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Chair

The Honourable Andrew Telegdi

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•(1305)

[English]

The Chair (Hon. Andrew Telegdi (Kitchener—Waterloo, Lib.)): Thank you very much. We are going to start our hearings and we're going to be hearing from the National Indo-Canadian Council. Ms. Verma, welcome, and please give us your presentation.

Mrs. Madhu Verma (Vice-President, Women, National Indo-Canadian Council): Thank you very much.

First of all, I would like to thank the committee on behalf of National Indo-Canadian Council for allowing us to present our brief. These very important issues for us. We are pleased to have the opportunity to discuss them.

I think you all have the copies of my brief.

The Chair: I don't have a copy. Oh, it's only in one language so—

Mrs. Madhu Verma: I have just given the six copies outside.

Ms. Helena Guergis (Simcoe—Grey, CPC): In French?

Mrs. Madhu Verma: No, in English. It's just for the committee.

The Chair: It's matter of policy, because of our bilingualism. In Canada, we don't receive briefs only in English, even though it's only English-speaking members here.

Mrs. Madhu Verma: I have just given it now. I won't be able to read the whole thing.

The Chair: Okay, go ahead, then. It's going to be translated, and then every member will have a copy.

Mrs. Madhu Verma: I have been working with new immigrant refugees and the UNB student association for the last 35 years. This submission is based on extensive consultation with grassroots members of the Indo-Canadian and South Asian communities in New Brunswick and other parts of Canada. I have used media articles and gathered information from multicultural and ethnocultural conferences and workshops.

I would like to speak about the definition of families. According to South Asian culture, the family unit is composed of the husband, wife, and children, as well as parents, grandparents, brothers, sisters, aunts, and cousins. It is important to understand the difference between western and eastern family units when defining family unification.

Most South Asian families place strong a emphasis on supporting their children's education. This creates hardship on the low- and the middle-income families who put their children through professional schools in South Asia or in Canada. Later, after getting professional

degrees and getting settled in Canada, they wish to unite spouses, children, and parents.

There are many problems affecting Indo-Canadian communities across Canada in their dealings with Citizenship and Immigration Canada. I do not wish to go into details, because the committee is aware of most of the problems. I will discuss just a few of them.

In the area of family unification and the visitor's visa, in dealing with Canadian high commissioners in Delhi in India, there are long line-ups outside the Canadian High Commission just to obtain the numbers to get in the office. There are great difficulties when people get an appointment to see the officers. Some officers are rude and don't even spend a few minutes to answer their questions. Officers could argue that all the information is on the website and people should work to get the information themselves, but unfortunately, all the applicants are not computer literate. Some of the people need to see a human face.

I would like to turn to the issue of the time it takes to process family class immigration applicants. At present it takes 15 to 20 months to process a spouse and children. For parents and grandparents, it takes four to eight years. In the meantime, some seniors get health problems; then they are judged too old, and the system won't allow them in because some people think they would be a burden on the medicare system.

The fee structure is very high for sponsoring a family member. It makes it very difficult for people who are struggling themselves to get established in Canada. At present the fee is \$550. We feel it is very high, especially for the developing countries. Their resources are very low, and this makes it difficult for refugees to sponsor their families. It costs \$300 for an adult and \$100 per child to get the medical done. On their arrival or before, they have to pay \$975 per person for the landing fee. We call this landing fee a head tax, and we suggest it should be taken off.

A great number of visitor visa applicants in the Delhi office are turned down every year. Most of the applicants are very close to Canadian citizens and landed immigrants. The reasons for refusal of the visitor visa are deeply offensive by any standard of international or Canadian human rights. It is a clear act of racism and xenophobia. Most of the time victims are people of colour from the developing and poor countries.

●(1310)

To support my comments, I have a copy the section of the Immigration Act, 1976, where they say you appear to have insufficient ties to your country of citizenship; you have not provided credible reasons to visit Canada; you appear to have insufficient funds to support yourself during your visit; you are unable to adequately clarify the inconsistencies raised in your application and therefore were unable to satisfy the visa officer... This document is provided.

Other factors are employment record, good health, good character, accumulated assets, and a travelling record.

As I stated in the beginning, according to our culture and tradition, we do want to invite some of our relatives on very special occasions like marriage, death, sickness, childbirth, a wedding anniversary, or some other compelling reason. To respond to the third point above, from the 1976 act, the families in Canada provide all those documents along with the guarantee letter. Those documents are health insurance papers, a declaration paper of yearly income along with the tax return papers, a personal guarantee to financially support the visiting family to Canada, proof of relationship, and a guarantee of return on the due date. All these papers are duly notarized.

Most of the time the above are not enough for the CIC officer to grant them the visitor visa. The people who are able to come here, most of the time, are sent back at the due time. But we do hear some stories of where the visitor visas have been abused. One is the well-publicized case of Harjit Singh. In our opinion, our Canadian system has failed. He was able to stay 20 years in this country. He raised a family, he bought a business, he got in trouble with the law, and he has a deportation order on his head.

At the same time, there are genuine family members who wish to come and visit their family and have been refused. Let me give you a few examples.

A 13-year-old girl went to the Canadian embassy to get a visa. She wanted to visit a cousin here in Fredericton. She was refused because she's not married, she doesn't own any property, and she has no employment. Therefore, they refused a visa. I just want to ask, how many 13-year-old girls in Canada would be married, have employment, own property? I haven't heard of any. That shows if the officers are paying attention to all the documents we are providing or if they're not doing a good job.

In the second case there were one brother and one sister who wanted to invite their sisters while they were visiting their sons in the U.S. Their visa was refused. They could get the visa for the U.S.A. to visit, but not for Canada. The children were well settled in the U.S.A., and the relatives had a good income here, but they did not allow them to come to Canada.

In the third case—there are three cases I know of personally—they wanted their mothers to come and visit. Their ages were over 60. They were also visiting their children in the U.S.A. When they applied for a Canadian visa they were refused. They were told they didn't have sufficient reason to come and they didn't have funds to support themselves. These mothers had enough money over there. They were living with the family. They had no intention of coming to stay here.

●(1315)

I just want to make the point that many seniors do not want to stay here permanently, but they do want to see their families. There are thousands of applicants who are refused every year, and sometimes they are told they don't have enough cash in the bank; that's why they're refused a visa, on that basis. You should realize that those families have put thousands of dollars into educating their children. Those children are here; they are contributing towards the economy of the country. These people don't have much left in the bank after spending thousands of dollars to keep and educate their children. Their children are contributing enough towards the Canadian economy.

As a result, there is a lineup in every MP's office across the country. That is now their full-time job, and our MP, Mr. Grewal from B.C., proposed a private member's bill, Bill C-283, in Parliament as a solution. He thinks Canadians with good standing could post a bond of \$50,000 to \$100,000 along with a letter guaranteeing that their relatives will go back.

Do we support that bill? Of course not. We do not want a two-tier system, one for the people who can have a \$50,000 or \$100,000 bond for their relatives and others who cannot, so we do not approve of that.

Since we do not have much time, I would like to say one more thing. The positive side is that Prime Minister Martin came back from visiting India recently, and now they have nine privately run offices in India to deal with these applications. In a way it's a very positive step. It might ease that situation, but we are not sure how privately run centres will run. We have to see the results.

Now my colleague Guna Kulasegaram will present some of the recommendations, please.

●(1320)

Professor Guna Kulasegaram (Department of Political Science, University of New Brunswick; Secretary of the Fredericton Chapter of the Association of Indo-Canadians; National Indo-Canadian Council): We have a list of recommendations on the issues of family reunification.

First, immigration officers should be well trained to deal with culturally sensitive issues and cases.

Second, the processing time of applications should be reduced, and every case should be assessed on the basis of particular needs. Some cases can wait for a long time; others cannot, such as for a death in the family or some other compelling reason that may require a family to immediately make a trip to Canada for moral and emotional support.

Third, we need more resources or a policy shift on the part of CIC to speed up the processing of family class applications. The Canadian government collects millions of dollars for landing and processing fees, and in return they must provide reasonably good service.

Fourth, the government should review the ratio of the 60-40 policy, which is that 60% are economic immigrants and 40% are family class.

Fifth, special consideration should be given to refugee families who are waiting in camps or are in danger of losing their lives because of their political and religious beliefs. In this particular case we are asking, again, for some sensitivity, as well as a fast track. Parents and grandparents who do not have any siblings left to take care of them at home should be given the opportunity to come on humanitarian grounds, and the processing of their applications should as well be placed on a fast track.

Another point of contention is that a U.S. visitor visa holder who has a sibling or other members of their family in Canada as well should be granted a Canadian visa at the Canadian border. As we know, September 11 has basically changed relationships globally, and U.S. foreign policy, especially on immigration, has been very strict, very stringent. It is very frustrating and annoying for citizens of Indian nationality to be issued a U.S. visa to come and visit siblings and relatives and then to be denied a Canadian visa. Perhaps there could be some collaboration and partnership between our friends down south and the Canadian government to allow some form of visa application approval at the border even for a short, limited visit.

Bill C-11 allowed, under family class, the sponsorship of financially dependent unmarried children under the age of 22 years. We feel that very few children become economically independent at the age of 22 in South Asia. More young people are going for higher education and they are getting married past the age of 22, and many of them are still dependent on the family past this age. We recommend that the age limit be increased from 22 to 25.

Under the current CIC policy in the area of language training programs, any new immigrant is entitled to get training in one of the official languages, French or English. There is no provision for immigrants who are deaf or who have other disabilities to get training, especially in the area of ASL, to get settled in Canada. At present, New Brunswick does not have an adult literacy program for deaf individuals to upgrade their language skills. The provincial government argues that CIC has the responsibility to provide service under the LINC program. We recommend that for anyone who has a hearing disability, their human rights should be protected like any other immigrant's. They too have a right to education and should not fall under this law.

The Citizenship Act is also silent on the above issue. At present, all citizenship applicants from age 18 to 60 are required to write a written test in English or French to obtain Canadian citizenship. Nowhere are mentioned the needs of a disabled immigrant who cannot communicate in either of the official languages, such as a deaf person. We recommend an amendment to the Citizenship Act to accommodate individuals who are hearing impaired and also those who are visually impaired.

In closing, we welcome the recent announcement by the Minister of Citizenship and Immigration that the Canadian government will spend \$72 million to deal with the above problems, and we humbly submit these recommendations on behalf of the association.

● (1325)

The Chair: Thank you very much.

Now we are going to go into questions and answers. First we have Helena.

Ms. Helena Guergis: Thank you, Mr. Chair.

Did you get enough time to actually give all of your presentation?

Mrs. Madhu Verma: Well, most of it.

Ms. Helena Guergis: I'm going to be as brief as I can with some comments, and I'll give you some of my time if you'd like it.

Thank you very much, both of you, for being here.

My first comment is that all government employees should be polite at all times, so I'm quite annoyed to hear that. It's not the first time we around this table have heard that.

You had talked about family class in some of your recommendations. How would you expand on that?

Mrs. Madhu Verma: I think, as my colleagues have read, there have to be more resources; they have to be expanded.

Ms. Helena Guergis: No, I mean when we are talking about expanding the family class.

Mrs. Madhu Verma: Oh, expanding. Okay, sorry.

Ms. Helena Guergis: I'm sorry. I might not have been clear.

Mrs. Madhu Verma: Below the age of 22, brothers and sisters are allowed to come as part of a family unit. If they are older brothers and sisters, then they have to go to the independent class, the point system. And you know how difficult it is. At the same time it really takes too long. So we think they should be included in the family unit, and maybe cousins too, because Canada needs young people.

We feel that we should have the extended family.

Ms. Helena Guergis: It should be substantially expanded, you are saying?

Mrs. Madhu Verma: It should be expanded, because in certain regions, as we know, New Brunswick and Nova Scotia, they are really working hard to get immigrants. The families who are already there could bring their extended families if they do not have immigrant families to help these regions that are really struggling to get new immigrants. But we feel this policy has to be flexible from region to region.

Ms. Helena Guergis: Okay, thank you.

Mrs. Madhu Verma: I don't know whether I have answered your question, but that's how I feel.

Ms. Helena Guergis: No, you answered my question.

I would think that we would still have to have some kind of limit, to some extent, and I was looking for some advice on that.

Prof. Guna Kulasegaram: Yes, in some cases we would like that to include extended family and not to be limited to the immediate family, meaning parents or brothers and sisters, but also to include siblings who may still be living with the family unit but whose age is over the current limit. So it was just to be more inclusive.

Ms. Helena Guergis: Okay. Forgive me, I'm not as well briefed... When you are talking about raising the age from 22 to 25, you mean that for 22 and under they can be sponsored by their parents but after 22 they can't.

Prof. Guna Kulasegaram: That's right.

Ms. Helena Guergis: And you think it should be raised to 25?

Prof. Guna Kulasegaram: Yes.

Ms. Helena Guergis: Okay. I'm going to stop there. Is there is anything else you wanted to add?

Mrs. Madhu Verma: No, I think the age was the point and, again, the flexibility. Especially in South Asia, the whole extended family lives under one roof. So we consider them as we do a brother or sister or even cousins. We are told there is no difference between your cousins, brother or sister, your real brother or sister. But when we come here and we want even just to invite them to visit us, we lose that right.

If they have the right to immigrate, if they wish to come, they should be given more points if they have family here. As you know, now they have increased the points, and it's getting really much more difficult to get that relative. So what we say is that even cousins or uncles... So far we have very few points, three or four points for those connections. What we have suggested is that they should increase the number of points for those who have family support in Canada, so it makes it a bit easier for them.

• (1330)

Ms. Helena Guergis: Okay, thank you.

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

I will go on to Mr. Siksay.

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

Thank you for your presentation. There are so many points that you raised. Almost all of them I agree with, and I appreciate your bringing them up.

I just want to say that on the definition of family, I had a private member's bill before the House to expand that. We called it a once-in-a-lifetime bill, which was an NDP commitment in the last federal election and also in the last Parliament. Unfortunately, it went down to defeat, mostly at the hands of the Liberals and the Conservatives, but it was an attempt to expand that definition to recognize that our Eurocentric definition just doesn't meet the needs of a lot of families in Canada today. Hopefully we'll manage to convince the government of the necessity to deal with the definition of the family.

But there are so many other things that you raised. As to the fee structure, I'm glad you talked about that, because so many people do experience that as a barrier to coming to Canada and as a real limitation on their ability to have family join them or even to come to Canada originally, and it does discriminate against people in developing countries. I know a lot of people experience it as a head tax, and I think it is a very serious issue that needs to be addressed.

On your examples of visitor visa problems, we hear them constantly in my office. We have hundreds of cases that are very similar to the ones you raised, and different ones as well.

I'm glad to hear your comments on Mr. Grewal's bill. What to do with that particular proposal is a dilemma for me, because often people say, "Well, can I put up a bond? I'll do anything to get my family here. Can I do that?"

It's not something I'm particularly comfortable with. I don't think Mr. Grewal was suggesting \$50,000 to \$100,000. His bill talks about a percentage of your assets, so it could be at least slightly fair, but my fear is that the government will use it as a backup position and go to a bond more often, more and more, and it will become the norm in some ways. I think there are problems there.

One other interesting thing you raised, of many, was the question about people with disabilities and the citizenship test, and language training as well. I don't think anyone else has raised that while we have been on our tour, so I'm glad you did that.

Do you know of people who have been denied citizenship because they couldn't do a test?

Prof. Guna Kulasegaram: Not to the point of being denied, but to get there, to obtain that level of requirement, I think, is a big hurdle.

There is a personal case that she is familiar with.

Mrs. Madhu Verma: I think there is a case in the court also, a couple of families. They have filed a case in the Supreme Court, or one of the courts, because one of the children was handicapped and their applications were turned down. They were business immigrants, I think, and because of the one child, they said, well, okay, leave this child at home. I have read that story.

I am referring to disability because I have personal experience. My husband's nephew came under family sponsorship. He is a deaf person. CIC provided, just for one year or so, a language training program. I think it was not only for him, but there was also a refugee from Kosovo. He came to Fredericton, and he was also hard of hearing. So they had limited funding for the one year.

In one year, one cannot learn the language. When we asked them to give us more funding, CIC refused. So we went to the province, and this province does not have any literacy program for deaf adults. They said, "Well, he is over the age of 22. It's not your responsibility. Go to Immigration". We went to Immigration, and they said, "No, it's not our responsibility, it's the province". Three years have passed, and I am struggling, really struggling, about where to send him to upgrade his education.

Now he has applied for citizenship, with the citizenship application. The application came back, and because he is over 18 years of age, he has to write a test. I say, good luck. Who is going to train him in the geography of the country or the little booklet that we have, which comes with the test questions? I say, well, I will be so pleased in that he will at least be given the opportunity to upgrade his education. They have to prepare the person first, and only then can he write the exam.

So there is no support system. We are still struggling, and then I realize and say, why don't they add to that? They write only in these two official languages, and at a certain age they have to write a test, but what happens in this situation? He can't write the test. But no direction is given. Where do we go? I am still waiting for the answer.

• (1335)

Prof. Guna Kulasegaram: In this case, this individual has had no formal education. So after coming to Canada, not only was he adjusting to the cultural environment, but he was now learning to adapt and adjust, and then having to learn American Sign Language, which was foreign to him, because back home he got along whatever way he could manage with the family.

But now he's adjusting to the new cultural context and then having to meet all these requirements. He's caught in between because he is too old to go to the normal school system, and he's old enough to claim that he's independent; he's an adult. So he is caught. This is the next hurdle they're going to be facing with regard to immigration and citizenship clearance.

Mr. Bill Siksay: What an important example that is, of someone who doesn't have formal education, and then arriving with all the basic literacy, and the settlement, and all the other needs.

Prof. Guna Kulasegaram: Exactly.

Mr. Bill Siksay: That's a huge challenge, and I'm glad you've raised it today.

Mrs. Madhu Verma: I think now if they're allowing that person to come as part of the family unit, then they should provide the service everyone is getting. They single out these people who have disabilities, saying they cannot qualify. This is really a human rights case. Sometimes I think maybe I'll go there, but I am still waiting and working with the system to improve the system, to help these people with settlement.

Prof. Guna Kulasegaram: Thank you.

Mr. Bill Siksay: Can I just make one point? One of the things I'm really concerned about in your report was the suggestion that maybe we should integrate a little bit with the United States in terms of our immigration and visitor visa plans, and—

Prof. Guna Kulasegaram: I wouldn't go to the extent of saying we have a blank North American visitor visa, which ideally.... It would cause a lot of collaboration. But it is very annoying, when you know you have already secured a U.S. visa and would think a Canadian visa would be a shoo-in, to be told at the border that they have rejected your Canadian visa. Here you have siblings, maybe on both sides of the border, expecting mom and dad to visit them, only to be turned away.

I understand most of these visas have to be approved before you arrive, but in certain cases they should be given at least a single-

entry, two-week visitor visa at the border, and then they're back. This is strictly for visitors. I'm sure Canadians would not assume that once they get a Canadian visa they have the U.S. visa. But I'm sure a lot of Canadians would assume that once you have the U.S. visa it would be just a matter of saying yes.

So we do find this a problem; it's more annoying and frustrating not to be able to see some of the siblings who are on this side of the border.

Mr. Bill Siksay: Right. Well, I appreciate the problem and the frustration.

The Chair: Thank you very much.

Prof. Guna Kulasegaram: Thank you.

The Chair: Wrapping it up, Mr. Temelkovski, do you have a question?

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

You mention a number of things, and when you listen to them all it's easily understood that it's difficult to come up with a solution. You mentioned such things as that Canada needs young people. You also say we need parents and grandparents. And we have visa officers abusing the visitor visa, saying their reasons are not good enough, yet we have 96 million visitors in Canada, and cultural training for our visa officers. As you can see, there's no silver bullet for this.

You also mentioned that review of the 60-40 should be done. Can you give us some concrete ideas? Maybe you can give us an idea of what you think should be the number of people we bring in annually. Are we in the ballpark, or are we outside it? If we're going to expand to extended families, if we're going to allow more people, do we cut from the business class or do we increase the numbers? Gives us some solutions, some ideas.

• (1340)

Prof. Guna Kulasegaram: Go ahead, Madhu; you have all the figures here.

Mrs. Madhu Verma: You see the figures here—we have a printout, I think—and we see the numbers decreasing from 40,000 to 6,000 for the parents and grandparents within ten years. Anybody will see that with such a huge decrease, 40,000 to 6,000, there is some problem of bureaucracy. Somehow they are holding those places for something else. The numbers are.... Anybody could notice that there is something. I think what we have come to know, other groups have already addressed as an issue.

We are also a member of CCR and regularly get all their briefs and everything, and we are supporting their position also. They also came up with all the statistical data through which we came to know that the independent numbers have increased and the family numbers have decreased. We are not saying that for sure they should keep to certain numbers, but when they see the applications, some are desperate people who are looking, who have lost their families.

There's one case I have of a girl whose father passed away, and—

Mr. Lui Temelkovski: Yes, but excuse me. We are not speaking about specific cases. We have to deal with the law, and legislation that will be farther-reaching than this case or that case.

Mrs. Madhu Verma: Exactly.

No, I agree. That's why we suggested that the circumstances of the application should be assessed in the region. Maybe some families will visit and then go back, so they go out of the system. I think the system is not really allowing them—so many with family class applications have already given up, and they probably won't be in the program anymore. That's what we are saying, that every application should be assessed separately. You should not lump them all together.

There is a need for families to reunite. I am looking to be in the Maritimes. People are looking for a community. The immigrants come and move to the bigger cities. I think we all know that problem. We get so many refugees and others, because they want their community, their family.... Why do they move from this place? They go to the bigger centres because they find their community and family there. That's why we are saying we should keep some immigrants in these regions, in Saskatchewan and the Maritimes. We do need a strong family unit. We do need a community.

So this is our reason. I mean, it could be different from place to place, and it could be different from case to case. We have to make the right judgment. We should not just say that there should be this many here and this many there; we have to make the right judgment.

The Chair: Thank you very much

Mrs. Madhu Verma: Was this the right answer? I don't know.

•(1345)

The Chair: Thank you very much. We have your brief, which is going to be translated. I had a quick peek at it, and it's very good. The members will look forward to reading it.

I want to thank you both for coming and making a presentation. We will be completing a report.

We have heard many stories as we've gone across Canada, and many of them, like yours, were about family reunification. I'm sure it has made a very deep impression on the members of the committee, and we'll be working hard to come up with some kind of solution that will make it better.

Thank you very much.

I will suspend for a minute until we get our next person up.

•(1344)

_____ (Pause) _____

•(1347)

The Chair: Next, we are going to hear from Madam Loo of the Multicultural Council of New Brunswick.

Please give us your presentation.

Ms. Judy Loo (Past Member, Board of Directors, Multicultural Association of Fredericton): Thank you.

My name is Judy Loo and I am representing the Multicultural Association of Fredericton, although it was the New Brunswick Multicultural Council that set this up. I have been a volunteer for some years at the Multicultural Association and have been involved with a number of families attempting to bring family members to Canada.

I am going to speak about just a few of the major issues. The biggest one is simply the length and complexity of the process involved in reunifying families. Family members are often left behind when refugees come to Canada as landed immigrants. There are a variety of reasons for this. Sometimes families have already been living apart before one member is able to come here. The ones left behind are often living in dangerous situations and don't have the resources for adequate nutrition, health care, or education.

The family members who are here, understandably, are focused on those left behind, so it's difficult for them to settle until the reunification issues are resolved. This must be changed so that minors or mothers of young children, especially, are not left in dangerous situations for years on end. Some of the cases I have seen have taken as long as three years. It sometimes takes that long, for example, for a mother with a small child to be able to come to join her husband.

There has been more than one case of tragedy occurring while a family is waiting. I know of one family where the father had to remain in his home country while the mother and a number of children came over. Through a variety of errors, about six years from the time he began the process, he died. The errors were not his. He had done everything that was required of him, but he hadn't managed to get here. If he had been here, my guess is that the health system would have been able to prevent his death. I was personally close to this person, but I know there have been many other situations of this kind. So it can be very tragic.

My recommendation is that the reunification process be speeded up and simplified. The simplification could be done in part just by dropping the requirement for DNA testing. DNA testing is supposed to be a last resort, but it's often not used that way. It ends up being a great expense and a complication that's difficult for family members to handle.

Another issue is the cost recovery fee. When applicants are accepted as convention refugees by Canada, they are required to apply for permanent resident status within six months, and they have to pay a fee to cover the cost of processing. The fee is \$550 per adult and \$150 per child. For families with a number of children, this can be a major impediment and a serious barrier to reunification. Often these newcomers are not in good jobs and don't have that kind of money to spend. So the recommendation is to abolish the cost recovery fee for processing landed applications for protected persons and their families.

Another issue of particular relevance in New Brunswick is the definition of family. We would like to see the definition of family expanded to extended family members. There is a practical reason for this. Here in New Brunswick, there is a difficulty in retaining people who come from other countries. Part of the reason is that there are small ethnic communities here, and people find out that there are friends or extended family members in places like Toronto, so they often leave. If they were able to bring extended family members to expand that support system here, there would be a much better chance of retention, and it would be much easier for people to settle.

• (1350)

Finally, on excluded family members—I'm sure you've heard about this issue already—a family member who was not examined when the person who was trying to sponsor immigrated to Canada is not considered a family member. At the moment this is permanent and cannot be appealed on compassionate and humanitarian grounds.

You might say that this is the fault of the person who came here and that they should know better, but there are a variety of reasons for this to happen—through poor advice, through some kind of error, through misunderstanding the process—and it turns out that in the end it's the innocent people, often the innocent children and spouse, who are left to suffer the consequences.

So our recommendation is that the excluded family member rule should be repealed.

Thank you for your attention.

The Chair: Thank you very much. We're going to get involved in a round of questioning back and forth.

Mr. Jaffer.

Mr. Rahim Jaffer (Edmonton—Strathcona, CPC): Thanks, Mr. Chair.

Thanks, Judy, for your presentation. I appreciate your reiterating a lot of the points you did, because we have been hearing many similar points through many of the witnesses.

It is troubling, because clearly the length and time, as you mentioned, to process applications.... As MPs, we know; we've been dealing with so many more cases. In the time that I've been serving as an MP, it seems in my office alone 60% to 80% of the work now is about immigration, because of these delays and because of the processing.

I'm curious about some of the examples. You're really close to some of these people when you deal with them once they come here. What are you hearing from them in terms of trying to rectify this problem?

A lot of people say it's a question of resources. Some people, to their credit, have said it's sometimes a question of attitude in the department and the people they're dealing with. What are you hearing from people in trying to deal with this particular problem—potential solutions from the experiences they've had?

Ms. Judy Loo: Well, I think resources are likely a big one.

Most of the cases I've been familiar with are from Africa, and as you know, there are a limited number of locations that people have to apply through in Africa. Sometimes people in other countries have an opportunity to meet with an immigration official who comes through the country perhaps once every three months or something like that, and if it's not possible to meet at that time then they're out of luck.

In one case that I know of, a couple have been separated for about 10 years now. First they were separated by war in the country. She thought that he had been killed, and just couldn't get any information about him. She and her daughters came here. Sometime afterwards he got in touch with someone from her family left in the country, and they informed him of where she was. So then he contacted her.

We started the process of trying to expedite the process through one of the blanket agreements through a church. The application was made two years ago, and he has heard nothing. He hasn't had an interview. We have heard nothing about why. We keep trying to find out through the local office here, and the person here tells us that he doesn't get an answer. It's really difficult to know what exactly the problem is.

Since they've become reconnected, the couple have remained in contact by telephone, but I think they're losing hope that they're ever going to be reunited.

In that case, we've started to guess that for some reason they've decided he may not be admissible, but they should let him know. And we should be able to find out about that, so that the family is not just left in limbo. Getting information is usually very difficult.

Families here, I think, really deserve to get some timely and reasonably accurate information about what is happening with the applications, and that in itself is often impossible.

My feeling is, again, that it does come down to resources more than anything else. There aren't many people out there dealing with this in the post in Africa. They're probably somewhat overwhelmed, and perhaps they're seeing them as cases rather than as individuals, whereas working at this end, we get to know the people, and we see each one as a person.

• (1355)

Mr. Rahim Jaffer: The only other question I have is this. I would agree with your assessment and your recommendation of a cost recovery fee. We have heard that as well from a number of people.

Through your experience from people you have dealt with, to your knowledge, are there people who know people when they are trying to come and are applying, and you factor in the cost and the delays, who...? If they do get rejected, or if there are some problems in the process of their application, do they just throw their hands up and give up, even though they would have liked to come, because of these fees? Is that some of the effect we are hearing about, that it is just so restrictive that people are not able to even consider coming again?

Ms. Judy Loo: I have not heard of people giving up because of the fees. I think that people are more likely to go to a church organization or something for help. In Fredericton there are organizations that do provide help, but we would like to use the money we are able to raise to actually provide for people who come here. It cuts into the number of reunifications we can help out with when we have to spend money this way.

Mr. Rahim Jaffer: Thank you.

The Chair: Thank you very much.

Mr. Siksay, you're next.

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

Thank you as well, Ms. Loo, for your presentation. It covers ground we have heard, but it needs to be repeated time and time again so we can have some changes made in these areas.

In relation to the story you just told Mr. Jaffer about the husband who was thought dead and not included on the application, and who then turned up, I can't imagine that circumstance, and that we are putting up a bureaucratic barrier to reuniting that family in those circumstances is so outrageous that I want to run screaming from the room. I am sure you have run screaming from many rooms about that one. It is incredible that in those kinds of circumstances we would put up some kind of barrier or not inform people accurately of the situation. I am stunned. Words fail me; I am appalled that it is happening.

You mentioned a number of other things, including how DNA testing is being used somewhat indiscriminately as a barrier. We have heard how that can often cause problems in a family in which a child was born as a result of the woman being raped and the husband never knew of that circumstance, or it happened in a refugee camp when they were separated. The child is a member of the family, but the DNA testing will show a different...I don't know, heredity, or whatever, and it causes problems.

Some people suggested the DNA testing should only be done with the mother, in any case. Do you have any further comment on that whole issue?

• (1400)

Ms. Judy Loo: I have known of a couple of situations in which the DNA testing really held up the process, and I think it also can cause problems at the family level. In one case a father and three kids came here and, because of things he didn't understand at the time, the mother and a baby were left behind in a refugee camp on the border of Kenya and Somalia. He had to be DNA-tested before they could reunite. It took two years, in that case, for the mother and baby to arrive here. She stopped believing, I think, that he really wanted her to come; that was part of the issue, and they are not together now.

We have heard numerous cases of this kind of thing happening, but it is very real. I think it also sows seeds of distrust—are there questions about who the real father is? I really think it should be demonstrated commitment that indicates whether a family should be reunited, rather than complicated and expensive DNA tests.

Mr. Bill Siksay: The circumstance you describe, of people thinking their partners have given up on the relationship—I have had people crying at my desk, saying, “How do I convince my wife I am doing everything I can? She thinks I am just living the high life in Canada and have forgotten her”. I don't know what to say to people in that circumstance.

You mentioned the need about extended families, especially in New Brunswick, for help in retaining immigrants who come here. Are there any success stories in New Brunswick that might point to that, in terms of a community that is growing or being built here in the province? I know when the minister responsible for immigration in Saskatchewan appeared, she mentioned a growing Iraqi Christian community in Saskatoon and pointed to that as an example of the kind of thing that was helping Saskatchewan retain immigrants who come to that province. Is there any similar example in New Brunswick, at this point?

Ms. Judy Loo: That's a good question. I don't know of cases of an extended family being able to make that possible.

One community I am quite close to is the Bosnian community, and there certainly have been success stories there, with people forming their own community and people deciding they want to stay here even if times are rough at certain points, because it's a good place for their children and they have formed close friendships.

Yes, in some cases there have been siblings who have come to join other siblings, and that certainly leads to more satisfaction.

Mr. Bill Siksay: We certainly have seen that in even our larger cities. For instance, there are stories about whole villages being reunited in Toronto, so that kind of policy has certainly proven itself over the years.

Thank you, Judy.

The Chair: Thank you very much.

Mr. Temelkovski.

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

I want to apologize for having to step out and not hearing your presentation, but I will read the transcripts with interest.

I just wanted to mention this. In my own family one of my aunts and her daughter were separated for about 17 or 18 years, and she found her after tracking her from country to country. She went to a door and said she was looking for Sophia. The other said, who are you? She said, well, I am her mother. Well, the other woman said, I am Sophia. They didn't know each other. They couldn't recognize each other because they had been separated when the daughter was in diapers. Subsequently they went to meet their father and husband and wanted to bring him to be reunited, and he unequivocally said he didn't have a wife or daughter, because it had been so long.

Even with what is provable by DNA, sometimes people's situations change and they deny what is the truth. In terms of DNA, do you find it's requested due to the fact that the existence of children has not been disclosed on applications, or is it just randomly ordered for other reasons? Is it used to prove they are legitimately their children, because they were not included on any papers previously?

● (1405)

Ms. Judy Loo: I'm not certain I can answer that with accuracy, because I didn't see the original paperwork.

I know of several cases here where DNA testing was required. I believe it was simply to prove the person who claimed to be an offspring of the person making the application was in fact....

In the case I mentioned earlier, this was a second wife and she was considerably younger than the husband. That's not uncommon in the culture she came from, but here, I think, that was looked at with suspicion. There were questions about whether the child was really his, but I don't think that was because he didn't make the claim originally; I believe he did.

In that particular case—maybe I'll just go a little further and this will serve to illustrate—the mother of the three children who did come here died while in a refugee camp after the application had been made but while they were waiting to come to Canada. Her daughters say she died of asthma; that's what they believe she died of. After she died, they had to start some things over again with the application, and the husband remarried within about half a year. Then they had another child, and it was another year and a half before they came. Of course, he didn't realize he had to change the information about the wife because he thought one wife could replace the other wife. He didn't realize until just before leaving that this wasn't possible and he couldn't bring her with him. That was one of the cases where DNA testing was required.

In another case the children, who actually have just come to join their father here, had been left behind with their mother, who subsequently died. So he was trying to bring the children, and that

again was a long process. I can't remember precisely how long, but it was more than two years, and it required DNA testing.

My understanding is, at this point, if someone applies to bring a child after they're already here, the DNA testing seems to be fairly routine. I know it's used much more than as a last resort.

The story you started off with illustrates that it's not science that should be showing us who family members are. It's really their level of commitment towards each other.

Mr. Lui Temelkovski: Thank you.

The Chair: Thank you very much.

One of the comments we had on the whole issue of DNA testing was that we should be culturally sensitive. Say an African family custom is that if a brother dies, the other brother takes over being responsible for the kids or what have you. Then, certainly, getting the DNA becomes a problem.

It has always seemed to me that if somebody wants to bring young family members in that situation to Canada, it's a win-win, because they get to go to school in Canada, and if we're talking about our demographics being a problem.... I think we need to take that kind of thing into account.

Thank you very much for appearing today. As Mr. Siksay said, what you said has been echoed throughout the country.

I think there's a pretty strong consensus on the committee that changes have to be made, and we have a general direction. Once we do up our report, we'll make sure you get a copy, and since this is the citizenship committee, I'll say your participation in the process certainly shows great citizenship.

So thank you very much.

● (1410)

Ms. Judy Loo: You're welcome.

Thank you.

The Chair: We'll conclude the hearing.

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