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Chair

The Honourable Andrew Telegdi

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•(1535)

[English]

The Chair (Hon. Andrew Telegdi (Kitchener—Waterloo, Lib.)): We have a quorum. I call this committee to order.

We have three notices of motion in front of us. Two of them are related and one of them is not. The motion by Mr. Siksay—and I propose to deal with that first—relates to the issuance of postage stamps. Then I'll go to Dr. Fry's motion and the other motion by Mr. Siksay, which is related.

The motion related to the stamp is:

That the Standing Committee on Citizenship and Immigration ask Canada Post to issue a series of commemorative postage stamps marking significant refugee movements to Canada, that their series begin by making the 50th Anniversary of the arrival of Hungarian refugee movements including but not limited to those from Uganda, Vietnam, Indo China and the former Yugoslavia to be considered.

Mr. Siksay, would you care to...?

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

Actually, there is a problem with the wording of that. I think something got bungled in the electronic transmittal of it.

It should be “marking” instead of “making” in the English version anyway—marking the 50th Anniversary of the arrival of Hungarian refugees, and including but not limited to those refugee movements from Uganda, Vietnam, Indochina, and the former Yugoslavia.

Anyway, it's very awkward the way it's worded, but let me just say in relation to this that around this table we know there are a number of people who were involved in these kinds of refugee movements and we know how important they have been to the development of our country and to our country's role in the world, and how, in some ways, the way Canada dealt with refugees from the Hungarian revolution was a turning point in Canada's refugee policy.

As a philatelist, I think this would be an appropriate way of marking these very important refugee movements to our country and the contributions those communities have made. That's all I want to say on this one, Mr. Chair.

The Chair: Is there anything further?

Madam Ablonczy.

Mrs. Diane Ablonczy (Calgary—Nose Hill, CPC): Mr. Chairman, I'd like to compliment my colleague, Mr. Siksay, for bringing forward this motion. I think it's a brilliant idea, as so many of Mr. Siksay's ideas are, and I just want him to know that.... He can pay me later.

Mr. Lui Temelkovski (Oak Ridges—Markham, Lib.): How much money?

Mr. Bill Siksay: The chair deserves some credit as well.

Mrs. Diane Ablonczy: I think this is excellent. This really was a nation-building event in many ways, and of course, as the motion points out, it was followed by the arrival of many others who have made a significant contribution to Canada. I certainly am fully in support of this motion.

The Chair: Mr. Lui Temelkovski.

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

I just question the name “the former Yugoslavia”. I think it's called Yugoslavia now. It's not the former Yugoslavia or this or that. There's no hyphenation of any sort.

And are there any other groups? Can Mr. Siksay enlighten us on other groups?

Mr. Bill Siksay: I think that might be up to the Canada Post advisory committee to decide if there were other groups that should be so honoured with a postage stamp, or other groups may make representation if the word gets out, but that's why it's open-ended that way, Mr. Temelkovski.

Mr. Lui Temelkovski: And the name, “the former Yugoslavia”?

Mr. Bill Siksay: It seemed to be a common formulation for that group of countries that were formerly known as Yugoslavia. That's the only reason I've used it. I hope it's appropriate.

Mr. Lui Temelkovski: I'm thinking it may be offensive for some of the groups because in that part of the world the Balkans are a little more of a bushel or basket case. Every one of their nationalities has now become a country and is recognized. It may be stated in a better way, such as Bosnia, Croatia, Slovenia, and other countries, because nobody likes to be referred to as former this or former that.

The Chair: Mr. Clavet.

[Translation]

Mr. Roger Clavet (Louis-Hébert, BQ): I think my friend Lui's suggestion regarding the motion that talks about the former Yugoslavia is an excellent one. It would in fact be a good idea to change the wording and talk about the contribution made by each of the communities — in this case, Serbian, Croatian and Yugoslavian. We should be using the appropriate terminology. So, we could say: "what is often referred to as the former Yugoslavia". I think we should refer to the communities involved using wording that is accurate, inoffensive and as broad as possible. It's important to realize that we are not talking about the former Yugoslavia, but rather of the communities involved.

• (1540)

[English]

The Chair: Thank you.

Keith.

Hon. Keith Martin (Esquimalt—Juan de Fuca, Lib.): Mr. Chairman, I'd just like to clarify whether Mr. Siksay meant India and China by Indochina. I think Indochina geographically does not represent those two countries. It represents the area between Laos, Vietnam, and Singapore. I think that's what the term Indochina refers to. But if he meant India and China, if he meant the real geographic—okay, that's fine.

The Chair: Instead of saying the former Yugoslavia I guess we could put in Bosnia-Herzegovina, Kosovo, Croatia, and Yugoslavia, except to me Yugoslavia relates now to the present Yugoslavia, whereas the former Yugoslavia relates to all the other ones. What we could so is say former Yugoslavia and Yugoslavia, possibly, just to have that clarification there, because the former Yugoslavia included Croatia, Bosnia-Herzegovina, and the other bodies. But certainly this isn't a point of contention on something we're substantially in agreement with.

Mr. Temelkovski, do you still have strong objections to using former Yugoslavia and Yugoslavia if we were to do that?

Mr. Lui Temelkovski: Yes, I do. I think Bosnia and Herzegovina, Croatia, Slovenia, Kosovo—Kosovo is part of Yugoslavia right now, so Yugoslavia would remain there—and Macedonia as well....

The Chair: So what would your suggestion be?

Mr. Lui Temelkovski: That we include—

The Chair: How about the Balkan nations?

Mr. Lui Temelkovski: The Balkan nations, Mr. Chair, would include Albania, Bulgaria, and other neighbouring countries.

The Chair: Okay. So let's go through your list. Slovenia, true, that was part of the former Yugoslavia.

Mr. Lui Temelkovski: Slovenia, Croatia, and Herzegovina, Yugoslavia, and Macedonia. We may be omitting Montenegro somewhere there. I'm not sure. There is no such country as Montenegro right now.

The Chair: Is that satisfactory to the committee?

Okay. I see committee members nodding in agreement.

Is there any further discussion on this?

Mrs. Diane Ablonczy: Mr. Chairman, just for clarification, is the mover of the motion prepared to accept that?

The Chair: Yes, he is.

Is there anybody else who wishes to make commentary on this?

We shall vote on the amendment first. All those in favour of the amendment moved by Mr. Temelkovski.

(Amendment agreed to)

The Chair: We have the main motion. I'm going to make just a very short comment on it.

I came to this country in the Hungarian refugee movement. The 50-year anniversary of the revolution will be taking place next year.

I have often talked about the dark periods of our immigration history, when we had the Asian exclusion act, the Chinese head tax, a policy of none is too many for the Jews, internments—what have you.

This refugee movement was probably the most significant humanitarian change in Canadian immigration policy. The minister of immigration at the time, Mr. Pickersgill, not too far removed in the month of November/December, personally, following the debates in Parliament, went to Austria to assess the readiness of Canada to partake in welcoming Hungarian refugees.

Mr. Pickersgill at the time—and ministers don't do this kind of thing any more—took command on the ground and made sure there were appropriate facilities to deal with the tens of thousands of Hungarians, nearly 40,000 of whom ended up coming to Canada. He directed that appropriate staff be hired and that appropriate facilities be in place to receive them.

The beauty of this is he passed over to all the other refugee movements. I'm not the only person on this committee. We have another refugee on this committee, Mr. Jaffer, and he came through the Ugandan refugee movement. I think this really signalled to the world the role Canada wished to play in welcoming refugees into this country.

As a nation of immigrants...and as one who has often lamented the cruel treatment in our past history, I think recognition of this act of generosity and humanitarianism by Canada and its subsequent involvement in us as a nation taking our responsibility in the world, dealing with refugees, is really something that we can be very, very proud of.

I thank Mr. Siksay for moving this motion, and I will make the comment that the two refugees in the House of Commons are sitting on this committee and mindful of the fact that the majority of the members of the standing committee were not born in Canada.

With that, I will ask for a vote.

(Motion agreed to)

• (1545)

The Chair: Thank you very much. The motion carried unanimously.

Let's see if we can carry this unanimous spirit into the next topic coming before us, which is again of great importance.

The first notice of motion is the one we have from Dr. Hedy Fry.

Ms. Barnes.

Hon. Sue Barnes (London West, Lib.): Thank you very much, Mr. Chair.

This is not my normal committee, but in her absence, Dr. Fry has communicated to me that Ms. Ablonczy had requested that we hear more from the witnesses today on the bill. In the spirit of cooperation, we are prepared to table this and pull this motion back at this time to hear from the witnesses, to inquire more about the elements of the bill that not only may be beneficial but could be also problematic, and very problematic.

I see this other motion, and if that is the will of this committee, I think that's an appropriate thing in that we do have the officials here, and if necessary, I think we can spend some time doing that today.

That is the information communicated to me, and I will stay here at your pleasure.

The Chair: In that case, I'll invite the officials up and we can go clause-by-clause on Bill C-283. Or do we want to...?

Hon. Sue Barnes: Mr. Chair, I think the idea is that if you did wish to deal with the other motion, that would be permissible also, and we will pull this one at this time. But it was not the intention to go through clause-by-clause at this time on the other bill. It was people wanting to solicit more information, as I understand it.

Perhaps Ms. Ablonczy can clarify.

• (1550)

The Chair: The clerk informs me that we have until November 25 to report this back. We can either deal with those motions and defer this one....

Mr. Temelkovski.

Mr. Lui Temelkovski: I would suggest and move that we deal with Bill's second motion and defer this one.

The Chair: Mr. Siksay, do you want to read your motion?

Mr. Bill Siksay: Mr. Chair, I would prefer that we actually, if we're going to hear more witnesses.... I'm not clear if Diane is asking that we hear more witnesses on Bill C-283 or that we hear from the same witnesses again. If that's the point of this, I think we should do that now. We should proceed to that now.

It wasn't my intention for my motion to come up before we had given our consideration to Bill C-283. I would prefer that happen after we deal with Bill C-283.

The Chair: Ms. Ablonczy.

Mrs. Diane Ablonczy: Yes, I think we all are in agreement that there's an issue here we'd like to investigate. I think Dr. Fry's motion suggests that the bill before us might not be the whole answer. I think she's certainly open, as Ms. Barnes has indicated, to us at least hearing from the officials and being able to explore the issue a little bit more in the context of the bill but also in the context of Bill's motions. I think if we do that, we'd be in a better position to judge how we should proceed on this particular bill.

The Chair: Okay. So you're suggesting that we hear from the officials.

Mrs. Diane Ablonczy: Yes. If you want to boil it down to its essentials, that's what I mean.

The Chair: Okay. Could we get the officials up?

Diane.

Mrs. Diane Ablonczy: Cutting right to the chase, as I so seldom do, as I understand it, the reason a fair number of visitors' visas are refused is not because we don't want people to visit but because there's a concern that once in Canada individuals with, let's say, more to gain than not to gain by attempting to stay in Canada will possibly make refugee claims or overstay their visas. So to avoid those problems, the visitors' visas are refused.

Mr. Grewal's bill and Mr. Siksay's motion before us are struggling to find some way out of that so that we can allow people to come. Of course, as MPs, we've all had a million cases in front of us of patently deserving visitors judged by the department to have some question about whether they would return under the terms of the visa.

I'm sure the department has thought about that. Mr. Jean or Mr. Cochrane, maybe you can tell us. Have you come up with any kinds of measures, as Mr. Siksay said, or bond suggestions? A lot of people in front of us have said they'd be willing to post a bond to ensure that their mother, brother, sister, niece, nephew—whoever—will go back. Is there any solution you can see to this conundrum? We want to grapple with it and come up with something.

• (1555)

Mr. Daniel Jean (Assistant Deputy Minister, Policy and Program Development, Department of Citizenship and Immigration): You probably recall when we appeared here in the spring with other witnesses, not from the government, that we expressed many concerns with the bond. We also expressed the concern that Bill C-283 as structured was not going to deal with these humanitarian, compassionate emergencies, such as funerals, weddings, and things like that, particularly funerals or medical emergencies.

Mrs. Diane Ablonczy: By the time a bond was arranged, the event would be over with. I understand.

Mr. Daniel Jean: The other problem with the bond is the bill was structured in such a way that people could come forward with a bond without even knowing if it was going to make a difference in the decision or not, because the bill is structured in such a way that it says people could go and apply and submit a bond, and then the visa officer will consider it, and the visa officer will still make a decision based on the best judgment of what he has in front of him. We may be creating a huge structure of having bonds that are not going to make a difference and we may also be creating even more anticipations and more difficulties for—

Mrs. Diane Ablonczy: Just bear in mind that Mr. Grewal made it clear he's quite prepared to be flexible. This is just his first cut at it. If there was something to do with a bond or other measures that would work better, that's what we're trying to get at here.

Mr. Daniel Jean: Absolutely, Madam Ablonczy.

In the spring, when we had this discussion with members of the committee, we offered to try to develop instructions that could deal in particular with these very compassionate situations, and we've done so. These instructions were issued in August of this year. We shared them with the committee in the letter we sent in October. As a matter of fact, if you take, side by side, these instructions and the motion from Mr. Siksay, you would see that he's taken a lot of our language. I think if I were to try to see what he's trying to do, he's trying to make sure that these instructions are codified in some way. He's asking us whether we can explore that.

So what have we done? We sent instructions to our missions in August that say when you have one of these compassionate situations, we want you to give extra care to these cases to see whether or not you can issue a TRV. If you cannot issue a TRV, we also want you to give extra care on whether or not this may warrant a temporary residency permit. By doing that, we've given instructions to our missions that in these very delicate situations, we want them to aim at being prepared to take a lot more risk.

To go back to some of the facts you mentioned before, and related to your preamble in your question, last year one of five asylum claimants in Canada were people who received a visa. There are a number of people who applied for visas, but once they came here, they certainly changed what they had in mind when they first applied. We have also a number of people who come with visas who did not necessarily claim asylum, but ended up in the irregular fashion. You also know that we approve most of these applicants. We approve more than 80% of the people who apply for a visa.

What we're trying to do is see if parts of the concerns we heard in the spring are really about these compassionate situations where there may be valid reasons for the visa officers to have concerns that the person is not going to be obligated, but it's also a really difficult situation and maybe we should be prepared to take a bit more risk. We've crafted very careful instructions around that. They were very relevant to what we said here in the spring and what other stakeholders said here in the spring, and we've issued that to our missions.

Mrs. Diane Ablonczy: I appreciate that. I think that's a good start. What about the situation, though, where it could be a legitimate visit

or it might not be a legitimate visit? An example would be somebody's young niece, who has no real reason to return to the country of origin, but might be—probably is—honest and intending to do that, but you just don't want to take a chance.

Aside from the urgent humanitarian and compassionate situations that you mentioned—and I really appreciate the fact that you made some effort there—is there any way to have a more secure or more certain regime around being able to open the door to those kinds of visits?

Mr. Daniel Jean: This is where it becomes problematic—

Mrs. Diane Ablonczy: Yes.

•(1600)

Mr. Daniel Jean: —because when you describe this kind of situation, the risk you're dealing with is so high that the person is not going to live by the terms and conditions. If you are going to use a bond as a safeguard, the bond is going to have to be very meaningful, which means you're probably talking about cash performance bonds and bonds that are going to be a very sizable amount.

We know, as of today, that people are willing to pay \$50,000 to a smuggler to try to get here. So what is going to be the magnitude of a bond to give comfort to our officers that somebody is going to be bound to their terms and conditions?

Mrs. Diane Ablonczy: Let me ask you one last question. The situation we're dealing with arose partly because of the Singh decision, which suggests that if someone is in Canada and makes a claim for asylum, they must be given due process. I think we all agree with that. The question is whether there could be a process that is more compressed than we have now.

Have you discussed perhaps making a reference to the Supreme Court about the ambit of the decision in Singh, with reference to claims arising out of things such as visitors' visas or temporary work visas, to see whether there could be some clarification that would allow a more expeditious dealing with overstays or with people who make claims having come in with another kind of visa?

Mr. Daniel Jean: The question you're asking, from a policy standpoint, Madam Ablonczy, is whether there would be a way to have an accelerated determination or maybe a system whereby the full refugee determination process is not applied for those cases that when they first approached us told us they were coming for a visit and have done that.

In theory, anything is possible. Our obligations are that for people who seek protection, we must look at their case, and what Singh says is we must hear the credibility of their case. In essence, that's what the Singh decision says. So this is consistent with our international obligations, but it becomes a question of whether or not you're going to create.... Right now, as you probably know, in our law, in our statute, we do have a faster stream like that for what we call, to use simple language, our higher-risk cases—people who are a security risk, people who are war crimes cases or crimes against humanity, people who are in organized crime or serious criminality. We are able to exclude them from the normal refugee process, and they go directly to a PRA. So there is already a process that is accelerated for some cases like that in our statute, but we must also accept that even an accelerated process, given our obligations, given due process, given all that, is a process that's going to take several months.

So is that going to act as a deterrent to a situation like the one you're trying to approach? I think it's unlikely.

Mrs. Diane Ablonczy: Thank you very much.

Thank you, Mr. Chairman.

The Chair: Ms. Barnes.

Hon. Sue Barnes: How many minutes do I have, Mr. Telegdi?

The Chair: You have seven minutes.

Hon. Sue Barnes: Thank you very much. Every committee is different, so—

The Chair: I was going by the question, so actually it should be five minutes. I'm sorry.

Hon. Sue Barnes: First of all, back when I was going through law school, I had a summer job for two years as an immigration officer, so thank you to the department. I really did learn something during that time period, I enjoyed it, and I have very good working relationships with the London office people. I think they do tremendous work, not only here in Canada but under some difficult situations overseas.

I'm a fan of the Charter of Rights and Freedoms in Canada, and section 7 has guarantees under that charter. I'm concerned about how this regulatory bill would impact on violating the charter on that provision. I would like you to explicitly state how that would happen and if you agree that it would be a violation, a fundamental violation.

Mr. Daniel Jean: If you're referring to the section of Bill-283 that suggests people should not have a right to seek protection, this would be a violation of our international obligations. This would be in violation of our current statute. There's a real issue there.

With respect to the same notion about the possibility of applying for permanent residence under humanitarian and compassionate grounds, I think what is important to understand there is that an application for humanitarian and compassionate grounds does not necessarily confer you a stay, although in practice, the longer you've been in Canada, the more you may be able to get a stay from a tribunal. By the same token, we cannot deny access to people to apply for humanitarian and compassionate grounds. In our current statute, the fact that they applied doesn't mean they cannot be removed if they've exhausted all their due process and recourses, but we cannot deny them from being able to make an application. They have a right to make that application under our statutes.

• (1605)

Hon. Sue Barnes: I know that bonds are used infrequently in Canada. There's a possibility of using them. The situation that comes to my mind where they were used on a large scale was when we had those boats landing on the coast of B.C. My information, my recollection of that time, is that bonds were utilized with all the people on the first boat and not one of them remained. They forfeited the bonds. Is that correct?

Mr. Daniel Jean: That's right. We gave the actual data the last time we appeared. We'd be happy to give it in writing again. We did not use detention on the first boat to a large scale. We used the bonds to a great extent. The default rate was extremely high.

In our last appearance, we also mentioned that where performance bonds are used in particular right now is around detention issues on enforcement. The default rate is very high, and the default rate does not even account for the fact that in the case of many people who are seen as having complied, it's because they have some status. If you were to exempt these cases, the default rate would be even higher.

Hon. Sue Barnes: I don't know how to say this diplomatically, but sometimes I think from managing the caseloads that come through our office, there's nearly.... I'll put it another way. I'll put it positively. How will you change the way people view immigration files? There seems to be somewhat of a malaise in some offices so that it's just easier to say no than to make that step. I think you're aware of it in some regions.

What can you do, as people running this department, to get the message out that there are true humanitarian and compassionate grounds to take those risks when it feels warranted, and yet hold the situation, post-9/11, that security is important to Canada, and nobody—no country—wants to be seen as having an open embrace, letting potential risks in? How do you change a mentality or a perceived mentality?

This is with my personal apologies to all those people doing good work out there who would not like to be embraced by that vast generalization, but there is a very difficult balance being made every day on files that are important to families here in Canada. It's a difficult task, but it's real and it's certainly perceived in communities inside Canada too.

Mr. Daniel Jean: What we're trying to communicate to our offices and our officers is that tolerance for risk defers to the nature of the threat. It depends on what the nature of the threat is you're dealing with. For example, if we're dealing with security cases, serious criminality, organized crime, we're trying to screen every single one out, if they pose a risk to public safety. So the tolerance for risk is zero, or we're trying to aim it toward zero.

When it comes to people who are not going to comply with the rules—what we call people who are just trying to improve their living, who apply for visitors' visas but once they come here decide to stay in an irregular fashion or decide to claim asylum and see whether or not they stand a chance—we've been very clear with our offices and our officers that we cannot operate in a zero-risk tolerance. If you operate in a zero-risk tolerance, you will be rejecting a lot of legitimate people. Through our training, through our instructions, through our messaging when we meet with managers, we're trying to reinforce this.

From a universal standpoint, I think when you look at our numbers, when you see that one-fifth of people who claimed asylum last year, and that doesn't take into account the ones who didn't claim asylum—you're talking thousands of people who received visitors' visas who did not comply with the terms and conditions under which they were issued visas—the system is probably working fairly well. It's probably working at that margin of risk where we want it to work.

I think your question is very relevant in that we want to make sure that every single office and every single officer is applying the same risk tolerance in a systematic way; that we don't have officers who are trying to aim for zero when it comes to irregular migration that does not pose a more serious threat. On that issue I accept that we need to be doing a bit more. I also accept, and the department accepts, that when it comes to particularly difficult situations like the ones we've described before, the department has to be prepared to give extra consideration to this.

That's why, when we came here in the spring, we made a commitment that we were prepared to look at issuing instructions. We did so in August. The instructions the minister issued around parents and grandparents are also another way in which we're trying to say there's a certain group of people out there with whom we want you to be prepared to take a bit more risk.

We've made some efforts. We still have improvements to make, but I think we've made some progress.

•(1610)

The Chair: Mr. Siksay.

Mr. Bill Siksay: Thank you, Mr. Chair. It seems a little out of order, however.

The Chair: We were going five.... I'm sorry, I should explain it, because Bill informed me that the officials will just go five minutes, with the way the hands are raised.

Sorry, we have you, Madam Faille, first.

[*Translation*]

Ms. Meili Faille (Vaudreuil-Soulanges, BQ): You're not going to get out of this that easily, Mr. Chairman!

[*English*]

The Chair: No. Just so we understand, we're not going from Conservative to Bloc to NDP. We're going by the way the hands were going and five minutes.

You must have been scratching your head, but I thought you raised your hand and that's why....

But I have the list, so we all know. We have Ms. Barnes, then Madam Faille, then Mr. Siksay, then Louis, then Nina.

[*Translation*]

Ms. Meili Faille: Thank you. There are two areas I would like to explore.

First of all, the Canadian Bar Association recommended establishing a new sponsorship category.

Has the Department considered that?

When the representatives of the CBA appeared, they made specific recommendations with respect to such a category.

Mr. Daniel Jean: In the spring, during discussions with representatives of the Canadian Bar Association and at the time of our appearance before the Committee, we informed them that we were prepared to consider instructions — or objectives — relating to these kinds of humanitarian cases. They felt that would be a good idea and encouraged us to move in that direction.

The comments we have received with respect to these instructions are positive.

Ms. Meili Faille: The reason I asked that question is that the Canadian Bar Association presented recommendations that it was anxious to see reflected in the Bill, if we decide to pursue our work on it. As well, it was dead set against the idea of there being a broad system of appeal for all cases involving denied visas. It wanted to ensure that if specific instructions were given with respect to family-related situations or events, that these people would also be covered.

The Canadian Bar Association also raised another issue.

There is a high level of rejection of visa applications in such areas as the arts. However, most of the people who come to Canada to perform return to their country. In Quebec, many people who come here to participate in various festivals meet their commitments. Of course, some members of this group may be slipping through, just as certain hockey players may also be slipping through.

There are other situations where speakers come to Canada as part of an inter-university exchange. In Quebec, we encourage those types of exchanges, and they probably occur elsewhere in Canada. The countries we deal with seem to have a lower tolerance level, which means that many visas are denied and that we have to get the minister involved every time.

The avenue proposed by the Canadian Bar Association — which was to establish a new category — seems quite attractive, because it would afford an opportunity to broaden the criteria and include additional reasons.

•(1615)

Mr. Daniel Jean: Ms. Faille, there are many, many risks associated with creating a new category. Let's look at what happened with the Francophone Games, for example. A few years back, there was a very high level of abandonment on the part of athletes, but even more so in the cultural area. I'm talking about several hundred cases of abandonment.

It's always the same problem when an invitation is given, whether it's for a private firm or for a festival. The organizers of the World Film Festival could tell you what we did for them two years ago. We issued a visa for a weekend in Moscow to allow the performance to take place, because the person who was initially supposed to come was a contortionist, an artist with no legal status in Europe. So, the risks for us were extremely high.

When this type of situation arises, we do whatever we can to accommodate people. We consider the status of the person or the firm, the significance of the event, and so on. We also analyze what the event's impact will be. But ultimately, we still have a duty to assess that risk.

Part of our mission is to carry out the kind of follow-up we have been discussing with respect to people who come to Canada but do not comply with the visa conditions. For example, at our mission in Beijing, we systematically verify whether people have returned. Unfortunately, the area in which violations are the highest relates to people who receive an invitation and come to Canada on business or for these kinds of reasons.

It's very difficult. We go as far as we can to give extra consideration to these invitations, but in the final analysis, it is the person invited to Canada that decides whether or not to remain here.

Ms. Meili Faille: I imagine, however, that you would still agree that no matter how big a wall we build to protect ourselves against the inflow of immigrants to Canada, people who are determined to come here will find some way to accomplish that. A good example would be all the people currently leaving the countries of the Maghreb on small boats and paying the price to cross into Spain.

Would you say that it's relatively rare for people who have left home and come to Canada not to meet their obligations?

Mr. Daniel Jean: The fact is that our geography in Canada does help. We could refer you to a number of case studies, carried out one after the other, that show that before a visa requirement came into effect, thousands and thousands of irregular immigrants were coming into the country, from such countries as Chile, Hungary — recently — the Czech Republic, and Costa Rica, which is the most recent case of all.

In the case of Costa Rica, the Immigration and Refugee Board determined last year that in almost 99 per cent of cases, applicants had no need for protection. They had taken advantage of the lack of a visa requirement to come to Canada and claim asylum, because it was a way of staying here. As soon as we began requiring a visa, that influx of irregular immigrants ceased.

Visa control in Canada remains the most effective way of preventing the influx of irregular immigrants.

Ms. Meili Faille: Thank you.

[English]

The Chair: Thank you.

Mr. Siksay.

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

Monsieur Jean, I have a couple of questions. On the policy around this that was distributed by the department in August—it's been three months now—has there been any study done of any changes? Has there been any statistical information about whether there are more folks who are getting visas as a result of this policy, or is there anything you can tell us about what's happened since that policy went into effect or was promulgated?

Mr. Daniel Jean: Not in a systematic way, and that's something we would like to do.

[Translation]

At the present time, we have information to the effect that people might have issued a temporary residence permit previously, rather than a temporary residence visa, at least in certain cases. Now, however, they have that comfort zone, knowing that they are able to issue a visa rather than a temporary residence permit, because they can take a few more risks in relation to groups of that kind.

We would in fact like to carry out a more systematic verification, but the instructions were only issued in August. So, it is still a little early.

•(1620)

[English]

Mr. Bill Siksay: Is there a process in place to do that verification, or is that...?

[Translation]

Mr. Daniel Jean: No, there is no process in place now to do that. I cannot say that there is one.

[English]

Actually, we're discussing how we could at least try to do that using samples. It's not something you'd like to do for the whole volume, but possibly something we could do it by trying to get some samples.

Mr. Bill Siksay: This policy went out on August 15. Did it just land as a memo on officers' desks, or was there some discussion or retraining that happened around a change like this that was promulgated by the department?

Mr. Daniel Jean: When we issue instructions like that, it also becomes part of our manuals, which are the tools we use on a daily basis. It becomes part of our training documents. We've actually had a lot of discussion in our training packages, and it relates a bit to Madam Barnes' question earlier. A lot of our discussions with our new officers talk about how we're not operating in a zero-risk environment when we come across people who are not bona fide. There's training around that. We have meetings with our program managers, and these issues are discussed. Of course, we say what we're trying to do to address the issue, but there is also a concern by the officer that if we push it too far, we will also have some problems, and then they will be blamed for not having played the role they're supposed to be playing according to the statute.

Mr. Bill Siksay: In the memo it talks about higher risk of non-compliance and it lists some of the kinds of considerations that would go into that. It lists low salary relative to location, limited assets, limited family ties to the country of origin. I think we've often felt as if the whole process around decisions on a visitor's visa is a very subjective one. Are there documents that outline what exactly those criteria would look like in various different countries, or is it entirely up to the decision of the officer, based on his or her own experience of those kinds of issues in that particular region?

Mr. Daniel Jean: What you're talking about is assessing bona fides—whether or not somebody's going to comply with the terms and conditions of their visa. When it comes time to assess that, what you're assessing is whether or not the person has sufficient ties to come back. Some of the things you've described there are some indicators of whether or not somebody has sufficient ties to come back.

We also have a system in place. When people receive a visa, come here, and do not comply, there's a feedback loop case by case that goes back to our missions. There are also some quarterly reports on the higher volumes that go back to our missions. Our missions are in a position to go back, look at the type of cases, and ask where it is that we seem to be having problems—where we are issuing visas and people are not complying with terms and conditions. We are trying to take a bit of a systematic approach to see where it is we can take more risk and where it is we seem to be taking too much risk.

What I said earlier, in response to Madam Barnes, is we don't yet have it at the degree of a complete actuarial model, where it's systematic, for all offices and for all officers. This is where we accept the fact that we have to do more work.

Mr. Bill Siksay: So there isn't exactly a document, say in India, that would say someone needs this much money to be a visitor to Canada—that kind of thing. There's nothing that has a local standard to that degree.

Mr. Daniel Jean: Absolutely not.

Mr. Bill Siksay: Okay. In the document, you also say that consideration is given to cultural and societal norms of family relationships. I think it is an attempt to broaden the understanding of what family actually looks like. Can you talk to me more about what that actually means in practice?

Mr. Daniel Jean: What we basically meant by that is if we had restricted the instructions only for the family members under IRPA, you may have....

I'll take my own situation. My cousin, when she was five years old, lost her mother. We raised her, and she's like my sister, but my parents have never adopted her. So you have situations like that. You have situations where there's somebody who is a close relative, not from some documentation but from the fact that they've been so closely associated with the family that if there's a death in the family, this is somebody who probably we want to give due consideration to. That's what we were trying to get at.

Mr. Bill Siksay: Will that policy, though, actually take into consideration the kind of example you give, in which, say, it isn't necessarily a normal cultural experience where a cousin would actually be informally adopted? The cousin who comes, who was informally adopted, doesn't have any documentation about that

relationship. How does that specific circumstance get dealt with in one that talks about cultural and societal norms?

• (1625)

Mr. Daniel Jean: What we're trying to do there, of course, is we're trying to say not every single cousin can come and say he or she wants to come to the wedding or the funeral. We're trying to say if somebody has been raised in the family, is close because of the fact the person is a cousin, then he or she should not be excluded from having that extra consideration.

Mr. Bill Siksay: I have one last question. It says in the document that if an officer decides that a TRV isn't possible, the case should be brought to the attention of a delegated officer with regard to a TRP. Who exactly is a delegated officer in those circumstances?

Mr. Daniel Jean: In our missions, our program managers are the delegated authorities to issue temporary resident permits.

Mr. Bill Siksay: Thank you.

The Chair: Thank you.

Mr. Temelkovski.

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

Mr. Jean, I'd like to understand something right from the beginning. When someone applies from outside to be a visitor to Canada, this bill is proposing that we have them sponsored from Canada. Is that everybody, or is that only those whose initial application was refused?

Mr. Daniel Jean: The bill is proposing that if you've been refused in the last 12 months, somebody could post a bond for you to try to give some extra comfort to the officers assessing your application. It is an extra safeguard against you not complying.

Mr. Lui Temelkovski: So we are talking about people who have been refused the initial application to be a visitor, to come and see Niagara Falls.

Mr. Daniel Jean: Niagara Falls or some other situation, yes.

Mr. Lui Temelkovski: Okay. And to my recollection, the refusals have been increasing in number over the last 10 years, somewhere from 12% to about 22% in the last 10 years or so.

Mr. Daniel Jean: They actually fluctuate. If you look at last year, the refusal rate went down. I think we're at 17%, or 16%...? We can give you the actual numbers.

I think we've given to the committee, and we would be happy to do that again, the refusal rates over the 10 years. They have fluctuated.

Mr. Lui Temelkovski: That's what I'm saying; they've been increasing, and then some years they've been going down. If we look at the numbers historically, they're up and down, but they're relatively higher from previous years.

Mr. Daniel Jean: It was 82% in 1984; in 1985 the acceptance rate was a little higher; and the acceptance rate in 2004 was 82%.

Mr. Lui Temelkovski: Yes. I have no problem with that. Out of all the refusals....

So now we're talking about people posting bonds for them. On page 3 of the bill, proposed subsection 193.1(2) reads, in part:

No person may apply under subsection (1) for authorization to sponsor a foreign national for a temporary resident visa

Subsection 193.1(3) then goes on to say:

(3) If an application for sponsorship authorization made under subsection (1) is approved, the Minister shall

And it sets out, in paragraphs (a), (b), and (c), what the minister shall do: inform the sponsor, require the sponsor to pay the deposit or post the guarantee, and issue the sponsor an authorization to sponsor the foreign national for a temporary resident visa.

Subsection 193.1(4) says:

The amount of the deposit or guarantee shall be fixed on the basis of the criteria set out in subsection 45(2).

Unfortunately, I don't have subsection 45(2) in my document here. What does it state? Is there going to be a slide rule number that will be different for people from Uzbekistan than for those from Uruguay and so on and so forth?

Mr. Daniel Jean: I'll ask Neil to read you what it says.

Mr. Neil Cochrane (Director, Legislative and Regulatory Policy, Admissibility Branch, Department of Citizenship and Immigration): Subsection 45(2) reads:

The amount of the deposit or guarantee is fixed by an officer on the basis of

- (a) the financial resources of the person or group;
- (b) the obligations that result from the conditions imposed;
- (c) the costs that would likely be incurred to locate and arrest the person or group, to detain them, to hold an admissibility hearing and to remove them from Canada; and
- (d) in the case of a guarantee, the costs that would likely be incurred to enforce it.

• (1630)

Mr. Lui Temelkovski: So it will be a fluctuating amount, based on the guarantor's ability to pay, not on the visitor's ability to pay or their standard of living of wherever they come from.

Mr. Daniel Jean: That's correct.

Mr. Lui Temelkovski: Is there a bottom and a top here, a floor and a ceiling?

Mr. Daniel Jean: That's very much part of the discussion we had in the spring. Even if the financial means of the people at stake are very low, if you put that bond low when you know that people with very minimal financial means are prepared to pay \$50,000, or do worse, because....

You know, we all are aware that a lot of the people who come on boats from China, for example, are selling their future labour. That's almost slavery. They are basically indebting themselves with their future labour to pay for the trafficking to come here.

So if people are prepared to go to that latitude and that amount of money, how minimal does a bond have to be to act as a real safeguard to improve our comfort in issuing a visitor's visa? It's going to have to be high enough. And if it becomes high enough, then it may also become something that acts as a bit of a....

Mr. Lui Temelkovski: A prohibiter.

Mr. Daniel Jean: Yes.

Mr. Lui Temelkovski: The intent of this bill is also to speed up visitors to come to Canada, I'm assuming. If that's the case, it looks like there are many steps that one has to go through: first, refusal; second, a guarantor has to apply; third, a minister has to look at it; and once it has been approved by the minister, a number of steps have to take place.

One's physical outlook doesn't tell us how much they're able to pay, obviously, so we would have to ask for some sort of financial backup for this person.

Mr. Daniel Jean: This bill cannot in any way contribute to the efficiency and expediency of making decisions. We're talking about a volume of almost one million transactions per year, of which our officers approve 84%. For the most part, 71%, the decisions are made in 48 hours or less. As a matter of fact, most of them are made on the same day.

So anything that's going to add—I hate to use this term—“bureaucracy” around managing one million transactions, with a few hundred persons, is not going to speed up the process.

Mr. Lui Temelkovski: So we all agree—

The Chair: You're way over, Mr. Temelkovski. Thank you.

Mr. Jaffer.

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

Thanks to our officials. It's been nice to have here you so often at the committee.

I have a couple of quick questions. I think you may have addressed this before, Daniel, but in terms of the bond system that's currently in place in Australia, is there something we can learn from what's worked there? Is that a system that is viable, to your knowledge? I don't know how well you know it, but it's something that was brought to my attention. It's in place and it seems to work well there.

Mr. Daniel Jean: It's in place, and compared to other countries that have tried it or contemplated it, it seems to work better. However, we need to keep in mind that they are an island, that they have complete entry and exit controls, that they are far away and not under the same kinds of pressures we are. They've also been willing to invest heavily in making that thing work. All of these things that I'm talking about require heavy investments, which have to come from somewhere.

This very often goes back to entry and exit control. It makes sense that you want to reconcile who comes in with who goes out. It makes a lot of sense when you're on an island, but with a land border, a lot of countries have tried and it doesn't work very well. The U.K. had an entry and exit control system, but when the tunnel between France and the U.K. was built, they abandoned it because it became meaningless. Now they're thinking of maybe trying to reconcile what comes into their airports with what goes out; that's possible.

So yes, Australia is probably the only country that has managed to make a bond system work relatively well, but they've invested heavily in follow-up. They know where the violations are, and they're investing heavily in enforcement.

• (1635)

Mr. Rahim Jaffer: That would have to be part of it if we wanted to try to adopt something similar.

There's something else I'm not clear on. Let's say a visitor's visa is given to somebody and they come through one of our airports. The officer there for some reason has a concern about the person and says, no, we're going to send you back. Is there a process currently where they could call a lawyer and post a bond for them to stay? And how does that work?

Mr. Daniel Jean: Yes, there is, because when somebody receives a visa overseas, the visa is a facilitation. It is not an absolute guarantee that they will be allowed to come in. When they arrive at the port of entry, if we've received new information or if they're in possession of things so that the officer determines they're not bona fide, the officer can refuse them entry or also has the option to possibly ask for a performance bond.

This is something that we used to do a lot more 20 years, 30 years ago. When we started to have the kinds of pressures with irregular migration and the asylum system being used as a channel for irregular migration, we found then that bonds for these kinds of cases are not as effective because of what we said earlier about the default rate.

The best example is probably boat number one. We tried that with boat number one in Vancouver. We put on performance bonds, and the default rate was extremely high.

Mr. Rahim Jaffer: That's why it was phased out, I guess, from 20 years or 30 years ago, since the default rate was too high.

Mr. Daniel Jean: The provision is still there, but it doesn't seem to have the result that it used to have in the past.

Mr. Rahim Jaffer: Since it's still in place, what would have to happen to make that a little more foolproof, or is it just that you're not going to be able to control the factor of default? Is that what it is?

Mr. Daniel Jean: It's the same issue we're discussing here. For a bond to be meaningful, it's going to have to be fairly high. Even at that price, I suspect there are people who will be prepared to do so.

Mr. Rahim Jaffer: Okay.

The Chair: Thank you.

David.

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

I came in a half-hour late, so I'm afraid I may have missed some of the information you've given, but give it very quickly if that is the case.

First of all, on the rate of people, the numbers of people, the percentage of people, who use a visitor's visa for illegal entry currently, have you any figure on those who disappear, come in, and simply don't leave again?

Mr. Daniel Jean: We don't have a perfect picture, but we do have some evidence. Earlier I mentioned that last year 20% of people who claimed asylum were people who'd received a visa, so one out of five. For us, it shows that at a universal level, we are taking a certain amount of risk and there are people who are not complying with their terms and conditions.

Hon. David Anderson: Is there any breakdown—and again, rough figures, of course, would have to do—or idea on the type of person who has come in on a visitor's visa and then illegally stayed on? How many of these might be truly economic, how many of these may simply be true relatives, or how many of these may be people who have been brought in for the economic reasons that you mentioned earlier when you talked about people who essentially sell themselves in future slavery, virtual slavery, once they come in?

Mr. Daniel Jean: We don't have universal data like this, but at the local level, some of our posts have data like that. For example, in Beijing they do run samples on returns and they are able to tell us, for example, what the patterns of people are who seem to be not complying with terms and conditions.

Hon. David Anderson: This is a conclusion of my own and obviously is not expert, but my fear with a system of bonds is as soon as you get into the business of providing sums of money to achieve an objective when human beings are involved, you quickly invite the attention of those who happen to be illegal. An example of that is the transboundary traffic in prostitutes in Europe where the funds of those who run houses, brothels, allow them to take advantage of bonding-type systems or funding-type systems.

I wonder whether we've had any real experience, either with respect to terrorism, with respect to illegal activity of people coming to work in gangs or illegal activity in terms of working in prostitution, things of that nature, where those with the illegal amounts of money are able to take advantage of bonding systems, either here or in your experience of immigration elsewhere.

• (1640)

Mr. Daniel Jean: Certainly our evidence, when we look at people who come in an irregular fashion by having false documents or things like that, is that they do, either themselves or by having access to people who have better financial means. It's not the most desperate people who are able to do that.

Secondly, when you look at the situation of people who have been trafficked towards the United States, particularly from China by boat, there's a large amount of evidence that these journeys were being paid by organized crime in exchange for future labour.

Hon. David Anderson: Yes, I think there is a major issue here because the ability to provide funds in large amounts is often in the hands of criminal organizations. If there is any information on this that would be helpful, I'd certainly like to see it.

I'll just give you a quick example from my own experience in China. There is, of course, a major concern in China about bogus Italian fine leather goods and things of that nature. The system has been overcome by illegally bringing Chinese immigrants into Italy, where they actually manufacture the things. So it is truly made in Italy, but in fact it is essentially done with labour that is dismally paid and brought in illegally. It is a very, very curious little vignette that stuck in my mind. To avoid this, they created an entirely illegal community in Italy so that they could justify the very low wages paid to these people but at the same time insist that the product was an Italian product. It was a minor thing that stuck in my mind, but it just gives an example of how criminal elements sometimes take advantage of good intentions.

Mr. Daniel Jean: If you allow me, when Mr. Jaffer asked the question earlier, there's one element that I should have said about the bonds at port of entry. If they happen to claim asylum after, because they're seeking asylum, we have to refund the bonds, because it's no longer an issue that they didn't comply, but they got self-protection. It's also one of the reasons why we don't use that any more.

Mr. Rahim Jaffer: I see.

The Chair: What is interesting is when we were talking about the boat people and the first boat that came from China, not one of them applied for a visa. There wasn't going to be one person, I'm sure, who was going to deal with putting up bonds for them to apply for visas.

I think it's important to bring it back to what the issue is. It's the frustration of members of Parliament who see family members refused visas for what we do not see as a good reason. This has happened a lot, and this is why you had the kind of debate you had around this issue. This isn't something that's going to decrease over time. It's getting worse.

The reality is we're getting into the ridiculous situation now that I had when I raised this issue. It haunts me every time I think about it. A young woman who was dying in this country couldn't get her mother or her sister in for the final month of her life while she was alive because they were turned down by a visa officer. Now what we have done, in being able to sponsor your parent or grandparent, is once you make an application to do that, you get multiple-entry visas. What the situation is, is somebody who has no intention of wanting to move to Canada can apply to move to Canada so they can get a multiple-entry visa. That's the situation we have created. If you applied at one point under family reunification, you were denied a visa. Now we have created a situation where as soon as you make that application, you will get multiple-entry visas.

That's the area that I think the vast majority of the committee has focused on, as well as members in the House. What really bothers me is that this bill before us isn't necessarily something that members were going to support as such, but they welcomed it because it raised the issue. We need to have discussion on this issue. Right now we have no performance evaluation in place. A visa officer in Delhi can turn somebody down with virtual impunity. Somehow we have to get some accountability framework in place.

I know we let in thousands of people on a minister's permit who have been previously refused by visa officials. I think an attempt should be made...because I have had numerous people come in on a minister's permit after I went and lobbied the minister for a great length of time. We should have enough figures to be able to take those refusals who subsequently are allowed in on a minister's permit—and Mr. Anderson asked questions about this, and I think it's something that should very much be followed up—and we could make a determination as to how many people who come in under a minister's permit end up returning. I know in the case of the ones we dealt with that everybody returned. It's these kinds of situations that frustrate us because we see people being turned down not for any particularly good reasons.

We had an immigration official gone bad in the Toronto area who was selling passports—not for \$50,000, but blank passports for \$1,000 on the street. We should actually at some point have a

discussion about that. Some of those passports were being sold to bikers, and the comment I saw in the paper that struck me—and I'd like to get that followed up—was they were sold to bikers because they're not terrorists.

We have to have a process where we can rationalize the decision-making. I think it's something the committee is going to deal with in the future because the situation has become worse and worse, and we're spending more and more of our time dealing with these cases, or many of us are. Some members don't deal with refused visas, but we do.

● (1645)

At this point, I want to ask the committee what we want to do in terms of Bill C-283. If we don't report back to the House by November 25, the bill will be deemed to have been adopted by committee. The bill will not live; it will go to the bottom of the order paper and it won't pass.

The other thing we can do is deal with Dr. Fry's motion, and adopt Mr. Siksay's motion, but also send a clear signal that we want from the officials some more objective rationale as to why mothers and sisters... I'm not interested in hearing about people who come on boats illegally to this country, who have never applied for visas. I don't think that's relevant. It's not the same as the case of a family member—my mother, my father, my sister—applying and being told that they're going to go back. There is a huge difference between those cases.

Somehow we're going to have to get some information generated out of the department, because we are going to have to try to make better decisions. In terms of the statement that, "We're denying your visa so we can protect your charter rights, in case you get here", I don't think the person who is denied the visa is that concerned about their charter rights, since they never got to be here in the first place.

So I think there is a way we can improve the system. We're going to have to get our heads around how we can do that, but we'll need real cooperation and figures from the officials to deal with the problem at hand.

At any rate, the situation we have....

Mr. Siksay.

● (1650)

Mr. Bill Siksay: I'm sorry to interrupt your train of thought, Mr. Chairman, but if you're finished...

The Chair: Essentially, that's where I'm at. I just want to see how we want to deal with this. We can let the bill go; it's not going to go anywhere. We can adopt your motion, or deal with Dr. Fry's motion.

I just think it would be useful to give some direction to the civil service that this is a priority. It's going to be a priority for future committees as well, because the problem just doesn't seem to go away. We have to come up with some kind of system that's better than the one we have.

Mr. Siksay.

Mr. Bill Siksay: Mr. Chair, I wonder if we might ask Mr. Grewal to respond to some of what he's heard this afternoon, just for five minutes or so. Even though I have some problems with the legislation they have, I do believe it was a really serious attempt to deal with a difficult situation that many of our constituents find themselves in. I just wonder if we might give him that opportunity to respond for a few minutes.

The Chair: The motion that Mr. Grewal has brought has been brought before us in previous parliaments. This problem has been ongoing.

Mr. Grewal.

Mr. Gurmant Grewal (Newton—North Delta, CPC): Thank you very much, Mr. Chairman, and I thank the officials from the ministry. As have members from all particular parties, they have risen above the partisan nature of the system in which we operate and they have focused on the issue. I highly appreciate their contribution.

Mr. Chairman, as members of Parliament, I think all members will agree with me that this is a serious issue. Our offices are inundated with volumes of work from visitors' visa issues. People come to the offices and cry about the compassionate situations they bring to our attention. I haven't found any solution for dealing with them because I cannot apply for a minister's permit for every individual, and I'm sure that other members would agree with that. I thought we should, as collective members of Parliament and the House of Commons, come up with a solution to deal with that problem. That's why I came. I highly appreciate the comments by the chair, who summarized the situation.

It's an important issue that has to be dealt with. Other countries, as Mr. Jaffer has mentioned, such as Australia, have tried it and are very successful. I have done some research on the way the system works in Australia, and they are very satisfied with the results. I know there are some objections. As I indicated, I am very flexible. I believe the system should work. It doesn't matter which clause is amended and which is not. I am flexible. I give the members an opportunity to modify the bill. You have an issue—you don't have a bill—in front of you to deal with. It's our moral responsibility, as members of Parliament, to deal with the issues.

Since it seems in the minority government we have a limited time available for us to deal with this issue, I will suggest that members deal with the issue in a fashion that makes the system efficient. If you want to deal with it clause by clause and make some amendments, I'm prepared to accept that, of course, but in case the members think this issue has to be dealt with in another fashion, other than dealing with a private member's bill, I'm still prepared for that kind of amendment or suggestion.

I leave it to the collective advice, the collective thoughts, of the members at the table. I am flexible. I will welcome friendly amendments, if there are any. On the other hand, and I don't want to repeat myself, I do want to see this issue move forward with a solution-oriented approach to avoid the political partisan approach, such as minister's permits, etc.

The Chair: Would it be fair to say that you're asking the committee to deal with the subject of the bill, not the bill itself, to

identify a serious issue and try to somehow, down the line, put more work in it? Would that be fair to say? I'm not sure if we're—

Mr. Gurmant Grewal: Mr. Chairman, that's a difficult issue. Being the father of the bill, it's difficult for me to state that, but I am focused on the issue more than on the bill. If the bill passes and gets royal assent, that's appropriate for me, but to deal with the issue is more important. I am prepared to sacrifice the passing of the bill if this issue is resolved in a beneficial manner for Canadians.

I don't know what the solution is, but I will be open to a possible solution, if there is any.

•(1655)

The Chair: Mrs. Barnes.

Hon. Sue Barnes: Thank you very much.

I've listened intently to what Mr. Grewal said, and I've been through this procedure once before where somebody withdraws their bill and is supportive of the subject matter.

I'd just like to get Mr. Grewal's thoughts on whether or not Mr. Siksay's motion sufficiently contains his desires and his process. Would that be covering it off? Maybe that is something people around this table can do cooperatively. I don't want to push this; I'm just raising it for you. And then I may want to intervene again if that's the case.

Mr. Gurmant Grewal: With due respect, Mr. Chairman, I don't know what the process is. I don't know what the alternative solutions are at this moment. If committee members are prepared to come up with a solution or an approach they want to deal with the issue.... It is a difficult process to bring the bill to this level, and I don't want to leave the issue at loose ends so that the issue is dead as well as the bill. If the issue is alive and there is a concrete solution to the issue, I'm prepared to have the bill withdrawn, but if there is no hope that the issue will be dealt with satisfactorily, then it will not be appropriate to withdraw the bill and not get any solution either.

Hon. Sue Barnes: Have you had a chance to look at his motion?

Mr. Gurmant Grewal: No, it was not sent to my office.

Hon. Sue Barnes: What I was suggesting I don't think has been sufficiently addressed. You've not had a chance to look at Mr. Siksay's motion, which covers a large portion of what you're doing.

Is it possible to give him an opportunity to look at that?

The Chair: Yes, certainly.

Mr. Temelkovski.

Mr. Lui Temelkovski: I think we all understand that perhaps the problem is too many refusals, so we field many questions in our individual offices, and we feel that our officials may be able to pass a few more visitors' permits than they are right now.

I was given statistics on the refusal and acceptance rates. It looks like the refusal rate in 2003 was 21%, which means the acceptance rate was 79%. It also looks like 82% were accepted in 2004.

Would you like to comment, Mr. Jean, on what you foresee in terms of this year's numbers? We are at least halfway through the year. Do you foresee an improvement in the numbers?

Mr. Daniel Jean: It's very difficult to predict. As I said, over the years it fluctuates.

What's important for us is that we don't reject people who should not be rejected. If we are rejecting people who should not be rejected, then yes, we have some work to do. But I have to tell you, I've served twice in Haiti, probably one of our toughest posts in the world when it comes to visa processing. I've been there as a line officer and I've been there as a program manager. If we had an officer who was totally off the system, refusing and rejecting people, he would have a conversation with his manager. The officers have discretion in assessing each individual case, but if they're systematically applying less tolerance than others, there would be issues.

Now, I also have to tell you, this is the toughest job in the world. That was my first posting, and when I got home that night, I said, "I don't know if I can stay in that job". In certain countries, you have to say no to one person out of two—for valid reasons, but it's difficult.

Mr. Lui Temelkovski: What would it take for the department's acceptance rate to go from 82% to 90%?

Mr. Daniel Jean: The real question—and you're the perfect person to ask this question, Monsieur Temelkovski, with your background—is what consequences of taking this extra risk you're willing to accept in Canada in terms of what it's going to cost us with regard to more irregular migration and more people going into asylum who should not be using our asylum system at the expense of people who really deserve protection. That's the real question.

So if you try to go from 82% to 90%, there will be huge consequences. The data we already have shows that one out of five right now who claim asylum receive a visa.

Mr. Lui Temelkovski: What I hear you say is that for those people who come on a visitor's visa, if we can somehow have them not be able to apply for asylum—and I believe this bill talks about that—they are not able to apply for asylum, they are not able to work in Canada, they are not able to extend their stay in Canada. If we take the money issue out of it, the bond issue, we might be looking at the solution to moving to a greater acceptance if we limit the asylum seekers through temporary resident visas.

Mr. Daniel Jean: There are two things here. First of all, that part of the bill is the provision that is inconsistent with our international obligation and inconsistent with our laws. The second part of it is that if we were to make access to asylum more difficult, it would not stop these people from coming; it would just mean that they would come and be part of the clandestine economy.

A perfect example of that is the United States. They are one country that tries to gather data on irregular data. They had very successful asylum reform in 1996. Their volume of asylums decreased by 50% in one year. But when you look at their census data, trying to analyze what was the pattern of irregular migration, they had the same pattern of irregular migration as the year before; the difference was that they were just not claiming asylum.

• (1700)

The Chair: Mr. Grewal.

Mr. Gurmant Grewal: Before I suggest what we can do, from my point of view, I have just a quick comment, Mr. Chairman, if I may.

This data for refusal of visitors' visas has been challenged by many people in many countries. For example, in Delhi, 23% of the people say they get the visas and 77% don't get the visas, whereas the department figures are the other way around.

My suggestion would be that since I have just seen Mr. Siksay's motion right now—I didn't have a chance to have a look at it because I was not forwarded a copy—the committee allow me to make this decision for withdrawal of the bill, if that is appropriate, after reviewing this situation, at the next meeting. I need some time to make that judgment, based on the information that is circulating. It is the first time I have been on this committee and it is the first time I have seen this motion.

The Chair: Just for clarification, you don't have the power to withdraw the bill now that the bill is—

Hon. Sue Barnes: Not at committee.

The Chair: Not at committee.

Mr. Gurmant Grewal: That's what I thought you were suggesting.

The Chair: No, sorry, you can't withdraw it. What I was suggesting was that we can let it go back to the House or just not report back to the House, and then on November 25 it goes on the bottom of the order paper. The House is going to go down, so nothing is going to happen. Then we can adopt Mr. Siksay's motion.

Also, the committee has indicated that this is a priority item, so we'll be dealing with it in a future parliament.

Sue.

Hon. Sue Barnes: Thank you very much, Mr. Grewal. I did check with the legal...and the clerk there. The only time I've done that procedure of withdrawing a bill was actually in the House, so I wanted to verify that. I didn't try to mislead you.

I must say that I, personally, couldn't support your bill in the present form or in an amended form, I wouldn't think, but I do know that you've put it here for serious consideration.

Personally, I would prefer to go clause-by-clause on it and be able to deal with Mr. Siksay's motion, if we could. That would alleviate, then, dealing with Ms. Fry's motion entirely.

The Chair: Bill.

Mr. Bill Siksay: Mr. Chair, maybe I'll make another suggestion.

I would like to propose that we amend Dr. Fry's motion in two cases. We don't have the motion in front of us, so I'll just mention what I'm thinking of doing—that we amend the reasons to include in another one that reads, "that families with low incomes may be unable to access this type of remedy"; and that before the final paragraph, before the "therefore" of the motion, we insert another "and considering" clause that says, "and considering that the committee commends the member sponsoring Bill C-283 for raising an important issue in a helpful fashion, it commits to continue to seek ways to monitor this situation and address the problems related to the refusal of temporary resident visas", so that we make that commitment formally to continue studying this issue in the future.

If we get to Dr. Fry's motion, I'd propose those two amendments, and then I'd propose that we go to the other motion that I've submitted.

• (1705)

The Chair: All right.

Mr. Anderson.

Hon. David Anderson: I certainly appreciated hearing the comment just made by Bill about low-income people. The fundamental problem I have with this bill is that it does the wrong thing in the wrong way. It lets wealthy people or people with access to funds, quite frequently criminal—and there's plenty of proof of this in the illegal immigration area—make use of a bond process. It does not deal with the honest poor person, and that is unfair. It just solves the problem the wrong way.

Mr. Chairman, I certainly agree with you. I have had plenty of experience as well with immigrant denials. In your case, you say that every one of them has turned out okay. I can assure you that I've sat in cabinet, hearing two people go at one another very hard when a cabinet minister had given a guarantee and it hadn't worked out because the person had fled. We have to consider the times when it does work out, and we have to consider the ways the bill could be misused. Otherwise we're going to wind up here—I won't, perhaps, but other members may—after another election, with another piece of legislation and other problems. I just feel the approach of making this an issue of who has money, who can put up bonds, is not the way I'd like to think the committee goes, and not the way Canada should be doing it.

I have enough problems with that fee. I just don't think we should compound it. We say we don't like the fee either as a committee, so now we go ahead and say we'd like to solve another problem with more money—or try to solve a problem, because I think we'd probably exacerbate the problem if we put in more money. That's my real concern. We're going in the wrong direction in that way.

We also have to recognize that cherry-picking things from Australia.... I know a certain amount about Australia in a number of areas because my wife happens to be Australian and I've visited the country many times. Sometimes things work because of the society they're in. Sometimes they work because of a bundle of measures. If we're going to pick out some things from Australia and not others, we have to recognize that they probably won't work in the same way or as effectively. I really think we have to be careful of moving in the direction of Australian immigration approaches, which are extremely authoritarian. That's a red flag.

I can't detail how we'd get in more trouble precisely, but I have an instinctive recoiling from following a system that is very authoritarian and strict and that has deliberately cut down on immigration. The Australians have gone down to about a third of the amount of immigration we have. I think they may have worked up a bit more to maybe half per capita. Australia is at about 70,000 to maybe 90,000. It used to have 70,000 in the late nineties, and it did so by some very strict procedures. I am concerned about saying that if it works in Australia, it will work here. So that's a warning that I put out.

Going back to the issue of the poor, we know that if we do reach a situation in which somebody wants to come in and they are a family member and they are perfectly legitimate and they have missed the system set up by Immigration Canada somehow, some of these people are going to be in the hands of moneylenders. I just don't think they're likely to have a happy time of it overall. There are going to be enough cases in which this is unfortunate.

The final point I'll make is just simply the security aspect. Once we set up yet another avenue, we have to analyze whether or not we're going to have security problems. For instance, a particular terrorist cell wishes to get a certain person into Canada. They lean on a family that happens to have relatives in, say, the Middle East and in Canada. They say to claim that a young man is their nephew. And by the way, the terrorist organizer would then say, by the way, here is the money to put up for the bond, if there's any doubt about it.

That's the type of thing I think we should also get some opinion on before we move ahead. If we open up another avenue, another way of doing things, it strikes me that under present circumstances we have to recognize that there could be security complications. I have not heard anything yet about how this would be.... Simply from my own personal experience over the years, I have heard of a good number of cases in which people have spent very large amounts of money to get into Canada, and North America generally. Some of these people may be people simply seeking a better life, but some certainly are not.

• (1710)

I am very leery about giving a money opportunity, a bond opportunity. I'm much more happy with the approach of the Honourable Hedy Fry, as suggested by Bill, where we add in some other provisions that he has suggested.

I would presume, Bill, these refer to your own motion and take—

Hon. Sue Barnes: No, it's Hedy's motion.

Hon. David Anderson: Yes, I know, but there is also a Bill Siksay November 15 motion. I imagine you've transferred some of the ideas. No, you haven't? Okay.

I would prefer to work on that, because I couldn't possibly support a bill that gave advantage to rich people and, given our experience, could potentially be misused by elements that we'd not be interested in our system.

The Chair: We're not talking about voting on the bill or supporting the bill. We're talking about trying to find a replacement that the committee can agree on.

Hon. David Anderson: Again, Mr. Chairman, if I may just finish off on that, we're talking about the bill. We have the author of the bill here. I'm just trying to be candid about where my difficulties are with the bill. If you have procedural issues, that I've somehow misspoken, fine, but I think it's perfectly okay in this committee to discuss the bill and the concerns I have with it, and to suggest that a motion may be a better way of moving.

The Chair: Sue.

Hon. Sue Barnes: Thank you very much, Mr. Chair, and I appreciate your consideration here.

I gave all the time that people wanted for the witnesses Ms. Ablonczy had. Then we had the wrap-up from Mr. Grewal. I heard what Mr. Siksay said. If you so allow, I think his suggestion of dealing with this is to go back to the motion of Ms. Fry, add those couple of things, and then that disposes of this bill.

I would like to move my motion now. I will take the friendly amendment from Mr. Siksay. I just don't know whether the clerk has it verbatim.

The Chair: We need unanimous consent to go back to that and to amend Dr. Fry's motion in that fashion. If you do that, then that would be a way of dealing with it. Then we could adopt Mr. Siksay's notice of motion. Is that acceptable?

Some hon. members: Agreed.

The Chair: All right. So you have unanimous consent to bring that back.

Do you have the amendment? Read the amendment.

The Clerk of the Committee: Yes. I'll try to read Mr. Siksay's writing. Maybe he would like to come up here.

The Chair: Mr. Siksay, would you read your amendment?

Mr. Bill Siksay: The first suggestion was to insert another reason in that set of bulleted reasons. The last one would be a new one that says, "families with low income may be unable to access this type of remedy", and then a new paragraph, essentially, a new "and considering" paragraph, to go before the last paragraph that starts with "therefore". So this would be inserted before that one. It says:

and considering that the committee commends the member sponsoring Bill C-283 for raising an important issue in a helpful fashion, it commits to continue to seek ways to monitor this situation and address the problems related to the refusal of temporary resident visas.

The Chair: All right. Is there any debate on that? If not, can we go to a vote?

(Motion as amended agreed to)

The Chair: It was passed unanimously.

That's what I meant about how we were going to deal with that. That's how I thought it was coming together.

Shall I report this back to the House?

Some hon. members: Agreed.

• (1715)

The Chair: While I'm at it, shall I report that first one we did on the stamps to the House?

Some hon. members: Agreed.

The Chair: Okay.

Now we're going to go to Mr. Siksay's motion.

Mr. Bill Siksay: I'll just speak briefly to it, Mr. Chair.

All I think I was trying to do here was reinforce the directive that's already been issued by the department and maybe try to upgrade it a little by calling for measures required to successfully engage this policy to be introduced in regulations or brought before the House. It seems to me that codifying it in some way would be very, very helpful.

What I was trying to do in that was address the particular group of people we've had particular concern for in the committee. Those are Canadian citizens and permanent residents and others who have legal status in Canada who are trying to arrange a visit with family members for very important family occasions. I think that's the area we've been consistently expressing our concern about. When I ultimately looked at Bill C-238, it just seemed to cast too broad a net and had too many questions about how that would work.

I'm wanting to give this process a chance. I want to hear how effective it's been. I hope we can get some specific numbers from the department at some point on it. In the meantime, I think it would be very helpful if the committee could reinforce this policy and call on the department to work hard at it.

The Chair: Thank you very much.

(Motion agreed to)

The Chair: Shall I report this to the House?

Some hon. members: Agreed.

Hon. Sue Barnes: It's unanimous.

Un bon travail.

The Chair: We had three motions before us today and we were unanimous in every one of them.

Hon. Sue Barnes: I should come here more often. I helped.

The Chair: You're on.

Thank you.

The meeting is adjourned.

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