by the CIC bureaucracy without any input from the public or Parliament.

In my opinion, the issue of dual citizenship is very important to the concept and definition of Canadian citizenship. It should be discussed at the public hearings and very clearly handled in the Citizenship Act.

I would urge CIMM to prepare a background study on dual citizenship - its historical development (or lack thereof) and its status in Canada as of 2005. This study should include the number of Canadians, who possess dual citizenship — complete with a breakdown according to age, gender, education, occupation, residency and the countries involved. There should be a similar breakdown of landed immigrants and visitors (both legal and illegal).

I should just also say the wife of the President of Ukraine—Viktor Yushchenko is the President—had to give up her American citizenship to obtain Ukrainian citizenship, so certain countries of the world maintain that.

Mrs. Nina Grewal: Thank you.

The Chair: Mr. Temelkovski.

Mr. Lui Temelkovski: Thank you very much, Mr. Chair.

I'd like to ask Mr. Okelu something. You mentioned that once acquired, citizenship should not be revoked. I want to ask you, with respect to the time it takes for an applicant to get citizenship, whether the time is currently adequate, long, or short.

Mr. Chinwe P. Okelu: I think it's currently adequate until proven otherwise. If the government feels it doesn't give them enough time to work on this individual and find out more information about the worthiness of the individual, that should be something to focus on, extending it, instead of saying you are a citizen for this period of time and then we'll review whether you are still a citizen or worthy of being a citizen.

Mr. Lui Temelkovski: It's the vetting you mentioned earlier. We hear from people right now that it's taking too long to get their citizenship, especially with the security card being required if you're not a citizen. They're looking forward to receiving their passport and citizenship as soon as possible. If we are to take longer to vet this....

Mr. Chinwe P. Okelu: If you look at the alternatives, I think people would be more than willing to wait to get their citizenship rather than hearing that you can become a citizen and your citizenship could be revoked. If you offer them these options and explain to them why this has to take place, because things have evolved and changed over the years, I think people who are coming into the system will understand it before they come in and know what they're going to face. But I'm concerned about saying to someone who has been granted citizenship, "You're a citizen now, but I'm not sure what's going to happen five years down the road." What do they say?

• (1055)

Mr. Lui Temelkovski: You also mentioned that if they lied, they should be treated differently. What do you mean by differently?

Mr. Chinwe P. Okelu: What I'm saying is, if somebody has committed a heinous crime, and if you don't find it out—I mean at the point when you're trying to admit him, not after they have been here.... If you find out they have committed some crime after the fact, I'm sorry, it's a mistake of the system. Isn't there something that's called a statute of limitations, when people have to be punished for a crime they committed 20 or 40 years ago because you found out now? If you deem it necessary to do that, then punish them in Canada.

Mr. Lui Temelkovski: Should somebody who's committed a crime somewhere else, even after receiving citizenship...? Maybe they should be looking over their shoulder if they committed a crime. I don't have anything I should be concerned about, so it wouldn't bother me.

Mr. Chinwe P. Okelu: I agree with you. All I'm trying to say is that if somebody has committed a crime that is so significant, it shouldn't be very difficult for the system to find out about it. What is the nature of the crime that could be so hidden for 20 or 30 years?

Mr. Lui Temelkovski: Sometimes, as you're aware, even in landing somebody in Canada or in the case of someone who has landed, it takes so long to get their correct papers here, we as a government have difficulty obtaining their marriage certificate or their birth certificate from a country. As you are aware, many countries will not cooperate, based on political or religious grounds or on who the person is.

Mr. Chinwe P. Okelu: Okay, but my question is, what is the level of incidence of this situation the judge described? Is it so significant, in terms of the number of immigrants who come into this country, as to change the law to affect everybody else?

Mr. Lui Temelkovski: Thank you.

The Chair: Mr. Anderson.

Hon. David Anderson: Thank you, Mr. Chair.

Mr. Zuzak, I really do not have a question, but in addition to my concern over the Holocaust denial industry, as you talk of it, you have made reference to a number of people in your brief who are, to the best of my knowledge—and I do know some of them personally—people of absolute integrity and ability and honesty. I would simply like to make the point for the record that the fact we do not engage in debate with you on the impossibility of such a subject as the character of individuals is not because in any way, shape, or form any member of this committee wishes to accept these allegations about these upstanding Canadian public servants.

I would like, however, to ask a question about Mr. Okelu's references to crime and citizenship. I have listened carefully, sir, and I get the impression that the reason for revocation of citizenship is put down in your mind to criminal acts, whether in Canada or previously.

In fact, the revocation of citizenship comes from the misrepresentation of a material fact; in other words, a fact that would have prevented their entering Canada as a landed immigrant in the first place. Thus they are not losing their citizenship because of any crime committed before or after; that is really irrelevant. The issue is the fact that they misrepresented to the Canadian authorities at the beginning of the process, or somewhere in the process, a material fact that would otherwise have led them to be refused.

The point I'm making is that you have said the Canadian authorities should know everything by the time they grant them the right to come to Canada, or when they grant them their citizenship. But I would suggest to you there are many situations where criminal proceedings have not been completed, and if we said that if there are any potential criminal proceedings we will prevent a person from coming to Canada, we would in fact be pre-judging, and that would not be a wise thing to do.

So my suggestion to you is that it is impractical to insist that the Canadian authorities be absolutely certain there is no possibility of later discovering a criminal action—a criminal action that may by then have not even been prosecuted in the home country. After all, we get many requests for extradition of people in Canada related to crimes committed some time before.

I wonder, with this little background, whether you would like to comment on whether or not you believe that a person who misrepresents a material fact to get admitted to Canada, who lied

to the Canadian authorities, should nevertheless be allowed to have Canadian citizenship and maintain Canadian citizenship despite that lie, or whether you intend to continue to insist that the onus is entirely on the immigration officer to make sure this person is in fact a totally honest person and therefore totally able to satisfy the requirement of the legislation.

• (1100)

Mr. Chinwe P. Okelu: Thank you very much, Honourable Mr. Anderson.

I appreciate the difficulty and the enormity of this situation, but everything we talk about is relative. In the case of somebody not presenting material information or a fact that needs to be used to assess that individual, I don't know what it will entail. If somebody told tales about someone else, and then comes here and tells you: I know him; I know his family; he has committed some crime and he never told you that; his family did this.... How are you going to verify that, to make sure this has happened and that this individual should actually pay for it?

Also, I understand that in the case of people who commit crimes—and this society believes that—you send them to jail, they serve their term, they come back, you give them a second chance to live in the society and to prove themselves productive members of society. That happens. The fact that they have committed a crime once doesn't mean they should be shot or sent to somewhere in a desert where they can dry up, but I'm still saying that this situation lends itself to all kinds of innuendoes, all kinds of rumours, all kinds of people making allegations about other people, and then the system acting on this information.

I don't know, it still boggles my mind that a crime is such that it cannot be dealt with here, once it's discovered—particularly after this person has been here for years.

Hon. David Anderson: I'm still puzzled. This is not a question of shooting someone. This is not a question of sending them to the desert to live. This is a question of a person misrepresenting a material fact to a Canadian government official. There may have been no crime for which they had been convicted; there may have been acts that later would lead to criminal proceedings.

So my point is still this: are you insisting that the visa officer and then the immigration officers will have to be certain that the person is blameless and has nothing in their possible background that could later turn up to be such a bar? I just don't understand how you can say, as you did—and I believe I've quoted you correctly—that if he does lie, he should be treated differently. And I'm saying, well, he did lie to get into Canada. He lied about a material fact. You're then switching your ground and saying it's up to the visa officer to be absolutely certain that he's perfectly pure and without sin.

I don't see this being a logical process when you have 230,000 or 250,000 coming into Canada annually. I don't see how we could do such an examination of background to be certain of their qualifications, just as I don't think if you took a quarter of a million Canadians off the street of any city you would be able to be sure that all of them were without something in their background that was reprehensible.

• (1105)

Mr. Chinwe P. Okelu: Okay. You didn't go for my further explanation to that. I am saying yes, if it is discovered at the time that you are processing this individual to become a citizen, the system should have every right to reject that citizenship.

As I said, I gave myself as an example. I have lived half of my life in this country. Let's say I lied when I came to Canada. Do you deport me after half of my life has been spent here? Is that what you are saying?

Hon. David Anderson: No, I'm not saying that at all. I'm absolutely not saying that, and the numbers absolutely do not suggest that.

Mr. Chinwe P. Okelu: Okay. All I'm saying is that the person could be punished. There should be a way of punishing that individual in this country. That's all I want to say.

If it is discovered right away, yes, you should not admit him.

Hon. David Anderson: Okay. What I don't understand, though, is your statement that if he does lie, he should be treated differently.

Mr. Chinwe P. Okelu: If you get him right away, yes. I said after that person has been here for a very long time and has proven himself to be a worthy citizen, if he hasn't done anything ever since he has become a Canadian citizen and has been a useful and contributing citizen of Canada....

Hon. David Anderson: Can I vary the question? Say we accept your argument and citizenship is irrevocable as of the time it is granted. Then later the Nigerian authorities or some other authorities say to the Canadian government, "We would like you to extradite a Canadian citizen to face trial for murder", a heinous crime, "in our country, which happened 10 years ago". Would we then say, "Sorry, the person is now a Canadian citizen, and as we have accepted the fact that he has come to Canada, we will not send him back to face trial"?

Mr. Chinwe P. Okelu: What I am saying then is if they can prove that I committed the crime, why can't you try me in Canada for committing the crime?

Hon. David Anderson: Because the crime might have been committed in Nigeria 10 years before.

Mr. Chinwe P. Okelu: Okay. I still have some difficulty with that.

I have known about Canadians who commit a crime and they are tried and Canada wants them back to come and serve their term here in Canada. The whole thing is so convoluted.

Hon. David Anderson: I am trying to find a way to explain this.

What you told me is this, that in fact....

The Chair: Mr. Anderson, could we please go through the chair?

Hon. David Anderson: Certainly, Mr. Chairman, but I am trying to find the position of the witness, which is that if the person comes to Canada, we should try them in Canada for a crime committed in the country of previous origin.

The Chair: Mr. Anderson, the witness has made his point clear a number of times. I understand your difficulty with it, but there is a time limit that we have for questioning back and forth.

Hon. David Anderson: Then carry on, Mr. Chairman, and don't waste time now.

The Chair: It's a difficult issue and an emotional one.

Mr. Siksay.

Mr. Bill Siksay: I have a quick final question, Mr. Chair.

I wanted to ask Mr. Arès if there were some examples that he could give us of successes of francophone immigration, maybe in western Canada or in other parts of Canada, where a community particularly benefited, and if he could tell us how that happened and how that worked out.

Mr. Georges Arès: There is one success story that we can speak of and that's the Franco-Manitoban community. They succeeded after trial and error. They started trying to attract French immigrants from Morocco many years ago. These people came to the Franco-Manitoban community and didn't stay very long because the community itself was not prepared in the way that it should have been to integrate those immigrants into their community life as full partners in their communities.

They learned from that. With the cooperation of the provincial government in Manitoba, they have developed a way of integrating immigrants. The Franco-Manitoban community is much further ahead than all of our other communities because of that. They learned by trial and error, but also because of the help from the provincial government and the federal government, and that's a success story.

Mr. Bill Siksay: Thank you.

The Chair: Thank you very much.

I'd like to thank everybody for coming. We're going to be moving on to the next session.

I'd just like to say for members here—because I think it's important for you to understand—that six of our people on the committee were not born in Canada. We have the only two refugees in the committee: I came from the Hungarian revolution, and Mr. Jaffer came from the Ugandan tragedy. We are very mindful of trying to work for a very inclusive Canada, and that means we want to promote inclusiveness in Canada.

I'd just like to close with that. And I would like to thank you for your presentation.

Could we get the next group assembled? We're going to take a two-minute break, and then we will have Ms. Ms. Patricia Foufas, Mr. Bill Diachuk of Ukrainian Canadian Social Services, Alliance Jeunesse-Famille de l'Alberta Society, and Ms. Paulette Johnson.

● (1111)

(Pause)

● (1119)

The Acting Chair (Mr. Rahim Jaffer): I would like to call the meeting to order. If all our colleagues could join us back at the table, I believe our witnesses are seated. I think we're just waiting on one who's coming right away.

The chair had to leave to do a bit of business himself, and he's going to try to join us again a little later, but he's asked me to sit in as the chair for this session.

I'd like to welcome all of our witnesses this morning. We have, from Ukrainian Canadian Social Services, Bill Diachuk, its president; from the Catholic Archdiocese of Edmonton, Paulette Johnson, who is coordinator; from the Alliance Jeunesse-Famille de l'Alberta Society, Luketa M'pindou. It's good to see you.

We have added Patricia Foufas and Ahlam Balazs as individuals.

Obviously the list has grown, so we're going to ask you to keep your comments short so we can get to all the questions. Then you'll be able to follow up and expand on your presentations.

We'll go down the list and we'll start with Mr. Diachuk from the Ukrainian Canadian Social Services. You have five minutes for your presentation, Bill.

● (1120)

Mr. Bill Diachuk (President, Ukrainian Canadian Social Services): Thank you, Mr. Chairman and members of Parliament. It's a pleasure to be here.

I do want to acknowledge a colleague of mine from the Ukrainian Canadian Congress, Dave Broda, who is in the audience here. He's here to make sure I represent the Ukrainian community properly in my presentation.

As president of this organization, which I've been with now for some twelve years, I've been involved in a lot of settlement of people from eastern Europe. Back in 1993 I even spent five days in the refugee camps in Austria, and for someone who's Canadian born, I was really shaken up by the plight of people who were fleeing their homeland and wanted freedom.

Immigration to Canada from Ukraine over the last 70 years has been really very minimal, or even nil at times. In the 1980s our agency assisted several hundred self-exiled young people who were visiting relatives in Canada in their application for landed immigrant status.

Many elderly members of our community and many who are not elderly want to assist married children, brothers, or sisters. Applicants in Ukraine are only granted five points under the point system for being in the skilled worker class, which is truly too low, and we recommend that when there is family here in Canada, from

whatever country it is, more consideration—higher points—be given, even as high as 20 to 25. For the settlement of new Canadians or immigrants in this country, having relatives here is very valuable; they're able to be met and assisted in the settlement stages of living in this new country. For many of them from eastern Europe, since they don't have one of the two languages in Canada to be able to communicate, their relatives are able to assist them very much.

As I indicated, immigration to Canada from any country occurs with the wish for a better life. I'm quoting from the *Edmonton Journal* dated March 4. I found a headline very touching: "Poor should be 'free from want,' says UN human rights head". That was Louise Arbour, a former Supreme Court of Canada judge. Her article was very timely and it really motivated me to make this presentation.

The Canadian government assists many countries through its agencies and programs. Some of the best help that people in Ukraine could receive and are receiving is from relatives in Canada, and there's much evidence of the generosity of Canadians of Ukrainian descent who are supporting their relatives and their programs in Ukraine. They know better than many of us Canadians what help is needed and how to provide that help.

Therefore, I have two points I want to make. Provide the opportunity for Canadian residents to sponsor family members, such as children or grandchildren over the age of 22, because that's not available now. Two, increase it—as I touched on earlier—from five points under the point system for skilled worker class applicants to around 20 to 25 points when they have relatives in Canada, applicants from whatever country it is.

Thank you, Mr. Jaffer.

The Acting Chair (Mr. Rahim Jaffer): Thank you, Mr. Diachuk, for your presentation.

We'll now move on to the Catholic Archdiocese of Edmonton. Paulette Johnson is presenting.

● (1125)

Ms. Paulette Johnson (Coordinator, Refugee Sponsorship, Catholic Archdiocese of Edmonton): Thank you very much for the opportunity to come here to speak to you about issues that concern Canadians, in particular the group of Canadians whom I represent who are people involved in the private sponsorship of refugees program. Primarily I work with individuals in the Catholic Archdiocese of Edmonton, but in addition, my speaking notes, which have been handed out, include the names of other agreement holders who have expressed concerns similar to those that I am going to raise today.

Just briefly, I want to make the link between the private sponsorship program and family reunification. Private sponsorship had its origin in 1979 at the time of the boat people, and at that time it accepted for resettlement any refugee who was given by the government to assist. Very quickly after that time, because sponsors have a personal relationship, they understood the need of the refugee who came here and their concern over their family members who were also refugees left behind. So sponsors very quickly assumed the role of helping to assist to sponsor extended family of refugees who are here in Canada. And that has been a large component of the program.

Today we face the issue, as I'm sure you have heard as you're going across the country, of the long backlogs in processing overseas and the lengthy time it takes for sponsorship applications. I won't go into that. There are statistics, which I've also included, that illustrate that unless that's dealt with, the backlog will only increase.

It would seem the answer to that could be fairly simple: just increase the numbers that you can process overseas, send more resources, and clear up that backlog. In some ways, that's our bottom line. That's what we would like to see happen.

But the other thing I want to raise today... The sponsoring community has been in dialogue with the Department of Citizenship and Immigration for many years around the private sponsorship program, and through our discussions the department raises concerns, which I also want to name here, so that we might be able to respond to those concerns. One of them is that from the perspective of the department, we are submitting too many cases, and not always the cases the government feels are the priority cases.

I've included information about the processing times overseas and the number of cases there are and the amount of time it takes. You will see those posts that have the highest number of cases in the private sponsorship as a backlog, and you will also see that those are not the posts that necessarily have the highest refusal rate.

During the year 2003, when we were in discussions with the government about that, the acceptance rate in Nairobi was 90%. They also had the highest number of private sponsorship cases. So the backlog is due to the fact that there are too many cases and there are not enough resources overseas to do the processing, and these cases are valid cases.

The other issue is that by its very nature the private sponsorship program has different priorities from the government. The government follows the lead of the United Nations High Commission for Refugees in offering resettlement to those refugees most in need. How do you choose just 2,000 or 3,000 refugees out of 200,000 in a refugee camp? You look at criteria. They become even more and more narrow, which some NGOs call the misery index. Just how awful is that to think about in terms of how we have to make that selection. But they have to make it somehow, and that's their priority and that's the way in which they make it.

• (1130)

Private sponsors, when they submit sponsorship cases, have a different criterion. It is refugees overseas who have extended family in Canada. We want to raise that issue and make the case that it is a

valid criterion. It is valid for the support of private sponsorship in Canada and it's valid for the resettlement of refugees in Canada.

Therefore, our response is that we have a number of recommendations that depend on you; you need to give the direction to the department with regard to increasing the targets for privately sponsored refugees and for changing the mix between the economic and the humanitarian classes.

There are other recommendations—

The Acting Chair (Mr. Rahim Jaffer): If I could just ask you to wind up, because your time has expired now, so—

Ms. Paulette Johnson: Okay. I have included in my brief other recommendations with regard to ideas for what can be done overseas, as well as a recommitment to the private sponsorship program and building on the strengths of that program. I refer you to those.

Thank you very much.

The Acting Chair (Mr. Rahim Jaffer): Thank you, Ms. Johnson. I appreciate your patience. I know there's not much time, but the things you're covering are very important, so we appreciate your brief.

[*Translation*]

We're going to move on now. Our next witness is Mr. M'pindou. Mr. M'pindou, please proceed.

Mr. Luketa M'pindou (Coordinator, Alliance Jeunesse-Famille de l'Alberta Society): Thank you, Mr. Chairman.

Mr. Chairman, members of the Standing Committee, ladies and gentlemen, I want to thank the organizers of this public hearing for inviting me to appear before the House of Commons Standing Committee on Citizenship and Immigration.

I find it extremely significant that the sponsorship regime, through family reunification, entitles Canadian citizens and permanent residents 18 years of age and over residing in Canada to sponsor close relatives and family members who wish to become permanent residents of Canada.

Family reunification is a cornerstone of Canada's immigration policy, which ensures the integration of newcomers into the host society.

However, the administrative practices underlying the system are deeply flawed, making family reunification out of reach for some wanting to bring their family to Canada, and especially for refugees and nationals of certain countries.

In September, 1999, at a symposium celebrating the 10th Anniversary of the Association multiculturelle francophone de l'Alberta, I gave a speech on Congolese youth in Canada. Speaking of the family reunification program, I said, and I quote:

In the Congolese community, young people fall into one of two categories: those born in Canada, and those living in the Congo. Most of those born in the Congo came to Canada through the family reunification policy implemented by Citizenship and Immigration Canada. This policy helped unite families that were separated for many years. Imagine the life of a parent living alone in Canada for more than two years without his family, because of delays in the immigration process. Most of the young people I spoke with while living in Montreal told me that this separation had deeply affected their morale. They are broken families because of the delays caused by the Department's policy. Children arriving in Canada are in emotional shock and, moreover, have to deal with a new culture.

You will find that quotation in this book published jointly with the Centre d'études canadiennes de la Faculté Saint-Jean.

Mr. Chairman, it often happens that family members are separated during the immigration process. Several months, or even several years, may go by before the family is reunited. The result of such a delay is that almost all family members go through a significant cultural, social, psychological and emotional re-learning process. When that happens, the family has to resolve a lot of issues before stable and harmonious relations can be restored; otherwise, the family breaks up.

It is unacceptable that Canada, which considers itself a humanitarian country, would impose years of separation on the families of refugees admitted to Canada. These delays are even more of a hardship for families waiting in war-torn countries or refugee camps.

Mr. Chairman, I would like to illustrate how the family reunification process discriminates against nationals of certain countries.

On April 27, 1999, the former Minister of Citizenship and Immigration, the MP for Westmount—Ville-Marie, Ms. Lucienne Robillard, welcomed the first group of refugees from Kosovo to arrive in Canada under a special fast-track process aimed at facilitating family reunification.

On January 10, 2005, the Prime Minister announced a comprehensive tsunami disaster relief, rehabilitation and reconstruction assistance program.

Where family reunification is involved, Citizenship and Immigration Canada should absorb the cost of reuniting close family members of Canadian citizens and permanent residents affected by the tragedy, in order to speed up the immigration process for parents being sponsored.

I applaud the Government of Canada's commendable and humanitarian gesture. However, why does Canada not behave in a similar—meaning reasonable—fashion with respect to other Canadian nationals whose country of origin may have been affected by natural disasters or wars like the one in Kosovo?

• (1135)

Do they need political capital here in Canada in order to receive Canadian government support? Is this special accelerated family reunification process reserved for certain countries, but not others? How is it that the Government of Canada has no fast-track process in

place for separated children, even though many of them live in war-torn countries where their lives are in danger and they stand a high risk of being recruited as child soldiers?

In my opinion, experience has shown that this program has not had the hoped-for results, in terms of the harmonious integration of new families in Canada. I would therefore like to make the following recommendations.

We are asking that the federal government adopt a fair and equitable policy on family reunification, that it implement an accelerated process for separated children in war-torn countries and refugee camps, and that it reduce delays in processing sponsorship files by streamlining administrative practices.

We are also asking that the federal government work with community associations such as our own, to organize workshops on various sponsorship classes. These information sessions will help community members be aware of their rights, and avoid making mistakes as they move through the process.

Thank you very much, Mr. Chairman.

The Acting Chair (Mr. Rahim Jaffer): Thank you, Mr. M'pindou. I'm sorry, but time is moving on.

[English]

We will continue with the next witnesses. We have two individuals presenting, and the first individual is Ms. Patricia Foufas.

You have five minutes, Patricia.

Ms. Patricia Foufas (As an Individual): Hello everybody. Greetings to the panel, and thank you very much for including me at this late time. I attempted to get onto the panel earlier, but I couldn't.

I'm here to talk mainly today about the immense, extreme separation times that families are faced with regarding their immigration process. I'm partly speaking on behalf of myself, but also on behalf of other people I know who have been forced to endure separations of more than a year in order to get to their very close family members. This has a huge detrimental impact on our families, as Mr. M'pindou has already stated.

The time limit is completely and totally unjustifiable. Nothing takes a year to process—nothing at all. It took two months to open our application so that it could even be looked at. This is a failure of the system fundamentally. I don't understand how Citizenship and Immigration Canada can justify this.

In addition, there is very little contact during the entire process with families and their files and those processing their files. When families are going through the immigration process, they need up-to-the-minute information about what is going on with their file. I've endured nothing but obstacles in order to get just the basic information from them regarding problems, documents that need to be submitted, further needs for the file. I was just recently responded to by one of the foreign missions that I was to expect a month before they would even get back to me in person. This is an improvement over attempting to contact them back in September, when no response was received for months and months. The fax machine was down. Mr. Jaffer's office was attempting to communicate with them for me. They don't answer their telephone and they don't get back to their e-mail, so there's absolutely no way....

I found out this time that despite the fact we had told them there were problems getting a document from a particular foreign mission—we had been up front about that—in September, during the time in which they were not communicating, they nearly cancelled our file due to non-compliance. This is ridiculous. This is terrible. If any other department were to reflect this type of lack of commitment to the basics of immigration law, i.e., family reunification, I think they would all be fired. They would not be allowed to carry on with that lack of commitment to getting the job done.

The second issue I have is very pressing, I find. It is the issuance of temporary permits. Families that have been kept apart for such long periods of time would like to see each other every now and again—that's very obvious. I was rejected or my husband was rejected for three different temporary permits, despite the fact that we went through the operations manual and gave them absolutely every reason to accept the application. It's discrimination, as has already been said by some panellists.

Discrimination against certain ethnic groups is actually in itself against Canadian law. We should be looking very carefully at that. The separation of families for very long periods of time can actually be seen to be a violation of the Universal Declaration of Human Rights. It states that very explicitly.

On the issuance of temporary permits, I thought the discussion about not admitting people due to criminality was very interesting because the statistics regarding the issuance of temporary permits reflect that—I don't have the exact numbers in front of me—in a report to Parliament from Citizenship and Immigration, the numbers were something like 430-something, 434 perhaps, temporary permits were issued to families for compassionate reasons, but 5,500-some were issued to people inadmissible due to criminality, 800-something were issued to people inadmissible due to serious criminality. This tells a far different story.

• (1140)

It tells me that Citizenship and Immigration is not committed to family ends; they're more interested in actually granting temporary permits to people in "inadmissible due to criminality" cases than they are—I'm sorry, I'm supposed to wrap it up—in reuniting families.

Thank you very much.

The Acting Chair (Mr. Rahim Jaffer): Thank you, Ms. Foufas. We'll get a chance to expand on your comments in the question round.

We'll go to our last witness, Ms. Balazs.

Ms. Ahlam J. Balazs (As an Individual): Thank you, Mr. Chair, and thank you, members of Parliament. I'd like specifically to thank Madame Lefebvre for accepting me at the last minute, with the help of Bill Farrell. Thank you.

Basically, I'm speaking about issues that concern me involving family reunification. As my friend here says, and as you're very well aware, family reunification is a Canadian immigration cornerstone, which is embedded in our IRPA, the Immigration and Refugee Protection Act, and its regulations. Yet in spite of that, the Department of Citizenship and Immigration has placed this vital component on the back burner. For example, in the sponsorship of parents from overseas, the CPC or case processing centre in Mississauga is taking at least two years to process this type of application. This is due to the fact that CIC puts less emphasis on the family and more emphasis on the spousal applications.

We keep contacting CPC Mississauga. Wait, wait, wait. Well, how long can we wait? We have to remember we're dealing with elderly parents. How long do family members here in Canada have to wait to reunite with their parents? This is a very important issue that I'd like you to look into.

Yes, I'm fully aware of the financial restraints, but I am sure you could get some other funding from other sources—you and I know where you get it from—and put it into this. Immigration is the most important component in Canada.

The second issue I want to mention specifically is the situation in Iraq. Most of you don't know my background. I'm a Canadian citizen born in Baghdad. I've been here 36 years and I'm a lawyer, as I said earlier.

During Saddam Hussein, a lot of families came to me and we did statutory declarations, and the visa officers in Amman or in Syria refused them because, they said, you are coming from a war-torn country. I personally went with other lawyers to the region and I spoke to the visa officer personally, and that was his response. He said, go and complain to the minister. Now the situation has changed. We have the occupation of the Americans.

Do you think the situation has changed? No. Most recently, last week, I had a famous doctor here apply for a sister for the same reason. She was refused because, according to the cliché they use, she did not "show enough ties to your country".

As probably most of you are aware, last night I heard Richard Kurland, who is my colleague, commenting on the bonds. Well, I fully support them. Actually, I personally write in my statutory declaration that if you need any amount of bond, we will undertake it. What the visa officer is afraid of, if that individual comes, especially from refugee countries, is that she or he will apply to claim refugee status. But if there is a bond saying "I will put up \$10,000", or whatever amount is set by the visa officer, that should be sufficient. And if by any chance this person decided to apply for a sponsorship or for other entry, then she or he has to comply with the law, with our act and the regulations. This is very important.

Basically, as far as the Iraqi issue I'm speaking about is concerned, the question is twofold. First, I personally have been here 36 years and I have only once seen my cousin. If I were to apply tomorrow, they would refuse for the same reason. What does it take for Canada to give an exemption policy to come, whether it's temporarily or permanently? I'm sure history tells us there was an exemption given for the Lebanese during the civil war. In my view, the Iraqi situation is getting worse and worse day by day. Do not listen to what the reports say, because reality speaks otherwise.

So it's very important, very pressing, that we come up with some kind of policy. I don't care whether it's temporary or permanent. Certainly the permanent will be more favoured, but I will settle for it on a temporary basis.

The last point I want to make is this. Recently I had a hearing before an immigration appeal division dealing with medical inadmissibility—I have done hundreds of those and have a 99% success rate—and dealing with a very serious matter. This specific matter I dealt with just recently was just changing the knee, the joint, for an elderly father from overseas. The member from Montreal, unfortunately, rejected that person. The argument an immigration officer used really stressed me out. He said, "Sir"—my client was a doctor—"this is a choice you made when you came to Canada and you established yourself very well—that you should expect to be separated from your family". Honestly, I found this a sin.

• (1145)

At the same moment, in the same wording, the board member changed the words and exactly what he said...allow me to read this:

There is no evidence of any hardship of any kind other than the distance between themselves and the appellant.

There was a lot of evidence of hardship, but he decided to ignore that.

To this end, it is truly unfortunate that the appellant's success of immigrating to Canada and establishing himself as a successful doctor has had the unfortunate result of physically distancing himself from his parents. There is no question that there exists an emotional bond between the appellant and his parents, and that the appellant feels an obligation toward his parents.

Thank you for allowing me that.

The Acting Chair (Mr. Rahim Jaffer): Thank you, Ms. Balazs. I appreciate that.

Maybe we'll have a chance to expand on that again during the questions. We are limited in time, colleagues, because we had a larger panel than we initially expected, so we only have 20 minutes for this round of questions, and I'll be limiting each party to five

minutes. Then if there's a need to discuss after the panel, I hope some members may want to stay around.

We'll start with Mrs. Grewal.

• (1150)

Mrs. Nina Grewal: Thank you, Mr. Chair, and thank you all for your presentations.

After listening to all of you...it's very sad to see and listen to your stories. I think something needs to be done with our immigration system. Our family reunification cases used to take 24 months, but now they take about 58 months.

What, in your opinion, should be done so family members can be reunited with their families sooner? Does our staff need to get more training? What needs to be done?

Anyone may answer.

Ms. Ahlam J. Balazs: Well, it's a basic answer: increase human resources. We need more staff. That's what they're complaining... That's what they're telling us.

I know we meet, during CBA, which is the Canadian Bar Association...we have officials from the ministry, and that's what they say, so we have to come up with more money, even if it's fundraising. If you said in the paper that you will speed this up provided they donate money, I guarantee you people will follow with that, and I'm sure the audience will agree with me.

The Acting Chair (Mr. Rahim Jaffer): Ms. Foufas, and then we'll go to Ms. Johnson for comments as well.

Ms. Patricia Fofas: I have a comment regarding that. I think you need to make foreign missions more accountable, for starters—if they even need to be foreign missions at all.

Why aren't these things processed in Canada, and why can't we have access to them? If we did that, there'd be a lot more accountability. Having accountability to foreign missions is tantamount to getting anything done really.

The Acting Chair (Mr. Rahim Jaffer): Thank you, Ms. Fofas.

Ms. Johnson, please go ahead.

Ms. Paulette Johnson: Certainly we've had enough discussions with the government that...in my experience, the overseas staff really do work very hard, and we are aware of a lot of the issues—a lot of the local constraints they work with—but I would agree absolutely; it is an increase in resources.

What it needs from you, though, is...first, as I mentioned, it means increasing those targets and changing the 60-40 split. We have been told, over and over, that Parliament has dictated that 60% of immigration has to be from the economic stream and 40% from the humanitarian. So then we're always asked the question, if we process more of the privately sponsored within the humanitarian stream, should we do fewer of the refugee dependants? No. To pit different groups against each other is not acceptable.

What I think all of us are advocating is an increase to the humanitarian side, which includes both family and refugees.

The Acting Chair (Mr. Rahim Jaffer): Thank you, Ms. Johnson.

Mr. M'pindou.

[*Translation*]

Mr. Luketa M'pindou: I agree with my colleague. Indeed, this is one of the recommendations I made: changes to, and streamlined, administrative practices.

Once a relative has been admitted to Canada, set a specific timeframe—for example, less than six months—for other family members to be able to join that person here in Canada, by improving administrative practices abroad. Thank you.

The Acting Chair (Mr. Rahim Jaffer): Thank you, Mr. M'pindou.

[*English*]

Nina, do you have any other follow-up on that? No? That's fine?

Okay.

[*Translation*]

Ms. Faille.

Ms. Meili Faille: I want to thank all of you for your comments. I see family reunification as a very important issue. This is my second trip across Canada to meet with different groups. I have met a number of you at forums abroad.

Your demands are sincere and legitimate. I agree that processing times are long. Policies have been implemented with respect to family reunification, and are partly aimed at children who have been separated from their parents. For example, that is the case with an individual admitted to Canada as a refugee who is waiting to be reunited with his or her children.

There is a policy in place now. It is a recent policy. But we have had a chance to test it over the last few weeks. It doesn't actually reduce the administrative burden, because the administrative process is very cumbersome and difficult. On the other hand, it is yielding convincing results.

One example I could give you involves a lady from the Congo. We were able to resettle her, to ensure that her two children would be safe. We managed to move the children to Mali, where they were given a temporary residence permit while their file was being processed.

But I agree with you. Often what happens is that security and medical certificates expire. You may be asked for a DNA test, and in many cases, those papers are very difficult to obtain. That results in very long delays. We must find a solution.

I don't want to go on and on about this, although I am quite familiar with the subject. The issue of broken families is very important to me. We need to make considerable effort in this area, and one of the ways of doing that is through resources.

I began my mandate as a Member of Parliament less than one year ago, with one full-time staff person dealing with immigration matters, and another looking after riding affairs. Now, I practically have two people working on immigration files, and I've had to hire a third. I am sure you understand that the cases referred to our offices are probably the most complex and difficult ones.

I agree with the witness with respect to temporary visas being refused. In Quebec, we are making considerable effort around regionalization. We are encouraging people to become agricultural producers or to perform jobs in areas of the economy where the work of immigrants is valued.

We recently talked to some people who had been refused during the busiest periods. In the agricultural sector, families need help, and grandparents can come to Canada for a short period to help out.

There are many constraints. Last week, I talked about the fact that temporary visas for people taking part in sporting events had been cancelled. So, this is a complex issue.

I simply wanted to say that we have heard you, and that we will take action. Thank you.

● (1155)

The Acting Chair (Mr. Rahim Jaffer): We don't have a lot of time for answers, but I will try to give the witnesses an opportunity to comment.

[*English*]

We don't have a lot of time for a response, but if anyone would like to comment, just signal to me and we'll let you at least say a few words on Madame Faille's questions and suggestions.

[*Translation*]

Mr. M'pindou, perhaps you would like to comment.

Mr. Luketa M'pindou: Thank you very much. The final comment I would make is that we would like to see all the recommendations reflected in your final report. Thank you.

[*English*]

The Acting Chair (Mr. Rahim Jaffer): Ms. Balazs.

Ms. Ahlam J. Balazs: I commend Madam Faille for her very kind remarks and for increasing her staff. I'd like to know whether I could channel some of my problems to her area.

Some hon. members: Oh, oh!

The Acting Chair (Mr. Rahim Jaffer): I'm sure she's busy dealing with her own constituency.

Mr. Diachuk, please, go ahead.

Mr. Bill Diachuk: Thank you, Mr. Chairman.

My only comment...and Madam Faillie is welcome. What I have experienced in my some 16 years now of being involved in settlement is that.... Some of the speakers here who have joined me have indicated there's just no appeal to a rejection by a visa officer. In other words, a citizen in a foreign country may make another application and pay another fee, and that is not acceptable.

The Acting Chair (Mr. Rahim Jaffer): Thank you, Mr. Diachuk.

Ms. Balazs, there are a few seconds left, so if you have a quick comment....

Ms. Ahlam J. Balazs: With all due respect, there is an appeal, but it's very complicated. It is called the Federal Court of Canada. If it's a visa officer, you have the right to appeal a refusal from a visa officer within 30 days; if it's within Canada, you have 15 days, but it's very complicated and time-consuming and you have to have an error in law or fact.

The Acting Chair (Mr. Rahim Jaffer): Thank you, Madam Balazs.

We'll go to Mr. Siksay now for five minutes.

Mr. Bill Siksay: Thank you, Mr. Chair, and thank you, all the presenters this morning.

I just have a quick comment. I agree about the need to expand the family class definition. I attempted to do that in the House of Commons with a private member's bill a few weeks back, but unfortunately it didn't succeed. I agree 100% that this needs to be given consideration, and hopefully we'll manage to get that on the agenda in some other way.

I have a question for Ms. Johnson. Ms. Johnson, perhaps we should acknowledge the passing of the Pope and extend our condolences to the Catholic community, since you represent the archdiocese. I know we're all with you in this period of mourning.

About the private sponsorship program, I agree it's our shining program, one we want people around the world to emulate, and it's been so successful. I understand that in the last few years the groups that are involved in private sponsorship negotiated with the government to receive more refugees who had special needs or medical problems. There was some concern we had been cherry-picking the easiest cases while other people were left to languish in the camps. But I also understand that there haven't been extra resources devoted to the program, given the very difficult special needs of people who often come to Canada as a result of that. I wonder if you can just comment on your experience in that.

• (1200)

Ms. Paulette Johnson: Thank you.

Many of those refugees come under what's called the joint assistance sponsorship program, meaning the federal government does provide the financial support, but it also requires a private sponsoring group to work with that refugee family.

We are seeing quite a large number...and having the requests for sponsors to become involved in such cases. I also work out of Catholic Social Services, which provides settlement assistance. That indicates all refugees coming, those government-sponsored as well, have been arriving with a higher level of needs more recently than they did in the past.

That does place a huge requirement on the community. We've doubled the resolve for sponsoring groups who become involved. I'll go out to a sponsoring group and say, "Well, the government would like you to undertake this application". They will reply with, "But we have these refugees in the community who could do much better if they had their extended family to help them". That's always the reply we get. I guess that's why I want to make the point that it does help the settlement of those people who come to have their relatives able to join them.

Mr. Bill Siksay: Ms. Balazs, you mentioned the possibility of bonds. I'm sure you know there is a private member's bill that's before the committee now to look at the whole question of providing a bond in the case of a rejected visitor visa application. We've begun our work on that, but since you mentioned it, I wonder if I could ask you a question about that.

Given your experience in the field, would you be concerned that the bond might become the rule in visitor visa applications? That is, the bond wouldn't only be for applications that were denied, but it might become common practice to require a bond from almost anybody who applied for a visitor visa from certain countries or certain areas. Also, are you concerned that a bond provision might discriminate against families of more modest means? Some people say the system does already discriminate against those families, so would a bond accentuate that?

Ms. Ahlam J. Balazs: I agree with you that there is no win-win situation. Certainly this policy of bonds discriminates. An individual with less means cannot come, but that's reality. Probably that person could go to churches or mosques, or whatever, to obtain the means, but the main thing is they are showing the extent of how much people here are willing to do to bring their loved ones.

I would love to have my cousin here, instead of being scared by the bombs everyday.

I forgot one point. My own first cousin was murdered in Iraq just a week after the new year. She was an elderly woman of 70, and the insurgents walked in and just killed her and her husband. Wouldn't it have been nice if I could have invited that individual here and given her a year or two? Not even to have her stay in Canada, but just at least to give her water, shelter, food, and security.

The Acting Chair (Mr. Rahim Jaffer): Thank you, Ms. Balazs.

Mr. Siksay, your time has expired.

We'll now move to Mr. Temelkovski for five minutes.

Mr. Lui Temelkovski: I have a couple of comments. Number one, I would like to comment to Mr. M'pindou. You mentioned that there are deep flaws in the immigration process and that there are broken families because of the delays in the departmental policies. I think there are broken families, the family breaks down, as soon as one leaves and leaves the rest of the family behind. I think the department may help a little bit by delaying, but families are broken because we make choices. We're leaving countries where if we stay behind we may be dead, so sometimes it is better to leave the country.

You mentioned a number of recommendations, and you've separated them. That's what I'd like to ask. You want to implement an accelerated process for separated children, and you've separated that from reducing delays in the processing of sponsorship files. So you're separating children and others. I'm interested more in that because of the fact that you're separating the two issues, thereby giving some discretion to the department to prioritize, that they must have priorities. How do you come to these priorities?

• (1205)

[*Translation*]

Mr. Luketa M'pindou: The reason I separated those two recommendations was to deal with the issue of delays and processing times together, including as they relate to children and the immediate family. I also emphasized the issues around children because Canada attaches a great deal of importance to their survival. We even have a senator, Ms. Landon Pearson, who is looking after children's issues. I'm sure you know her.

At the present time, many children who live in war-torn countries are being recruited as soldiers, and in a way, Canada is encouraging that. That is why I stressed that at the very least, a policy on children needs to be developed.

Thank you.

[*English*]

Mr. Lui Temelkovski: You also mentioned that the government should work with communities in making them aware of their rights and making sure they don't make initial mistakes on their applications. Have you found that there are many mistakes on the applications and that they're delayed because of mistakes?

[*Translation*]

Mr. Luketa M'pindou: Yes, I do think that tends to delay things even further. People are not always well informed. For some time

now, immigration officers have been working with machines, rather than people. As a result, forms are sent out to people, but they receive no assistance whatsoever filling out those forms. They may do odd things when completing them. Sometimes, the forms are returned to them asking them to complete them again. I think we should be working together to help these people, by organizing workshops, for example. They should be informed of their rights and of the potential recourse if their application is rejected.

[*English*]

Mr. Lui Temelkovski: Very quickly, Madam Balazs, you mentioned that you have a success rate of 99%.

Ms. Ahlam J. Balazs: That's right.

Mr. Lui Temelkovski: Then you mentioned one situation. Do you think we should be spending time on that 1%?

Ms. Ahlam J. Balazs: Yes, because it's very unfair, and when unfairness occurs, I will follow it.

Mr. Lui Temelkovski: So in your opinion, we're not doing a good job because you're getting 99% of these people?

Ms. Ahlam J. Balazs: I am not saying you did not do a good job with the 99%, but the argument that was used was very unjust, and that's why I care for the unification of the family. When someone is told that a separation is a natural consequence of immigrating from your country to here, then why do we have section 3 of IRPA? That's basically for the unification of the family, and yet a judge or a board member didn't even take it into consideration.

Mr. Lui Temelkovski: Thank you.

The Acting Chair (Mr. Rahim Jaffer): Thank you, Mr. Temelkovski.

I would like to thank all the witnesses for being here this morning and sharing their experiences. It will be included in our report, as you know, and we will make sure you get a copy of that report once it's finished. Thank you very much.

I'd like to remind all our members that we'll be back here at 1:15. It doesn't give us very much time for lunch, but we do have a bit of a break.

I will now adjourn the meeting.

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Publié en conformité de l'autorité du Président de la Chambre des communes

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