



House of Commons
CANADA

Standing Committee on Citizenship and Immigration

CIMM • NUMBER 037 • 1st SESSION • 38th PARLIAMENT

EVIDENCE

Friday, April 8, 2005

—
Chair

The Honourable Andrew Telegdi

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•(1305)

[English]

The Chair (Hon. Andrew Telegdi (Kitchener—Waterloo, Lib.)): Today we're going to reconvene the hearings.

On the question of citizenship, we have Mr. Joe Taylor appearing as an individual. Welcome.

Please go ahead and make a presentation of up to seven minutes. Then we'll have questions and answers.

Mr. Joe Taylor (As an Individual): Thank you very much, Mr. Chairman.

I'd like to introduce myself. I'm the son of a Canadian serviceman who fought for this country in World War II and is buried in the Canadian Legion's Field of Honour in Port Alberni. Yet I'm experiencing great difficulty in establishing my Canadian citizenship. My mother was a British war bride—you heard about those earlier this morning—and I was born in England while my father was in Europe fighting to defeat the German armed forces. My mother and I came to Canada in 1946 to set up home with my father on Vancouver Island, and I became a Canadian at that time.

My father had experienced the severe horrors of war and had a changed personality, which resulted in the early breakdown of the marriage. I was taken back to England by my mother, and I have lived there for most of my life. We travelled back to England on a Canadian passport, which I still have. In fact, here it is. It's nearly 60 years old. My mother and I have never renounced our Canadian citizenship, and I am very proud of my birthright.

We lost touch with my father very early on, and circumstances dictated that I was not in a position to come to Canada to try to find him until the late 1990s. It was only in November 2000 that I was informed that my father had died in 1996 and that I had seven half-brothers and half-sisters, all of whom live on Vancouver Island, whom I had never known about.

We were informed in December 2002 by Canada House in London that I had lost my Canadian citizenship on my 24th birthday as I had not filed forms requesting the retention of my status. The Canadian Bill of Rights acts retrospectively to protect whatever rights I acquired when I came to Canada, and I acquired citizenship, which was acknowledged by the representatives at Canada House.

The principles of natural justice dictate that before rights are taken from Canadian citizens, notice of the potential loss, an opportunity to respond, and a fair adjudication should occur. Natural justice is simply another way of describing the principle of fairness. My father

and mother and I were not notified of the requirement that I make an application to retain my Canadian citizenship, nor was I able to respond to that potential loss. The process that was adopted seems most unfair, and I believe it came into force in 1952.

Canadian law relevant at the time I landed in Canada, July 1946, stated that the children of Canadian servicemen born while they were on active service abroad were to be deemed, when landing in Canada, as non-immigrant and have the same status as their father. In other words, I was supposed to be treated as if I was born in Canada—and I underline that—and therefore not subject to the 1952 regulations, which have been used to prevent me from being a Canadian and living in the country for which my father gave so much. These regulations were legislatively designed to affect children who were born abroad and not deemed to be born in Canada. The regulations should not be applied in circumstances such as mine.

I now have an application, which was lodged in November 2003 and is still awaiting processing at Sydney, Nova Scotia. Letters and e-mails to two previous citizenship and immigration ministers and some members of this committee have not even received replies. I would not be a burden to Canada as I will have my own pension income, which was earned by contributions paid over the years in England, and I currently own my homes in both countries.

But there are some important general issues arising from my personal situation. Canada seems to remove citizenship from its people more easily than most other countries, which gives the impression to the outside world that Canada treats its own people unfairly, contrary to the principles of natural justice.

Australia is currently drawing up legislation to unreservedly return citizenship to any of its former citizens who have at some stage lost this status.

In the year 2000, Trinidad and Tobago passed a similar law, which was very simple, and merely gave back citizenship to any former national who had lost their status. This legislation restored citizenship with effect from the date on which it had been lost. This amendment to their citizenship act was only half a page in length and demonstrates that it should not be too difficult to welcome your own children home.

● (1310)

Canada's citizenship and immigration officials have been too fond of trying to say that there is no need to rectify this total injustice of taking away people's birthright. I have heard them say that all that is necessary for the people concerned is for them to return to Canada to live for a year and then apply for citizenship. If only it were that simple. Unfortunately, Canada's current requirements for permanent residency are unfairly weighted against anyone who is over 49 years of age, is not bilingual, did not obtain a master's degree at university, and merely wishes to come home to Canada to retire. This makes it virtually impossible for any children of Canada's World War II military heroes to qualify.

In most of the civilized world, it would be unacceptable that a claim for citizenship could be submitted and 16 months later still be in the processing stage. Not only that, but the Department of Citizenship and Immigration is still unable to even begin to forecast when the application might eventually be dealt with. When such matters are centrally important to people's lives, this can only be described as a total disgrace; Canada should be ashamed or, better yet, put in place a more efficient system for processing citizenship applications.

It has taken me most of my life to find my family and my country, my father and grandparents' country. All I want to do now is to be allowed to live here as a Canadian. Surely, there must be some simple way this could be achieved. I would like to contribute to the Canadian economy. In fact, I've already started to do this by buying my own property here, fully furnishing it, and paying full property taxes to the City of Victoria for the last four years. I have done this in good faith, despite the unhelpfulness and rejection I have received from CIC. My wife and I have now been to Canada 14 times in the last five years, and we have been spending as much time here as we are legally permitted to do. Please let me come home to my own country.

I've got two or three observations. I'd like to know why a country would deliberately draw up legislation to take away citizenship from its own innocent children born overseas, merely because they were no longer living in Canada. What was Canada hoping to achieve by that? As far as that is concerned, up until this point it was accepted that if you were born a Canadian, you would always be a Canadian, unless you renounced that status. Why was that changed? Finally, and very importantly, why does CIC persist in ignoring Canada's own laws?

I've appended some notes to the copies you've got, with the legal details of why I feel I am Canadian.

The Chair: Thank you very much.

I hope we can get a copy of your passport, so that we can attach it to....

Mr. Joe Taylor: The 60-year-old one?

The Chair: The 60-year-old one, that's right.

Mr. Joe Taylor: Its expired, I should add.

Some hon. members: Oh, oh!

The Chair: Yes, we only wish they wouldn't once you've got them.

We want to thank you very much for your presentation. Of course, you know that the committee passed...and dealt with this issue, and we're waiting for its final passage in the House of Commons.

I'm going to start with Mr. Inky Mark, for five minutes.

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

Thank you for appearing before the committee. Your story is as tragic as the war bride's story we heard this morning. It's so ironic that Canada, on the one hand, is seeking to increase its population numbers—we talk about 1%—and yet people who have a connection to this country are continually barred from entering, whether from bureaucratic bungling or whatever. It's sad to hear you telling us it's so difficult for someone to deal with the matter.

I could easily have been in your shoes. I was born abroad in a foreign country. It was only because of the Chinese exclusion act, which forced my father to go to China to have a family. Until the exclusion act was repealed after World War II, and the doors were opened in the early fifties.... But when I came over as a six-year-old, thank God our family had enough vision and gumption to ensure that I, as a little kid, became a citizen of this country. That could easily have been totally forgotten, and I'd probably be having the same problem becoming a citizen of this country.

I don't think there's any excuse for Canada to continue in the fashion it has with children born to Canadians abroad, or born in this country and removed and gone to live somewhere else. I think it's long overdue; as the chairman said, it's incumbent upon this committee to look into this matter and ensure that not only in your case but also in the war bride's circumstance we put this to rest and deal with it, because it's unjust.

Those are my comments.

● (1315)

Mr. Joe Taylor: Could I add to that?

In the legal details at the end of my statement you will see there was a specific order in council in Canadian law, when Canada was the British Dominion of Canada, that came into force three months before my birth. It stated that the children, and indeed wives and dependants, of Canadian servicemen serving overseas...if those children were born overseas, upon landing in Canada they had to be deemed to be non-immigrant; they had acquired the status of the father. So it was clearly set out.

Whenever I've made inquiries and tried to come here over the last 30 years—come here on a permanent basis—CIC has consistently misinformed me. They haven't looked back far enough. I've seen so many amendments to your Citizenship Act, like the 1977 one, that start out specifically referring to children born in Canada after January 1, 1947.

No one thinks about anyone who might have been born a year or two prior to that. I seem to have slipped through a crack in the floorboard.

Mr. Inky Mark: Your circumstance also brings to my mind our future, because our armed forces are serving around the world. Our foreign office has members serving around the world.

Mr. Joe Taylor: They're serving in Afghanistan at the moment.

Mr. Inky Mark: They're going to encounter the same kinds of problems down the road if we don't deal with these issues.

The Chair: Thank you very much.

I made a reference to the "lost Canadian". It doesn't apply. It won't solve the problem. So it's going to be incumbent on the committee to try to deal with that.

Mr. Siksay.

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

I want to apologize to Mr. Taylor for being late. I assumed we were starting at 1:15 p.m. I'm always surprised when I walk in. I try to be punctual. I'm trying to maintain the punctuality gene and not the parliamentarians' sense of time that I've noticed around the Hill.

Mr. Joe Taylor: Apology accepted.

Mr. Bill Siksay: I have looked at the part of your brief that I missed, the part of your presentation that I missed. I have just a couple of questions.

You said you haven't had any response on several letters to the Minister of Citizenship and Immigration. Is there outstanding correspondence with the current minister? Have you tried that angle again?

Mr. Joe Taylor: Yes, incidentally, there is. The first letter I started writing in this recent session of trying to establish that I can come here went to Denis Coderre, who was then the citizenship and immigration minister. I e-mailed and wrote to him. I've had no response at all to either to this day.

I similarly wrote to Judy Sgro when she was minister, and she totally ignored me and did not reply.

Currently, I have written to Joe Volpe. I also wrote to the Right Honourable Paul Martin. I had a reply from the Right Honourable Paul Martin's office stating that the matters I'd raised were citizenship and immigration ones. They were passing my papers to Joe Volpe. On the same day that I wrote to the Prime Minister I had indeed written to Joe Volpe, because I was aware of what my situation was. I still haven't had a reply from Joe Volpe, not to the original letter, nor now that he's been prompted by Paul Martin.

Mr. Bill Siksay: My experience is that it takes a couple of months usually to get a response from a minister. So hopefully we'll be third-time lucky on this, and if not, hopefully some of us can help you get that kind of response to your questions.

Mr. Joe Taylor: Thank you.

Mr. Bill Siksay: You mentioned Australia is planning on doing something to restore citizenship to the Australians who might have lost it. Do you know anything about the debate in Australia that's leading to that legislation or what that legislation looks like?

Mr. Joe Taylor: I picked this up recently on a website. There's an organization there called the Southern Cross Association that has been campaigning for some time. It's a bit similar to the Bill S-2 situation.

The Australian government has now agreed that they are giving it priority, and they are writing the act. The way it will be written will be to merely return citizenship without any questions to any former citizens. Interestingly enough, one of the points they made was that they're going to do this even where the reason the person has lost their citizenship is that they renounced it. They will still be given it back.

As I said in my testimony, in no way have I ever renounced my Canadian citizenship. I always thought I was half Canadian and half British.

● (1320)

Mr. Bill Siksay: Do you have any sense of how many people are in the same position as you are?

Mr. Joe Taylor: I should imagine they're becoming fewer by the moment, the longer CIC sits on our files.

Mr. Bill Siksay: Right. But you don't have any sense of the exact number?

Mr. Joe Taylor: No, I've no idea what the number might be.

Mr. Bill Siksay: I asked Mrs. Lyster this morning if she'd ever sought legal advice about a legal challenge to this situation. Have you ever done that, had legal advice from anyone about how you might proceed that way?

Mr. Joe Taylor: I currently have a lawyer here in Victoria working on my behalf. I'm waiting. When CIC finally, after however many years they take, look at the file, I'm expecting them to come back with what I've been told before, that I lost my citizenship on my 24th birthday, which is wrong, if they look at the law in depth and go back to consider the real law. When that comes back, our plan has been to actually launch an appeal and to ask for a judicial review, if it gets to that stage. But I'm hoping sense will prevail before that.

Mr. Bill Siksay: You don't know of anyone else who has taken that route for similar reasons?

Mr. Joe Taylor: No, not that I'm aware of.

Mr. Bill Siksay: Thank you. I hope we're able to push this to some resolution.

Mr. Joe Taylor: Thank you very much.

The Chair: Ms. Beaumier.

Ms. Colleen Beaumier (Brampton West, Lib.): Thank you.

Mr. Taylor, I'm very pleased that you're here. We often get letters from people across the country. When you read such a letter, or even read your submission, it's compelling; however, as you can imagine, dealing with individual cases.... Many of us have a lot in our constituency.

I don't know the answers to any of the questions you pose; however, be assured that your appearance before the committee now makes your submission and your request much more compelling to us. I think this is something you will have a commitment from this committee to look into.

I'm not sure where we go from here, but you will be getting a letter from Mr. Volpe—

Mr. Joe Taylor: Thank you.

Ms. Colleen Beaumier: —and hopefully some answers from Immigration in general.

Am I correct in saying that, Mr. Chair?

The Chair: Well, certainly you're going to have one committee pushing for responses very hard.

Mr. Joe Taylor: Thank you.

Ms. Colleen Beaumier: As I said, I don't have any answers for you, but I'm certainly quite impressed, quite moved by your commitment to Canada and by you feeling you are a Canadian citizen.

Mr. Joe Taylor: Thank you very much indeed.

I came this morning and listened to various people. I tried to put myself in the position that if I were doing this the other way around, if I were trying to re-establish English or British citizenship from being here in Canada, I doubt very much whether I would be given an opportunity such as I've been given here today to appear before the actual committee of members of Parliament who are dealing with the subject. I think that would be almost impossible, unheard of in England. Thank you very much indeed for inviting me here.

The Chair: Mr. Taylor, your case and all the cases we've been hearing reinforce in my mind something I've come to a conclusion on, which is that the department of citizenship should be separated from the department of immigration. My rationale for it is very simple. I think the citizenship department need a much different mentality from what you get in the immigration department. A department of citizenship should be advocating on behalf of people like yourself. I'm hoping that someday that will come to pass.

I cannot state strongly enough my abhorrence at how we have taken citizenship issues and treated them like a used Kleenex.

Mr. Anderson, do you have anything?

•(1325)

Hon. David Anderson (Victoria, Lib.): Yes, I have a few questions.

I apologize, like Mr. Siksay; I'm afraid I came in at a quarter after one. Perhaps, as you talked about, we're developing that parliamentary attitude to time. I do apologize.

How long were you in Canada after arriving here in 1946?

Mr. Joe Taylor: I believe it was only five months before the situation became too unbearable for my mother and she went and I back.

Hon. David Anderson: Okay. Then you talked in your brief about an earlier citizenship application on the basis of the 1952 regulations. When was that application put in and rejected?

Mr. Joe Taylor: There have been a couple of situations. For the first inquiry I made, after I got through my education, married, and had two children, I wanted to come back to Canada, which was as long ago as 1972. I made inquiries at Canada House in London. I gave them my particulars, including the fact that I'd been born to a Canadian military serviceman.

I wasn't clued in enough at that time to know how complicated this issue was. I think they effectively misinformed me. They made no mention of the fact that I had been a citizen and that maybe I had

lost my citizenship on my 24th birthday, or anything like that. All they did was send me some application papers for a permanent residency, which I completed.

If I had been able to come here to live at that point, the necessary requirement that went with that was I would have had to get my father to sign it and sponsor me. I sent those papers, fully completed, to the last known address I had for my father here on Vancouver Island in Cumberland, but they never came back to me. I could only assume he had moved to another address.

I then had to get on with my life for another 25 years. I set up an accountancy practice and brought up my family before I again tried to come back to my homeland.

The first application you talked about was actually, I believe, in November or December 2002. I gave it to Canada House in London. They were to have vetted the various forms to see that they were all authentic and not photocopies, etc., before passing the papers to Sydney, Nova Scotia, but they didn't even bother to send the papers to Sydney, Nova Scotia. They sent all the papers back to me and told me I was wasting my time. This was the first time I ever heard about the 1952 regulations that said if Canadian children born overseas don't return to Canada before they're 21 years old and make it their home, they will lose their citizenship. They rejected it on those grounds.

It was at that point that I went to see a lawyer here in Victoria. He helped me to fill out a new application form. He sent quite a comprehensive document pointing out why I hadn't in fact lost my citizenship, if you looked at the real law, the Canadian law, that was particular at the time. I submitted that in November 2003, a year later. It's the application that is currently gathering dust in Sydney, Nova Scotia.

Hon. David Anderson: Going back to the dates, was it in 1972 or thereabouts that you put in the application?

Mr. Joe Taylor: It was the first time that I made a conscious effort to try to come here with my family to live.

Hon. David Anderson: Did you go to the lawyer in Victoria at that time or was it with the most recent application?

Mr. Joe Taylor: No. This was the more recent session when I tried again. Now that I'm reaching retirement age, I wanted to come home. I started to try to put that into motion round about 1999-2000.

Hon. David Anderson: The application was submitted in November 2003. Was it submitted in Britain?

Mr. Joe Taylor: It was in Britain. I had an acknowledgment from them that this time they did agree to at least forward it to Sydney, Nova Scotia, which was a big improvement from the year before. It was dated December 4, 2003. I now know that CIC in Sydney acknowledged receiving it on December 23, 2003.

They've still told me nothing. I've had two members of Parliament chase them, and in fact your office has very kindly chased it for me, but you had virtually a zero response. My lawyer has done the same and has had the same response over the course of the last eight or nine months. The most recent one was only within this last month. They still have done nothing.

•(1330)

Hon. David Anderson: We're dealing then with the November 2003 application. You had one acknowledgement in December and silence since then.

Mr. Joe Taylor: That's right.

Hon. David Anderson: Okay. Thank you very much.

Mr. Joe Taylor: Thank you.

The Chair: Thank you.

Mr. Temelkovski.

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

You made a great presentation, although you were somewhat concerned beforehand.

Mr. Joe Taylor: I have never done any public speaking before in my life and I was extremely nervous to have to come to address you here.

Mr. Lui Temelkovski: Heavens, don't be nervous. You're on an island, represented by—

Mr. Joe Taylor: As I indicated earlier, I think it's a different world in Canada than it is in England.

Mr. Lui Temelkovski: I wanted to ask a little bit about the passport situation. You have a 60-year-old passport.

Mr. Joe Taylor: Fifty-eight years.

Mr. Lui Temelkovski: Fifty-eight years old. So you were quite young at the time?

Mr. Joe Taylor: I'm part of my mother's passport, I should explain.

Mr. Lui Temelkovski: Have you applied for another passport? When you apply for a passport, you have to give them an old passport, if you have one.

Mr. Joe Taylor: I'm not parting with this.

The Chair: We need a copy of it. Maybe a certified original copy would do, along with the—

Mr. Joe Taylor: You can have as many certified copies as you want. I'm keeping that.

Mr. Lui Temelkovski: But he just wants to take a copy.

The Chair: My suggestion is maybe having a certified true copy sent in with an application for a new passport. That may also remove some of the webs—

Mr. Joe Taylor: I believe when you apply for a passport here, you have to supply things like social insurance numbers and driver's licence details. Those I don't possess yet.

Mr. Lui Temelkovski: You do have a driver's licence from somewhere else.

Mr. Joe Taylor: A U.K. driving licence, yes.

Mr. Lui Temelkovski: Identification, maybe. But it's not a bad idea to try.

Mr. Joe Taylor: You think this is another route I could try. I just thought one couldn't get a passport unless you were a citizen.

Mr. Lui Temelkovski: If I had a passport previously, I'd be very concerned that, whatever country it was, they would not issue me another passport.

The Chair: Thank you very much.

Madame Ablonczy.

Mrs. Diane Ablonczy (Calgary—Nose Hill, CPC): I thought we had heard some strange tales in this committee, but my goodness, I can't imagine reaching a very mature age and being well established, and all of a sudden finding out that some bureaucratic rule hadn't been followed and therefore your whole identity has been changed.

Mr. Joe Taylor: One of the big aspects about it that I find disturbing is that a bureaucrat in Ottawa can sit down and change something as fundamental as one's citizenship and not even bother to tell the people who were concerned. They didn't write to me; they didn't write to my mother or my father. They just made this little tweak to the regulations to the Citizenship Act in 1952, and that was it. No one who was as seriously affected by it as myself was even told. I was 5,000 miles away, aged about seven years at the time.

Mrs. Diane Ablonczy: Thinking as a lawyer, there must be some principle of natural justice that would prevent a person from losing fundamental rights—like identity, citizenship—without some kind of notice. You can't be sued and be subject to penalties under our legal system without notice, and yet essentially that's what happened to you. Have you ever argued that, or has that been argued on your behalf?

Mr. Joe Taylor: I don't think you were in at the start of my presentation, because I did—

Mrs. Diane Ablonczy: No. But have you argued this in an appeal process or any kind of a judicial proceeding? What's been the response to it?

Mr. Joe Taylor: We haven't gone as far as appeal yet, because I have to wait until CIC give their ruling. They don't seem to be in a great hurry to do that, as the application has been in for 16 months. I'm told that there are no notes on the file; nothing has been done at all.

•(1335)

Mrs. Diane Ablonczy: How long has it been?

Mr. Joe Taylor: Sixteen months.

I started chasing about eight or nine months ago. I said earlier, two members of Parliament here have chased on my behalf and got very little by way of response. My lawyer has done likewise and can get no sense out of them. I'm still sitting here waiting for a response.

Mrs. Diane Ablonczy: Now here's my question.

You're here in front of the committee, obviously trying to make policy-makers aware of this anomaly and this situation, and this unjust circumstance. Is there anyone in the process themselves, any element of the department, is there any avenue of appeal that you're aware of?

It seems to me, you shouldn't have to hope that you can catch the attention of a group of politicians before you can get your question dealt with. What are you finding there? I know you've made this application. Is there nobody who has been able to say yea or nay to you?

Mr. Joe Taylor: The most recent information I have is that CIC has still done nothing. I was told that probably the only way I was going to get anywhere was to contact the minister's office, i.e., Joe Volpe's office, directly. But as I explained earlier, I've written to him, and I've written to his two predecessors. I've e-mailed them and I've written on many occasions. They will not even reply to me, so far.

Mrs. Diane Ablonczy: It seems to me, Mr. Chairman, that one of the things we need to do is have some kind of an ombudsman or a conduit so at least these matters would be considered. You shouldn't have to hope that you catch the attention of a busy minister with an individual case before you can get something done.

All I can say to the witness is I think, based on your testimony, certainly I will be pressing to have some kind of a remedial system or mechanism put into place so at least you can get an answer. Keeping someone sitting for 18 months is not what you would call a professional way to run a department.

Mr. Joe Taylor: I've been devoting a large portion of my life for the last five years to this. The notes you find at the end with the quotes from the Canadian Nationals Act of 1910 and 1927, orders in Privy Council—I've had to research all those. I'm not a lawyer and I've had to try to find all this out.

Like Eswyn before me this morning, my house is full of pieces of paper, and it's eating up what's left of my life. I really just want to come back here to be a good Canadian citizen and live in my homeland, in the country I view to be my home.

Mrs. Diane Ablonczy: Thank you.

The Chair: I think one of the things your case points out is that for the average individual, it's a very horrendously expensive, slow, cumbersome process to take on the state. I mentioned before you came in, Ms. Ablonczy, that I think Citizenship should be a stand-alone department from Immigration because it has to be something that actually advocates for people.

We will look into the case of the situation in Australia. We are supposed to be meeting with the high commissioner's office at some point, and we're actually looking to getting over there as well at some point.

Thank you very much for your testimony. You did a great job, and you don't need to be nervous when you're in front of us. The only people who need to be nervous when they're in front of us are the bureaucrats.

Mr. Joe Taylor: Well, I'm very pleased to hear that. Thank you very much, indeed.

The Chair: Thank you.

We're going to suspend for a minute until we get set up, and then we'll reconvene.

•(1339) _____ (Pause) _____

•(1343)

The Chair: We're going to reconvene. Mr. Anderson, you certainly promised us that we were going to get quality representation here and we have.

The next witnesses are going to be speaking about the recognition of international experience and credentials of immigrants. We have

two different groups. You will both have seven minutes to make a presentation to us, and we will follow with questions.

Ms. Storr, could you start?

Mrs. Brenda Storr (Associate Dean, Camosun College): I represent Camosun College, a community college in Victoria that's been involved for more than 20 years in serving the needs of immigrants in our region by providing English language instruction and training programs that enable immigrants to enter the workforce.

The English language department has developed expertise in the use of the Canadian language benchmarks in our ESL programming. We're currently piloting a program designed to assist immigrants in developing the skills and knowledge needed to enter the workforce in our region.

Canada is the only developed first world country without a strong national voice for education. Provincial and territorial jurisdiction over education, training, and professional certification provides for regional autonomy but makes it very difficult for Canadians and immigrants to move from one area to another without complicated processes for credential and skill recognition.

Identifying the necessary pathways to having credentials recognized, finding ways to access professional and trade organizations, and finding ways to gain the elusive Canadian experience required by employers, are all challenges for the immigrant. These challenges come at a time when he or she is struggling to understand and adapt to living in a new culture. When a person moves from one geographic area to another in search of work, there is huge potential for misinformation and misdirection because there are no national standards or common systems.

Too often, it seems, the emotional and financial struggle to gain employment in a field related to personal education and training is too much, and the immigrant settles for whatever job he or she can find. Skills and expertise developed by previous education, training, and experience are not utilized; they are lost.

Most formal language tests don't give accurate information about an individual's ability to use language in an education or workplace setting. The immigrant, at present, is caught in a situation where some formal language test results indicate high language skill, but that skill doesn't seem to be sufficient to allow success in an educational setting or allow him or her to function effectively in a workplace.

A person who has self-diagnosed as having advanced English or French, upon arrival in Canada, may be faced with confusing and perhaps contradictory information about their language skills and the amount of time that will be required to improve the language skills prior to entry into an education or training program or into a specific workplace. Once again, complex and perhaps contradictory information leads to frustration, and potential is not realized.

In British Columbia, 90% of immigrants settle in Vancouver. Although Victoria is the capital of B.C., relatively speaking, it is a small community. Other areas on the island are even smaller. The majority of employers in this area have fewer than 10 employees. This means that each hiring carries a risk, a risk that is enhanced if one hires someone new to the country or to the community, someone without Canadian experience or someone from a different cultural background.

Smaller communities also have challenges in providing employment-specific language training or skills upgrading because the immigrant population comes from a variety of backgrounds and individuals seek to enter a number of different professions or occupational fields.

An immigrant and his or her family face a number of challenges in settling into a Canadian community. There are immediate issues related to housing and medical services. There are also longer-term needs critical for successful adaptation and integration into Canadian society. Children need appropriate language education. Adults need to find employment or access to language and skill training. Bills need to be paid, and social and emotional needs must be recognized and supported. The settlement process is complex and is made more difficult if uncertain employment opportunities contribute to financial and emotional anxiety.

The recommendations I speak to are that the federal and provincial ministries must play leadership roles in encouraging the standardization of systems for credential recognition across the country and in encouraging identification of the skills and knowledge necessary to function in the various sectors of the Canadian workplace.

The Centre for the Canadian Language Benchmarks was established in 1998 by CIC to promote the use of the Canadian language benchmarks to describe, measure, and recognize the language proficiency of adult immigrants. The work of the centre must be supported and enhanced so that fair and consistent processes in assessing language needs and skills can be developed, promoted, and implemented across Canada.

In order for an immigrant to become a valued member of the Canadian workforce, he or she must have his or her foreign credentials reviewed, be informed of the specific knowledge and skills required to participate in the Canadian workplace, and be provided with the information and support to address any gaps identified. In this way, Canada can benefit from the skills, education, and experience gained elsewhere.

• (1345)

For this to happen, employers and professional trade organizations must be able to identify the skills and knowledge required for employment in a Canadian workplace. They must also provide the tools necessary to identify education and/or training that will fill possible gaps, as well as put in place fair and transparent ways to assess knowledge and skills.

Potential immigrants should be provided with tools to help them access the information they need to plan their first few years in Canada. Specifically, they need tools to identify language proficiency, tools to help in identifying geographic areas where their skill set is needed, and tools to help them access the information they

need about how they can get their credentials recognized and what upgrading opportunities are available.

Federal and provincial ministries must recognize the need to support areas other than Vancouver, Toronto, and Montreal in developing strategies to attract immigrants; to develop cross-cultural awareness and training for workers and employers; to provide language and skill training to develop and support credential recognition processes and support immigrants in becoming self-employed; and to provide the social services required for settlement, adaptation, and integration into the smaller communities.

Language fluency is one of several key factors that have been identified by HRSDC as determiners of successful integration. Community colleges such as Camosun have a role to play in providing enhanced language training, using curriculum based on the Canadian language benchmarks. The use of the national language standard will allow immigrants to gain consistent information about language skills so that they can plan their language training and identify employment options. Language training programs and funders must recognize that language skills and culturally appropriate communication skills are both required for successful integration into a social system, and training in both must be provided.

Language learning is complex for adults, and effective language learning takes place when students are able to focus on their studies without stress related to financial and family worries. Agencies providing settlement support, schools and colleges providing language education and training needs, and social service agencies providing financial assistance must work together to support the adaptation and integration of immigrants into their communities.

The college system, coordinated nationally through the Association of Canadian Community Colleges, can support immigrants to access credential recognition services, to learn about Canadian workplace culture and expectations, assess their skills, research career information, and learn job-finding skills. The existence of this coordinated information service, capable of linking immigrants to needed resources, would help the foreign-trained professional to set realistic goals and identify appropriate and accessible pathways to education, training, and the workplace.

The subject of foreign credential recognition appears to be very straightforward, but within it are embedded many complex issues that must all be addressed in a supportive manner for immigrants to be integrated into the Canadian workplace. Demographic statistics identify that Canada is facing a labour shortage by 2010, and thus the country cannot afford to continue with complex processes that result in people being underemployed or unemployed, when coordinated and consistent pathways for skill development would result in those people becoming effective additions to our workforce.

An additional benefit is that if these issues are resolved to make processes clearer for immigrants, those fortunate enough to have been born in Canada will be able to use these clearly identified processes as well.

• (1350)

The Chair: Thank you very much.

Mr. Leaman.

Mr. Roy Leaman (Victoria Immigrant and Refugee Centre Society Staff): Thank you very much for giving me the opportunity to be here today. I want to thank all of you, too, for this rigorous two weeks of travelling across the country. It is something, however, that I think is well worthwhile, and I appreciate the fact that you're doing this.

As far as my background is concerned, I've been in business for most of my life and it's only in the last two years that I've actually been working with immigrants and refugees. My employer currently is the Victoria Immigrant and Refugee Centre Society here in Victoria. My written presentation, which I think you have, covers several areas—my thoughts about government issues, my thoughts about professional associations. You've been hearing from many representatives who deal with those. I'd like to deal with it a little bit more from the employment perspective, which is really where my background is, especially in helping people in the last couple of years find jobs.

Keeping it as simple as possible—and that's not for the committee's benefit, that's for mine, so I can understand what I'm talking about—most employers are small businesses, and when small businesses are hiring, the owners or managers are basically looking for two things. It all comes down to that. One is, will this person take care of the problem involved, and second, will they be able to work with this person day after day after day? It's by looking at credentials and Canadian experience that they're able to make some judgments or decisions related to whether or not the individual can solve the problem.

During the discussions, if the individual applying for the job has any kind of an accent, or a strong accent, this puts that person at a disadvantage because most managers will not want to give the extra time and effort in order to work with this person day after day. They'll also be concerned about what their customers and clients might think. So that is definitely an issue.

When it comes down to it, any time you have an immigrant who has just moved here to Canada or who has a strong accent and is applying for a job...the person who has strictly Canadian experience, who is perhaps younger, has just graduated from school, and without the accent will win the job.

I sincerely believe that somehow we've got to provide some form of encouragement to small businesses to help them decide to hire some of these people who otherwise are not able to find employment. There are some who think this could be done with a wage subsidy program or tax incentives.

In addition to this, because we need these immigrants with special skills—since we're not putting them out of the universities fast enough at this point in time—we need to consider providing some financial assistance to some of them to allow them to get their accreditation more easily and also to allow them to go to school to find the working language for their particular profession. In addition, I also believe that a lot of the language training programs have to focus not only on that, but also on helping people improve their pronunciation and reduce their accents. This is, from my experience, a Canadian reality right now.

And of course there are the immigrants themselves, and I think Brenda described their situations very well.

I think most people are unprepared for how difficult it's going to be when they come to Canada looking for work. They may have been warned in advance that it could be difficult, but I sincerely believe that in their situation, when they were overseas and thinking about coming here, they were just so optimistic about their life ahead that they probably did not take any cautionary notes into deep enough consideration at the time.

• (1355)

I think as far as the professionals are concerned, we have to get the professional organizations more involved at people's point of immigration to Canada, or in their original country. In fact, when I asked a lot of these people—knowing I'd be coming here—for their thoughts, almost all of those who spoke with me suggested they would have preferred to have known a lot more about the situation before they had left. That was the common message from everyone who made a suggestion to me as far as today is concerned.

I think I've taken up almost seven minutes, so let me just say in conclusion that I think greater effort is going to be required, and of course it's going to cost money.

Good luck.

Thank you.

The Chair: Thank you very much. We've got another week, once we've finished the two weeks.

Mr. Roy Leaman: Oh, is that all, just three weeks!

The Chair: Then we might even have a couple of more days the following week. It's a Coles Notes way of seeing the country.

Madam Ablonczy.

Mrs. Diane Ablonczy: Thank you for these good presentations; they're very practical.

I have a question for Ms. Storr. You mentioned the Centre for Canadian Language Benchmarks. How effective is that? Is it well regarded? Is it well accepted, or does it still need to be brought up to snuff a little bit more?

Mrs. Brenda Storr: You need to know that I am on the board of that organization.

Mrs. Diane Ablonczy: Then you would know.

Mrs. Brenda Storr: I would say that in the past five years, the world of ESL in Canada has changed dramatically in terms of developing a common approach, but it's still very spotty.

Ontario is using the benchmarks in provincially funded programs. Manitoba has done exceptional work here in using the benchmarks and moving people into other college programs, as a different way of describing language proficiency than saying you need grade 12 or you need grade 10. Alberta has come a long way. British Columbia has now got to a place in its language training of developing some consistency through its provincial colleges and the ELSA Net—which is Link in Ontario.

But it's not consistent across the country yet. There needs to be more attention paid to it. British Columbia is identifying needs for benchmarks 8 or 9, whereas another province might say 7 or 8.

It's not that surprising that when one introduces a national standard in 2000, by 2005 we don't exactly have well-understood consistency across the country. That's a big challenge.

The centre is a way to support that and to help provide the consistency. If we leave it to regions, it won't happen.

• (1400)

Mrs. Diane Ablonczy: But my question is, if this body assesses someone's language skills and gives them a mark, is that accepted and well regarded, and is it thought to be an accurate assessment?

Mrs. Brenda Storr: The centre doesn't do the assessment.

Mrs. Diane Ablonczy: It measures, though.

Mrs. Brenda Storr: The benchmarks provide a standard for measurement. Assessment is done in various areas of the community, through the different tests that are administered. It is through the centre that the consistency happens in developing the testing and in training the testers, but the centre itself is not a testing organization.

Mrs. Diane Ablonczy: I see. So it's more like a process.

Mrs. Brenda Storr: It is, and it helps to provide that consistency.

Mrs. Diane Ablonczy: I really agree with the pronunciation thing. My husband was Hungarian—he came here as a refugee—and my brother-in-law is Nigerian. In both cases, they are highly intelligent and able people, but pronunciation does make it difficult sometimes to communicate. I sent my husband for pronunciation training; he really liked it and benefited from it, finding that it made it much easier for him to interact in the workplace. So that's good.

With respect to Mr. Leaman, I like the practical approach you have. You talk about the need to encourage bridging programs, which I really agree with; we all need a buddy to show us the ropes, even if we're not a newcomer but just new to an organization. I know that as an MP, we buddy up with people and have people who say to us, "This helps, and watch out for this", and who give us pointers, right? This is just the way life works.

You say we need to encourage this, so my question is the following: practically, how could government encourage that? You're talking about tax breaks and financial incentives, and you're talking about, say, someone coming to the workplace and giving a little lecture on "making nice" with newcomers.

What do you suggest?

Mr. Roy Leaman: Typically your small business owner is pretty busy. They're concerned about getting the job done and getting the job done fast. I really think what they need is an incentive of some kind. If they see that there's an incentive there for them, that there's something to be gained by it, then they'll do it. The possibility of getting some labour cheaply for a period of time may allow them, shall we say, to provide the environment where the immigrant who is wanting to acquire some Canadian experience is able to actually acquire it.

The truth of the matter is, even when the person is there, they probably still won't get a whole lot of coaching from a buddy, but at least they're in a position where they have a better opportunity to learn. Eventually they can add it to their résumé that they have so many months' experience.

Mrs. Diane Ablonczy: What are you thinking of? Tax breaks or financial incentives? Have you any sort of...?

Mr. Roy Leaman: Currently in the employment assistance services programs offered by HRSDC there's something called the targeted wage subsidy. That appears to work very well for people who have been unemployed for some period of time, who have perhaps just finished some sort of employment training and they need some experience.

Typically an employer will receive 50% of that person's salary for six months. Again, some of those people stay with that employer, some of them move on, but at least they're getting a start at that point.

• (1405)

Mrs. Diane Ablonczy: That's a good suggestion.

Thank you.

The Chair: Thank you very much.

Let me commend you on your good taste, Mrs. Ablonczy.

Hon. Hedy Fry (Vancouver Centre, Lib.): In husbands.

The Chair: They are amazing people, those Hungarian refugees.

Mrs. Diane Ablonczy: What can I say? I have impeccable judgment.

Hon. Hedy Fry: We should maybe talk to Madam Telegdi about this.

The Chair: I'll leave my wife out of it.

Mr. Siksay.

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

I want some of this Hungarian goodwill that's going around here as well.

The Chair: Of course, yes.

Mr. Bill Siksay: Mr. Leaman, I find it interesting when you talk about accents as a problem, and I don't mean to demean the fact that it is, in reality, a problem. Ever since I was born I have been surrounded by people with accents, and with varying degrees of accents. Every single day, working on this committee, I deal with people with accents. Every time I go shopping or on the street, in all of my work I deal with people with accents, and yet that's still a barrier to us that we haven't overcome. It has been a feature of our society from day one, and yet it's still a problem for employers who live in communities full of people with accents to hire some of them.

I'm a little skeptical that pumping some money or giving them a tax break is going to change that. It seems to me that there's something else operating there that's perhaps a little more powerful. I've used the "racism" word before at this committee, and I know people are often hesitant to do that. It strikes me that it is something a little more powerful, given that we've all had this experience of communicating with people who we may not quickly understand, but we ultimately do understand, or maybe we understand two seconds later.

I just want to raise that caveat.

Maybe you could respond to that, and maybe Ms. Storr could respond to that too.

In the context of employers—and I note that Ms. Storr said that most of the employers in the area have fewer than 10 employees—are there particular things that we could do with small business employers to help them, other than the one you've already mentioned? Are there particular training programs we could offer them? It seems to me we always put the emphasis on what we can do for the new immigrant and we don't really talk about what we can do for those of us who are established here and about how we might change our behaviour and improve our skills in this area. The model that was suggested one other day was the hire-a-student programs that happen in the summer, where there is a wage subsidy. I don't get in our riding a lot of applications from small businesses because I think they sometimes find the application process too onerous and the follow-up process and the supervision process too onerous.

That's a lot of rambling, but maybe you could respond to some of those comments.

Mr. Roy Leaman: Okay.

With respect to the accent thing, the difference is that you're willing to make that extra effort to understand what they're saying and to communicate. Let's face it, it's a function of the business you happen to be in right now, right? A lot of people are much more task-oriented, less people oriented. They're focusing on getting the job done no matter what. So a lot of it comes down to desire.

With respect to training of managers, part of my background is that I owned my own human resources consulting practice for 14 years. I've thought for many years that managers should learn how to hire properly, managers should do this, managers should do that. But the fact of the matter is that managers are struggling just to keep the business going, and they don't have the time to take a lot of the training programs that we know would help them. So if you offer training programs to help deal with immigrants or with accents, you won't get anybody participating.

Mrs. Brenda Storr: I appreciate your mentioning the accent issue. I would challenge anyone who tried to tell me that an accent from New Zealand is that much easier to understand than an accent from some areas of China or India. I think there's a lot hidden behind the word "accent", and I think that needs to be recognized as part of the problem.

I agree that there is a huge need to be working with the employment community. In the program we're looking at, we're trying to establish a mentoring system where our students will work with somebody else. But we recognize that we also need to provide support for that employer. We may do it by workshops or by individual meetings, but the need is key. We have to know that it's not just the immigrant who needs more information; it's the employer as well. I appreciate your recognizing that.

• (1410)

Mr. Bill Siksay: Do you have any examples of small businesses that have been particularly successful? Do we know the reasons for their success? We've heard about some large corporations that have done some interesting work in this area, but we haven't had any examples from small business. Do you know of any?

Mr. Roy Leaman: I don't have an example, but this I can tell you. One of the people on staff at the Victoria Immigrant and Refugee Centre Society deals with trying to convince employers to hire people. His success is usually determined by whether or not the person himself was an immigrant at some point.

Mr. Bill Siksay: We have some of the same worries when we hear people talk about not having any Canadian experience. So I appreciate your feedback on that.

The Chair: Dr. Fry.

Hon. Hedy Fry: Thank you.

Thank you very much for coming and bringing these presentations forward.

I want to touch a bit on what Mr. Leaman had to say, because I'm always interested in hearing some practical suggestions. I've heard some practical suggestions already, when I was here in Victoria earlier on, but I'm always interested in finding out some practical solutions to the problems facing small and medium-sized businesses. You've given a couple, but I would really like to see how we could get them to participate in bridging programs, when in many instances, as we've heard, they don't have a human resource capacity.

To be a host takes time, or to have an apprentice takes time from the person who is being the preceptor. On some of those things I've heard solutions, but I think in different regions there are lots of best practices that are coming up that we can follow. I would like to hear of some of those, so that as we develop the "bridge to work" capacity the federal government is doing either directly or indirectly through provinces, we might be able to actually have some good outcomes, as opposed to just making it sound great on a piece of paper. I'd like to hear some practical solutions from you.

On the issue of language training and accent, I can understand how you could use the term “accent” to be discriminatory if you wanted to, but in some instances and in some professions, jobs, or skills, a misunderstanding of a word could be quite dangerous. I can understand why language training is really important. I think Diane made that point very clearly with regard to her husband. It's not just about discrimination; it's about safety sometimes. It's about understanding, especially if a person is working with the public and you happen to be hard of hearing. Some people don't understand accents very well—their ears are not tuned to language—so they are not understanding what a person who is supposed to be dealing with the public tells them.

I think your point is very important, that we not only continue with the expanded technical language training, but that we work on pronunciation and on accents so that greater clarity can occur. When you do that you clearly can flush out discrimination for discrimination's sake, because nobody can hide behind something that says “I can't understand you”.

I also wanted to hear if Ms. Storr had anything to say about intermediate language. I know we do ESL and I know there is the enhanced language, which is technical language at a level 8 or 9. I have heard that somewhere in between, falling between the cracks, there is maybe a 5, 6, or 7 that isn't being done as well. Can you tell me how we can do it better?

Mrs. Brenda Storr: I think that varies from province to province. Here in Victoria we provide that through the college system. The Ministry of Community, Aboriginal and Women's Services provides the basic language instruction, and our college provides an intermediate language instruction to take that learner a little further. The Ministry of Advanced Education has a number of goals in the province, and sometimes ESL isn't its highest. That's a bit of a challenge for us, but we have been able to maintain it.

I think we need to look at language and communication training. Part of the accent issue can be addressed by teaching people how to negotiate meaning and to clarify, so that if their language skills aren't as good as they might be, they at least know how to ask for clarification or are able to say “I didn't really understand what you said, so could you repeat it?” This would help these intermediate immigrants who have the ability to work in some workplaces but whose potential is very limited.

If you expect someone to participate in a workplace, you expect them to be able to participate in a water cooler discussion, in a staff meeting. To focus entirely on language required to participate in particular professions isn't really getting to the fact that you have to have a broad base to be able to build that technical language around. I think the intermediate levels of language instruction do need a stronger focus. You can't just jump from beginner; you can't expect the advanced person to have been able to develop all of this by themselves.

I don't know whether that answers your question.

•(1415)

Hon. Hedy Fry: I think that's true. I just don't know where, and whether, there are some best practices, and how people are actually doing that.

The Chair: The last questioner we have on this one, as we're running over time, is David.

Hon. David Anderson: First I'd like to congratulate both Camosun College and the Victoria Immigrant and Refugee Centre for the great work they do in our community. Both of you are first class. I was talking to my son last night about getting on to the Internet for the Camosun College calendar, which he promised to do. He may yet be in this fall.

In any event, I have just a quick aside on the issue of accent. I think what you raised is very important, because too often people start saying, oh, it's not the accent at all, it's really racism. But if it is the accent, then we're trying to solve the wrong problem, and if you solve the wrong problem, you'll never get the right result, or rarely get it.

And for those who don't believe that accents are important, just go and interview a Japanese tourist with up to one week of ski lessons at Whistler, where the first instructor came from Australia, the second instructor came from Switzerland, Austria, Germany, or Norway, the third one was from New Zealand, and the fourth one was from Quebec. You'll find that the accent counts a lot.

I know from my own studies of Mandarin Chinese that the number of accents in China is just unbelievable, and it is extraordinarily difficult for someone who's not fully familiar with the Chinese language to communicate effectively—which would be perfectly simple if people were all talking the Chinese broadcasting system standard language, but they aren't.

I'm very glad you raised this issue, because the issue of language is important.

That brings up my next question, which relates entirely to the comments about standardization across the country. We don't handle education. We give money to the provinces for English as a second language or French as a second language, and frequently they do not spend it in that area, or at least not fully in that area. So we're in the position of bribing provinces to do things that the provinces agree with us need to be done, but of course as long as they skim off some more and there's still a problem, we're likely to give more. I'm generalizing here.

But what I'm trying to get to is this. Why is it not possible for the organization you mentioned, the Association of Canadian Community Colleges, to get some of these standardization things? Why is it not possible for the Association of Universities and Colleges of Canada, if that's its current name, to do some of this standardization? Why is not possible for the provinces to say, we have eight or nine criteria, just as you mentioned, the province next door has six or seven, just as you mentioned, so why is it not possible for them then to say, look, Manitoba has the best system, so we'll all adopt the Manitoba system and thus have a national standard across the country?

What really worries us, as federal politicians, is that we're constantly being asked to get drawn into the provincial sphere, and we do so with money and programs under Human Resources and Skills Development, and they're ineffective. We still have the problem. We're spending lots of money. There are unhappy taxpayers, and we're not giving the taxpayer value for money, when all is said and done.

So if I could change this around a little without trying to pass the buck, I wonder why it's not possible to ask why the provinces will not cooperate with one another on qualifications. Why is it that they won't have the same number of criteria for language studies? Why is it that we, as the federal government, are constantly being asked to get involved in areas of complete provincial jurisdiction, and when we do, programs don't seem to be very effective?

Let's say mine is a general question as to what can be done outside of calling on the federal government for more money or interfering in provincial jurisdictions.

• (1420)

Mr. Roy Leaman: I don't even have an answer to that. I can make a comment, though.

Hon. David Anderson: Please do.

Mr. Roy Leaman: In the written presentation I gave, I spoke about how we do have this problem. Every province has its own way of doing it, and the legislation in place right now says it must be like that. It's definitely a problem.

Our chair today mentioned the possibility of separating Citizenship and Immigration into two departments, and there's merit to that. Unfortunately, there is no one that I know of who tracks a person from the time application is made to come to Canada to the point where employment is found.

I just tossed out in my written presentation the possibility of maybe having an overseer, someone who doesn't necessarily set the rules but who monitors the situation and perhaps provides feedback to all the different bodies, whether provincial or federal, that, if it was listened to, would perhaps help the process.

Mrs. Brenda Storr: I do think it is a challenging problem. Perhaps we have to start at the beginning and take small steps. We need to ask, can you identify for us very clearly the pathways in your province? Once we have a picture of the pathways in each province, then there's a way to bring people together and say where there are differences and where there are similarities.

If we are going to be approaching, as the demographers would tell us, an issue with employment, that's going to raise this issue quite loudly, and the demands are going to be coming from employers and communities as well as from a national federal government perspective. The provinces may find themselves caught somewhere in the middle.

I think part of what we have to do is raise awareness across the country that this is a national issue, not just a provincial one. The federal government can identify the things it has put in place and expect to have some response at a provincial level, but it is around awareness and trying to identify clear pathways for people.

Hon. David Anderson: Once more, thank you very much for the great work you do in our community. It's a better place because of both of your institutions. Thank you.

The Chair: Thank you very much.

That ends this session, and in a couple of minutes we're going to start the next session. We're suspending for two minutes.

• (1423)

(Pause)

• (1431)

The Vice-Chair (Mr. Inky Mark): I'll bring the committee back to order.

Welcome, Mr. Galloway. You have seven minutes to make your presentation. Then we'll ask you a few questions.

Mr. Donald Galloway (As an Individual): Thank you, Mr. Mark.

I should introduce myself first. My name is Donald Galloway. I am a professor of law at the University of Victoria. I teach immigration and refugee law. For three years, from 1998 to 2001, I was a member of the Immigration and Refugee Board in the Vancouver office.

I have presented you with a hastily written brief. I apologize for the haste in which it was written. I only realized a few days before the deadline that it had to be submitted.

I'll try to make my remarks as quickly as possible. I've decided to frame my presentation today around the questions that were raised in the news release of February 28 from this committee, and to also deal with some of the issues that were raised in the report that was tabled in November.

The first question I addressed was the question on whether the form of the Citizenship Act that exists at the moment is too minimalist and should contain other factors. I think the particular issue that was raised in the question is on whether it should contain reference to the rights and responsibilities of citizens.

The point I make on the first page of my brief is that I think the minimalist nature of the act is a problem, and it's a problem that has serious implications. I'm not sure it's necessary, and it might be quite difficult, to actually identify all the rights and responsibilities of Canadian citizens. It might be useful to identify certain constitutional rights that attach to the status, and these could be emphasized within the act.

More importantly, though, I think a Citizenship Act should actually be transparent as to the purposes, the values, and the principles that underlie it. Currently, our Citizenship Act has no reference at all to our understanding of what it is to be a citizen. I would suggest that any thoughts about amendment should pay attention to the idea of a preamble that identifies what the values and principles are.

On the practical implications, I think you are probably aware of the difficulties the Federal Court has in interpreting the criteria for naturalization, particularly the criterion of residency. We exist in a legal framework where the ultimate decision-makers on what these criteria are disagree strongly about the limits of the criteria that are identified.

I will come back to that in a second. The first thing I want to stress is reference to the values of citizenship.

The second point is on what these values are. I think the values of citizenship have been redefined over the years since 1946. When Paul Martin Sr. introduced the first bill, he wanted to make the point that it was important to have a Citizenship Act to stress the sovereignty of Canada and its independence and that we could use a Citizenship Act in order to promote our international status. In recent years, I think a different focus has been attached to the notion of citizenship with the idea that we should use our citizenship laws to add to our understanding of national unity, to promote national unity, and to create some form of social coherence.

In my second paragraph I tried to identify that while these ideas are valid, they should also be tempered with other notions and with other values. While listening to Joe Taylor this afternoon, you're well aware that issues about individual justice count as much as issues about social coherence and national unity. I would also recognize that we're not only talking about matters of justice towards individuals who are seeking the status; we are also talking about the interests of individuals who want to pass on the status to their children, whether they are natural children or adopted children.

● (1435)

I would like to emphasize—I'm sure you've this heard often—the difficulties adoptive parents face in bringing their children back to the country.

I think the Canadian government has been ambivalent about international adoptions. I don't think it has come out and said that it actually approves of international adoptions, and as a result I think we have a wishy-washy law where adopted kids are not actually identified as Canadians at the point of adoption. I think the issue of whether we identify this process as being a valid process is one that is worth addressing, and I think this committee is well placed to address that.

I would also like to make a pitch, given the position of Canada in the modern world, that we adopt a generous notion of citizenship. We are well placed to do that.

We have to think about the consequences of rejecting individuals from the status of citizenship. Most of my paragraphs that follow ask the question, what should an inclusive and generous citizenship policy look like?

In my third paragraph I identify the issue of birthright citizenship, and I address the question that's raised in the news release about whether there should be any limitation placed upon birthright citizenship.

In January 1 this year the Irish Republic placed restrictions on its citizenship laws identifying that mere birth in Ireland was no longer going to be enough. You actually had to be born to parents who had

a substantial connection with the country, and the actual law excludes, by definition, refugee claimants, and I think it also excludes students.

I think we shouldn't use our citizenship law in this way to control the flow of refugee claimants. I think the issues are quite different. We have to separate them. I think it demeans our citizenship law if we use it in that instrumental way.

I also think that using our citizenship law in a way that doesn't recognize the amount of time successful and unsuccessful refugee claimants spend in the country doesn't pay sufficient attention to the justice issues that are raised in relation to their children who are born in Canada and who will, de facto, be long-term residents. Whether it is because their parents are successful claimants or whether it is because we don't know how to create an effective way of resolving their status quickly, we will have long-term children of refugee claimants. I think part of my pitch is that it is the length of time one relates to the Canadian community that should be the determinative factor in making a decision about whether citizenship is due.

In my fourth paragraph I identify the position of individuals who are born outside the country, and I identify first that our laws as they exist are a rough and ready proxy. They operate in a way that identifies that if your parent was born outside the country and you were born outside the country, then it's very likely you're not going to have a strong connection. It's likely only your grandparent will actually be in Canada.

I would like you to recognize that in a mobile world—and this is a very rough and ready approximation—people leave the country for all sorts of reasons, temporarily, and have children in the most inconvenient of places.

While we may be interested in identifying that children who have small connection to the country—perhaps only through a grandparent—should not get citizenship, we should tailor our laws to that end. We shouldn't rely upon these approximations that are currently found within the Citizenship Act.

In this paragraph on children who are born outside the country, I also identify that the children of permanent residents may also have a claim to Canadian citizenship if they are born outside the country.

● (1440)

One of the things you ask in your news release is how we actually manage strategies for celebrating citizenship. I'd like to ask you to think just as much about celebrating the contribution of permanent residents who for some reason, over which they have no control, are unable to take out the status of citizenship. The fact that some of them will have to go back and tend to ailing parents, and may inconveniently have children at the time, does not mean they have failed to make a commitment to this country. It's just that their lives have other commitments.

Lastly, I want to draw to your attention in paragraph six the position of the child citizen whose parents are non-citizens threatened with deportation. This is a very tricky problem to solve, and I don't have an easy solution. But if citizenship is going to mean anything, it must take into consideration the point of view of the child. The child cannot vote and doesn't have the rights of adults. If a child's parents are deportable, the child's citizenship means next to nothing. The way in which the law is structured does not give sufficient security to the child citizen. I am suggesting that we think about reversing who has the burden of proof about removal.

I have many other points in my brief, but the chairman is—

The Vice-Chair (Mr. Inky Mark): Thank you, Mr. Galloway. You've taken ten minutes and we'll take five minutes from each of the parties.

Ms. Ablonczy.

Mrs. Diane Ablonczy: You've made some interesting suggestions. You talked about the value of citizenship. I wonder if you could propose to the committee, from your experience and thought, what you think would be a good description of the value of citizenship.

Mr. Donald Galloway: We have an idea of the good citizen, as well as the person who has only the status of citizenship. We recognize that the good citizen is somebody who has a commitment of loyalty. We have a crime of treason. We recognize that there are obligations that you have towards the community.

It's interesting that citizenship is seen as being a national status, but in dealing with other citizens we live locally. The idea of citizenship we usually live with is framed in our local obligations to those we meet in public life on a city basis. That's important to take into account. With respect to obligations, making demands of individuals is important.

Internationally, we have to recognize that citizens are owed protection by their government, that they have this basic right. Entitlement to the status is based on the type of interaction you have with Canadians. Historically, this has been geographical interaction. Interestingly, virtual interactions are going to become common in the future. This is going to challenge our notion of community and the part the individual plays in it.

• (1445)

Mrs. Diane Ablonczy: Could you expand on virtual interaction?

Mr. Donald Galloway: Much of my work is done with people I rarely see. I send drafts of my work to Italy or the United States. I get comments back in daily conversations with people I might see once a year. I am part of a number of communities. Universities are perhaps more like this than other institutions. But businesses, big and small alike, also maintain relationships that have no geographic centre.

Mrs. Diane Ablonczy: That's an interesting concept that we haven't discussed, Mr. Galloway. You talked about citizenship containing a commitment of loyalty. Yet you see no problem with multiple citizenship. I'm wondering how you square divided citizenship with loyalty to a particular country.

Mr. Donald Galloway: I don't say there are no difficulties. I think the difficulties that were identified in the early 1990s in the committee report, *A Sense of Belonging*, are not difficulties. I think

difficulties can arise, particularly when military issues are at stake. Serving two armies can be a very serious problem that has to be thought about.

I don't want to undermine the idea that we have a problematic notion; nevertheless, the biggest difficulties are hypotheticals rather than real problems people face in their daily lives. I see no problem with loyalty to a country you live in while retaining a passport in another country that allows you to slip into that country through the short line rather than the long line. Just because I have two passports doesn't make me less of a Canadian. It doesn't detract at all. I have many conflicting loyalties in my life and I seem to work them out, sometimes with difficulty, sometimes with ease.

Maybe I should just leave it there.

The Vice-Chair (Mr. Inky Mark): Thank you.

Bill.

Mr. Bill Siksay: Thank you, Mr. Chair, and thank you, Professor Galloway, for your presentation. It was very helpful, and you've some raised some issues we haven't heard much about before, so I appreciate that. They are very important ones.

In your third section on birthright citizenship you mentioned all individuals who were stripped of their citizenship under laws and regulations no longer in force. We've heard about the situation of people that Bill S-2 tries to address. We heard this morning from war brides and the children of servicemen who came to Canada after the Second World War, or who were families of service people in the Second World War. Are there others you know of that you could tell us about?

Mr. Donald Galloway: Those are the ones I was thinking about. But the lesson from the testimony you've heard—and I think I know some of the stories you refer to—is that we have a system of cracks. Quite frankly, when I try to do research on citizenship law, which even I see as my specialty, I get back to 1947 and start looking at regulations there. The complexity boggles my mind—the change from 1947, what went before that, and how the act actually identifies the pre-existing law, builds some of it in and takes some of it away.

It's incumbent upon not me but the government to actually sort this mess out to identify.... I don't have the resources, time, or brain power to do that. I bet there are other cracks that people have fallen into.

• (1450)

Mr. Bill Siksay: Given the fact that some of the people have had such a hard time getting an opinion from the government on their status, it sounds like they're having a hard time figuring it out too. But I appreciate where the onus should be in that circumstance.

Your section 7 on criteria of naturalization talks about erasing the knowledge requirements for naturalization. I just wonder if you can expand on why you think that's important.

Mr. Donald Galloway: The United Kingdom a number of years ago decided to have a citizenship test, and out of the blue I got a phone call from *The Times* of London saying that the U.K. was thinking about adopting a test very much like the Canadian test, and they asked if I had an opinion on the Canadian test. The only thing I could think of to say at the time was, "It's hokey. It's not a test. It doesn't take account of people's experience within the country." I'm also really concerned about the way it's administered and how much discretion it actually gives to citizenship judges.

My own experience of taking out citizenship—which I won't bore you with today—was quite a revealing one about the amount of discretion officials have. I don't think it's knowledge about national politics or provincial politics that actually defines who a citizen is. It's much more telling how much work people are doing within the community.

I wouldn't mind a fast-track system, if you like, to give special preference to people who show that they have a particular reason why they need citizenship fast and who know a lot about the community because they have lived here, or whatever. But our basic rules about citizenship, the central idea, should be tied to location, to geography, or to your relationship—what the law seems to call the substantial connection.

I'm really concerned that we use these artificial criteria to withhold the right to vote—which I think it comes down to—from people who have made contributions of many kinds to our community.

Mr. Bill Siksay: Do I have a bit more time?

The Vice-Chair (Mr. Inky Mark): Yes, about half a minute.

Mr. Bill Siksay: Just on the question of a limitation being placed on the ability of government to revoke citizenship, is there an appropriate time period the government should have to initiate that action, and if so, what is it?

Mr. Donald Galloway: Well, that's a tricky one. I want to raise the idea because I don't think the idea is actually out there—I don't know. You may have heard it before in the committee, but I certainly am not hearing that this is in the cards in the near future in any citizenship bill that is going through. I think we have to recognize, though, that not every person who has lied or made a false statement or withheld information when they were coming into the country is a war criminal. And not every war criminal is the most serious war criminal.

What I'm really advocating is that we take war criminals aside and say, fine, let's deal with the more serious war criminals in a particular way, but let's not use that as the model for making a determination about this really important status. To be able to revoke a citizenship, to render somebody potentially stateless, is one of the most important and most influential powers a government has.

The Vice-Chair (Mr. Inky Mark): Thank you very much.

For our last five minutes, before the top of the hour, Mr. Anderson.

Hon. David Anderson: Thank you for a very comprehensive brief. You go on through many paragraphs, each of which could take this committee a few days. And I do appreciate very much the fact that you talked about multiple loyalties. This has not yet been properly, or at least thoroughly, looked at by this committee. The

point you make I think is well worth our taking a good look at. That said, I'm not going to ask you to go on to that now.

I'll just ask you, however, for information on another one, which we have discussed a lot and I think we'll probably come to some conclusions on, and that is the issue in the immediately following paragraph, number 9, revocation of citizenship. You said you would urge a limitation period be placed on the ability of government to revoke citizenship for reasons of false representation, except perhaps in the most extreme cases.

Currently the situation is that citizenship is revoked because of a material misrepresentation or at least a false representation or fraud, or by knowingly concealing material circumstances. Those are the grounds. And this relates to your previous comment about the need for justice for other people, which again I think you made very effectively. Surely if someone got into Canada having lied, had they told the truth as others did, they would have been treated as those other were—namely, denied entry. Is it fair, then, to say that those people who told the truth initially and were denied are being treated fairly, when the person who lied is granted status as though his words had been the truth?

I think this is an important issue, because these are the only grounds that I know of that are being used for the denial of citizenship. We all know there are hypothetical potentials. You've mentioned a very important one—service in a foreign army. And I agree, that's pretty important, particularly when you think of those Canadians, some Canadian born, who went to serve in some of the more murderous militias in the Balkans during the breakup of the former Yugoslavia, and others who've served in Lebanon and elsewhere.

So I just wonder how you can draw that line.

• (1455)

Mr. Donald Galloway: I recognize that there's a conflict. I think it's interesting that in the report you tabled in November, you identify that the relationship between the state and the individual is contractual in nature. I think that's an interesting but mistaken idea.

For those of us who have been born in Canada, we don't have that contract. What is it about the relationship between what used to be referred to as the natural-born Canadian and the state that gives rise to obligations on either side? It's the interaction. We use birthright citizenship as an understanding. This person, born in Canada, is likely to be raised in Canada, is likely to be spending their life in Canada, is likely to be a de facto Canadian. There's no contract there. There's an idea that your obligations are created on a day-by-day basis through actually living as a Canadian.

When we naturalize individuals, certainly it begins to look contractual. It used to be a little pink slip when you came into the country as a landed immigrant and then the citizenship certificate. Now you have two little cards. You give up one and you take the other. There's the contract.

But what I'm suggesting is this person is living within the community as a Canadian, and year after year, day after day, more and more roots are grown, such that the idea of revoking their status on the basis of a contractual misrepresentation, which may just be a failure to provide full information or it may be that a marriage existed....

Hon. David Anderson: You're a professor of law. Would you say that in a situation where land has been acquired through misrepresentation of material fact, after a certain length of time, because you'd occupied it, because you'd used it, because people had assumed you owned it, it becomes yours? Or, for example, take the situation of a marriage, where the expectation is that there would be a husband and wife, and yet because one had been previously married, it was void. Nevertheless, they'd been recognized as husband and wife for maybe 10 years. It could be that due to wills or some other aspect the children could be disadvantaged or because of the failure of those people to be married in a church or in accordance with civil procedure. So individuals do get disadvantaged by reason of this contractual relationship you're talking about, which is *ab initio* false, but appears to be real. What you're saying is that in a specific case of citizenship, you'll recognize it as real, but not in these other situations of law.

• (1500)

Mr. Donald Galloway: When we look at who's the harm sufferer here, you originally wanted to compare the individual with the person who didn't get the status. Well, that person isn't really harmed by the action. That person is just disappointed that they didn't get it either.

My only suggestion is that if you live as a Canadian, if you interact as a Canadian, at some stage we have to think about you being a Canadian.

Hon. David Anderson: I'll certainly hire you if I cheat on the lottery and win, when somebody else was just disappointed.

It seems to me we have to explore this further, but I have no time.

Mr. Donald Galloway: I can reduce it to one sentence: it goes to my idea that our notion of citizenship is this connection with the community. People build those, and they can overwhelm a misrepresentation that was made often under stress or because of concern about making sure you say what the official wants you to say.

The Vice-Chair (Mr. Inky Mark): Mr. Galloway, there's no doubt that we could listen to you for another hour. We thank you for your brief and your answers.

Mr. Donald Galloway: Thank you for hearing me.

The Vice-Chair (Mr. Inky Mark): We'll now turn, committee members, to our last panel.

We'll now hear from Marianne van der Meij, who represents the Victoria Immigrant and Refugee Centre Society. We'll give you seven minutes to make your presentation.

[Translation]

Ms. Marianne van der Meij (Coordinator, Aaron Gordon Settlement Centre, Victoria Immigrant and Refugee Centre Society Staff): Thank you very much. Good afternoon.

I am sorry to have to say to the French-speakers that my presentation will be made in English. I hope that you have received the translation of my notes.

[English]

My name is Marianne van der Meij. I coordinate the services of the Aaron Gordon Settlement Centre of the Victoria Immigrant and Refugee Centre. I would like to address the following issues in terms of family reunification.

The first issue is processing times. I'm sure you've heard a lot about that already, and will hear more about it in the coming week. The issues on processing times that I will raise all have to do with spouses and children, who, to my mind, have the greatest priority, of course—and they also have great priority to CIC. They address both family class and family reunification of refugees.

The processing time for permanent residence applications of spouses and dependent children who are being sponsored in the family class and who are abroad has been brought back a lot. This is very commendable. A number of visa posts have been brought back significantly—for example, in Beijing.

My issue, though, is that there are a number of visa posts where the processing time is still extraordinarily long. I take as an example—granted, it's an extreme example—Accra, where it takes 30 months for a spouse or a dependent child to be processed. I can only imagine that processing times were brought back in Beijing with a considerable investment in staff and other resources. I see it as an issue of equity that that has not been put in place in Accra, or in Nairobi in Africa, for example, and I question that.

Secondly, the processing times for spouses and children of refugees who are accepted in Canada and apply for permanent residence has not been prioritized at all. There is tremendous inequity there that I take great issue with. I feel that at least processing times should be the same. Granted, often it is a matter of country conditions, but I'm sure that's not the only issue. I think it's an issue of priority. At least there should be equity, I feel. In many cases, the spouse and children of a refugee were left behind in very dangerous circumstances. In cases like that, I feel there should be even more priority.

The private sponsorship program for refugees is sometimes the only way for a family to be reunited. If a spouse, for instance, a woman with four or five small children here, is on income assistance and cannot generate an income, sometimes a church sponsorship is the only way she's going to bring her husband to reunify with her and the children. There is a tremendous backlog in that program, a very serious backlog. And the processing is more than two years at the moment. So there is another problem. I would say that at least in cases where there is a family member of the nuclear family in Canada, that case should also be prioritized.

Both in the family class and in refugee family reunification there is some very poor scheduling of medical examinations. These examinations are extremely expensive. Not only does the fee for the medical exam have to be paid, but for somebody who's living quite a long way from Beijing in China, for example, who needs to travel and stay overnight in a hotel and travel back again, the cost is tremendous. When these medicals are scheduled at the wrong time in the processing, very often people have to do them again. I'm sure that either processing times could be brought in line with the validity of the medical exam results or the medical exams could be scheduled in accordance with the processing times. They should be done much more carefully, and later in the process, so those families do not incur additional costs, sometimes exorbitant additional costs.

The other issue that I've come across in my practice is when a refugee is resettled to Canada and has a transportation loan. I'm sure you are all familiar with that. Sometimes a family has a \$6,000 to \$10,000 loan. I've had situations where one family member was left behind. The person arrives in Canada, puts in an application to sponsor that family member to Canada, and finds that the application to sponsor is being rejected because he or she is in default on the loan. However, he or she has not even received an account number or a method of payment, because the accounting department takes such a long time processing these loan applications and issuing these account numbers. So that means great delay in family reunification, it means resubmitting the application, additional fees, and a lot of frustration all around. Either these accounts should be made up much earlier or the start of repayments should be in line with the issuance of the account number.

● (1505)

Those are my issues in terms of processing times and delays that have been in family reunification.

There are some constraints in the family reunification process. One is a terribly sad issue. Refugee children who come to Canada alone have no way to apply to include their parents or their siblings in their applications. This causes great sadness, of course, and great difficulty for these children. I'm sure for their settlement they would be far better off if their parents were here. I'm sure Canada would stand to benefit too.

I won't say too much more about that. I think the point is clear, and it's there in my presentation as well. Also, family members who were not examined when the initial immigrant was processed to come to Canada cannot join their family members later. Particularly when you see that in other cases something is forgiven, for instance, whether it's a criminal offence or misrepresentation, I feel there are so often very good reasons why a family member was not examined initially, when there is a reasonable explanation that this bar should be lifted.

Then there's the issue of DNA testing. I also worked with the Canadian Council for Refugees, and in our experience, DNA testing is done regularly in cases where there is abundant evidence of the relationship between the child and the parent here in Canada. I feel there should be an instruction to the visa post that DNA testing should be done only in exceptional cases.

The Vice-Chair (Mr. Inky Mark): Thank you very much, and we'll move on with our questioning.

Mrs. Ablonczy, five minutes.

Mrs. Diane Ablonczy: It's good to have an expert of your background before us. We've had some others, but you brought forward some new information. From people who work with refugees and immigrants all the time you really get a sense of where the policies don't fit the road, so to speak.

If you were to recommend to this committee one or two of the main policy changes that would best fix the problems you've brought before us, what would you propose?

● (1510)

Ms. Marianne van der Meij: First of all, in term of processing times, I would propose that prioritizing of spouses and children is done equitably both in the family class and for family reunification of refugees, and that it's done equitably across visa posts.

Mrs. Diane Ablonczy: What do you mean by "equitably"?

Ms. Marianne van der Meij: If the processing takes six months in Beijing, it should take six months in Accra. And if there's an investment made in Beijing to speed up the processing, it should also be made in Accra, but not in some parts of the world and not in others.

Mrs. Diane Ablonczy: Wouldn't that just lead to the same disparity? Accra then would be processing proportionately just as many as they are now and they would still be behind Beijing.

Ms. Marianne van der Meij: I think the goal should be the time it takes and you adjust your resources, your staffing, to that. If you set a goal that processing should take place within one year, it should be one year across the board, wherever the spouse or the children are, whether they're in Beijing or in Africa somewhere.

Somehow it's always Africa that draws the shortest straw, so I have a problem with that.

Mrs. Diane Ablonczy: That's good insight. So it would be the resources to streamline the processing time and to make it shorter, basically. That makes sense. Especially when you're separated from your family, that is very tough.

You mentioned children of refugees. Is that a common problem? I wouldn't have thought too many children would arrive in Canada just by themselves.

Ms. Marianne van der Meij: They do. Unaccompanied minors do arrive in Canada, yes.

Mrs. Diane Ablonczy: In large numbers?

Ms. Marianne van der Meij: Not in very large numbers, but large enough that there is a special task force, if you will, on the Canadian Council for Refugees to look at those issues.

Mrs. Diane Ablonczy: How would they travel?

Ms. Marianne van der Meij: I have to say that since 9/11 and all the security measures, it's much more difficult for a child to make it all the way to Canada unaccompanied, but it does happen. People sometimes come on false documents, sometimes they are accompanied by someone who is presenting as a parent but is not, and sometimes it's through smuggling—all kinds of means. If that child is deemed to be a refugee, the means by which they came to Canada are forgiven, if you will. Then they would be accepted, but they would be here as a minor without their parents and siblings and have no way to reunify with them. It would take years, because they would need to generate sufficient income to be able to sponsor their parents.

Mrs. Diane Ablonczy: I understand.

You mentioned a concern about DNA testing. I just wonder if you could expand on that. This is something no one else has brought up, as far as I remember. I thought it was a pretty simple procedure. It's not like you have to take a vial of blood or anything. Why is that problematic?

Ms. Marianne van der Meij: First of all, it's very expensive.

Mrs. Diane Ablonczy: Would the cost rest with the applicant?

Ms. Marianne van der Meij: Yes. There's a cost factor, and it causes tremendous delays. But those are just the practical aspects of it. If you had left your spouse and children behind, and you had submitted evidence that they were your spouse and children, but then your relationship to your own child was questioned, that would be very painful.

There's a second issue I didn't have time for, but I'm going to use your question now to raise it. It's a fairly well-documented fact that roughly 10% of children in the world—and in some areas far more—are not actually of the assumed father biologically. This could also destroy families.

Let's say a father makes it into Canada and applies to reunify with his spouse and children. He has to do DNA testing and finds out—he's already in a separation situation—that one of the children wasn't his and he didn't know about it. That can destroy a family. Not only that, but if this happened somewhere in the countryside in Pakistan, there would probably be an honour killing of the wife and potentially the child. So this would put the children and the wife at great risk.

Since this child would be eligible anyway, as a stepchild biologically related to the mother, my advice is to routinely test between the mother and the child, even if it's the father who is in Canada. If she is his spouse and is going to be accepted, the child would be anyway, even if it was from a previous relationship.

• (1515)

Mrs. Diane Ablonczy: That clarifies it. Thank you.

The Vice-Chair (Mr. Inky Mark): Thank you very much.

Madam Faillie.

Ms. Meili Faillie (Vaudreuil-Soulanges, BQ): Thank you.

[Translation]

Do you understand French?

Ms. Marianne van der Meij: I understand most of what is said.

Ms. Meili Faillie: That is what I thought.

I am delighted that you were able to come along today. I do not know if you remember, but I was here for the meeting with the CCR.

Ms. Marianne van der Meij: Yes, I do remember.

Ms. Meili Faillie: I heard your testimony at that meeting.

I come from Quebec, a province which has a sizable African community, many of whom have come from trouble-ridden countries.

These are issues which are near and dear to my heart. The majority of cases with which I deal involve refugees from Africa. These refugees need a great deal of help from us. However, not all members of Parliament are necessarily able to help them; and not all refugees can be guaranteed continued support while their case is being processed. That being said, I agree with what you said in your statement.

I would like you to use the little time that I have remaining to tell us about the complexity of the situations which can arise in refugee cases. In some instances, embassies are forced to close because of fighting. Applications must therefore be processed by another embassy. While this is being sorted out, visas may well expire, and new applications will have to be made. However, if the medical certificate has expired, this too will have to be renewed. Furthermore, in the case of refugee families, children often find themselves separated from the rest of the family by the course of events, making it difficult to coordinate all that needs done. Diplomatic papers are lost.

I was wondering whether you would like to describe to the committee the type of situations which people are facing in Africa.

[English]

Ms. Marianne van der Meij: I hope it's okay if I answer in English. It's the specific vocabulary that I don't have so much in French. I'm sorry about that.

Yes, the situation can be terribly complex. I'll give you an example of one case, which was submitted, in fact, to CIC, so I have consent to release some of this information.

It was a family from the Congo. The father made it to Canada and made a refugee claim here. It took forever to process, of course, so there already was considerable family separation. His wife and four children were in Kinshasa. As you may well know, there has been fighting in Kinshasa—all over the Congo. They went through times where they went without food, they were in danger, there was shooting around their house. And this man in Canada, until he could reunify with his family, was not going to concentrate on his settlement here.

So I think it is definitely also in Canada's interests that these sorts of families are reunified as soon as possible. Also, he was sending an awful lot of his money back to his family to support them there and having to come up with all this money.

They were lucky because they were in Kinshasa, with reasonable communication. They could equally be in a small village somewhere outside, with practically no communication. Another advantage they had is that they had fluent French, which at least, in terms of Canada, is a language they could communicate in. But if the family over there had not had any French, that would have complicated matters. Some people are illiterate and need to travel a day from their village to a town to have somebody explain to them what they've just received, or even to make a telephone call or receive a letter or send something. In their case, they were lucky.

They were a very upstanding family, very involved with their church locally, doing a lot of community work. They had birth certificates for the children, they had records from the hospital. They had their pastor, who was present when the children were baptized, write a letter. They had ample proof that the children were their children, were his children, yet the embassy—and this time it was in Abidjan—insisted on DNA testing, despite the fact that we sent all this information.

It cost them \$1,200 in excess of the fees that they already had to pay to do the DNA testing. It caused a six-month delay in the reunification of the family, not only because of the DNA testing but because of the money, because that money was meant for part of their flights.

Also, there is the tension. We did extensive counselling with this man—“Gee, I hope they are going to turn out to be my children”, whereas—and I come back to this issue—if there had been just a relationship to the mother, they would have been eligible anyway. The mother was very upset about this because she felt it was coming from him, that he didn't trust her.

This raises all kinds of things. Imagine that you haven't seen your wife or your husband for four years.

• (1520)

Ms. Meili Faille: Yes, and it's even more complicated when you have adopted children in addition to that.

Ms. Marianne van der Meij: Yes.

Ms. Meili Faille: Thank you.

The Vice-Chair (Mr. Inky Mark): Thank you very much.

Mr. Siksay.

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

Thank you, Ms. van der Meij, for your presentation. It was very helpful.

Ms. Marianne van der Meij: You're very welcome. Thank you.

Mr. Bill Siksay: On the question of scheduling of medical examinations, I was a constituency assistant to a member of Parliament for many years and did this kind of casework. A number of years ago, 10 years ago, this was a huge issue that I dealt with almost daily, and it seemed to be the major issue in immigration casework that I had to deal with. It seemed to have been solved at one point, and those kinds of cases dropped off significantly.

Is it a significant and recurring one for your clients again?

Ms. Marianne van der Meij: It still is, yes.

In the family class, the medical exam has to be done up front, and the validity of the results is only one year. If you look at the processing times, anytime a family class sponsorship takes longer than a year, you know they have to redo the medicals—at extreme cost. If it's just one spouse and she or he lives in the town where the designated medical practitioner is, it's not such a big deal. It still can be as much as \$400 U.S. to have the medical done in some locations, but perhaps that can be overcome. But if it's a spouse and five children and they have to travel on the train for a day, a very expensive travel, and back, and stay overnight in a hotel, the cost to do it again is exorbitant. That's why I would say in those locations where processing is still over one year, it should be scheduled later.

In refugee reunification cases, it's very common that the medicals have to be done again. I would say that the financial need there is even greater, because not only is this a person who is new in Canada, a refugee, just starting out here, with low income usually, but they are also very often sending every penny they have back to the family to support them in very dire circumstances. That's their lifeline. So to come up with all this extra money is very difficult, and it delays the processing.

Mr. Bill Siksay: Would it be helpful if this was treated as a historical document—you were healthy at the time of the first examination and the results should be allowed to stand? When folks arrive in Canada, it's already been a number of months. They could have contracted something in that time. Why not extend the validity of the document?

We heard from organizations like the Calgary Catholic Immigration Society. Some of them have a doctor on staff, and people go for medical examinations just after they arrive. Apparently, this has helped to identify some of the many health problems people have when they arrive in Canada. Do you think this might be a good idea?

Ms. Marianne van der Meij: Yes, I do. In respect of families and refugees, health issues rarely form a bar to immigration. It's only relevant in the case of communicable diseases.

So if a person comes from an area where there is a concern—Zimbabwe, for example, is now experiencing an outbreak of TB—test only for TB only. Test only for what you're really concerned about. It reduces the cost, the time it takes, and the number of cases that need to be dealt with.

Mr. Bill Siksay: We were hearing from people studying immigrant health that tuberculosis is a problem, in that people arriving in Canada are under such stress that tuberculosis tends to be the one thing that shows up.

Ms. Marianne van der Meij: The infection could have happened within that year.

• (1525)

The Vice-Chair (Mr. Inky Mark): Thank you very much.

We'll give our last five minutes to Ms. Beaumier.

Ms. Colleen Beaumier: As you can imagine, in our urban areas we probably see as many refugees and immigration cases as you do in your practice. Does the refugee time delay result from the fact that once you've been given refugee status you still have a processing time to go through?

Ms. Marianne van der Meij: No. The refugee who is accepted in Canada is able to apply for permanent residence almost immediately. Also, they include their family members in their application. So the processing takes place concurrently.

Ms. Colleen Beaumier: Do you think this delay is deliberate?

Ms. Marianne van der Meij: No, it's largely an issue of policy and priority. Priority has been given to spouses and dependent children in the family class, but not in the refugee stream.

In part, there are probably other issues—country conditions, documentation—that will in some cases make it more difficult to process the family of a refugee. But I do not see that these issues account for this particular discrepancy. No, I think this is a policy and a priority issue of Canada.

Ms. Colleen Beaumier: The other question I have is on adoption issues. We know that in some countries brothers and sisters give their children to each other and they come to Canada. Then, when these children become adults, they want to be reunited with their families. In such cases, the government says, “No, you severed your relationship with your family”. I'm not sure how the government can say that a five-year-old can make a valid decision to sever the relationship. How do we deal with these issues?

Ms. Marianne van der Meij: If the child wants to restore a parental relationship, we need to listen to that and put a legal process in place for the child.

Perhaps if the child is an adult and earning, the child could sponsor the biological parents. If the child is younger, and if we're talking about a refugee child, it falls into that constraint I raised before. I don't have a ready-made answer to this.

Ms. Colleen Beaumier: It's become quite a problem. I've known a number of adopted children, now adults, who were concerned because they were badly treated by their adoptive parents. They

wanted to know what responsibility the federal government bore in the abuse they had suffered.

Ms. Marianne van der Meij: You might also want to look at some of the home studies.

Ms. Colleen Beaumier: I don't believe we do home studies here in Canada before allowing an adoptive child to come. We used to.

Ms. Marianne van der Meij: If a family who is already living here adopts a child internationally, most countries will need...the home country of the child, before they can finalize the adoption, would need to see a—

Ms. Colleen Beaumier: Not if it's a relative's child.

Ms. Marianne van der Meij: Not if it's a relative's child?

Ms. Colleen Beaumier: Not if it's an agreement between two adults.

Ms. Marianne van der Meij: If the adoption took place 100% abroad, and if the adopting parent was considered a resident of the country, not Canada, but in that country, then they could finalize it over there. I've had several cases where they did use a home study.

The Vice-Chair (Mr. Inky Mark): Thank you very much. On behalf of the committee, thank you for being here.

There is no doubt that Canadians agree with you that families should be reunited. Most Canadians are not that far removed from immigration so they understand at close hand how important it is to get them together, whether as refugees or immigrants.

Again, on behalf of the committee, thank you very much.

Ms. Marianne van der Meij: Thank you.

The Vice-Chair (Mr. Inky Mark): With that, this committee is adjourned.

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