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—
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Mr. Norman Doyle

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• (0900)

[English]

The Chair (Mr. Norman Doyle (St. John's East, CPC)): Our meeting will now come to order.

I want to welcome this morning the chairman of the Immigration and Refugee Board of Canada, along with Timothy Morin.

I think the last time you were here, Mr. Morin, you were acting senior general counsel, so I would imagine you're still acting senior general counsel.

Welcome to both of you. I think you know the procedure. You make an opening statement—if you have one—and generally that's ten to fifteen minutes, or whatever you require. The committee will then be given an opportunity to engage you in discussion and ask questions and what have you.

I will pass it over to you, Mr. Fleury, for your opening statement. Please proceed when you're ready.

Mr. Jean-Guy Fleury (Chairperson, Immigration and Refugee Board of Canada): Thank you.

Mr. Chairperson, members of committee, I thank you for inviting me to speak before you today.

Allow to me to introduce, as you did, Tim Morin, acting senior general counsel.

My last appearance here was in May of this year. In that presentation I provided an outline of the role of the IRB within the immigration portfolio, the work of our three divisions, and our agenda to meet the challenges of a changing environment. I described the IRB's transformation agenda and the real gains we have seen in recent years as a result of these measures. We have provided copies of my remarks from the meeting for your convenience.

With respect to the role of the IRB and our transformation agenda for the future, all that I said in May still stands. Our innovation agenda developed further over the summer, and we will continue to pursue that agenda in the areas of operations and management practices.

Today I appear before you on different matters. Since my last appearance, a deeply troubling situation has arisen regarding a member in the refugee protection division in Toronto. Last Thursday the RCMP charged an IRB member with breach of trust under the Criminal Code and a violation under the Immigration and Refugee Protection Act.

As I am sure you can imagine, this situation has brought much anguish to our organization and to me personally, as chairperson.

I need to state clearly at the outset that the courts have imposed a publication ban on this case, and I therefore must be quite circumspect in my comments to you today. I will not be able to provide any further comments on the case over and above what I tell you now in my opening remarks.

First, let me tell you what I did upon hearing of these allegations. Within hours I took decisive precautionary action to protect the integrity of the IRB's decision-making process. I immediately removed the member from his duties, withdrew the access to IRB premises, and referred the matter to the proper authorities.

My second priority was to launch an internal investigation into the member's conduct. The member has now been charged. However, legally, in our role as employer, the IRB is continuing with this investigation, as we do with any allegation that may arise. Once this investigation is complete, I will take the appropriate action. If required, more additional measures could be imposed, up to the Governor in Council removing the member from office with cause. Obviously at this time I cannot prejudge the outcome of the internal investigation.

I want you to know as well that part of the investigation will be aimed at determining if there are further measures that can add to those already in place to ensure that troubling incidents of this nature do not occur.

In the interests of due diligence, I will initiate an outside independent review of the cases heard by the member in question. Independent expert counsel will be retained to lead this review and to advise me on both the scope of the review and what steps need to be taken to address any injustices should they be found.

I want to state in clear, unequivocal terms that the IRB does not and will not tolerate any abuse of any kind. We are committed to the highest standards of ethics and to the protection of the rights of those who appear before us.

You can imagine how this allegation has affected us at the board, and me personally. We are a proud organization with a strong sense of duty and a history of achievement. Again and again the United Nations High Commissioner for Refugees has lauded Canada and the IRB for our refugee determination system.

We are entrusted with a vital role within the immigration portfolio. We carry out our mandate fully cognizant of our obligations under the law, of our duties to Parliament and to Canadians, and of the consequences of our decisions. There is no room for unscrupulous behaviour at the IRB.

● (0905)

Regrettably, there will always be those in our society willing to violate the rules and abuse the trust that has been given to them. No number of safeguards or checks will ever be able to entirely protect an organization from individuals of bad faith or character.

We know as well that the actions of individuals can also call into question the integrity of the many people who every day serve the public in a conscientious and honourable way.

It would be unjust to draw conclusions about the board on the basis of these allegations. My comments today are intended to explain why you can continue to have confidence in the integrity of the decision-making process at the IRB. I assure you that the board remains resolute in its pursuit of the highest standard of justice.

Let me now explain the concrete measures that are in place to ensure that values and ethics are embodied in the work of the board. I will provide you with an overview of the IRB's merit-based appointment system. I want to look beyond recent headlines and give you a sense of the IRB's true character and the high standards of ethics by which it functions.

The IRB has at its disposal a number of instruments that guard against ethical transgressions and conflicts of interest. The development of these instruments, the ongoing improvements to our merit-based appointment system, and the transformation agenda the board has pursued in recent years exemplify the evolution of the board from its beginnings in 1989 to the modern, sophisticated, and innovative tribunal we are today.

[*Translation*]

The IRB has its own members' code of conduct to govern the conduct of members in their professional lives. Members are obliged to adhere to the code and they swear an oath to follow its provisions and regulations.

The code states that the IRB is committed to fostering and maintaining the highest standards of professionalism and behaviour among its members. All public office holders are required to act with honesty and to uphold the highest ethical standards so that public confidence and trust in the integrity of government is preserved.

An important companion to the code of conduct is a process that enables members of the public to bring forward complaints about member conduct. In 1995, the board developed a Protocol addressing member conduct issues for dealing with complaints about the conduct of members. The process provides for an examination of all complaints with a view to promoting the highest standards of quality and to respecting the rights of all those concerned, while enhancing the credibility of the institution. As chair, I also have the discretion to take additional action should such an examination warrant it.

In addition to the Member Complaint Protocol, questions of bias and other concerns over the decisions of members can be properly

addressed through the federal court judicial review process. All IRB decisions are subject to judicial review.

The board also has a senior officer to whom any IRB member or public servant can bring forward a concern or an allegation of wrongdoing. The senior officer is responsible for ensuring that prompt action is taken in all cases and for initiating investigations when required.

Another area in which we have made great strides is the merit-based appointment process for IRB decision-makers. Two of IRB's three divisions are staffed with Governor-in-council appointed decision-makers, the Refugee Protection Division and the Immigration Appeal Division. When the board was founded in 1989 there was no formal or institutionalized mechanism for becoming a GIC decision-maker, other than being appointed by the Governor-in-council.

In 1995, the government established a ministerial advisory committee to assist in the selection of members. In early 2004, the appointment system evolved further and significant changes were made to the process aimed at eliminating the perception that patronage trumped merit in the selection of IRB decision-makers. The objective was to ensure that only the best qualified candidates were considered. In order to serve the best interests of the government and the IRB, the board was mandated by the government to implement a fully merit-based selection process for GIC appointees.

Under the new process candidates must go through an initial screening, and then write an exam to test competencies. These competency profiles test decision-making skills, judgment and analytical thinking, and other job-related capacities. Candidates are then evaluated by an independent advisory panel whose membership is representative of Canadians highly qualified in their own fields. I am also a member of the advisory panel. The panel reviews the application forms, CVs and test results to determine whether candidates should be considered for an interview.

Those who are recommended for further consideration are interviewed by a selection board, which I chair and which is composed of experts with an in-depth understanding of the IRB and its decision-making process. Structured reference checks are conducted on those who are interviewed.

Throughout this process we are seeking not only to determine who might be skilled as a decision-maker, but whether candidates meet the board's ethical standards. This is similar to the questions relating to personal suitability that are asked of applicants seeking appointment as a judge to the federal court. The interview process also demands that candidates demonstrate a grasp of ethics; the reference checks address this issue as well.

● (0910)

Since 2004, only those highly-qualified candidates who have been accepted by the selection board are presented to the minister for consideration and possible appointment.

The regular performance appraisal is another means by which the board monitors the quality of the work of decision-makers. The IRB was among the first administrative tribunals in Canada to implement a formal performance appraisal process. The process is designed to foster and maintain the highest standards of performance. It does not look at the actual decisions made by the decision-makers, but does consider factors such as productivity, analytical skills, reasons-writing proficiency and presiding skills. It is also important to note that the appraisal process looks at overall compliance with the requirements of the code of conduct.

I should mention as well that members receive training on the code of conduct and conflict of interest issues during our extensive member-training sessions.

I should now turn to the issue of vacancies at the board and the question of appointments and re-appointments. As I said during my May 29th appearance, in the absence of appointments and re-appointments, I cannot fulfil my promises to this committee on processing time and innovative reforms.

A great deal has been reported in the press over recent weeks on the number of vacancies at the board, including more than a couple of inaccuracies. Let me give you the official numbers as of today. This year, the IRB has a complement of 156 members. As of today we have 40 vacancies, which gives us 116 members.

●(0915)

[English]

I hope I have conveyed the sense of pride we feel at the IRB. I would not be this straightforward in my presentation to you today if I did not believe, in my heart, in the integrity and character of our institution. The IRB undertakes its responsibility with steadfast determination to excel in all facets of its operation. I believe we have created an environment of ethics and have instilled a sense of responsibility and obligation in all of our employees.

That is why the recent situation is so difficult; it flies in the face of everything we uphold and of our high standards of behaviour and conduct. We work everyday to earn the trust and confidence of Canadians. We are not going to let the current situation deter us from our pursuit of excellence or diminish the pride we feel in how we serve the Canadians who appear before us.

I am honoured to be chairperson of the Immigration and Refugee Board of Canada, for I know I am in the company of the most dedicated and conscientious people. We remain responsible and principled servants to the people of Canada.

That is the message I leave with you today.

The Chair: Thank you, Mr. Fleury, for your presentation.

I want, first of all, to tell committee members that we'll wrap up at about 10:40, because we have some motions and budget items that we have to go over.

So we will go to our seven-minute round of questioning.

I have just one question before I turn to committee members, Mr. Fleury. How many complaints, generally, are received against IRB members annually?

Mr. Jean-Guy Fleury: Over the fifteen years, it ranges between twenty and thirty a year.

The Chair: Between twenty and thirty complaints a year?

Mr. Jean-Guy Fleury: Yes.

The Chair: And how are complaints investigated once those are made?

Mr. Jean-Guy Fleury: With the protocol we have—and you have it in front of you, if you want to look at it—and depending on the nature of the complaint, some are dealt with by the regional office. I delegate those complaints to the regional office to look into them. If the complaint is serious, I then decide if I'm going to have someone from outside the institution look into it. I've done both.

There's an informal process. Sometimes it's the way people conduct their hearings and there's a misunderstanding, which we can clarify. Other times, it is serious. And if it is very serious in terms of conduct, I have, in the four years, asked someone from outside to review it and provide me with recommendations.

The Chair: Thank you.

We'll begin our seven-minute round.

I will go to Mr. St. Amand.

Mr. Lloyd St. Amand (Brant, Lib.): Thank you, Mr. Chair, and thank you, Mr. Fleury, for your presentation.

As I listened to your presentation, I understood that currently the board has 156 members.

Mr. Jean-Guy Fleury: It has the authority to have 156. We have 40 fewer.

Mr. Lloyd St. Amand: All right, okay. So there should be 156 active full-time members—

Mr. Jean-Guy Fleury: To meet our commitments....

Mr. Lloyd St. Amand: —and you're labouring under 40 fewer than is ideal.

Mr. Jean-Guy Fleury: Yes.

Mr. Lloyd St. Amand: And how long have those 40 vacancies been unfilled?

Mr. Jean-Guy Fleury: I caution using 40 because it is a moving number. We have people who reach 10 years and they cannot be reappointed, so that's an automatic vacancy. They never come at the same date, so we fluctuate, to answer your question. In terms of 40, this is the highest we've been, and when we have reappointments or appointments, it can affect the number. But 40 has been the highest so far.

●(0920)

Mr. Lloyd St. Amand: That is 40 unfilled positions.

Mr. Jean-Guy Fleury: Unfilled positions...with some people waiting...whether they will be reappointed or not.

Mr. Lloyd St. Amand: And you are the chairperson.

Mr. Jean-Guy Fleury: Yes.

Mr. Lloyd St. Amand: On a personal and professional basis, I presume you want to have those appointments filled as soon as possible.

Mr. Jean-Guy Fleury: Well, yes.

Mr. Lloyd St. Amand: What explanation, if any, can you proffer as to why the vacancies have not yet been filled?

Mr. Jean-Guy Fleury: First of all, being responsible for the selection and providing the minister with names, we had a continuous process that was longer than it is today. It would take sometimes eight months for me to give the minister names. Now it's down to four months.

It is a continuous process and names were given throughout. Since we've been with the 2004 regime, where I do the selection with my managers at the end of the day, it's been a continuous process of providing the government with names.

Mr. Lloyd St. Amand: You're doing that on a regular basis as vigorously and as proactively as you've done over the last two years.

Mr. Jean-Guy Fleury: As is humanly possible....

Mr. Lloyd St. Amand: I take it there is no lack of interested applicants for these positions.

Mr. Jean-Guy Fleury: Yes, there is no lack. For instance, we just did a campaign in the newspapers and that provided us with roughly 350 candidates from all walks of life, with different and various backgrounds, and representing all Canadians.

Mr. Lloyd St. Amand: So somebody in a decision-making capacity has to set about the task of getting these positions filled as quickly as possible.

Mr. Jean-Guy Fleury: I make recommendations on my needs at the beginning of the year. It's tabled in the House in terms of the need and the operational requirements, Mr. Chair, and the goal is to reach the 156. That's the objective.

In the four years I've been with the board, there was never a full complement. It was always at 5%, 10%, but now it's higher.

Mr. Lloyd St. Amand: In fact, the number of vacancies has never been higher than today.

Mr. Jean-Guy Fleury: Not in the life of the board, no.

Mr. Lloyd St. Amand: Perhaps I may turn, not to the particular incident...and I commend you for being, in your words, "circum-spect" about the topical case, if I can term it as such. What thought, if any, has been given to taping or recording any and all interviews of potential immigrants with members of the board?

Mr. Jean-Guy Fleury: In terms of the hearing?

Mr. Lloyd St. Amand: Yes.

Mr. Jean-Guy Fleury: The proceedings are recorded, but they're not visually recorded. It's a private meeting for refugees, not for appeals in immigration.

Mr. Lloyd St. Amand: For refugees.

Mr. Jean-Guy Fleury: Yes, for refugees.

Mr. Lloyd St. Amand: So it's a private meeting—a refugee with the...?

Mr. Jean-Guy Fleury: It's to protect the refugee in terms of making sure they can feel at ease to describe how they've lived and what the story is and what the issue is.

Mr. Lloyd St. Amand: But the meeting between refugee and board member is in no way taped or recorded?

Mr. Jean-Guy Fleury: It is recorded.

Mr. Lloyd St. Amand: It is recorded, but not taped.

Mr. Jean-Guy Fleury: It is not taped on video.

Mr. Lloyd St. Amand: All right.

Mr. Chair, if there's yet time, I'll defer to Mr. Wilson.

The Chair: Yes, you have about a minute and a half.

Mr. Blair Wilson (West Vancouver—Sunshine Coast—Sea to Sky Country, Lib.): Thank you, Chair.

Thank you, Mr. Fleury.

In your view, what is causing the delay from the minister or the department in making these reappointments that you say have been vigorously proactive and continually provided to the minister? If you're providing the documents, the paperwork, and the backup for him to do his job, what's causing the delay?

Mr. Jean-Guy Fleury: Governor in Council appointees are at the discretion of the government. The way the selection process on merit was designed in 2004 could change, but in 2004 the selection would be delegated to us in terms of merit and ensuring we have the best.

Once I recommend the names to the minister, I do not have a discussion. It is their responsibility. I have no say, and I shouldn't have a say. That's how the responsibilities have been shared; an order in council is at the discretion of the government.

● (0925)

Mr. Blair Wilson: If the government continues its foot-dragging on making an appointment, what's the projection for the number of shortages for the next six months or the next twelve months?

Mr. Jean-Guy Fleury: Well, you're assuming there wouldn't be any appointments.

Mr. Blair Wilson: Yes, if the last six months are any indication of the next six months.

Mr. Jean-Guy Fleury: Well, I'm hopeful there will be appointments—

Mr. Blair Wilson: As am I.

Mr. Jean-Guy Fleury: Yes.

I guess it could reach 40% of vacancies from year to fiscal year.

The Chair: Okay, seven minutes is up.

We'll now go to Madame Faille.

[Translation]

Ms. Meili Faille (Vaudreuil-Soulanges, BQ): Good morning.

I'd like to start by welcoming Mr. Fleury. It's a pleasure to have you here with us. I believe this is the third time I have questioned you on the IRB. I have some pointed questions for you, including the recent decision regarding Commissioner Bourbonnais. Criminal charges have been laid, I believe. A system and network of collaborators was brought to light.

In the committee's interest could you tell us what effect these events have had on the IRB, including any changes that have been made? You could also indicate to us through which method a refugee claimant and his counsel may lodge a complaint against a commissioner, whether this complaints procedure is public and whether it is made available on the site. Is there a committee which considers this type of complaint? How does the system work?

Also, perhaps you could tell us how many cases have been reviewed pursuant to this decision, how you communicated with lawyers and refugee claimants who may have suffered wrongs as well as who reviewed these files.

Mr. Jean-Guy Fleury: You have many questions. If I forget some, we'll have to get back to them later.

With respect to Mr. Bourbonnais, the case is before the courts. It is a serious case. If we look back to when the RCMP initiated its investigation, Mr. Bourbonnais was dismissed, he was essentially sent home. All of his cases were examined, in other words almost 900 cases. Who did that? Lawyers from the Montreal office, my office. We also looked into security procedures, or the way in which files were circulated within the office, to make sure that all confidentiality procedures related to these cases were implemented.

We were of the view that the RCMP files were those that had to be looked into in great detail. The trial did not take place but when this case was completed, RCMP officials told us which were the 22 or 23 cases they had looked into. Once again, we completely reviewed the files in order to determine whether some facts had to be looked into in greater detail. We are indeed given the discretion to reopen files in some situations, when the problem is very serious or the facts are very obvious, for instance. Once again, we were satisfied.

At the end of the day, we are a tribunal and in order to reopen cases, the lawyers involved or the department must make a request. The departmental staff also did their homework: they looked at everything, but did not make any requests regarding the reopening of files.

• (0930)

Ms. Meili Faille: Were the lawyers all notified that they could appeal Mr. Bourbonnais' decisions?

Mr. Jean-Guy Fleury: No, I don't think we got to that point. Actually, it was a matter of public record. Lawyers knew their own files. It would have been practically impossible not to have been aware of the situation.

Ms. Meili Faille: You did not publish the procedure, you did not inform the public of it.

Mr. Jean-Guy Fleury: No. To my knowledge, we did not proactively send a letter to each and every lawyer.

Ms. Meili Faille: First off, I'd like to know whether, when you reviewed the cases, it was an in-depth review or did you simply check to see whether there had been a miscarriage of justice. The

commissioner was criticized for having changed the substance of some decisions and disregarded information within the files.

What does a comprehensive review mean to you? Did you limit yourselves to what is mandated under judicial reviews, or did you do an in-depth review of the files so as to carry out a type of hearing on paper in a way?

Mr. Jean-Guy Fleury: I will defer to Tim.

[*English*]

Mr. Timothy Morin (Acting Senior General Counsel, Immigration and Refugee Board of Canada): First of all, these were immigration appeal files. Mr. Bourbonnais was a board member on the Immigration Appeal Division, so these were not refugee claims that he was sitting on.

There were just under approximately 900 files that Mr. Bourbonnais sat on at the board. The review was undertaken to see whether or not, on the record—and by the way, IAD hearings are in public and the files are accessible to the public—the evidence that was presented would reasonably support a decision that was made.

You must also understand that with immigration appeals, a likely outcome of a positive for an immigration appeal in some cases could be a stay of a removal order if those cases were removal order appeals. A stay is reviewed in three or five years, depending on the order made at the end of that appeal. Some of these files would have had a further review of a stay if it was a removal order appeal; therefore, other members might have taken on the case, and minister's counsel would have also participated. So other events would have taken place after that initial decision on that type of a case.

The other kinds of cases are sponsorship appeals, and those are situations in which it could be that a Canadian sponsor has sponsored a family member from overseas. In that situation, again the files would have been looked at to see if the evidence on the record would have properly supported that decision.

[*Translation*]

Ms. Meili Faille: Did you also review favourable decisions?

An honourable member: All of them.

So there were 900 decisions, some favourable and some not.

An honourable member: Yes.

[*English*]

The Chair: Do you want to follow up on your last question? Is it a long one?

[*Translation*]

Ms. Meili Faille: Do the commissioners whose term is not renewed get hired elsewhere within the IRB? Do you call on them to provide training? Do you consider the way in which they were first appointed?

Mr. Jean-Guy Fleury: Some commissioners work on contract and help us out with training, especially these days, given our needs.

Ms. Meili Faille: Perhaps you could send us a description of the type of training these individuals provide. Thank you.

[English]

The Chair: Maybe we'll pursue that on the next round.

Mr. Siksay.

Mr. Bill Siksay (Burnaby—Douglas, NDP): Thank you for being here, Mr. Fleury, Mr. Morin.

It wasn't under the best of circumstances that we asked you to come back, given what had happened in the Ellis case. I know that we were all shocked to hear the allegations against Mr. Ellis. It was appreciated that you took action as soon as you heard about the allegations. We are all deeply troubled now that charges have been laid in that case. We appreciate that you can't address it specifically, given the circumstances. But it is something that shakes our confidence in the system, especially when we have over the years raised concerns about the fairness of the process, in which there is only one person making the decisions. When such allegations are made explicit, it only causes us to want to revisit our concerns about the hearing process and the one-person boards.

We know that Mr. Ellis has been suspended while these charges are dealt with in the courts. Are there other board members on suspension?

• (0935)

Mr. Jean-Guy Fleury: There is another board member who is not hearing cases and has no access to the board.

Mr. Bill Siksay: Is that Mr. Lloyd Fournier? Is that the other person involved?

Mr. Jean-Guy Fleury: Yes.

Mr. Bill Siksay: Is that an unusual number of IRB members to be suspended at the same time?

Mr. Jean-Guy Fleury: Yes.

In the case of Mr. Fournier, it is not the same issue at all. It has to do with labour relations, an employer-employee relation issue inside the board. It has been investigated.

Mr. Bill Siksay: Has a decision been made in this case? You say it has been investigated. Is there a final decision?

Mr. Jean-Guy Fleury: Not a final determination.

Mr. Bill Siksay: You say you will initiate an outside independent review of the cases heard by Mr. Ellis. At what point does that begin? When will this take place?

Mr. Jean-Guy Fleury: It will start as soon as I can find an appropriate person. I am now looking at names. It's important to have the right person. Knowledge and credibility are essential. I'm not necessarily looking for someone who understands all aspects of immigration or refugee policy, but I need someone with experience in tribunal or administrative law.

Mr. Bill Siksay: When can that review begin? Does it have to wait on the final outcome?

Mr. Jean-Guy Fleury: No, I can do it soon.

Mr. Bill Siksay: Do you have any timeline for this appointment?

Mr. Jean-Guy Fleury: Once I find the person and we're satisfied, we will announce it publicly.

Mr. Bill Siksay: Do you have any sense of the number of cases that would have to be—

Mr. Jean-Guy Fleury: We're talking six years of decisions, so it will be a considerable number.

Mr. Timothy Morin: The review that this person will be leading will take the scope of it into account, so the chairperson will take advice from this person on how far the review should go.

Mr. Bill Siksay: I know you said that in the Bourbonnais case there was a review of all of the cases, and that there were 23—

Mr. Jean-Guy Fleury: There was not an outside review.

Mr. Bill Siksay: It was an internal review?

Mr. Jean-Guy Fleury: It was an internal review.

Mr. Bill Siksay: Okay.

But this is a different circumstance, given that it's a refugee board situation.

Mr. Jean-Guy Fleury: They're different circumstances, and I don't second-guess the past. I prefer that we have an independent....

Mr. Bill Siksay: Has this kind of process been engaged before concerning somebody who does refugee cases?

Mr. Jean-Guy Fleury: I'm sorry...?

Mr. Bill Siksay: Has this kind of independent review of all the cases heard by a suspended individual—with someone who hears refugee cases—been engaged in the past?

Mr. Jean-Guy Fleury: Not to my knowledge, no, but it could have been. I can only speak for the four years I've been with the board.

Mr. Bill Siksay: When Mr. Morin was addressing Madame Faillie's question, he talked about the particular circumstances of immigration decisions. I suspect that with a refugee case there could be more urgency, and it could be more problematic in the sense that someone could have been removed as the result of a negative decision at the refugee board, and this person may not be in Canada and may not be waiting for a further review—that kind of thing.

In that sort of circumstance, what are the options open to someone who may have been part of a faulty process through no fault of their own?

Mr. Timothy Morin: It's hard to speculate on the particulars, even hypothetically, because every case could be very different from the other cases. Once a person has been removed, there are other avenues by which a person may return to Canada.

Also, when there is a negative decision, there are a lot of people who do not get removed, even though they have had a "no", because they are either involved in other immigration processes or the system is going through the proper steps with respect to that person's case. So it's hard to really suppose what a person would do, had they been removed from Canada. It really would be dependent on the particular circumstances of that person in the situation. I'd hesitate to speculate in the abstract.

● (0940)

Mr. Bill Siksay: Yes. It is a worry, though, because we know that people who are making refugee claims are doing so because they fear for their lives in their country of origin. If that person has been removed because of a faulty process or where there was a corrupt process and then has no access to our protection any longer, who knows what's happened to them when they've gone back to their country of origin?

Mr. Jean-Guy Fleury: It's very serious. And not only serious—one case is too many.

Mr. Bill Siksay: You mentioned that there are two facets to a complaints process: one that's a sort of internal process whereby people within the IRB can complain, and then there's a more public process. You said you get about twenty to thirty complaints a year.

Can you break it down in terms of the number of public complaints and the more internal complaints?

Mr. Jean-Guy Fleury: Yes. I may have misled you. I'll clarify.

There are not two complaint processes. There's just the one. It's a protocol, and we've just circulated the protocol. What I was talking about is that the protocol talks about an informal stage. You may not need to build the big story, and it may be that just an interview will do it. So there's an informal stage; that's what I meant. Then, if it's very serious, I have the discretion to bring someone in from outside to give me recommendations, as we're doing in the case of Mr. Ellis.

The Chair: Thank you, Mr. Siksay.

Mr. Komarnicki.

Mr. Ed Komarnicki (Souris—Moose Mountain, CPC): Thank you, Mr. Fleury, for your outline of the process and the structure. Certainly we would like to ensure that the integrity of the system remains in place, and it's most unfortunate that the recent incident happened. It's certainly troubling, and we absolutely feel that it is a serious matter and needs serious action. I appreciate the fact that you've taken immediate steps and will be taking further steps to rectify those cases where there may have been involvement of the same individual.

Having said that, and in reference specifically to the Ellis case and the process you now have involving competency-based appointments, was that particular individual someone who had gone through a process similar to the type you now have? And perhaps you could outline what the process then was when the appointment was made and, if in fact there was a re-appointment, the re-appointment.

Mr. Jean-Guy Fleury: In the case of the present merit of 2004 that I described, the person had been with the board before then, and he was renewed before 2004. He was renewed prior to my arrival. In fairness, though, you should know that with this new process with the nine competencies, I also asked that every member be re-evaluated against those nine competencies, which is not a very popular thing to do.

Mr. Ed Komarnicki: You're talking about the existing members, specifically the members—

Mr. Jean-Guy Fleury: All the existing members were re-evaluated against the same nine competencies that we use when we recruit, and he was in there.

Mr. Ed Komarnicki: He was in the second—

Mr. Jean-Guy Fleury: He was in the second exercise.

Mr. Ed Komarnicki: Who made the appointment of the individual in question?

Mr. Jean-Guy Fleury: He would have been a Governor in Council appointee in 2000.

Mr. Ed Komarnicki: It was in 2000. That would have been under the previous Liberal government?

Mr. Jean-Guy Fleury: It was in 2000.

Mr. Ed Komarnicki: Okay. In the first appointment, the person would not have gone through the merit-based process and in the second he would have. Is that what you're saying?

Mr. Jean-Guy Fleury: Yes. Again, I am going to make the distinction. There has been a recruitment process involving the nine competencies since 2004. All the members were evaluated against those nine competencies. They were re-tested.

So he would have been re-tested in the second, but not using the same test used when he entered.

Mr. Ed Komarnicki: The first time he was appointed, what was the process then? How was it different?

Mr. Jean-Guy Fleury: Can someone give me the date?

He would have been appointed under the advisory committee to the minister, which was the system we—the government—put in place in 1995-96. I say “we” because I was executive director of the same institution at that time.

● (0945)

Mr. Ed Komarnicki: What was the process then? How were the names chosen?

Mr. Jean-Guy Fleury: There was the ministerial advisory committee, and a test was administered. The first chair of this advisory committee was Mr. Fairweather. The second chair was Mr. Poulin. Every member on the ministerial advisory committee was appointed by the minister—it wasn't ours—at that time, and they also conducted the interview. The chair was not part of the interview. The chair was involved only at the end of the process when all the interviews were reviewed.

Mr. Ed Komarnicki: What are the strengths in the system you have had since 2004 that weren't there in the previous system, or what were the weaknesses of the previous system?

Mr. Jean-Guy Fleury: I have a bias. I really believe in what we do. What's the major difference? Well, it's not an advisory committee of the minister. The people who conduct the interviews are people who do the work every day, who understand the pressures, the issues and the requirements. I find that at the end of the day I come in front of you and I'm accountable for the performance of that board. In the old system, the chair had no say in who was being selected. Now I have an influence. I don't have the say of who's appointed, but I certainly influence the quality of the people who are recommended.

Mr. Ed Komarnicki: Certainly the people go through a process in which they're questioned verbally, they're given tests, and they're examined by peers and those who have some legal experience and by you before they ultimately get to the place where they're considered for appointment, a process somewhat unlike that of the previous system.

Mr. Jean-Guy Fleury: There's no doubt it's a golden bar that we've put in.

Mr. Ed Komarnicki: Now, Mr. Bourbonnais, who was mentioned previously, also was an appointment made some time ago and outside of this present process—

Mr. Jean-Guy Fleury: Mr. Bourbonnais would have been appointed when there was no process.

Mr. Ed Komarnicki: Similarly, do you know in what year that particular appointment was?

Mr. Jean-Guy Fleury: Again, I'm going to go from memory. I think Mr. Bourbonnais was a ten-year member. I'm looking at a former member, so I'm sorry.

Mr. Ed Komarnicki: There was also mention of Mr. Lloyd Fournier. Did he go through the process?

Mr. Jean-Guy Fleury: He would have gone to the advisory committee of the minister.

Mr. Ed Komarnicki: And he would not have gone through the present process.

Mr. Jean-Guy Fleury: He would not have gone through the present process.

Mr. Ed Komarnicki: Do individuals who are now coming due through the re-appointment process have to go through the new process that you established in 2004?

Mr. Jean-Guy Fleury: Let me be quite clear. Every member I recommend who is already in place is evaluated against the same nine competencies. There's a performance evaluation that I provide to the minister when I recommend favourably and that I provide to the minister when I recommend unfavourably.

Mr. Ed Komarnicki: But they don't go through the same process an applicant would—

Mr. Jean-Guy Fleury: No.

Mr. Ed Komarnicki: In terms of applicants who go through the competency process that was established in 2004, have you ever gone through a process to obtain as broad or as wide a pool as happened most recently where an advertisement was placed in regional and national newspapers to obtain the number of candidates that you suggested?

Mr. Jean-Guy Fleury: I'm told it was done, but I don't remember when.

In 1992-93, it probably was done. But since 1992-93, we haven't gone to the newspapers because the website was being used and we were getting sufficient candidates. And it is expensive.

But, at the same time, we just did it, and I think it's the best way to do it.

The Chair: Okay.

We'll have to wait for the next round because we're fifteen seconds over. That completes our seven-minute round.

We will now go to five-minute rounds. I'll begin with Blair.

Mr. Blair Wilson: I'll turn my time over to Madam Folco.

[*Translation*]

Ms. Raymonde Folco (Laval—Les Îles, Lib.): Thank you, Mr. Chairman.

Good morning, Mr. Fleury. It is a pleasure to see you again. I am indeed a former IRB commissioner. I don't know if I will have enough time, but I have three questions to ask you.

First, in the Bourbonnais case, another commissioner was involved. To my knowledge, this other commissioner was never found guilty of anything. However, his career, at least on the board, was cut short when his name appeared in the papers, etc.

Without naming any names, did the commission do anything at all to redress for the damages to his career?

• (0950)

Mr. Jean-Guy Fleury: You are right, the second person stopped hearing cases until the completion of investigations.

Ms. Raymonde Folco: Of course, it just so happened that these investigations were completed after the end of this person's term, so that this person's name has never been fully cleared. Do you intend to rehire this person, given the fact that there was no wrongdoing?

Mr. Jean-Guy Fleury: If this person wanted to return to the board, they would have to go through the selection process.

Ms. Raymonde Folco: In other words, there was absolutely no mechanism within the board to reinstate this person, despite the fact that the RCMP had absolutely nothing on him.

M. Jean-Guy Fleury: You are right.

Ms. Raymonde Folco: My second question has to do with the extension of mandates for sitting commissioners whose term has ended. The system you've just described sets out nine competency criteria.

Have you considered reassessing individuals based on their competency once their term has ended, so as to be able to extend their terms and ensure some continuity within the commission?

Mr. Jean-Guy Fleury: The nine competencies form a basis for the recruitment process and were established by the commissioners themselves with the support from a human resources firm. We wanted to determine whether or not the individuals that had been recruited had the required skills. Commissioners took part in this exercise, which was approved by management.

Ms. Raymonde Folco: How do you explain the fact that some commissioners were not reappointed despite the fact that they had received excellent evaluations during their terms?

Mr. Jean-Guy Fleury: Allow me to finish...

Ms. Raymonde Folco: I only have five minutes.

Mr. Jean-Guy Fleury: All commissioners had to be assessed as to these nine competencies over a six-month period. When I recommend to the minister that someone be reappointed, I do so based on these nine criteria.

The reasons for which individuals do not get reappointed is not within the chairperson's purview. Once a recommendation is made, the minister decides whether or not to reappoint a commissioner. If a person is reappointed, it is done through an order in council.

Ms. Raymonde Folco: Take for instance a commissioner who had gotten an excellent evaluation and good marks with respect to the nine competencies. Despite all of that, the minister may not want to — and I do mean want — to reappoint an individual.

Mr. Jean-Guy Fleury: You are right, but that has only been the case for the last fifteen years, ever since we have orders in council appointments.

Ms. Raymonde Folco: To me, a more fundamental issue is that of having one commissioner instead of two and one level of appeal. When I was a commissioner on the board, towards the end, they were two commissioners hearing refugee claims. The system was changed for reasons we are all aware of. I will not get in to the details of that now, which we all know.

We now have legislation calling for a level of appeal, and the mechanism which was supposed to be established meant that we went from having two commissioners to only one. Not only is this not a step forward, but it is actually a step back.

Allow me to digress. When the board was created it was decided that two commissioners would be appointed in order to create a balance and avoid cases such as Mr....

• (0955)

[English]

The Chair: That's five and a half minutes. But you could clue up your question, Madam Folco, and we'll go to Mr. Fleury for an answer, even though we're almost at six minutes.

Go ahead. Clue up your question, please.

[Translation]

Ms. Raymonde Folco: Would you be in favour of returning to the former system involving two commissioners who would hear cases and also two levels of consideration? The first level would consist of a study on paper to determine whether a case is complicated. If so, you would move to the second stage by going before a commissioner. What do you think of that?

Mr. Jean-Guy Fleury: I think that is a political matter. It is up to the government to decide that. As Chair person, it is not up to me to express an opinion, unless the government asked me to. It is incumbent on government to decide whether or not there should be one level of appeal or two commissioners.

[English]

The Chair: That's almost seven minutes. The chair will have to be more vigilant.

Ms. Raymonde Folco: I thank the chair for his generosity.

The Chair: You're very welcome.

Mr. Devolin.

Mr. Barry Devolin (Haliburton—Kawartha Lakes—Brock, CPC): I look forward to similar treatment, Mr. Chair.

The Chair: We will see.

Mr. Barry Devolin: Mr. Fleury, thanks for being here today.

You said the recent decision to place public ads looking for potential board members was a good idea. You've been on the board for many years. Have you previously recommended to the government or the minister that they ought to do this?

Mr. Jean-Guy Fleury: No. It was the government that felt it might be the way to go. And it turned out to be the way to go.

Mr. Barry Devolin: Right, as opposed to what happened previously, which was that the potential appointments came from... where? If it wasn't publicly communicated that these were available, where were they coming from?

Mr. Jean-Guy Fleury: There was a website on my site. We have a secretariat, and people apply through the secretariat. They used to apply through ministers or members of Parliament, and they would be sent to us to apply. The interest would be from all over. But all requests for interest come through the secretariat, which reports to me.

Mr. Barry Devolin: We've just heard—and it's something I didn't realize—that this notion of publicly advertising to find potential candidates, so not pre-screening them or making the opportunity well known to some but not generally well known, was actually done in the past, in 1992-93, which of course is an interesting date. The government previous to the previous government was in charge at that time.

Mr. Jean-Guy Fleury: I can just confirm the date.

Mr. Barry Devolin: I think it's fair to say there's a sense out there that the road to getting an appointment on your board for the past ten years or so has been largely a partisan process, and it wasn't equally open to all Canadians. In fact, there was a preferred route.

Can you explain the advisory panel that was in place prior to 2004? Who was on that? How did that work? What criteria were used to bring those names forward?

Mr. Jean-Guy Fleury: I'm at a bit of a disadvantage, because I worked under that regime for...well, I came in 2002, so I worked about a year under the previous format.

The advisory committee to the minister did the interviews through some criteria, and there was a test. That came to a final group chaired by Mr. Poulin, who was appointed by the government. There were people appointed by the government in the advisory group. I was the chair, and I was only one vote.

Mr. Barry Devolin: Right.

So Mr. Ellis was appointed prior to 2004. He was appointed in 2000, correct? So he would have come through that process?

• (1000)

Mr. Jean-Guy Fleury: Yes.

Mr. Barry Devolin: Prior to the recent incident, you said, in 2004, when the new process was put in place, those principles were retroactively applied to those who were already on the board.

Mr. Jean-Guy Fleury: The competencies, yes.

Mr. Barry Devolin: So those competencies were applied to Mr. Ellis, and he must have passed—

Mr. Jean-Guy Fleury: He did.

Mr. Barry Devolin: —or he would have been terminated at that time.

Mr. Jean-Guy Fleury: Yes.

I should qualify here that I don't have the power to terminate; I just have the power to recommend.

Mr. Barry Devolin: Right. But did you recommend that he be terminated when he went through that process?

Mr. Jean-Guy Fleury: No, I didn't. It was done prior to my arrival.

In fairness to the individual, he had passed the nine competencies.

Mr. Barry Devolin: Right. But in the broader question of reappointments, I think it's clear that the process of how you get on the board has changed. I think we would all agree that if it's more qualification, more objective, that's a good thing, as opposed to the murky process that existed before that.

Is it not also fair to say, though, that the government has some obligation for extra due diligence in terms of those who were appointed initially under that process and who now are coming up for reappointment? I mean, if this conversation with Mr. Ellis hadn't been recorded, I presume his name would have been coming forward in the near future for reappointment.

Mr. Jean-Guy Fleury: But I would distinguish two things here. In terms of ethics behaviour like the kind we just saw, I don't have a process that would have captured that. The person had a good file. He was a good member, to my knowledge and to the knowledge of everyone, in terms of what he did. So I don't want to prejudge.

The Governor in Council appointees belong to the government. The government could abolish what we do now. It's the government's prerogative.

Mr. Barry Devolin: I think there's a sense that in the case of Mr. Ellis, probably his political background was what actually got him on the board in the first place. I think we all agree that we've moved beyond that.

As my specific question, do you not think it's incumbent on the minister and the government now to take extra due diligence before they either appoint new members or reappoint existing members? And if that means, in the short run, there's a bit of a shortage of staff, do you not think that's the appropriate course of action as opposed to moving more quickly?

Mr. Jean-Guy Fleury: I think it's the government's prerogative. I have no opinion to offer there.

The Chair: Thank you.

Madame Deschamps.

[*Translation*]

Ms. Johanne Deschamps (Laurentides—Labelle, BQ): Welcome and thank you for being here today.

I would like to ask you a few questions to follow up on Ms. Folco's remarks.

I would like to know whether the current government consulted you regarding the setting up of an appeal's division and if so, when. I

would also like to know if you share your predecessor's views on the appeal's division.

Mr. Jean-Guy Fleury: I will try to answer your question as honestly and directly as possible.

The government is consulting me over how much time the procedure would take should any appeals be lodged in light of the legislation, how much it would cost and what sort of mechanism, methodology and recruitment process would be put in place. They are the types of issues the government consulted me over. I actually think that I discussed the time and money this would require at my last appearance. Of course, my opinion is sought on this type of issue because we are the ones who will be called upon to manage the appeals system.

As far as determining whether an appeals procedure is relevant or not, I do not think it is the role of the chair of a tribunal. I think that it is more a political decision. So, it would be up to the Deputy Minister or the Minister to make a decision.

Ms. Johanne Deschamps: Could the current shortage of commissioners be used to justify holding off on the establishment of an appeals division?

Mr. Jean-Guy Fleury: That is a hypothetical question. I can only answer concrete questions.

Ms. Meili Faille: Let me come back to the protocol issue.

Does the protocol apply to the PRRA officer and to the officer reviewing applications on humanitarian and compassionate grounds?

Could you give us an idea of the number of files being processed? I think there is a backlog.

Do prosecutors and attorneys often make complaints about commissioners requesting that another commissioner review their client's application? And on what grounds would such a request be made?

•(1005)

Mr. Jean-Guy Fleury: As I said earlier, the protocol provides the framework under which members of the public's complaints about the alleged behaviour of a commissioner may be dealt with. This does not involve any review of an application or its merit.

Ms. Meili Faille: Is the PRRA officer, or in other words the person conducting the pre-removal risk assessment, subject to a protocol or a code of ethics?

Mr. Jean-Guy Fleury: I could not say. We are talking about a departmental employee.

Ms. Meili Faille: What system exists when someone files a complaint?

We know that 99.36% of applications are denied. Is there some way of appealing these decisions?

Mr. Jean-Guy Fleury: I do not know how the department works, but I am familiar with the mandate you are describing and the duties therein. However, I really do not know if there is actually a complaint system because that is not within my purview and has nothing to do with the protocol I submitted to you.

Ms. Meili Faille: So you do not know whether the department has some sort of complaint mechanism.

Mr. Jean-Guy Fleury: I have no idea at all.

Ms. Meili Faille: The reason I want to know this is because it would constitute the next logical step. When the board denies people's applications, the fact that there is no appeals section to determine the merit of a case, the only remaining recourse is a judicial review.

Now, when it comes to judicial reviews, judges say they are not mandated to carry out an in-depth review of most cases, and that a decision may be reviewed, but that it is not within their purview. The fact that the government, be it Liberal or Conservative, does not have an appeal section has an impact.

In most cases, the same person holds the position of PRRA officer and officer in charge of reviewing applications based on humanitarian and compassionate grounds. Apparently there is currently about 15,000 files held up at stage 1 of the process which, overall, takes the Department three years to complete. You may not be able to answer that question, but the fact remains there are direct consequences associated with the lack of an appeals division.

[English]

The Chair: You can answer, sir.

Mr. Jean-Guy Fleury: I don't think you expect an answer. It was a departmental issue.

[Translation]

Ms. Meili Faille: I am sure you understand that...

Mr. Jean-Guy Fleury: You are making a connection with the appeal.

[English]

The Chair: Thank you.

Go ahead, Mr. Komarnicki.

Mr. Ed Komarnicki: Mr. Fleury, as I review a lot of the questions, I find that many of the problem situations we have, such as Mr. Ellis and others, have been previous appointments made by the Liberal government. I think Elinor Caplan was minister then. There was Lucienne Robillard. We talked about the Bourbonnais case. We've also talked about Fournier. Mr. Denis Coderre was the minister at that time.

I think the common theme that devolves from all this is that at that time, those appointments were made for various reasons. They were outside, obviously, your control, but were outside the process that was established in 2004, I suppose, to take issues like patronage out of the question and make it more an issue based on competence and the ability to serve in the position. Is that correct?

Mr. Jean-Guy Fleury: Yes.

Mr. Ed Komarnicki: Secondly, having said that, the issue is to get as broad a pool of people as possible who are competent and qualified to serve in a very important capacity. And to that extent, this government has done something that hasn't been done since 1992, and that's advertise broadly to get as big a pool as possible from which to select. Is that correct?

Mr. Jean-Guy Fleury: Correct.

Mr. Ed Komarnicki: In your mind, is that a good way to proceed, and in fact the way the board process should go in looking at these

appointments to prevent the kinds of things we've seen happen in the past?

Mr. Jean-Guy Fleury: Mr. Chair, I really have to take time here to explain a bit. I've been 41 years in the government, 38 of which was in human resource management. I've done executive recruiting. I've been involved in all aspects of labour relations. Then you go back to competencies and merit systems.

When I was asked if I was interested to stand for the position, I made a point to indicate that when I was executive director eight years ago, one of the biggest problems we had was credibility with Canadians because of the politicization of the board and the way the appointment process ran, the selection. So I indicated that they should go to a merit-based system.

What I want to share with you is that, to me, it was fundamental that a high-quality competency, with no political interference of the selection process, was fundamental to the success, the credibility, and the competence of the board.

● (1010)

Mr. Ed Komarnicki: Mr. Fleury, is it fair to say the present minister agrees with you wholeheartedly and is taking the position that competency and merit are the issues?

Mr. Jean-Guy Fleury: It's fair to say.

Mr. Ed Komarnicki: Now, in terms of the facts of what happened, in this particular case, the Ellis case, and others, they are beyond sometimes the process itself, and they are most unfortunate. It happens from time to time. In your system, one of the issues, of course, is not only professional standards or quality, but also discipline and a discipline process when you find those are out of order.

Do you have a discipline process? What is it in the case of the most recent Ellis matter? What's the process?

Mr. Jean-Guy Fleury: We gave you the protocol and the code of ethics conduct.

In the case of Mr. Ellis, again, it was obvious it was unacceptable behaviour, independent of whether I knew all the facts, and I am still working on that. It was unacceptable, and I immediately proceeded to use the only power I have, because I can't suspend; the government can suspend, and the government can rescind Governor in Council appointees. What power I had, I took, and that was to stop this person from hearing cases, to not have access to the premises. That's what we did. I'm not missing the instrument; I'm missing the power in the sense of the power to exercise discretion in terms of discipline.

Mr. Ed Komarnicki: Do you have the discretion or power to decide when you suspend whether the member continues to get paid or not, and is there a process to develop that?

Mr. Jean-Guy Fleury: I don't have the power to withdraw a salary from an individual I send home. That would be called a suspension. What I've done is rescind his capacity to exercise his function.

I'm sorry. Am I too long in the answer?

Mr. Ed Komarnicki: No. That's fine. Thank you.

The Chair: That was exactly five, so we'll go to Bill.

Mr. Bill Siksay: Thank you, Chair.

Mr. Fleury, I wonder if you could tell us how many people are currently before the panel. What's the pool that the advisory panel is looking at in terms of their considerations?

Mr. Jean-Guy Fleury: That's advice to the minister. I don't have that liberty. We are sending names to the government; there's a pool.

Mr. Bill Siksay: There is a pool at the present time.

Mr. Jean-Guy Fleury: Yes.

Mr. Bill Siksay: On the question of the advertising program, was that an initiative of the government or was that an initiative of the IRB?

Mr. Jean-Guy Fleury: It was an initiative of the government, and the minister, in our discussion...there was a concern that maybe by limiting ourselves to self-identification, if we did it publicly more often we would draw more, wider, and I agree.

Mr. Bill Siksay: You said you couldn't say how many people were currently before the panel. How many people are currently before the government who have been recommended after the panel process?

Mr. Jean-Guy Fleury: I thought you were asking about how many people I would have referred for appointment. That's the pool.

Mr. Bill Siksay: That was going to be my next question.

Mr. Jean-Guy Fleury: That one is advice to minister. The people coming in front of us...there are 300-and-some who have applied. Once we screen for the basics, they will come in front of the panel. The panel will sit in two to three weeks from now, and we will look at the results of the test, we will look at their application, we will look at their track record. The panel—and I'm there for discussion purposes—will recommend the people who should be interviewed.

Mr. Bill Siksay: So all 300 would take the test and go to the panel?

Mr. Jean-Guy Fleury: We screened out 45, so 300 will end up in front of the panel for consideration.

• (1015)

Mr. Bill Siksay: You've expressed some frustration about the number of vacancies you have on the board at this time.

Mr. Jean-Guy Fleury: I wouldn't say "frustration". I expressed the facts.

Mr. Bill Siksay: It sounds like frustration when I read it in your statement, but to whom do you express that in the government? Who gets that directly? To whom do you express the concern about the vacancies on the board and the ability of the board to do that job?

Mr. Jean-Guy Fleury: I meet with the minister—not often, but I do meet with the minister. We talk about my requirements and we talk about the need for appointments and reappointments. It's discussion about the state of the union within the board, and it's a good dialogue.

Mr. Bill Siksay: And how many appointments and reappointments have been made since February 2006?

Mr. Jean-Guy Fleury: There have been eight recruitments and twelve reappointments.

Mr. Bill Siksay: So there were eight new people and twelve were reappointed.

Mr. Jean-Guy Fleury: Eight would have been selected from the people we qualified and twelve would have been reappointed.

Mr. Bill Siksay: When you were last here, you said you had hoped to be able to report that the backlog was under 20,000 cases.

Mr. Jean-Guy Fleury: Yes.

Mr. Bill Siksay: You said it had been consistently around 20,500 or 20,300.

Mr. Jean-Guy Fleury: After I left, we reached 19,800.

Mr. Bill Siksay: Is that what it currently is then?

Mr. Jean-Guy Fleury: No, it's 20,500, and we'll probably end up at 24,000 to 25,000 in April at the rate we're going.

Mr. Bill Siksay: So the backlog is rapidly increasing again then, eh?

Mr. Jean-Guy Fleury: Yes.

Mr. Bill Siksay: In your opinion, is that directly related to the absence of new appointees on the board and to the number of vacancies?

Mr. Jean-Guy Fleury: Yes, because our productivity has not changed.

There are two boards on which backlogs are developing. There's the appeal side, where we're now at 9,000 and will possibly be at 11,000. Anything can happen.

Mr. Bill Siksay: You said two sides, the appeal side and the...?

Mr. Jean-Guy Fleury: The refugee side numbers were the first numbers I gave you, and on the appeal side I'm giving you the...

Mr. Bill Siksay: Got you. Okay.

Thank you, Chair.

The Chair: We'll go to Mr. Komarnicki again, and then over to...

Mr. Ed Komarnicki: Mr. Fleury, once again, from what you've indicated, it's good to know that reappointments and appointments actually have been made—twenty out of sixty positions, or about a third, in my estimation.

Given the fact that we want to be sure we get it right this time in terms of selecting the best people available for the job, you do want to take some time in the appointments to make sure you have the right people, that they've gone through the process, and that due diligence is in fact taking place. Wouldn't that be a fact?

Mr. Jean-Guy Fleury: Yes. I do invest in the selection process, and a lot of people invest in it with me.

Mr. Ed Komarnicki: The other thing you have to realize is that when there's a transition in governments, there's another issue on top of that. I can think of when the Martin-Chrétien transition took place. I would take it there was some extra time required for appointments.

Mr. Jean-Guy Fleury: I reported the last time that every time there's a transition of government—or transitions—the appointment process is affected.

Mr. Ed Komarnicki: Having said that and having regard for the fact that we have a new process in place that screens out people and goes through certain qualifications and so on, can there be something done that would make your process quicker, faster than what you now have to even produce the names for the minister for appointments? How long does the process take from start to finish?

Mr. Jean-Guy Fleury: It was longer because it was a continuous process as opposed to a campaign. When we do a campaign like we did recently, we will be able to provide names to the minister as soon as we can get them, but it will take about four months.

Mr. Ed Komarnicki: It takes about four months from start to finish for this process.

Mr. Jean-Guy Fleury: Executive search firms will take that, and executive staffing in the federal government is six months.

Mr. Ed Komarnicki: So four to six months is the process itself, without anything happening in terms of the appointment.

Mr. Jean-Guy Fleury: No, I don't want to mislead. We won't wait until the 300 have been interviewed. We will give the government people as we progress and as I qualify them.

Mr. Ed Komarnicki: But to get the widest possible pool and the greatest competency of people, it takes a process of four to six months.

Mr. Jean-Guy Fleury: I said four.

Mr. Ed Komarnicki: Okay, four months. Is there any way you can improve on that? In terms of when the applications come in, can you do something practical that would get that process into a narrower window of, say, thirty days or sixty days?

Mr. Jean-Guy Fleury: If you want selection, you can have it in one day. I'm not being facetious when I say this. What I'm saying is, could you improve on what we're doing? It's subject to evaluation. We said we would evaluate it. The government said, and I agree, that we would evaluate after two years. I didn't proceed with the evaluation because I thought, when it was declared there would be a commission on merit, that group could do the evaluation far better than I could.

Can you improve it? If you want to put people in full-time and double your costs, you can improve.

• (1020)

Mr. Ed Komarnicki: Having said that, the people you have involved in the process, particularly on the advisory panel that does a lot of the screening...we had talked about their qualifications and who they are. Perhaps you can give us the background of their occupations and so on.

Mr. Jean-Guy Fleury: I'm going from memory without naming names, but it's all on the website. There is a university professor in Edmonton who teaches public law and was a former member; a former assistant deputy minister of immigration who has a long-standing high reputation; the former president of the Canadian Council for Refugees; Mr. Ron Ellis, who was a chair of a tribunal in Ontario, now known as the Workplace Safety and Insurance Board Ontario—he has a doctorate, is a specialist on tribunals, and has run

a tribunal; and Beverly Nann, former president of the Vancouver Asian Heritage Month Society.

I've tried as much as possible to have people of different backgrounds. The person who presides, and was elected from among themselves, is a former assistant deputy minister of human resources and has worked in human resources in the private sector.

Mr. Ed Komarnicki: You've got quality people in position to do the screening. Having said that, and as we mentioned before, in all the good work you can do there still will be bad apples who will do bad things that you need to deal with through the disciplinary channel.

Mr. Jean-Guy Fleury: I must say there is a service to the public.

The Chair: Thank you.

Blair, please.

Mr. Blair Wilson: Thank you, Mr. Chair and Mr. Fleury.

I'm trying to understand what my Conservative colleagues here don't get about the recruitment process. The recruitment process—as in business, if they've ever run a business—is on a continuous basis. You've got people coming in, people going, you search for new people, review their applications, and you keep the process going. I would assume this is what this department has been doing for the last number of years. Correct?

As well, I draw their attention to the merit-based approach initiated in 2005 under the Liberal government. This process has been ongoing since 2004, and what we have, and what I'm witnessing right here, is a logjam at the minister's level. The process and the department keep moving along and keep providing the government with different potential candidates, and over the last nine months it's created a forty-person vacancy that, as you say, is going to result in an increased backlog in both the appeal board and the refugee board.

Is that correct?

Mr. Jean-Guy Fleury: I stand by the numbers. They're based on projections of the number of people I have.

Mr. Blair Wilson: One other question. How often do you meet with the minister and how often have you met with him over the last nine months?

Mr. Jean-Guy Fleury: I don't count, but I've probably met with the minister about eight times.

Mr. Blair Wilson: He is well aware that the shortage is going to cause a crisis in the system and the backlog will only get worse if he keeps dragging his feet.

Mr. Jean-Guy Fleury: I didn't say that. What I'm saying is that the minister is the chair of an independent tribunal. With the minister, when we talk, the only agenda is about appointments because the functioning of the board is my accountability to this committee, to the minister.

Mr. Blair Wilson: Another quick question. Has the individual who turned in Mr. Ellis had a rehearing?

Mr. Jean-Guy Fleury: I can't speak about the individual, because first of all, this person will have fair play and justice. There's no doubt about that. With respect to the future, I can't talk about the specificity, because it is a refugee and it is confidential. But generally with such severe situations, we have the capacity to start over. So I'm giving you how we normally work.

• (1025)

Mr. Blair Wilson: Thank you, sir.

Mr. Lloyd St. Amand: Thank you, Mr. Chair.

Mr. Fleury, in what I would describe as a clearly transparent but ultimately unsuccessful fashion, government members have attempted to besmirch by association virtually everybody who is a member of your board.

I take it that the majority, probably the vast majority of current members—116 strong or so—were appointed under the Liberal governments starting in 1993?

Mr. Jean-Guy Fleury: Yes, if you went from 1993 to 2003, their maximum is ten years.

Mr. Lloyd St. Amand: Yes. So the vast majority of people with whom you work were in fact appointed under Liberal governments?

Mr. Jean-Guy Fleury: Yes.

Mr. Lloyd St. Amand: In your opening statement you took pains to say that you are honoured to be the chairperson of the Immigration and Refugee Board of Canada, for you know you are in the company of the most dedicated and conscientious people with whom anyone could have the privilege of working. Do you recall saying that?

Mr. Jean-Guy Fleury: Yes. I stand by that.

Mr. Lloyd St. Amand: And do you feel strongly that the people with whom you work, the vast majority of whom were appointed by Liberal governments, are in fact the most dedicated and conscientious people with whom you or anyone could have the privilege of working?

Mr. Jean-Guy Fleury: I stand by what I said. I'd also like to point out the reason everyone was reassessed with the nine competencies. I wanted to make sure they met the requirements—not only the new people coming in.

Mr. Lloyd St. Amand: Right.

Thank you, Mr. Chair.

The Chair: Thank you.

We have Mr. Jaffer next.

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

Thank you, Mr. Fleury, for being here.

I was struck by something I think you said during your response to the parliamentary secretary. It was about eight years ago when you got involved and were upset about the increased politicization of the board and its credibility, I guess—that it was being affected by the view in the public. I wonder if you can expand on that.

Mr. Jean-Guy Fleury: The evidence was in the newspapers. We were always in the newspaper and being criticized. We render

60,000 decisions in three tribunals a year, so we were in the newspapers.

I have a tribunal board that is only public servants, and they never make the headlines. I'm not saying one is more competent than the other—far from it. All I'm saying is there was a feeling that there was a competency issue versus who you knew. My sense was it had to stop, mostly because we're a tribunal of human rights and our independence is very important.

The second thing you have to look at is when it came time to reappoint... Because I don't have the power to reappoint, which other tribunals have in provincial jurisdictions, people then go back to the political...to get their backing or their support for reappointment.

I think that's not the way to go. People are exercising independent decisions every day on refugee or immigration matters and then feel that for the next appointment they have to go back to the political...for support. I hope that practice will stop.

Mr. Rahim Jaffer: What would you suggest should happen in that case?

Mr. Jean-Guy Fleury: I think that if ever the legislation is open... it's for the government to decide. I think reappointment should be the purview of the chair. I have no problem that it's the government that appoints when they come in, but once a person has done their mark, they're evaluated. This reappointment process is insecure. I can't plan, and then you have the political overtones.

Mr. Rahim Jaffer: Your commitment to credibility and to putting those standards in is clear. I don't have any question, and I think you've tried to establish those principles and carry them out. I admire and respect that.

But what I'm still trying to understand is you're talking politicization again—the fact that happened. Was that strictly regarding the reappointments, or, in your opinion, is that happening right from the get-go, even though there is some sort of a testing process, as you and others mentioned? I don't quite understand—

• (1030)

Mr. Jean-Guy Fleury: Again, I don't want to prejudge. I gave you what the system was. With the system we have now, nobody can say it was because they knew someone. They have to meet all the standards. It's a high standard, and I really believe in it. It's very complex, demanding work—as you would appreciate—and I think it has to be the best.

Mr. Rahim Jaffer: As I said, I know you've had some great challenges. There's no doubt about it. The concern about how the board was functioning and its ability to operate without political influence was one of the things I remembered hearing even before I got involved in politics—and that was before 1997. So I'm pleased to hear that things are finally going to change and that they're heading on the right track. In the end, that's what it comes down to. I think my colleague was simply asking about that.

Obviously in a transition there are going to be delays. Clearly, we want to restrict the backlog, which I think is in the interest of all Canadians. We want to be able to do that with the best possible people in place. Even though there is a bit of a backlog now, and there have been some delays in the employment, do you see it progressing, at least? Do you see maybe—

Mr. Jean-Guy Fleury: I'm hopeful. There is a transition. The appointment and selection process is very complex and sophisticated. You get new staff, and you have new staff in the central agencies. Whatever it is, it is change, so you're bound to that. And it's been like that for different transitions. But it is getting serious.

Mr. Rahim Jaffer: I just want to say that I know you've gone through some challenging times recently with some of these characters you're dealing with.

I wish you continued success. I hope we can finally clean up this process that I think has been needing amendment for quite some time.

Mr. Jean-Guy Fleury: I hope so.

The Chair: Thank you, Rahim. I admire your timing.

Madame Faillie, please.

Are you next? Do you have some questions?

Ms. Meili Faillie: No. I thought it was Barry, who hasn't spoken.

Barry spoke? Okay.

[*Translation*]

Actually, I do not have any further questions, since the other questions I wanted to ask directly concern the Department.

[*English*]

The Chair: Okay. We can get back to you momentarily, if you want some time to collect your thoughts.

In the meantime, we can just reverse the order around and go to Barry, and then back to you or over to....

Anyway, Barry is next on the list. So Barry and then Bill.

Mr. Barry Devolin: Thank you.

There are two separate issues I see here, which are commingled. One is that when you're looking for qualified candidates to fill this contingent of 150 or 160 people, what's the pool you draw from? I think we would agree that all Canadians should elibly be part of that pool.

Having said that, theoretically you could restrict that pool only to people who live in Ontario, and you could probably find 160. You could restrict it to those over 40 years of age and find 160, or under 40 years of age and find—

Mr. Jean-Guy Fleury: You'd have difficulty with the charter.

Mr. Barry Devolin: No, no, I'm not suggesting we do this; I'm just saying that theoretically you don't need a pool of 30 million people to draw from.

I think this is one of the issues we need to address as a government. We need to not only make it the reality but also to create the public perception that all Canadians have an equal

opportunity to pursue a position in this sort of a tribunal and that there's no one at the front end who says that to get on the list to be considered you need to come through some gatekeeper. I think that's a legitimate point. That's not to say that the people who got past the gatekeepers were incompetent; that's just to say that if that starts to colour the perception of how the organization works.... I think this is the point you were making about eight years ago, that if the public perception is that who you know is critically important to whether you get on or not, that is a problem.

That's why, quite frankly, I think the decision to advertise publicly was a good one. I know you agree with that.

I was interested in your suggestion that reappointment should be at the decision of the chair rather than the minister of the government, because it makes it a competency in terms of doing your job, as opposed to a political issue again. On that basis, I guess there are other organizations that function in that way. One way you can determine if the reappointment process is working is whether people have ever failed to be reappointed, which suggests there actually is due diligence.

So when the competency test was applied to the sitting members—kind of after the fact—did any of them fail that test?

• (1035)

Mr. Jean-Guy Fleury: Yes.

Mr. Barry Devolin: So there were people who were on the board who failed. Could you elaborate on that?

Mr. Jean-Guy Fleury: Yes, I can. You used the word “fail”; I would say that some did not meet the requirements. It was a group that I could handle. We could manage. In some instances the individuals were arriving at the end of their ten-year mandate, so that was it. In some instances I did not recommend the reappointment when the reappointment came. The third thing we did was set up a training program for those who were not missing by much.

The Chair: We only have five minutes in all; I'm trying to complete the round, so I've given you three minutes, Barry, and this will be the last couple of minutes, because we have business to conduct.

I'm going to give a couple of minutes to Bill. That will complete the whole process. Bill, please go ahead.

Mr. Bill Siksay: Thank you, Chair.

Mr. Fleury, if you don't recommend somebody for reappointment, can they still be reappointed?

Mr. Jean-Guy Fleury: Oh, yes; it's a recommendation.

Mr. Bill Siksay: Has that happened?

Mr. Jean-Guy Fleury: I'm going to talk over four years. Most of my recommendations for non-reappointment were accepted.

Mr. Bill Siksay: But not all.

Mr. Jean-Guy Fleury: Not all.

Mr. Bill Siksay: So some people who didn't meet the competence or criteria were reappointed in the time that you—

Mr. Jean-Guy Fleury: It was very seldom.

Mr. Bill Siksay: Can you tell us about how many?

Mr. Jean-Guy Fleury: I would say probably two.

Mr. Bill Siksay: I just want to be clear. You said earlier that since Minister Solberg took over, you've met with him approximately eight times?

Mr. Jean-Guy Fleury: I don't want to be stuck to that number, but we've had a dialogue, yes.

Mr. Bill Siksay: That seems fairly frequent to me. Is that more often than you would normally have met with the minister in that period of time?

Mr. Jean-Guy Fleury: It depends on the appointment situation. I've had the pleasure of working with three ministers now. I think there's nothing unusual in this one.

Mr. Bill Siksay: Do you meet with the minister only on issues of appointments?

Mr. Jean-Guy Fleury: Yes. I meet with the minister when the minister is appointed, and we provide a briefing, as we do here.

Mr. Bill Siksay: Thank you.

The Chair: Thank you.

Do you have any wrap-up comments you want to make, Mr. Fleury?

Mr. Jean-Guy Fleury: None, other than to say I appreciate the presence of the committee members and I feel I was given a fair chance.

The Chair: Thank you.

On behalf of our committee, I want to extend our thanks to you and Mr. Morin for your presence here today. We realize it's a trying time for the board and we want to thank you for your openness and for the non-partisan manner in which you approached your answers. Thank you very much.

We will now suspend for one or two minutes. We will give our witnesses a chance to clear out, and then we will go to our routine motions.

- _____ (Pause) _____
- _____

The Chair: Can we get our committee members seated again so that we can try to wrap up some of our motions? It is pretty routine stuff.

First of all, we're going to go to number 3 here, the subcommittee on agenda and procedure. You have the motions distributed. The first one is a motion for the composition of the subcommittee on agenda and procedure. I think the new member of the committee on the Conservative side is going to be Mr. Jaffer. He is recommended. The composition of the subcommittee will be yours truly, Rahim Jaffer, Madame Folco, Andrew, Madame Faille, and Mr. Siksay.

Could we have a motion for the composition of the subcommittee on agenda and procedure?

It is moved by Mr. Siksay and seconded by Mr. Devolin.

(Motion agreed to)

● (1040)

The Chair: The next one is on travel to Kingston. It is recommended that we go on October 30, after the House adjourns, so that we can be there for the meeting the next morning and back by roughly four or five o'clock, just in case we have votes in the House. There's no motion yet on this.

It reads as follows:

That the Chair be authorized to plan and finalize the budget and itinerary for the Committee's travel to Kingston, Ontario from October 30 to 31, 2006 and present the budget to the Subcommittee on Committee Budgets of the Liaison Committee.

You can change the composition of the membership. Right now it's to be two Conservatives, one Liberal, one Bloc Québécois, one NDP, and the staff necessary to accompany the committee. You can change that if you so choose.

Barry is next.

Mr. Barry Devolin: I have a question.

I sit on the agriculture committee, and we went through a process similar to this just before summer. At the last minute, two or three of the whips actually told the members they could not go. Actually, it was two of the opposition parties who were told they couldn't go, at which point then the government whip also said, you guys can't go either. Approvals from the whip are always tentative—they change their minds at the last minute. Do we have some comfort level that this will actually take place so that at the last minute someone—

The Chair: We do have to have our budget in by Thursday if we're going to do it, because the next Liaison Committee meeting will probably be well beyond that. First of all, we have to get our budget approved, and then we will have to follow the process of going to the whip. If he decides he's pulling any of us back, or the respective whips of the parties, then fine and dandy, we can deal with it at that point. But we do need to get this through.

Mr. Barry Devolin: I support this. I agree. I'm just putting that caution out there.

The Clerk of the Committee (Mr. William Farrell): It happens all the time. You never know. You can't anticipate what's going to come up in the House that day. Sometimes they will say okay, as long as you're paired off, three opposition, three government members, so that it doesn't affect any vote in the House.

The Chair: Or the whips might decide we're not going, period.

The Clerk: The process is we have to get the funding from the budget Liaison Committee, and they're meeting this Thursday. Then it goes up, if we get the funding, to the House leaders, who meet next Tuesday, and then they decide if we get the order of reference to travel or not.

● (1045)

The Chair: So it could be yes, it could be no, but we need to get this initial process out of the way.

Bill.

Mr. Bill Siksay: Mr. Chair, you said you needed a motion. We have the draft motion before us. I wonder if we can just delete the second paragraph—

The Chair: That the membership be composed...

Mr. Bill Siksay: Yes, take that one out, since it's the full committee, in my understanding, the draft budget is based on, and we understand we are asking for a budget for the full committee to travel to Kingston. If we could delete that second paragraph, I will move that motion.

The Chair: That is reasonable, and we have agreement over there. Do we have agreement on this side as well?

Mr. Ed Komarnicki: That would be agreed to as amended.

The Chair: We are just simply eliminating the second paragraph, that the membership be composed—

Mr. Ed Komarnicki: How does it read now then? I don't have a copy right here.

The Chair: Sorry. It reads:

That the Chair be authorized to seek an Order of Reference from the House of Commons for the Committee's travel to Kingston, Ontario from October 31, 2006 to October 31, 2006 so the Committee can continue their study on Refugee Issues and visit the Kingston Immigration Holding Centre.

And "That the Chair be authorized to plan and finalize the budget..."

Mr. Rahim Jaffer: We're not going to be required to bring our Hallowe'en costumes or anything, are we?

The Chair: Madam Faille has a question.

Go ahead, Madam Faille.

[Translation]

Ms. Meili Faille: According to the proposal, will there be interpreters accompanying us?

[English]

The Chair: Will there be interpreters to accompany us as well? Yes, there will be two.

We have approval for it.

Bill is moving the motion. All in favour?

(Motion as amended agreed to)

The Chair: It is carried. That's that one.

On the Montreal conference, I'm told by the clerk he is having problems trying to get people to get back to him on this. He sent out a notice and he wanted to get some feedback from members on whether they're going or not. He sent it out a couple of weeks ago and the only one he has heard back from on this is probably Bill.

The motion for a travel budget to Montreal is:

That the Committee adopt the travel budget in the amount of \$20,195.00 to cover the costs for members and staff to attend a seminar on "Taking the Lead: Refugee and Immigrant Youth" in Montreal from November 23 to November 25, 2006.

So far we don't have any indication of how many people will be going, but the budget is for \$20,195, which will cover all 15 of the members and the necessary staff to go. We need that to be moved so that the committee can adopt a travel budget in the amount of \$20,195. Do we have a mover for that? Do we have discussion on it?

It is moved by Madam Folco. All in favour?

(Motion agreed to)

The Chair: That's about it. I'll present this to the Liaison Committee at the appropriate time.

At the end of your agenda, the UN High Commission for Refugees wishes to meet jointly with the DFAIT committee and our committee. That would be Foreign Affairs. They want to meet jointly on November 2, which would be at 2:40 p.m.

The Clerk: No. The foreign affairs committee is meeting this morning, and they're bringing it up at their meeting to see what time it will be. It's kind of recommended that it might be 11:30 to one o'clock, half an hour after our meeting that day.

It will be informal, but we'll still have interpretation and things of that nature. But everybody will be sitting around the table and it will maybe be more of an open concept.

The Chair: So it would be a joint meeting between the UN High Commission and the foreign affairs committee and our committee. It will be the foreign affairs committee, is what you're saying, and our committee.

So what do we need?

Yes, Madame Folco.

Ms. Raymonde Folco: Is this on the Friday?

The Chair: It is November 2.

Ms. Raymonde Folco: Oh, it is November 2, not November 3.

The Chair: They've scratched it out up here. It's November 2.

Madame Faille.

[Translation]

Ms. Meili Faille: Have they told us what subject they want to discuss?

• (1050)

[English]

The Chair: What subject are we addressing, Clerk, or is it just general issues pertaining to refugees? Is it just general refugee issues? I haven't seen the agenda yet.

The Clerk: I have a little bit of background here I can hand out to the members of the committee.

The Chair: Okay, we'll pass you out a little bit of background information, and maybe we can just go over it very quickly.

Go ahead, Bill.

Mr. Bill Siksay: Mr. Chair, just so we're clear, is it the actual commissioner who is in town that day and is that the occasion of this meeting?

The Chair: Yes, it is the UN High Commissioner.

Mr. Bill Siksay: Okay, I think that sounds like a very worthwhile meeting, and I would support it wholeheartedly. If you need a motion, I'd be happy to move the motion that we have this joint meeting.

The Chair: Thank you. We'll just have a little bit of a discussion on it first. You're getting some information there as to what we might be talking about.

Concerning the rationale for the meeting, the UNHCR is the key actor in the overall international peace and security infrastructure and is among the most important UN humanitarian agencies, so I guess we'll be talking about humanitarian issues as they apply to refugees.

It is seeking to strengthen its capacity and responsiveness to have more effective delivery results, in keeping with the recent wider UN reform efforts.... It sounds like a very worthwhile....

Madame Faillie.

[*Translation*]

Ms. Meili Faillie: The next time you are in contact with them, could you ask them to tell us why the safe third country report is late in being tabled? It should have been tabled more than a year ago. Last time, we were told that it was only a matter of time. We are talking about something that specifically related to the impact brought to bear on refugees.

[*English*]

The Chair: What report are you referring to, Madame Faillie?

Ms. Meili Faillie: The one about safe third countries.

The Chair: Sure, you can ask any questions that—

[*Translation*]

Ms. Meili Faillie: Could you ask them to make the necessary preparations and to submit a report to us so that we know where they are up to?

The Chair: Okay.

Ms. Meili Faillie: Thank you.

[*English*]

The Chair: We could probably bring it up in general discussion. The clerks don't really have any contact with the UN High Commission. But what if we brought it up in discussion with the commissioner?

[*Translation*]

Ms. Meili Faillie: The last time they appeared, they told us they were caught off guard because the request apparently came out of the

blue. And yet, this report is more than a year overdue. The committee was supposed to receive recommendations...

[*English*]

The Chair: If it's possible, we will get in touch with the UN High Commissioner and make him aware of these concerns to give him a heads up as to what might be asked here. Yes, okay.

[*Translation*]

Ms. Meili Faillie: They are in Ottawa. Perhaps you can call the Ottawa liaison office.

[*English*]

The Chair: Yes, okay, we'll try. We'll make an effort to do that.

The Clerk: I don't know when the foreign affairs committee is going to agree to the time we'll meet.

The Chair: Yes, it has to go through the foreign affairs committee as to what time this actual meeting might take place, because it's not totally dependent on us as to the time of the meeting. So we're going to have to work jointly on that with the foreign affairs committee. If we should get some indication that they want it changed to another time, we'll try to make ourselves available, and we'll let you know on Thursday, anyway. Okay?

Yes, Mr. Siksay.

Mr. Bill Siksay: Chair, will you be endeavouring to set up a meeting of the agenda and planning committee in the near future, now that we have full membership of that committee?

The Chair: We can.

Mr. Bill Siksay: I think we've only planned until early November, so we need to think about our schedule for the remainder.

The Chair: I guess we'll have to, really, to get our schedule beyond November. That's a good point.

If there's no other business, it being five minutes to eleven—and there appears to be no more business—we will adjourn our meeting.

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