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—
Chair

Mr. Norman Doyle

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•(0910)

[English]

The Chair (Mr. Norman Doyle (St. John's East, CPC)): We'll call our meeting to order as we continue our study of refugee issues, the top priority for the committee this fall.

I'm pleased to welcome representatives from KAIROS to speak to us about Canadian Ecumenical Justice Initiatives. I think you were here in April of last year as well, so you're pretty familiar with the drill. You have an opening statement, and then we as a committee will engage in discussions on the topics that you bring up or that are of interest to our committee members.

We will start with Ms. Jennifer Devries.

Ms. Jennifer Devries (Program Coordinator, Refugees and Migration, Canadian Ecumenical Justice Initiatives (KAIROS)): On behalf of the migrant justice steering committee, I would like to thank the standing committee for this opportunity to express our concerns regarding temporary and undocumented workers. These concerns are grounded in the day-to-day experience of working with migrant workers across the country. Specifically, we raise issues concerning seasonal agricultural workers, live-in caregivers, and undocumented workers.

The goals of my presentation will be to introduce KAIROS—the Canadian Ecumenical Justice Initiatives—and the migrant justice steering committee, and to set the context.

KAIROS, a social organization of 11 Canadian churches and church agencies, works for human rights and economic justice in Canada and around the globe. The KAIROS refugee and migration program promotes the human rights of both refugees and migrants in the context of the human rights of all uprooted people. In our migrant justice, KAIROS focuses its education and advocacy work on three particularly vulnerable groups of migrants: live-in caregivers, seasonal agricultural workers, and non-status persons. The program seeks to expose a hidden workforce whose role is invaluable to Canada, but who are rendered invisible and excluded from the basic justice provided for Canadian citizens.

The Chair: May I interrupt you for a moment? I think the interpreters feel you might be going a bit too quickly, so slow it down; we have plenty of time. We're going to be here until 11 o'clock anyway, so a little more slowly would help the interpreters a lot. Thank you.

Ms. Jennifer Devries: Certainly.

For many migrants, and especially those you will be hearing about today, migration is not a choice but rather a necessity, a survival

mechanism. They have been obliged to move by forces beyond their control, such as conflict and human rights abuses, environmental disasters, free trade policies that flood markets with cheap produce so that local farmers cannot make a living, a dam that has forced them from their land, etc.

Our government's attitude toward migrants appear contradictory. At the same time that national borders are being eliminated to allow for the free flow of goods, services, and capital, these same borders are being increasingly tightened to restrict the movement of people; that is, restricting their legal entrance into Canada as permanent residents. Instead, Canada, like so many other countries, is quietly expanding its guest worker programs.

Despite the significant role these workers play in our economy, their contribution goes largely unrecognized. Instead, migrants are vulnerable to a variety of forms of exploitation because of their lack of official status and dire economic need. This increasing exploitation is now being heard by church communities, advocates, labour organizations, and other members of civil society. With this growing attention, civil society groups are starting to unite to make their voices heard.

As a result of this growing concern, KAIROS played a lead role in pulling together the migrant justice steering committee, members of whom stand before you today, which planned and carried out the national migrant justice gathering at York University in June 2006. This gathering brought together over 100 migrants and migrant justice advocates from academia, faith groups, the labour movement, and the wider justice-seeking community to lay the foundations of a national migrant justice network in Canada.

In this two-day event, participants worked to build alliances across sectors and develop a united voice on shared concerns. Key to the conference was the participation of persons directly affected by these issues—that is, migrant and undocumented workers. We regret that we were not able to include their voices here today.

The two-day program enabled live-in caregivers, seasonal agricultural workers, and non-status immigrants to voice their concerns and enabled migrant organizations, faith groups, unions, community activists, and university researchers to share their advocacy experiences.

One of the immediate results of the gathering was a statement of unity expressing the collective concerns of participants in the gathering. The committee has been provided with both a copy of the statement and a report on the gathering. We invite the committee to review the statement in more detail later.

Before I continue, I would like to highlight a few key points from the statement of unity.

It is time that Canada take responsibility for the role it plays both as a receiving country and a perpetrator of underdevelopment around the world and the various forms of exploitation and rights abuses to which migrant workers and non-status people are extremely vulnerable. We demand that Canada ensure the full and effective protection of migrant worker rights in accordance with the international convention on the protection of the rights of all migrant workers and members of their families.

We call on our governments to account for unjust policies that lead to displacement and contribute to the root causes of migration. We call for fair immigration policies that recognize the multiple causes of forced migration and reflect an understanding and appreciation of real societal and labour needs in Canada.

All migrants, regardless of their legal status, deserve just wages, fair treatment from their employers, and full and equitable entitlement and access to the health, social, educational, and legal services and supports that are available to all Canadians.

As well as the statement of unity located in the gathering's report, the committee has also been provided with other information, including but not limited to a KAIROS resource entitled "God's People: A People on the Move", a resource kit that was designed especially for churches in solidarity with uprooted peoples, and a migrant justice steering committee submission to the human rights committee study on employability. We will forward the committee a translated version in the upcoming months.

Last but not least, I would like to draw the committee's attention to a copy of "Borderless", a new video from KAIROS about migrants living and working without status in Canada. The video, which comes with a study guide, brings to life problems of labour exploitation and family separation caused by restrictive immigration policies. We hope the committee will find the provided information both informative and useful.

• (0915)

We are pleased to learn that temporary worker programs are high on the committee's priority list. It is imperative that Canada make its immigration process more humane.

While the individuals standing before you today will address issues and policy recommendations specific to their sectors of experience, we hope to show that abuse and exploitation of temporary and undocumented workers is not sector-specific. Rather, this is a larger systemic problem that must be addressed.

Thank you.

The Chair: Thank you, Jennifer.

Now we go to Avvy.

Ms. Avvy Go (Executive Director, Metro Toronto Chinese and Southeast Asian Legal Clinic, Canadian Ecumenical Justice Initiatives (KAIROS)): Thanks.

My name is Avvy Go, and I am the current director of the Metro Toronto Chinese and Southeast Asian Legal Clinic. We're a member of the STATUS Campaign, which is also part of the migrant justice workers conference.

The campaign itself is made up of individuals and community organizations concerned about the plight of non-status immigrants in Canada. For the past several years, we have been working with other concerned grassroots organizations to push for the regularization of non-status immigrants living in Canada.

There are an estimated 20,000 to 200,000 individuals living without status in Canada. They are our neighbours, co-workers, and classmates, the people who build our houses, clean our clothes, cook our food, and look after our children, but as persons without status, they are not entitled to receive any benefits that ordinary Canadians take for granted. Often children of non-status parents are denied the right to education, sometimes even the right to health care. As taxpayers, non-status individuals contribute to the funding of public services that they themselves do not enjoy.

People find themselves without status in Canada for a variety of reasons. Most of them relate to their status as oppressed people on the basis of their race, gender, social status, economic status, and so on. Among them are refugees who should have been granted protection but who have been refused status due to flaws in our determination system. They are survivors of trafficking. They are women who are under family sponsorship and who have left their spouses due to domestic violence. They are people who have worked for some time on temporary worker programs and are not granted permanent resident status.

Contrary to public perception, the vast majority of non-status immigrants are law-abiding individuals and do not pose any threat to our national security. Yet they are the easy targets for the media or for public backlash, since they do not have a voice in our political system.

The only avenue open right now to a person without status is to apply for permanent resident status under humanitarian and compassionate grounds, the H and C application. However, with such a low success rate, the H and C option is not a real one for the thousands of non-status immigrants in Canada who have established their homes in this country.

The end result of these and other systemic problems is the creation of the underclass of non-status immigrants in Canada. We believe these individuals exist because of the unfairness, inequities, and restrictiveness found within our refugee and immigration system. Therefore, we believe we have a collective responsibility to address the issues facing non-status immigrants. We also think this is the right time for the government to establish an inclusive regularization program that will grant non-status immigrants the permanent resident status they deserve to receive.

I want to note that throughout our history, the Canadian government has from time to time implemented policies to deal with people who are living here without status because of the recognition that our system has failed them. STATUS, along with the Canadian Council for Refugees and the Ontario Council of Agencies Serving Immigrants, among other groups, has proposed a comprehensive plan for regularization. I would just highlight some of the elements of that proposal.

One element is something that this committee actually has unanimously adopted, and that is to immediately implement the refugee appeals division. Then there are other ideas—for instance, creating a regulatory class permitting survivors of trafficking to apply for permanent resident status; providing an opportunity for seasonal agricultural workers and other temporary workers to apply for permanent residency; and establishing a more relaxed humanitarian and compassionate application process. Above all, we suggest that the government should bring in an adjustment of status program, similar to the one the government introduced back in 1970, whereby anyone who was already in Canada by a certain date, for an amount of time, may apply for status.

I'm sure you will have questions about our proposals, but I just want to say in closing that the time to act is really now. The issue is very pressing. You will hear from Cecilia and Stan about some of the conditions that these workers and other individuals are living in. It's really our obligation to deal with their issues immediately.

● (0920)

Thank you.

The Chair: Thank you.

Cecilia.

Ms. Cecilia Diocson (Executive Director, National Alliance of Philippine Women in Canada, Canadian Ecumenical Justice Initiatives (KAIROS)): Good morning, everybody.

My name is Cecilia Diocson. I'm the executive director of the National Alliance of Philippine Women in Canada. This alliance was formed in 2002 and we have 15 organizations across the country. Our work in the community is organizing education and advocacy to raise the voices, experiences, and struggles of Filipino women in Canada and to address the continuing economic, social, and political marginalization and inequality.

The NAPWC seeks to empower Filipino women in the community to understand the roots of the barriers they face as migrants, immigrants, women of colour, and marginalized workers, and to collectively assert their struggle for human rights, genuine equality, peace, and development.

As a community of migrant and immigrant women, a key part of our work concerns immigration policies. Aside from community-based research into the impact of Canada's immigration policies on Filipino women and the community, we also conduct education in the Filipino community towards empowerment and engagement in the public policy process. As well, we conduct advocacy and lobbying work for specific policy changes in the immigration field that aim to improve the collective situation of Filipino women and the community in Canada.

In the past we have presented our analysis and position through briefs to this committee, through the legislative review advisory group and elected government officials, and through our community-based and academic conferences and public fora. Through the efforts of KAIROS and its network, NAPWC is making its second presentation before the Standing Committee on Citizenship and Immigration.

Since the late 1960s there has been a dramatic increase in the numbers of Filipinos in Canada. It is estimated that Filipinos in Canada now number over 400,000. The community has grown more than 31% since the 1996 census. Overall, Filipinos are now the fourth-largest visible minority population in Canada. The census statistics also showed that the Philippines is the third source country of immigrants arriving in Canada in the last ten years.

The studies show that the majority, approximately 65%, of the Filipino community in Canada is made up of women. Close to one-third of the Filipino community in Canada is made up of live-in caregivers who entered Canada under the immigration program called the live-in caregiver program, and its predecessor program, called the foreign domestic workers movement. In 2005, and according to statistics from the Canadian embassy in Manila, Filipino women made up 95.6% of live-in caregivers in Canada, even though they constitute only 2.2 % of all Filipino domestic workers working outside the Philippines.

This large disproportionality of Filipino women in the LCP shows how Canada benefits much from the labour export program of the Philippines and how effective Canada's live-in caregiver program is in providing cheap child care, care for the elderly and for people with disabilities, and other domestic work.

I provided you with the brief. I don't want to bring forward the history of the live-in caregiver program, as I'm sure all of you are quite familiar with this, but I'd like to actually give you some of the fundamental pillars of this program.

This program was institutionalized in 1992 after the FDM, and there are three pillars in this program. One is a mandatory live-in requirement that makes it illegal for a live-in caregiver to live outside the home of his or her employer during the course of the contract. Second is temporary immigration status for 24 months within a three-year period and making them vulnerable to immediate deportation on non-completion within this period. Third is the employer-specific work permit that ties them down to a single employer at any time, making them vulnerable to abuse and arbitrary demands by their employer.

There are several impacts of this program that we have actually experienced in our community after over 20 years of the program and also after doing some work in the community, and we categorized these as economic, political, social, and cultural.

● (0925)

Some of the economic impacts are:

1. De-skilling. Women lose their skills and their professional knowledge over time as they continue working as domestic workers.

2. Non-accreditation and recognition of education and training, despite the relatively high level of education and having practised their profession in the Philippines and other countries.

3. Downward economic mobility as they find difficulty in moving up to other good-paying jobs outside the LCP.

4. Being tied down to a single employer at minimum wage virtually legislates these women into poverty.

5. Even after they are done with the program, many of these women are continuously stuck in low-paying dead-end jobs, having been de-skilled and their past education and training not recognized.

6. Because of lack of economic opportunity and poverty, some of these women have become victims of prostitution and sex-trafficking.

Academics who had been doing research on Filipino domestic workers and the Filipino community have come out with the following results on the economic impacts of the LCP:

Professor Gerry Pratt, University of British Columbia, 2003: "These women suffer from long-term downward occupational mobility as they continue to do domestic work as housekeepers and home care workers."

Professor Dan Hiebert, University of British Columbia, 1997: "Filipino women are more likely than others to be housekeepers and childcare workers."

Filipino women have a higher degree of occupational segmentation than any other group of women. Filipino women make 52% of median income of women in Vancouver.

In terms of political impact the LCP undermines the general women's struggle for equality, democracy, and human rights. Because of their precarious and uncertain status as temporary workers, they cannot participate in the political affairs of society, thus further disempowering them and increasing social inequality. The program creates a pool of people—mostly women—whose rights could be easily violated both in the workplace and society at large, simply because of their temporary status despite relatively long years of stay in Canada. They are outside the Canadian citizenship circle with all attendant rights and privileges, even as they directly contribute to the Canadian economy.

There is delay or denial of immigrant or resident status, which could lead to deportation due to bureaucratic hurdles and neglect in the timely processing of their status. Because they cannot vote, advocacy on their behalf is hardly recognized or given enough attention in political debates. LCP hardly comes in on discussions on universal day care and health care when it is obvious that the LCP and the women under it are directly being used to address these two issues. These women lack the necessary legal aid and support when they encounter problems because of their temporary status as non-immigrants.

The social impacts of the LCP on these women are as follows:

1. Their non-immigrant status deepens their experience of systemic racism and discrimination because they are not considered

part or a member of the imagined Canadian community and they are made to feel that way.

2. Their status under the LCP makes many of them uncomplaining in the face of violence against their person because they fear that to complain would negatively impact their future to open residency and eventual citizenship.

3. They continue to suffer long separation because they cannot bring in their families under the program. Our study shows that separation, on average, lasts between five and ten years, thus making these women virtual strangers from their families once they reunite, either in the Philippines or in Canada.

4. Many suffer immediate deportation even for minor non-compliances, such as failure to make the 24-month live-in within three years or living outside the home even with permission of the employer.

5. Their economic and social marginalization continues to undermine their successful integration and settlement in a multi-cultural society even after they have finished with the program.

The cultural impacts:

Even as they become residents and citizens, these women continue to be victims of systemic racism and discrimination. There is no recognition of their skills and educational training. Their marginalized position leads to growing social alienation, thus impeding smooth transition towards settlement and integration.

● (0930)

Individual and collective disempowerment abounds among these women as they continue to feel the impact of the program. The long separation, their economic difficulty, and marginalization cause alienation between children and parents and between individuals, families, and the larger society.

The program reduces if not denies active participation in civic and community affairs, which would make for ideal or good citizenship. If they do make social contributions, the women feel that these are tokenized, if not reduced to songs, dances, and food, in the name of multiculturalism. Hence, there is hardly any closure to that citizenship divide inherent in the program.

These are some of the conclusions and recommendations that we have for you:

Given the above impacts of the live-in caregiver program among these women in our community, NAPWC and its member organizations reiterate the call for the scrapping of the LCP and its fundamental pillars. We have made extensive lobbying efforts at local, national, and international levels by pointing out that the program is fatally flawed, as it violates the human rights of Filipino live-in caregivers, thereby creating the context for systemic abuse and vulnerability of these women, and further stalls their development, and increases inequality, including economic segregation.

We urge this committee to seriously look at these impacts and find ways to mitigate them by developing more progressive and positive public policies whereby these women and the community are consulted for their benefit and for the general well-being of Canada. In this regard, CIC should support community-based organizations that deliver services and community-empowering programs to these women, their families, and the community.

We promote full access to settlement and integration services such as housing and health for live-in caregivers. For instance, women under the LCP who have already applied for family reunification are not allowed to access affordable social housing prior to the arrival of their families. This practice discriminates against these women, who at this stage of their integration and settlement in Canada should already have the same rights and opportunities as any other immigrant.

We ask the standing committee to look positively at our recommendations. We reiterate that these are based on our community research and on the findings of scholars and other advocates. We hope that they are positively acted upon to ease the burden of these women and their families and to pave the way for faster and easier family reunification, integration, and settlement in Canada.

Thank you.

• (0935)

The Chair: Thank you, Cecilia.

Stan, do you have any helpful comments?

Mr. Stan Raper (National Coordinator for the Agricultural Workers Program of the United Food and Commercial Workers Union, United Food and Commercial Workers Union, Canadian Ecumenical Justice Initiatives (KAIROS)): My name is Stan Raper. I'm the national coordinator for the agricultural workers program of the United Food and Commercial Workers Union.

We have been active in lobbying and trying to organize and assist agricultural workers nationally across Canada and primarily in the two provinces of Ontario and Quebec, which have the majority of the population of seasonal agricultural workers, under the seasonal agricultural workers program administered by HRSDC.

I have a couple of comments that I want to make.

We have been actively trying to organize agricultural workers across Canada for a number of years. Before I was employed with the UFCWU, I was the Canadian coordinator for the United Farm Workers of America and was trained by Richard Chavez and Dolores Huerta, co-founders of the United Farm Workers of America.

I don't know if any of you were involved in the grape boycotts and the struggle to organize agricultural workers in California and other parts of the United States, but we watched with great interest the amnesty movement in the United States.

People always come up to me to ask where Canada's amnesty program for invisible migrant workers is and why we aren't out on the streets. I think the answer falls under the mandate of this committee.

I say that because most of the agricultural workers in Ontario, for example, don't have the right to unionize. Farmers are in mandatory association affiliations. As to the balance for farmers and the balance for workers, there is no organization for agricultural workers in Ontario or across Canada for the most part.

What happened was this. We had a piece of legislation, we organized workers, and that bill was revoked by the Harris government in Ontario. Farmers were ordered into mandatory affiliations to three organizations in the province: the Ontario Federation of Agriculture; the Christian Farmers Federation of Ontario; or the Canadian Farmworkers Union. It was mandatory, and they could opt out only by written submission to the minister.

Agricultural workers have no real right to collectively bargain in the province of Ontario. You see an invisible group of workers, in the hundreds of thousands, that basically has no organization to represent them or to speak on their behalf.

It gets worse, because on top of that, we also have seasonal agricultural workers from Jamaica, St. Kitts, Trinidad and Tobago, and Mexico. These workers have been coming into the country and come for eight months of the year. For the most part, 80% are in Ontario.

These workers have been coming for over 40 years, and have no right or no opportunity to apply for immigration status at all. They have temporary work permits. They come here to work anywhere between January 1 and December 15. They have to go home for 15 days, and then they can come back. There are between 15,000 and 16,000 agricultural workers under the SAW program in Ontario alone.

These workers are separated from their families for eight months of the year and work in fairly isolated situations in rural Ontario, rural Quebec, or rural B.C. They have language barrier problems, limited understanding of their rights, and very little orientation. Consulate officials, who are supposed to represent them, are basically maintaining their contract with the employer, the farmer. And they live on the farms, so if they have problems, they go to their employer. If they have a good employer, they're lucky; if they have a bad employer, they're in big trouble.

• (0940)

On top of that, we now have a new program, the foreign workers program, which is supplying workers to the agricultural sector as well.

I just want to give you one example before I start. The mushroom industry in Ontario has been trying for a long time to be covered under the seasonal agricultural workers program, but with no success. The federal government, to their credit, recognizes that the mushroom industry is the high end of the agricultural sector and has not allowed the mushroom industry to get seasonal agricultural workers. Most of the workers in the mushroom industry are new Canadians or Canadians who have come within the last 15 to 20 years—Cambodian, Vietnamese, Sudanese, Chinese, a lot of whom have language problems still—and who find themselves harvesting mushrooms at a piece rate in order to survive.

What is happening now is that the industry in Ontario is about 50% foreign workers under the low-skilled workers program. What employers are doing is forcing new Canadians out of their jobs—fairly decent-paying jobs that they could survive on—in order to get foreign workers under the low-skilled workers program at \$9.10 an hour.

We wrote to the Minister of HRSDC, to the Minister of Agriculture in Ontario, to the Minister of Labour in Ontario, with no response—no response whatsoever, no investigation into how these migrant workers, who live in Canada, in Ontario, are being displaced by foreign workers coming in from Thailand and Jamaica.

I just heard last night that more workers are coming into the Belleville area. More workers are being displaced who live in Belleville, and there's still no response from either government. I'm ashamed, because some of these workers have been in the industry for 16 years.

We'll have testimonies of individuals coming forward in the next couple of weeks. Sixteen years: he came from Cambodia, got a job in the mushroom industry and has been in that industry ever since, and was displaced and replaced by a worker from Thailand who just came in and is working for \$9.10 an hour. That goes against everything the immigration program under ARPA is about, and against why these programs were put in place.

I understand work shortages. I don't understand displacement of Ontario-resident agricultural workers in order to appease a cheap labour force from another country in order to exploit them, and that is what's happening.

I want to address, on page 16, repatriation under the seasonal agricultural workers program. When migrant workers raise issues or concerns to their employers they're at very real risk of being sent home under the SAWP repatriation provisions. They are removed from the country within a day or two and may not be allowed to participate in the program in future years.

This ability to repatriate workers, allowing them no opportunity to appeal, is a fundamental inequality of the SAWP that must be remedied. Until there is a fair and equitable process of appeal, the provisions of the SAWP contracts are meaningless for the workers. There is little supervision or enforcement of the contractual obligations, and a worker risks repatriation if he tries to ensure that the contract is honoured.

● (0945)

The Chair: Do you think another minute or two might be long enough? We're 45 minutes into the meeting so far. You can address some of the other points in the questioning.

Mr. Stan Raper: I'll fast-track my other points.

The Chair: Okay.

Mr. Stan Raper: The repatriation is definitely a concern to us. What we call the just-in-time workforce is the what HRSDC calls hiring of foreign workers in occupations that usually require a high school diploma or job-specific training. I address some of the concerns that we have in regard to this new program, which is supposed to be under review. We've asked the minister for an opportunity to address some of our concerns around the low-skilled workers program, and there is a movement within the labour

movement calling for some changes or a better process to deal with complaints around this low-skilled workers program.

I want to move to our recommendations. First, I would like to say that the United Nations declaration for migrant workers and their families has not been signed by Canada. It was a unanimous decision at our migrant worker conference that Canada sign this accord, and that we respect migrant workers and their families and the rights that they should have when they're in Canada.

The second point I want to make is that when we talk to the federal government they say that labour standards fall under provincial jurisdiction, and the feds can't tell the provinces what to do. And I say something I won't say right now.

We suggested to the Minister of HRDC, Jane Stewart, when she was around umpteen years ago—and since then we have not been able to meet with the Minister of HRSDC—that one of the ways we could implement national standards for these programs, whether it's the seasonal agricultural worker program or the foreign worker program, is to put some restraints on the foreign worker program. So if a province like Ontario does not provide the freedom to associate and bargain collectively, if there are not appropriate employment standards provisions, if there are not appropriate health and safety provisions provincially under that jurisdiction, then they cannot get these workers. It's that simple, and that's the way it should be.

The federal government is in charge of temporary work visas and the immigration process. It's very simple for them to put in a couple of clauses in that program and dictate to the provinces that if they don't have these basic provisions for human rights, which have been declared in international conventions, ILO conventions, United Nations declarations, these workers will not be sent to those provinces. You watch how fast the provinces would implement legislation to protect these workers. It would be amazing, and not difficult to do.

I'll leave it at that. But I want to make one final point. We ask a lot of questions about the general provisions of the Immigration and Refugee Protection Act, IRPA, and regulations require HRSDC to provide a full labour market opinion on the effects of bringing in temporary workers by considering the following factors: One, is the work likely to result in the direct creation or job retention of Canadian citizens or permanent residents? I seriously question that around the foreign worker program. Another question: Is the work likely to result in the creation of transfer of skills and knowledge for the benefit of Canadian citizens and permanent residents? Question: Is the work likely to fill a work shortage? Maybe. Then, will the wages and working conditions offered be sufficient to attract Canadian citizens or permanent residents to and retain them in that work? Has the employer made or agreed to make reasonable efforts to hire or train Canadian citizens or permanent residents? Will the employment of the foreign nationals be likely to adversely affect the settlement of any labour dispute in progress or the employment of any person involved in that dispute?

● (0950)

The Chair: These are questions that we might want to ask in the committee.

Mr. Stan Raper: Yes.

The Chair: I have to give the committee members some time to engage in discussion here. Thank you for the presentation; it was very interesting.

I'll go to Andrew, and maybe you can identify the individual you are directing your question to. Of course we generally go with seven-minute rounds, but maybe you can keep it a little bit below that so that we can ensure that everyone gets an opportunity to ask questions.

Go ahead, Andrew.

Hon. Andrew Telegdi (Kitchener—Waterloo, Lib.): Thank you, Mr. Chair.

I certainly welcome all the presenters. Some of the concerns you expressed are concerns this committee has also expressed over time, such as in our recommendation to implement the refugee appeal division. The committee's on record as stating that we want to see it implemented. We really believe that it would not only make the system more fair, but it would also speed up the process, because it's a pretty poor process at the present time.

On the question of undocumented workers, as you probably are aware, we have 200,000 to 500,000 in the country. We don't know the precise number. But one thing we do know is that the sheer number of undocumented workers is an indictment of the policies that are being followed, because the question has to arise as to why people who are employed without any employment assistance from anybody, without any settlement, are finding places. Why can those places not be filled through regular immigration? Obviously, the problem goes back to having adjustment in the point system.

In its last meeting before the summer break, this committee made the recommendation to the minister that there be a moratorium put on undocumented workers, and that the resources being expended on going after undocumented workers be focused on the criminal element that should be gotten out of the country. The whole issue on undocumented workers was a priority for Mr. Volpe and for Minister Judy Sgro, but unfortunately it's not a priority for this government.

You will find a response to that recommendation dated October 5. Maybe, Mr. Clerk, you can provide the delegations with it—through you, Mr. Chair. I read through the reasoning, and it's the same bureaucratic claptrap that I've seen coming out of the bureaucracy since I joined this committee in 1998.

One of the things you have identified, and I think it should be a cause of concern for the committee and for Parliament, is the extent to which we, as a nation, start relying on temporary workers. We bring them in for a year, with the exception of two weeks when we ship them out. We're courting problems as a society. If we're finding that somebody's been coming here for 40 years and leaving for two weeks, to me it's not a heck of a lot different from the Chinese not being able to bring their families. We had that happen in our history and we have since regretted it. We're setting ourselves up for a real problem by making divisions in society the way they did in France, where there was the refusal to integrate folks. That was found in Germany as well. We're creating different classes of citizens.

I think at some point after an individual comes here for a certain number of years, they ought to be able to access the immigration system; otherwise, it's pure exploitation.

Could you expand on what happens to one of those workers when they come over here and they get sick, notwithstanding that they've been doing this same job for the last 20 years? What happens to them?

• (0955)

Mr. Stan Raper: That's a great question, and the answer is it varies, depending on the employer. We have known workers who continued to work while they were sick because they're impoverished people and they need the money and they will not even report to an employer that they're sick. We have employers who have refused hospitalization for sick workers. We have consulate officials who have repatriated sick individuals and replaced them with healthier ones.

We have got to the point—and in fact this was a well-documented case in Simcoe this year in the newspaper—where an individual was diagnosed with cancer. The farmer graciously took him to the clinics, etc. When the worker was in the hospital, the consulate officials went into the hospital and forced him to sign a waiver that he be expedited back to his home country before he received medical attention. We took him to a specialist with the assistance of Father Frank Murphy from the Catholic church in our centre in Simcoe. He was diagnosed with a severe internal problem, received surgery, refused the consulate's order to return to his home country, and is currently still going through therapy in London, Ontario, right now. So it varies.

Hon. Andrew Telegdi: Essentially we could have somebody who gets cancer after being exposed to certain chemicals for a long period of time—gets an industrial disease—and instead of having any responsibility for their employee, they ship him back to a country where he has no hope of getting any treatment, so they are essentially sending him back to die.

Mr. Stan Raper: That's correct. There are number of documented cases. In fact, we put out this report each year; we have five reports of documented statements from individual workers and the problems they have around the health care issues alone. The British Columbia government is not even providing provincial health care provisions for seasonal agricultural workers in that province. Enforcement of basic human rights provisions under these temporary worker programs is non-existent at best.

The Chair: We have to cut it off there; that's over seven minutes.

Madame Faillie is next, please.

[*Translation*]

Ms. Meili Faillie (Vaudreuil-Soulanges, BQ): I want to thank all the people who came to the committee today to discuss the issue of migrant workers, non-status persons and the temporary work programs that have been in existence for at least 40 years.

You are no doubt aware that the committee is starting this fall to study the specific issue of refugees. The question of temporary workers is of great concern to us.

To follow up on what Andrew said — he usually considers all aspects of the issues we are interested in and I wouldn't want to repeat all that — when you look at temporary workers and particularly the caregiver program, I note that you're not calling for the termination of these programs. On the contrary, you know that these workers add value.

Regarding the caregiver program, it's mainly the administrative rules of the program that are problematic. For example, there's the 24 months within a three-year period rule as well as to the live-in condition that have to be met by caregivers.

When you met the minister, were you successful in getting him to commit to an early review and amendment of this program? Later on, I would have other questions about agricultural workers.

● (1000)

[English]

Ms. Cecilia Diocson: I would like to share our experience with regard to the review that we have been requesting for many years of the live-in caregiver program. Last year we were finally brought here to Ottawa to talk about the issues concerning the program. That was January 2005. There have been some changes in the government, so we haven't heard anything when it comes to the changes, or even the result of the review of the program.

Meili, I know you're familiar with the case of Laila Elumbra in Quebec. She's a domestic worker who became unconscious for four months. She only needed two more months to complete her 24 months within a three-year period. Unfortunately, she got sick and became unconscious and was in a coma. She is still in Montreal. The community is helping in her recovery. She's able to walk a little bit and do some things. I think she may be able to go back to work, but because of this neurological problem it will not be very soon.

That's one of the things we have seen within this program. They're paying their own medicare, but they don't have any sick leave as live-in caregivers.

[Translation]

Ms. Meili Faïlle: As a follow-up on Andrew's question about your presentation, I understand the government doesn't seem to be considering any early changes to the temporary worker programs.

In regard to this issue, did you have any meetings with officials of the minister's office or of Citizenship and Immigration Canada?

[English]

Mr. Stan Raper: When we initially did our lobby efforts after the conference, we did meet with HRSDC program officials. We were supposed to meet with someone from CIC, but they cancelled at the last minute.

We did send formal letters to the Minister of HRSD to meet with Diane Finley, who comes from Simcoe, a very large agricultural tobacco greenhouse area. She knows of our centre and the work we do, but to date she has refused to meet with us. We find that concerning at best, but we're used to that.

Like I said, we have not been able to meet with a minister of HRSDC since Jane Stewart was around, and everyone knows that's been a while. So that's unfortunate, but we're persistent and the

letters keep flying back and forth. One day we'll meet the Honourable Diane Finley.

[Translation]

Ms. Meili Faïlle: Do I have a little time left, Mr. Chair?

[English]

The Chair: You have about a minute and a half.

[Translation]

Ms. Meili Faïlle: I find it disturbing — and this is another thing the Bloc Québécois has been advocating for many years — that temporary workers in agricultural programs have to contribute to EI when they're not entitled to any benefits or services. Did you also act on this issue?

● (1005)

[English]

Mr. Stan Raper: We launched a legal challenge against the federal government. We fought for three years just to get standing. I guess the federal government thought both UFCW and the work we had done were not credible, and they refused to give us standing. We had to fight for three years in the courts just to get standing.

By the time we got standing, we actually had secured a number of claims around the parental leave benefit situation. In fact, the numbers are quite strong, and we're going to be releasing those stats in our next report.

Because these workers return home every year, they're not entitled to the main provision that they do pay into, which is the layoff provision.

The Chair: We will go to Bill now.

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

Thank you for being here again. It's truly an expert panel this morning. I know how much work you have all done in this area, and I really appreciate you being here.

It's hard to figure out which questions to actually ask, but I wanted to follow up on something that others have alluded to. The temporary worker programs around agriculture and live-in caregiver programs have become permanent features of our worker system in Canada. They don't really meet temporary shortages. These are permanent features of our system.

Do we need to get rid of those altogether, recognize that these are permanent requirements of the Canadian economy, and make sure there is a route for permanent residence status, that it becomes a regular immigration program in those two areas? Or is there still a requirement for a temporary program in agriculture and with regard to live-in caregivers? I know there's some controversy around that within your own, communities, but I wonder if you could talk about that.

Should we get rid of these programs in agriculture with regard to live-in caregiver programs and introduce a specific track where agricultural workers and live-in caregivers could immigrate as permanent residents?

Ms. Cecilia Diocson: I've already presented several of the impacts of this program in our community specifically. For example, the deskilling of the Filipino women is the context for why we want this program to be scrapped. Many nurses who have come under the live-in caregiver program are not working as nurses. In British Columbia alone, we have recorded in our database over a thousand Filipino nurses who have come under this program. Where are they now when Canada is in need of nurses?

There are also Filipino nurses doing domestic work. That is unregulated. This is an unregulated nursing practice, because the program is also bringing them here to work and care for the elderly and people with disabilities. Why is it that they cannot come as nurses when we need nurses in Canada? They're here. When they work as live-in caregivers for these people, they work for 24 hours and they're only earning \$1.50 to \$2 an hour. That is not acceptable.

Ms. Avvy Go: I'll also try to respond to that.

The last time I came to Ottawa, I was taking a taxi and the driver was talking about post-modern feminism, blah, blah, blah. And he was driving a taxi, right? So we have this contradiction.

We have the highest-skilled immigrants coming to Canada because they meet the point system. Before they came, they were engineers, doctors, all kinds of professionals, but now they're here doing very menial jobs. At the same time, we also have nurses coming as live-in caregivers because they don't fit the point system.

In order to address all these inconsistencies and contradictions, it is really about looking at the way we define who the desirable immigrants are. Part of that revolves around the point system and how we figure out....

Both skilled and unskilled workers are in fact needed by Canada. By 2011, all the new workers entering the workforce will be immigrants. Today, even more so than ten years ago, we are relying on the immigrants to provide the drive behind the economic engine. And it's at all levels. Whether they are agricultural workers or live-in caregivers or nurses and doctors, we need all of them.

Why is it that some of them are treated differently from others because they somehow don't fit the point system? It's a very artificial system that we've set up. Who knows? Some bureaucrats dreamt it up ten years ago, and it's still around. We need to take the bold step of really revamping the whole selection of immigrants and the basis upon which we are selecting them.

• (1010)

Mr. Bill Siksay: Stan, you mentioned the role of consular officials in repatriating people. That's very troubling. What possible role can a consular official from another country have when workers are here in Canada, in terms of forcing these people to go home or even suggesting to them that they should be going back to their country of origin? Is there an official role for these people, or is this something they're doing that...?

Mr. Stan Raper: Yes, they do have an official role. Their role is, one, to represent the people from their country; and two, to make sure the contracts are supervised and maintained appropriately.

They're in a conflict of interest situation. They can't do both, and that's the problem. What we're finding, then, is that the consular officials are spending more effort on securing the contracts so that more and more workers can keep coming there year after year. If there's a problem with one individual, that individual's on the next plane, and that's the way it is. It can be that within 24 hours, that worker is gone.

Mr. Bill Siksay: Is the fact that these programs have become very important to the economies of some of the countries from which the workers originate part of the reason?

Mr. Stan Raper: Yes, they're vital. Sending workers from your home country to Canada is a multi-million-dollar industry. It's worth hundreds of millions of dollars. I forget the exact total, but Mexico's biggest industry now is shipping workers around the world. When you think about that....

I heard a speaker the other day talking about Mexican workers in the maquiladoras in Mexico. They don't want to work in the maquiladoras any more. They would rather come to Canada or go elsewhere, so they're bringing Chinese workers into the maquiladoras in Mexico.

At what point do you just stop and say, "Where's the insanity here? Let's maybe treat people with a bit of dignity and respect, stop shipping our people around the world and separating families and causing all this chaos, and just pay people decently and retain our workforce so that we don't have to bring in cheap labour?" Imagine that.

The Chair: Thank you, Bill.

Mr. Komarnicki.

Mr. Ed Komarnicki (Souris—Moose Mountain, CPC): Thank you, Mr. Chair.

As a prelude, Mr. Telegdi has indicated that there is lack of progress on this file. There is no doubt that we've gone through many ministers—Elinor Caplan, Madame Robillard, Denis Coderre, Sgro, Volpe—and the program has been in existence for all of those years. In fact, Mr. Telegdi has been chair and vice-chair for many of those years. It's good to wax forth about what should be done, but I guess what you're looking for is some action on this particular file that's practical and not necessarily political posturing or rhetoric, which we often get to hear a lot of.

In looking at the temporary farm worker program—the seasonal worker program, at least—I might ask you about provinces like Saskatchewan that use them during harvest season, a short season, where many of the employers are concerned about the fact that there's a lot of bureaucracy involved and placement doesn't happen as quickly as it should.

I'm wondering whether you could make a comment from the employers' side about some of the problems they see with the program, on both sides.

Also, you raise the issue of provincial labour standards, and of course they vary from province to province—and they're real and they differ from province to province. They're sort of bottom-line measures that need to be met for any employee, it doesn't matter who, who works in the province. Certainly it's somewhat difficult and problematic to deal with various provinces and have those kinds of differences.

What you're suggesting, the way I would see it, is a sort of central national underpinning to each of the programs that would itself put some minimal standards in place. I guess that would also apply for what you're saying about the live-in caregiver section—whether there are certain understandings that should be in place and whether somebody ought to supervise them. You indicate now that there isn't a place for that to easily happen.

You talk about an appeal. My reaction is to ask what kind of appeal, what kind of process. In all of these things you need some expediency. It needs to be quick and it needs to be impartial. You must be thinking of some kind of body or group or person who could expedite things when there's a conflict in the contract or if there's a conflict in what the minimal standards are.

Give me some idea of what your thoughts are as to how we could have an expediting body, and what some of the minimum line standards would be?

Another question would be whether you intend to actually do away with the programs. Is that what you're saying? I've had some favourable response with respect to the live-in caregiver program. In fact, some have gone through the program and have asked some of their family members to come through that program and achieve permanent resident status. So it has worked well in some cases. Are you looking to expand the program or not?

One final point relates to the issue of undocumented workers. We're talking about refugees; we find there's only a certain number we take into the country. It's a similar case with immigrants. Those who come some other way or without documentation are really making for fewer refugees among those out there who could come and could be properly documented.

What do you say about those who have some legitimate right to come into the country? Would you give the ones who are here, undocumented or otherwise, priority or preference over these? What does that do to the integrity of the system, which says you must come through certain channels to get here in the first place? Thank you.

•(1015)

The Chair: Ms. Diocson.

Mr. Ed Komarnicki: And I want to hear Mr. Raper as well.

Ms. Cecilia Diocson: In British Columbia, the Employment Standards Act was restructured in 2002. And even before 2002, this was not working for workers, especially temporary workers and live-in caregivers. When it was restructured, it was pretty difficult for individuals who were working in private homes. Now that we have restructured it, these people are no longer complaining, because it will take some time, or even not getting enough support from the bureaucracy about their complaints. Again, I think we should look at

that, because we're being passed on to the provincial government when it comes to labour issues.

With the live-in caregiver program, I think it's really important to look at this program. We have mentioned many times the impact of this program. I have only mentioned a very few, but we have women who have Canadian-born children and have been deported because they're not able to complete the 24 months within a three-year period. Again, we are sending away or even neglecting these children, and they are Canadians and are not able to come back.

We want this expanded. I think we should look at the impact of this program. I mentioned about the nurses. Why is it that in the 1970s we were able to come and practise our profession? I'm a nurse myself. There are still a lot of Filipinos working in different hospitals and cities in Canada. But since 1993, when the nursing profession became at the bottom for Canada, Filipino nurses are coming and are only working in caregiving programs.

Mr. Ed Komarnicki: Excuse me, Ms. Diocson. I'd like to be sure that we get a chance to hear from Mr. Raper as well.

The Chair: Yes. Maybe Stan has something to add, and we have only 45 seconds left.

Maybe you could have a go at it and try to answer Mr. Komarnicki's question, sir.

Mr. Stan Raper: I won't speak on behalf of the employers. I think they do a very good job for themselves. I'll speak for the invisible workers.

We're not advocating for the banning of the program. It's fairly well entrenched and there is a system in place to make sure that employers are accessing workers. What we're advocating is that they have all the same basic rights as everyone else, the right to unionization and bargaining collectively, the right to health and safety.

•(1020)

Mr. Ed Komarnicki: I am more concerned about the appeal structure.

Mr. Stan Raper: The appeal process.... You'll see in Quebec and Manitoba we've just unionized the first seasonal agricultural workers in the history of the program, and we'll see how we get through the labour board hearing process on that. Ultimately, a grievance procedure and representation on the farm, in our opinion, is the best way to go.

Second to that, I would argue that there needs to be some kind of an ombudsman or a travelling panel that would go around and hear disputes, and before anyone is repatriated they need to go before that body. It could be one or two individuals, maybe a body of three, who could travel around the country and hear disputes and problems on the farms and deal with them appropriately.

The Chair: Thank you.

That completes our seven-minute round.

Blair, will you start our five-minute round?

Mr. Blair Wilson (West Vancouver—Sunshine Coast—Sea to Sky Country, Lib.): Thank you, Mr. Chair, and thank you all for coming and making your presentations.

As I think most of the people sitting around this table would agree, increasing and ramping up our immigration policies in Canada is a top priority. It's the future for Canada. I come from western Canada, where we have massive labour shortages in all walks of life, skilled and unskilled workers, and at the same time we're faced with a massive backlog of people trying to get into Canada. As well, as you've documented today, there are up to 200,000 people who are in Canada right now who could very easily apply for citizenship and be a productive, full-time member of our society.

I know over the last nine months we've seen very little action from this new government. I think immigration is not high on their list of priorities at all. They have an inability to count past the number five, so I don't know what else is going to be on their list of priorities.

I have a few questions for you that are quite straightforward, simply trying to elicit your thoughts and your views on a few different issues. One of them is the refugee appeal division, the RAD. I think most of the members of this committee are in favour of the refugee appeal division. I was wondering what your views were on that and why you think it's important.

Ms. Avvy Go: I'll try to tie it back to the question that was posed earlier. The question was whether granting status to people without status would be an attack on the integrity of the system. I would say the integrity of the system is being attacked by the system itself at this very moment.

We had a refugee board member recently charged with breach of trust. He was trying to date the refugee claimant who appeared before him. In that particular case the woman had the courage to come forward with the assistance of her boyfriend. There are so many other examples, maybe not of a similar nature, but where it cries out in terms of what exactly happens at these refugee hearings and why an increasing percentage of refugees are having their claims denied. That's why we need the refugee appeal division to correct these mistakes. It is not enough to have the refugee going through the Federal Court to seek judicial review—they don't even have a right to do that. It's desperately in need of correction, and that will seriously add to the integrity of the system.

The integrity is not taken away because there are some people who are not even standing in the queue, because the queue was never designed for them in the first place. Apart from that, I think we have to look at the appointment system as well. I know the government is now trying to recruit as many people as possible. We have a serious backlog both at the Refugee Appeal Board and the Immigration Appeal Board right now. Hearings are not being scheduled because there is no member. All these issues need to be tackled. Certainly RAD has to be put in place right away.

Mr. Blair Wilson: Would you consider that the lack of having RAD in place has increased the number of refugees who are seeking sanctuary in your churches?

Ms. Avvy Go: Certainly. RAD is only one component, but the fact that our determination system is flawed results in many people who should have been granted refugee status, who were in fact conventional refugees being denied that status by the system right now, and they cannot return to their country because they are refugees. Therefore, they turn to the churches, temples, or whatever

for help because they can't leave. They become part of the undocumented workers and non-status immigrants.

Mr. Blair Wilson: I think you said 11 church organizations make up the KAIROS. How many of those 11 organizations provide sanctuary for refugees?

• (1025)

Ms. Jennifer Devries: I'm not sure of the exact number, but I will get back to you on that. I know that the refugee appeal division and sanctuary and all those issues that apply to refugees are really important issues for churches right now. So I will get back to you on that. I'm not sure of the exact number, but many of the churches are dealing with the sanctuary issues.

Mr. Blair Wilson: Do the churches have a policy in place as to who they accept or who they don't accept? How long would the average person be kept?

Ms. Jennifer Devries: That is a good question. I'll write that down and have the church contact you.

The Chair: Of course, we have some churches coming in. Some of the organizations representing churches are coming in on November 2, so we will be able to put some questions to them on that.

Blair, your time has expired.

I will go to Barry Devolin.

Mr. Barry Devolin (Haliburton—Kawartha Lakes—Brock, CPC): Good morning, and thank you for being here. It was an interesting set of presentations to listen to.

I think it's fair to say that all political parties recognize the importance of immigration. I'm relatively new to this committee, but what has struck me since I arrived this year is that there are a lot of administrative and process problems. That's really the issue we as a committee, as a government, and as a Parliament need to grapple with it to figure out how to make the processes work better.

I think everyone recognizes we have a skills and labour shortage today and that is only going to get worse, so to speak, in the future. We had a delegation here from Finland a few months ago, and for the first time Finland is talking about creating an immigration policy. They are dealing with exactly the same problem in terms of the labour shortage and the aging population. Actually, it's a worse problem than we have here. So I think we're all on the same page there.

As I listened to the presentation about the agricultural workers, in particular, who are here for several months and separated from their families, just on a human level, I can hardly imagine that. I have two young children myself, and I am separated from them five days a week for half of the year and I know how difficult that is.

My colleague Nina misses her son so much she actually brought him with her today.

My question is for anyone who wants to answer it. For people who come in, perhaps agricultural or domestic workers, is one of the potential solutions that while they're in Canada they could actually apply for status to come here permanently? If the current system is left in place, where an agricultural worker or domestic worker comes to Canada temporarily and they make a decision that they want to permanently locate here and actually bring their family with them, is that part of this practical solution?

Ms. Avvy Go: With respect to the live-in caregivers, in fact that's part of the thing. While they're in Canada, they apply. But as Cecilia said, there are many problems within that program. This makes the dream of becoming an immigrant almost impossible because of all these other requirements and the consequences once you fail to meet some of the requirements. I think some have advocated that before they come they are already immigrants. That gives them all kinds of protections.

I want to talk about family reunification. As you said, it's such an important part of our immigration system. If you compare the figures today with the figures from 10 years ago, over 50% of Canada's immigration were family class at that time. Today, it's less than 25%. It's because we're moving more and more toward the independent immigrant skilled workers and so on, without recognizing they have family and that they need their family here.

Part of the problem is also how we define family. When Mr. Komarnicki says that some live-in caregivers have to bring their families through live-in caregiver programs, I'm wondering, maybe it's because their family members don't fit the family class immigration category. Again, that's because of our bureaucratic definition of who is in our family.

I'll use another taxi driver example. On my way here from the airport, the taxi driver found out that I was here to talk about this. He said he wanted to sponsor his brother-in-law, and he gave me the sponsorship application. I said no, you can't, he's not your family. He said that he is his sister's husband. I said I understood that, but that he doesn't fit the family class definition. There are many reasons why people choose other ways of coming here to be with their families. It's because our system doesn't allow that to happen.

You can go on forever, but there are many issues we have to struggle with—some are processing issues and some are definition issues—that are in the act and the regulations.

• (1030)

The Chair: Thirty seconds, Barry.

Mr. Barry Devolin: It's the irony that they're actually here doing a job that no Canadian wants to do, and then they have to turn around and try to prove that they're not going to take a job away from a Canadian who wants to do it.

Stan, what is the situation on the agricultural side?

Mr. Stan Raper: The agricultural workers don't qualify. They're usually low-skilled. They have low education and low literacy levels. There's no queue for them to jump. Unless the employer is sponsoring them, there's no way they're going to get close to having any points to be able to qualify. So they're completely excluded.

That's why we're calling for the two-year provision. Even if they have been working here for 27 years, they still don't qualify. They've

been with the same employer. We've had retirement parties at our centres. At what point do you just say, okay, maybe this guy is decent and he should be able to have citizenship? They don't even have a queue to jump. It's not there.

The Chair: Okay, thank you.

Johanne and then Madam Faille.

Johanne.

[*Translation*]

Ms. Johanne Deschamps (Laurentides—Labelle, BQ): I have more of a comment to make. I would like to share with you how I feel after hearing your testimony today. I have to say I feel deeply frustrated, as a parliamentarian here in Parliament.

I've been here since 2004 and I realize how much inaction there is, not only in your case but in many areas. We had a minority government in 2004 and another minority government in 2006. Everyone is passing the buck to hide their incompetence or their lack of understanding. I think we have come to a point where, after hearing your testimony, I'm convinced we have to act. There must be a political will. You have presented us with a great report. One only has to go through the pages to find your recommendations.

We listen to you, we listen again and I'm sure you will be back to tell us more about the absurd situation these people you're trying to protect are in. I think we have to take the time to say that we need the political will to put in place the tools you need to stop lobbying and make representations and to start meeting the actual expectations of these people.

I think we're making money on the back of migrant workers. They're here, they contribute to Canadian life as if they were citizens, they enrich the government but they're not entitled to any services. I find this ridiculous.

I'm sharing with you how I feel. I can assure you I feel very, very frustrated. I don't know if you have something to add but I had to say this.

[*English*]

The Chair: Okay.

Madam Faille has a...

[*Translation*]

Ms. Meili Faille: There is definitely a problem with the Canadian justice system regarding migrant workers rights.

Mr. Chair, I don't know if it's the right time to say this, but could we ask the immigration department to table the legal opinion they got from Justice Canada on the consequences of this? Could we ask Justice Canada to come and discuss the consequences in different government programs as well as their concerns regarding migrant workers rights?

I'm sure studies of this kind were conducted by Justice Canada. The committee could ask for copies to help us in our own study. If not, we could ask Justice officials to come before the committee. Since they are responsible at the international level and given the work being done on migrant workers rights — DFAIT is also involved — it would be helpful to meet officials from these departments and to have these opinions.

I think a study about this was commissioned two or three years ago. It would be helpful to get the results. I am suggesting this, Mr. Chair. Could we follow up on this matter and obtain copies of these studies?

• (1035)

[English]

The Chair: It might be appropriate for you to bring it to the steering committee meeting on Tuesday, October 24. We may not be having a full meeting then, but there will be a steering committee meeting.

[Translation]

Ms. Meili Faille: You will understand that these documents can help us examine migrant workers rights.

You're also aware that IRB chairperson Jean-Guy Fleury came on Tuesday to talk to us about the issues with refugees. We found out that once rejected, they come under CIC's responsibility. The department makes an assessment of risks on humanitarian and compassionate grounds before removal. Do you see any problem in this regard with CIC's processes?

[English]

The Chair: We'll allow for a 30-second response. We're well over, so you can have a response to that last question.

Ms. Go.

Ms. Avvy Go: Yes, that speaks to the humanitarian and compassionate application. There are many problems with it. One issue is around how they define who is facing excessive hardship. They often define it in terms of the risk to personal life. So if someone has lost a refugee claim, odds are almost by definition that they're not going to be considered as facing excessive hardship when they go back.

So I think it's important to look at how to relax the H and C application to allow for a broader set of considerations beyond just risk to life or risk to security, but looking at other forms of contributions that individuals are making and other kinds of hardships they will face will certainly help with some of the situations as well.

The Chair: Okay.

Ms. Grewal.

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

Thank you all for your time and your presentations.

KAIROS has indicated in documents on its website that too many refugee claimants are detained upon arrival in Canada. Why have the numbers of refugees in detention increased in recent years? If so, what factors in KAIROS's view have been responsible for the increased numbers?

Mr. Stan Raper: Do you want to take a shot at that, Avvy?

Ms. Avvy Go: I can't speak for KAIROS, but certainly the figures suggest that first the acceptance rates of refugees is certainly on the decline. It's interesting that it really depends on which cities you are in. If you're from Vancouver and you're from certain countries, your acceptance rate is lower than if you're living in Montreal or Toronto. It shows the arbitrariness of the determination system.

I'm not sure if detention has necessarily increased, but certainly there are many issues around detention and the amount of money that we're spending on detaining. Perhaps the money can be spent better elsewhere.

Even with deportation, I remember a few years back when the 590 Chinese migrants were detained and deported. There was a suggestion that something like \$130 million was spent on detaining and deporting these people. You can imagine if we spent that amount of money on anything else, on any other priority in government, we would have a much better result.

Mrs. Nina Grewal: Do you have any idea of what kinds of problems or difficulties are faced by these individuals who are in detention?

Ms. Avvy Go: Right now the system is that if you're in detention, you can seek review—at 48 hours, then seven days, and then every 30 days. The problem I have seen with certain claimants or refugees is that they come from countries where...

Well, a lot of the reason you're detained is that they want to deport you, but they can't deport you unless they have a travel document. The problem is that a lot of countries don't issue the travel document, partly because, as was alluded to earlier, a refugee coming into Canada may not have proper ID; they couldn't get it from the government they were fleeing from. That in and of itself could be a reason for the detention.

You can imagine the conditions. In Toronto, for instance, there's a centre near the airport. It looks like a hotel but it's basically a jail, with very little facilities, no access to counselling, no access to programs, and no support. Even to get medical support you have to wait for the one doctor who comes in whatever month. We have heard stories of people being denied medical support a lot of the time.

We were involved with one group of young Chinese girls who were detained for nine months. They had nothing—no access to programs, schooling, interpretation. We had volunteers going in to do ESL classes, bringing in food for them.

So the conditions are horrendous.

•(1040)

Mrs. Nina Grewal: Are there any other issues involving refugees that this committee should be studying and should be aware of?

Ms. Avvy Go: The list could on, I guess. Honestly, the list could go on.

To start with, I think you could look at the appointments system. This is the moment to do it. You have a lot of former members not being renewed for appointment. Please, please make sure that you get the right people in there. Don't get someone just because he's some MP's hairdresser or whatever. Make sure that the people who are appointed have the qualifications to understand not only domestic law but international human rights law and international law governing refugees. Our own immigration law requires us to take into account international human rights law. The people who would make these determinations must understand those things.

You must urge the government to implement the refugee appeal division. I think that will get rid of some of the problems as well.

There are many other issues around security. Look at the CCR website and at their list of all those issues.

The Chair: Thank you.

Bill.

Mr. Bill Siksay: Thank you, Chair.

I want to go back to something you said, Cecilia. You were talking about the employment standards situation in British Columbia, and you talked about the change in the employment standards law in 2002.

I just want to be clear that you were saying that the situation is indeed worse for live-in caregivers because of that new law, and that they weren't complaining because, even if they do make a complaint, there's no remedy for them. They've essentially given up on employment standards.

Ms. Cecilia Diocson: Yes.

Mr. Bill Siksay: Okay. I just wanted to be clear on that.

Ms. Cecilia Diocson: We're doing a study right now within our community with regard to the restructuring of the Employment Standards Act in British Columbia. We'll be coming out with the report soon.

Mr. Bill Siksay: Okay.

To Avvy, I want to come back to the question of undocumented workers. You mentioned 20,000 to 200,000. Can you talk a bit more about the sense that people have with regard to the numbers?

Ms. Avvy Go: Actually, I think I got the 20,000 to 200,000 figures from one of the reports done by CIC several years ago, so I'm not sure how accurate they are. I guess they looked at the number of removal orders being issued, and tried to calculate how many of those were actually executed. I've heard numbers as high as a million, so I'm not quite sure, although 200,000 sounds reasonable and realistic to me.

Certainly in cities like Toronto and Vancouver, almost every single person I know is aware of at least one person who is undocumented—and I don't think they're all the same person.

Mr. Bill Siksay: Thank you.

Stan, you mentioned earlier the question of why Canada doesn't have a movement similar to the one in the United States around regularization and undocumented folks. But I've heard the argument made that the situations in Canada and the U.S. are different.

The number in Canada is probably lower, first of all, in terms of percentage of population. And in Canada, for most of the people who are here undocumented, there's paper on them someplace in the system. Most of them came in legally, at least originally, made a refugee claim that failed, and then went underground, or came in as visitors and overstayed. In the United States there is a much more significant problem with people sneaking into the country and then becoming undocumented persons.

Is that your sense as well? Perhaps you could talk about those differences. And are the people who are cropping up in the system ones we've never seen? Is that who we're talking about?

•(1045)

Mr. Stan Raper: I think you're exactly right. Visitors, foreign students, temporary workers, SAWP AWOL workers—if you want to find undocumented workers, you don't need to only go to Toronto. You can go to any agricultural sector anywhere in Canada.

There are numerous workers. In fact, they did a raid on a farm just outside of Windsor. When the police went in, all the workers were running out into the fields behind the greenhouses afterwards. They caught eight workers. Those workers were detained and are now going through the refugee process.

What happened was that a reporter started calling about what the raid was about and what was happening. The reporter was asking if they got everyone, who the workers were, and that kind of thing. There were Asian, Vietnamese, and Mexican workers detained.

We asked the questions because it was a big story in the paper about these criminals, these undocumented workers who were just trying to live. Basically, that's all they were trying to do. They got cash under the table, but no one was asking how come the employer was paying these guys cash under the table and there were no charges against the employer. It was the workers who were criminalized and the employer got away with nothing. I've asked the reporter several times to do follow-ups with Immigration Canada and others, but I still have not heard if any charge has been laid against the employer.

These workers are invisible. They're afraid to come forward, because they're going to be dealt with as soon as they come forward.

Mr. Bill Siksay: I want to come back to the criminal thing, because I think it's really important.

Avvy, you mentioned that the people who are undocumented are not a significant criminal group in Canada. Could you just say why you have that belief?

Ms. Avvy Go: A lot of them are afraid of getting into trouble. By definition, if you're undocumented, you want to stay away from the authorities and give them as little opportunity as possible to come look for you.

At the same time, it's the perception. Every time we talk about illegals, people have this thing in mind that these are people coming in to bomb our airports or do whatever. Every time we hear something from the United States, it's that all these people are going there for a 9/11, but those terrorists all came in with some kind of a regular visa.

So by definition, they cannot be a significant criminal group.

The Chair: I have to cut it off there.

I'm going to try to give three minutes to Mr. Komarnicki and three minutes to Andrew, and then we'll have to call it a wrap.

Mr. Ed Komarnicki: I noticed your comments with respect to implementation of RAD. Fair enough, but you said that would somehow help the church sanctuary cases. Do you really think there would no longer be any church sanctuary cases if that was implemented? It seems to me that as a last resort of refuge, church sanctuary probably would continue in any event. You might want to comment about that.

Also, with respect to numbers, you would like to expand in various areas. It's awfully difficult if you're dealing with a total number. If you keep expanding, then something else would have to go. One of my questions is what you would say to those who come through the queue legitimately but might not be able to do so if you put the others in the queue just simply because of the fact that they've come through some other means.

And a question that you hadn't answered initially, Mr. Raper, was whether you have had any concerns about processing times. In Saskatchewan, I hear from the agricultural community that it's difficult to process at least seasonal workers and that there is an issue relative to that.

So those are perhaps two questions.

Ms. Avvy Go: In terms of the RAD, certainly I agree that putting in the RAD alone is not going to solve the problem. If you have the RAD and then you have people who are sitting on the RAD who know nothing about anything, you will still end up with—

Mr. Ed Komarnicki: Let's make the assumption that they know something about something.

Ms. Avvy Go: Yes, but at least we will try to strive toward building a system that is much fairer than what we have now.

I would agree that there will always be cases that cry out for some kind of correction. At the same time, though, in terms of the queue issue, the queue is an interesting thing.

If you look at the queue, it depends on which country you come from. The length of the queue is different. The same people who tend to be found here living without status tend to come from countries where the queue is extremely long, because the resources in terms of visas and consular services are not evenly distributed.

• (1050)

Mr. Ed Komarnicki: Shouldn't we be directing our resources toward making sure that is fixed rather than going the other way around?

Ms. Avvy Go: Certainly that would also help. That's part of the reason why applications from people from China are dropping. They're waiting six to ten years. If you want to—

Mr. Ed Komarnicki: But you have to focus somewhere.

Ms. Avvy Go: Right, but I'll just give you one example. Clients that I have from China, if they come in as independent immigrants, tend to wait anywhere between three and five years. I have a similar client with accreditation and all that, but instead of coming directly from China, he lived in Germany for three years. He applied from Germany and it took him 21 days to get his immigration visa.

Mr. Ed Komarnicki: Shouldn't we focus on that aspect, as opposed to adding to the problem?

Ms. Avvy Go: Certainly we should do that as well.

The Chair: Thank you, Ed.

Andrew, please, for three minutes.

Hon. Andrew Telegdi: Thank you very much, Mr. Chair. Just until we wrap up, I'll respond to Mr. Komarnicki.

Whether I sit on that side of the table or on this side of the table, I have always been consistent. As a matter of fact, I've probably been rougher on my ministers than I have been on yours. Like Barry, I really wish we were a little less political and were looking at it more from the standpoint of saying this is a real problem. I hope the committee collectively can do that and exert whatever influence we have.

I say to the delegations that the numbers I heard on undocumented workers go from 200,000 at the minimum to 500,000 at the top. In the United States, up to 10% of their workforce is comprised of illegals. In Canada, it's 1.6% if you take the top end, so we really have much smaller numbers.

As Blair said, we have a labour shortage in this country, and there's a real mismatch between people we let in under the point system and the kinds of jobs that need to be filled. It's just so obvious. I dare say that when the committee dealt with the point system, they condemned the stuff that came down from our minister, who was a mouthpiece for the bureaucracy. Now we really see the problem.

I think it's important that you guys, the delegations, seize upon that report, the response of the minister to our thing on the undocumented workers, on whom we want to see some resolution. That report is on the website of the committee. I want you to take a look at it, because the report doesn't make any sense. It's bureaucratic rubbish.

The best example I can cite for you is Senator Roméo Dallaire, who says there are some bureaucratic terrorists in the system who manage to frustrate what seems like an obvious solution. So I really would urge you to take a look at the report, respond to it, and disseminate it. The political will of the committee was that we go after the criminals who should be gotten rid of and that we stop wasting money rounding up people who are contributing to the economy.

Stan, do you have an idea as to what percentage of the farm labour is now provided by non-Canadians, by migrants?

Mr. Stan Raper: Do you mean undocumented, or do you mean the migrant workforce?

Hon. Andrew Telegdi: Both, if you can break it down.

Mr. Stan Raper: The mushroom farm that we organized in Kingsville, Ontario, is a good example of the high-end agricultural sector, and it has roughly 85% migrant workers. The greenhouse sector is almost 100% seasonal agricultural workers, foreign workers. The foremen and lead hands would be Canadian, but the sector is almost completely dominated by new Canadians and/or the foreign worker program and seasonal agricultural worker program.

• (1055)

The Chair: Thank you.

On behalf of the committee, I want to thank you for coming in today. It's been very interesting. I wish we had more time, but we do have a committee looking for this room and they'll be meeting here in a few minutes. Thank you very much for coming. We really appreciate it.

On Tuesday we will be having our steering committee meeting. We may not be having our full committee meeting because of the unavailability of the witness, so I think it will be our steering committee meeting on Tuesday.

We will have our budget put before the subcommittee today for approval and we would encourage all of you to get in touch with your House leaders to talk to them about committee travel and that kind of thing and getting permission. Hopefully, we'll be able to travel to Kingston and Montreal fairly soon.

I have a request here from Bill. He'd like to make a formal request for a research paper on regularization of amnesty programs for our meeting next week.

Is that a motion you're making, Bill?

Mr. Bill Siksay: I'm not sure that we need a motion. But if we could request the analyst to maybe research past amnesty or regularization programs in which Canada may have engaged or examples from the United States, I think that would be very helpful for us as we pursue this work down the road.

To have some clear information about what the Government of Canada and the American government have done in the past on that issue might be very helpful to us.

The Chair: Andrew, on the same point.

Hon. Andrew Telegdi: No. Get somebody else to provide—

The Chair: Okay, so we'll have the research analyst do that work.

Mr. Bill Siksay: The timeline can be down the road, because I think we're more focused on refugee issues right now. But as long as—

Hon. Andrew Telegdi: There is, I think, a good six-part series of articles running on refugees in *The Ottawa Citizen*. It started last Sunday and it finishes today. It would be useful for the committee to have that series.

The Chair: Mr. Devolin.

Mr. Barry Devolin: A really quick comment. On days like today, I appreciate the flexibility that you gave, Mr. Chair, both to questioners and to witnesses on the clock. I think if we all respect the spirit of the clock, then some of these answers... We all wanted to hear the answer, and I appreciate the fact that you didn't cut things off. And I appreciate the fact that my colleagues didn't try to take advantage of that situation.

The Chair: Yes. We try to get everyone in, and sometimes it's hard to cut people off in the middle of a long, drawn-out answer. So I appreciate your indulgence on that.

Thank you.

The meeting is adjourned.

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