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—
Chair

Mr. Norman Doyle

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•(1100)

[English]

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

I want to welcome the witnesses this morning: Michel Jobin, full-time member, Immigration and Refugee Board; Anna Maria Silvestri Corriveau—I trust I'm pronouncing that properly—full-time member, Immigration and Refugee Board; and François Guilbault.

We are going to examine the reappointment of these particular members. I want to remind members again that the scope of the committee's examination of order in council appointees or nominees is strictly limited to the qualifications and competence to perform the duties of the post. Questioning by members of the committee may be interrupted by the chair if they attempt to deal with matters considered irrelevant to the committee's inquiries. Among the areas usually considered to be outside the scope of the committee's study are the political affiliation of the appointees or nominees, contributions to political parties, and the nature of the nominating process itself.

We will begin our examination. I will call upon our witnesses. If you wish to make a statement, please feel free.

[Translation]

Mr. Michel Jobin (Full-time member, Immigration and Refugee Board (Montreal Regional Office), As an Individual): Good day, Mr. Chairman.

My name is Michel Jobin. I'm from Quebec City. I have a university education: I have two undergraduate degrees, including one in law. I am also a member of the Quebec Bar Association. I worked in a private firm, then in public administration in Quebec, in a hospital. Then, I applied to become a member. I had an oral interview and a written interview in the winter of 1998. In September 1998, I was appointed by the government.

Both my colleague and I received training upon our arrival on legislation and the application of the relevant case law. Over the course of our eight years within the Immigration and Refugee Board, we have had continuous updating, and regular legal briefings. For example, when a new Immigration Act was passed, we had in-depth training on that legislation. We also have regular thematic training on the various countries.

The various members of the board are divided into geographic teams. So, in my case, when I arrived at the board, I worked on the Northern African and Middle Eastern team and, then, on the multidisciplinary team. This sounds quite technical, but it means that

these are more complex cases, which require that the minister or his or her representative intervene. Sometimes, there are exclusions from the application of the act. Also, someone's status may be terminated or lost.

In short, this is what I have been doing in my eight years with the Immigration and Refugee Board. Those are the comments I wanted to make at the beginning of this meeting.

I am now available to answer any questions you may have.

•(1105)

[English]

The Chair: Thank you, Mr. Jobin.

Are there any other opening statements? Ms. Corriveau, if you wish to make a statement, fine. If not, we can just go to members of our committee for questions. I want to give all of you the opportunity. If you don't have any opening statements, that's fine. I can just go to members of our committee to begin their rounds. It's entirely up to you.

Madame.

[Translation]

Ms. Anna Maria Silvestri Corriveau (Full-time member, Immigration and Refugee Board (Montréal Regional Office), As an Individual): I want to give you a brief overview of my training and qualifications.

Good day, Mr. Chairman, members of the committee. As you have noted, I speak with an accent. I hope that you will be able to understand me properly. I was born in Italy. I was 15 when I came to this country. I married quite young and I am the mother of two children. I went back to school when I was in my 30s.

I began my first degree in political science and psychology, a degree I have not completed. Then, I studied law. I have a bachelor of law and passed the bar. Finally, I completed a master's in labour law and social law.

Both early on in my career and later, I worked on administrative boards. I was also a community member of the Quebec Parole Board. I have also taught labour law and municipal law at the CEGEP level at the Collège de l'Assomption.

My considerable experience in administrative law led me to apply for the position of member with the Immigration and Refugee Board, where I have been working for the past eight years and some months. My colleague, Michel Jobin, and I were appointed at the same time.

I will not repeat what my colleague has said, except that initially, I worked with a team that dealt exclusively with Eastern European countries. Then, I moved on to Latin American countries, and then francophone African countries. For approximately seven years now, I have been dealing with francophone African refugees.

That, in a nutshell, is my profile.

[*English*]

The Chair: Thank you very much.

I want witnesses to be totally at ease here this morning. You're obviously very qualified people. You've been reappointed. I'm sure you wouldn't be reappointed if you weren't very qualified. We're not here to grill you in any way, shape, or form. We're just responding to a motion that was made to have you come before the committee for examination and what have you.

I'm sure this is going to be a very informal kind of meeting that we're having here this morning. We just want to exchange some views with you, I'm sure, as we go to our first questioner, Mr. Alghabra. He'll be the first to lead off this morning.

We generally have seven-minute rounds for each party and then we'll go to five-minute rounds.

Mr. Alghabra.

Mr. Omar Alghabra (Mississauga—Erindale, Lib.): Thank you, Mr. Chair.

Good morning to all of you. Thank you very much for coming here. It's a rare opportunity for us to get to speak to people like you, with the experience you have.

I'd like to take this opportunity to learn more from you about your experience and the system itself. Both of you, I think, have been on the IRB for at least eight years. Right now this committee is examining a lot of the issues with the refugee process and reviewing a lot of the system that is in place.

I'm not sure whether this is a fair question, but I'm really interested in hearing from all of you, if you had the opportunity to submit three recommendations to improve or enhance the process right now of the IRB, or the refugee application process, what you would recommend.

• (1110)

The Chair: That might be a question that is difficult to answer.

If there are any questions that you feel you don't want to get into, that's fine; just indicate it to us. As I said, it's an informal kind of setting—we're trying to make it that way—so feel free to make any comments about it that you may want to, or not.

[*Translation*]

Ms. Anna Maria Silvestri Corriveau: As a member, I cannot answer that question, since that is not part of my duties. My job is to hear from the claimant and to make a decision with regard to the claim. My job is not to make recommendations to improve the system.

[*English*]

The Chair: Yes, and maybe members, in asking their questions, could concentrate somewhat on the qualifications and the compe-

tence of the individuals to perform their duties. I know that's narrow in scope, but this is what the Standing Orders deal with. We have to examine the qualifications of the individuals to perform their duties.

The point I'm making, I suppose, is that it's a fair comment from the witnesses to say that they want to remain within the area of their competency and qualifications.

Mr. Omar Alghabra: Mr. Chair, I think it's an opportunity for us that we don't always get, to have individuals who have a lot of experience in the system. I don't mean to put them on the spot, but I think it's our responsibility to learn from them, if we can, how to make their job better, how to help them make the system better, because they have a very difficult job, in my opinion.

I don't know whether anybody can claim that the system is perfect. I'd really like to take this opportunity, especially now that we have also a private member's bill that talks about the implementation of the appeal mechanism....

Maybe that's a question I'd like to ask the witnesses here, about the appeal mechanism. How do they feel right now, after the reduction a couple of years ago of the number of IRB board members from two to one? How do they feel about enacting the appeal mechanism?

Mr. Ed Komarnicki (Souris—Moose Mountain, CPC): I have a point of order, if I may, Mr. Chair.

The Chair: On a point of order, we have Mr. Komarnicki.

Mr. Ed Komarnicki: When we look at why the two appointees are here, it's because Mr. Karygiannis brought a motion, as he's entitled to do under the Standing Orders, to bring the two individuals before this committee with the purpose of examining their qualifications to perform the roles and duties assigned to them. That is all that these witnesses are here for.

The questions Mr. Omar Alghabra raises are fair questions to put to people who are brought here specifically for the purpose or who have the.... The committee can bring people in to deal with those issues that he raises, if the committee chooses to, but in fairness to these two appointees, they are here specifically under the Standing Order, pursuant to the motion, and the questions should be limited to those areas.

I think the chair should overrule any question outside that scope and should interpret it exactly as it's meant to be, and I think the witness makes a good point.

Mr. Omar Alghabra: I'd be happy to respond to that point, as long as it doesn't take any time out of my questioning time.

If we want to talk about qualifications, that's fine. I think trying to understand and learn from the individuals about their experience and what they've learned and what they can share with us is part of their qualifications. It's very difficult to see why you're objecting to these questions.

• (1115)

Mr. Ed Komarnicki: It's just the point that you don't call people for one purpose and with a mandate specific to that purpose and then try to deviate from it.

The Chair: Order. I'm still listening to Mr. Alghabra.

Mr. Ed Komarnicki: I'm sorry.

Mr. Omar Alhabra: I'm not saying every question I ask would be to your liking, but these questions are relevant. It's part of their qualification, part of their experience, part of their résumé, for us to benefit from.

They're here. How often do we get IRB members here to talk about their qualifications? These are relevant. These are important issues relevant to their experience.

The Chair: Thank you, Mr. Alhabra.

Mr. Telegdi, I think, was next.

Mr. Barry Devolin (Haliburton—Kawartha Lakes—Brock, CPC): Actually, I put my hand up before Ed.

The Chair: Oh, yes, so you did.

Mr. Devolin.

Mr. Barry Devolin: Speaking further to the same point, I don't disagree that these are interesting questions and relevant to the committee's broad agenda. I do think, though, to use a different example, that you wouldn't bring police officers, for instance, in front of the justice committee and ask them whether they agree with the law or not.

I think it's inappropriate to ask people who are working in the system whether they agree with the public policy issues that are before the government. To ask for observations about how they do their job is one thing. But to say, here's a proposal, or here's an idea.... As you said, if someone gave you the opportunity—

Mr. Omar Alhabra: That's what I said.

Mr. Barry Devolin: No, your question was asking them to comment on issues of public policy.

Mr. Omar Alhabra: Absolutely. You can ask them what they need—

The Chair: Order, please.

Mr. Telegdi, please.

Hon. Andrew Telegdi (Kitchener—Waterloo, Lib.): Mr. Chair, I don't think we imagined when we were going to have people come before us that we were going to have reappointments coming. I think probably we want to pay more attention to who the new appointments are because obviously that's going to reflect government policy and that's what we want to get a handle on. I don't think anybody questions the competence of these particular individuals. But I think Omar is quite correct that when people come before us we can ask them questions as to how they can end up enhancing the system.

I note both of these people are lawyers, and as Mr. Komarnicki would know, lawyers are used to going to court and are very mindful that you have things like appeals. Many lawyers and judges I know and crown attorneys I know feel very good about having appeals, because if they make a mistake, they end up sleeping better at night knowing somebody could correct a mistake that might happen.

So I think it's quite relevant, just as questions on whether or not the shortage of members is building up the caseload.... Is that relevant? I think that's relevant.

Failing all that, and I think Omar is totally on the right track, we could perhaps ask the member from the board that particular question, because I think it has great relevance to what we as a committee are trying to do. So asking if you feel that the RAD would be beneficial for you is very much a relevant question to ask. I don't see any particular problems in asking that question.

The Chair: I would rule that Mr. Komarnicki, of course, has a valid point of order because the chair has no authority to direct witnesses to answer questions that are outside of the scope of the examination of their qualifications and competence to perform their duties. Again, this is all the chair can do. I can easily say to the witnesses, if you feel like answering these questions that seem to be outside the qualifications and competence to perform your duties, well, feel free to do so, but you may not if you don't feel like doing it either. Again, I would say that questioning by members of the committee may be interrupted by the chair if it attempts to deal with matters considered irrelevant to the committee's inquiries. These are not my words. These are the Standing Orders, and the chairs are ruled by the Standing Orders, and this is all they can do.

I want to be as flexible as I possibly can, and I don't want to tie the committee's hands in dealing with the witnesses, but we do have a means at our disposal to get the information that the honourable members of the committee wish to get by calling other witnesses.

So we'll proceed, and I'll allow witnesses to feel free to answer these questions, or if they want to remain within the strict limits of the order in council and Standing Orders, they may do so.

I'll continue again, Mr. Alhabra.

• (1120)

Mr. Omar Alhabra: Mr. Chair, I'm really surprised at the defensive nature, especially of the opposite party. A lot of this legislation was passed by the Liberals, so don't worry about it. If there's some criticism of the legislation, don't worry. You don't need to be so defensive.

The Chair: That's not the point, Mr. Alhabra. We have to—

Mr. Omar Alhabra: I'm genuinely and sincerely interested in learning from the experiences of the witnesses we have in front of us.

The Chair: Okay, ask your questions, because you only have a minute and a half left.

Mr. Omar Alhabra: I don't know where my six minutes went. I want to get back to my question.

The Chair: Okay, I'm hoping—

Mr. Ed Komarnicki: Mr. Chair, I think the member made an aspersion that I would like to respond to before he continues with his questioning.

You being flexible, I think I'd simply like to say to this member that as the chair has stated, there is the opportunity to call people for that specific purpose. But here we have a Standing Order that clearly reads that the committee "shall examine the qualifications and competence of the appointee or nominee to perform the duties of the post to which he or she has been appointed or nominated". That's the sole reason they're here, and we should respect that Standing Order.

If you want to get into the questions the witness has, you certainly can, but do it in a different forum with a different witness. These witnesses certainly shouldn't be subjected to that, because the only reason they're here is because of the Standing Order. It's not a question of defensiveness; it's just a question of the facts.

The Chair: Okay. Before you proceed, Mr. Alghabra, I'm sorry, I missed you last time around, Mr. Gravel.

[*Translation*]

Mr. Raymond Gravel (Repentigny, BQ): I want to come back to the comments the member made earlier when he said that it was a matter of competency. The ability to be able to say what can be improved in a system is a matter of competency. I think that this is part of one's responsibilities.

We don't ask a police officer to comment on legislation, to tell us whether he or she agrees or disagrees with such and such a law. However, we may ask that individual what can be changed or improved with regard to their work as a police officer.

I think that this is part of one's responsibilities, and that is why I completely agree that this question should be asked.

[*English*]

The Chair: Okay. With the committee's indulgence, we will proceed onward now and see if we can make some progress in this regard.

Go ahead, Mr. Alghabra, please.

Mr. Omar Alghabra: Thank you, Mr. Chair.

I'm really not trying to put the witnesses on the spot. As I said, we're genuinely interested in learning. This is a unique opportunity for us to benefit from the wealth of experience you have.

Can you tell me what the biggest obstacle is for you, first, in conducting your job?

Mr. Ed Komarnicki: Mr. Chair, you just ruled on a point of order and he's going contrary to the point of order. So what's the point of the point of order if the questioner doesn't respect that?

The Chair: Again, the chair is placed in a very difficult position here. Again, I can only quote the Standing Order that we're here to examine the qualifications and competence of the individuals to perform the duties.

I will allow the question without any problem whatsoever if the witnesses feel like answering that kind of question, which seems to be wandering outside the qualifications and competence factors.

Now I'd like to hear from the witnesses about whether they feel comfortable going into these areas, because the chair tends to be very flexible in this regard. I don't want to tie the hands of the committee in any way, shape, or form. So maybe I'll just ask the witnesses if they feel like going into these areas, or if they just want to have the meeting confined to their competence to perform their duties.

Mr. Jobin and Mr. Guilbault, may I have a response in that regard, please?

• (1125)

[*Translation*]

Mr. Michel Jobin: Mr. Chairman, if my memory serves me, the motion tabled on December 12 stated that we were to be questioned on the qualifications of appointees by order in council to the IRB.

I understand that we are all citizens and that we all have an opinion on a subject we hold dear, but I believe that, at this point, if you wish to talk about the lack of board members or about the Refugee Appeal Division, you are in a better position, as parliamentarians, to pass legislation and regulations. This is my personal opinion on this matter.

If you want to implement the Refugee Appeal Division, it is within your power to do so. A member does not have the authority to suggest that you take one road over another. You were elected by the constituents in your respective ridings, and I believe that it is your responsibility to take one road over another, particularly with regard to the Refugee Appeal Division.

[*English*]

The Chair: You feel that the questions should be directed to you with respect to your qualifications and your competence to perform your duties, as the Standing Orders state, and you would not feel any great comfort level in responding to anything outside of that. Okay, that's fair enough.

I would remind members of the committee that I have a Standing Order here, and the chair will enforce that Standing Order. It is not for any particular reason other than to make the witnesses feel comfortable that we are here to examine their qualifications and competence, and I will enforce that.

Go ahead, Mr. Karygiannis.

Hon. Jim Karygiannis (Scarborough—Agincourt, Lib.): On a point of order, when we had questions of witnesses in the same situation last week, you aggressively overtook those Standing Orders and you really stretched it. When questions are asked of witnesses—and certainly witnesses have come forth because they have different experiences and they bring to the table different knowledge—I think you keep reminding us of that Standing Order. It just goes a bit beyond the point. I think you're going a bit beyond the point of saying to us, "Hey, children, don't reach over the desk and grab the candy." I think we're all grown people over here and we know what we're doing. Last week, sir, you certainly overwhelmingly kept on badgering this side on the questions.

If the witnesses have received a position with the federal Government of Canada, and their competence and their knowledge and skill bring them to this position, I am sure they're competent and knowledgeable enough to answer questions that are put forth to them, not on any political affiliation but on whether they have sought political office in the past. That certainly adds to the individual's credibility and the individual's worth. We're not asking them about a party affiliation, and you keep badgering us on this point. Certainly it is not something the chair should do.

The Chair: The chair has no wish to tie the hands of the committee.

We have a point of order to that point of order.

Mr. Ed Komarnicki: On a point of order, I'd like to make a comment.

Speaking frankly, I think the chair was wrong last week to allow us to go outside the Standing Order. He's correct today. I think it's an abuse of the process and an abuse of the witnesses to have them go outside the area, and this committee surely has to have at least some rules of procedure to itself. The reason they're here is simply for their qualifications to do their job. Anything other than that I think is abuse of process.

Second, it should be the chair who decides that issue; the chair should not be asking how the witnesses perceive the jurisdiction of this committee. They've already indicated to us that questions outside of that should not be allowed, and I think that should be made an order and should stay there.

• (1130)

The Chair: I'm working with your point of order, so I'm going to Mr. Telegdi now.

Hon. Andrew Telegdi: Mr. Chair, I've got to say that in the previous Parliament we certainly didn't let the parliamentary secretary take the kind of dominant role that this parliamentary secretary has been taking at these committee meetings. I don't think it's necessary for him to respond to every comment made around this table. Here we are; we've wasted half an hour. Mr. Alghabra got a grand total of probably two questions off, with no answers, and if you need a ruling from the floor, we can move a motion on it.

The Chair: Okay, I'm prepared to go forward on this. I don't think there's any point of order here. The chair has to operate within the Standing Orders in the same way that the Speaker of the House would have to operate within the Standing Orders. There is no point of order, but I again will go to Mr. Alghabra in the hope that he will ask questions in line with the Standing Order and that committee members will be able to—

Hon. Jim Karygiannis: I would like to challenge your decision, Mr. Chair, on that point of order. I think we should be allowed to ask the witnesses if they had any...not political affiliation, but political experience running as candidates. That is part—

The Chair: No, no.

Order, please. The chair will not allow that.

I'm going to Mr. Alghabra.

Mr. Omar Alghabra: Thank you, Mr. Chair.

I'm really embarrassed by the theatre we're witnessing here today. I'm genuinely and sincerely trying to understand from your experience what we can learn as parliamentarians and what part of the qualifications enabled you to get reappointed.

Let me try to ask another question.

In your eight years of experience, has there been...? I'm sure there has been. Can you share with the committee one experience where you have been able to overcome or enhance the system or deal with a situation that was quite complicated and found a way to make it simpler? From your eight years of experience, can you share with us some experience of value that this committee can learn from and benefit from?

[Translation]

Ms. Anna Maria Silvestri Corriveau: The only problems that I as a decision-maker may rule upon are legal ones. I have nothing to do with administrative issues. If there are any problems related to a case, lawyers are prepared to provide us with advice. I am there as a decision-maker not an administrator. So, I am not able to answer that question.

I will give my colleague the floor. He might like to add something.

Mr. Michel Jobin: Thank you, Mr. Chairman.

Over the past eight years, as members of the board, we noted that there were delays between the time an individual arrived and remitted the form containing their personal information, on the one hand, and the time this individual was heard by a member, on the other hand. Things have changed over time. We are trying, with good reason, to ensure that the delay is as short as possible. It is not my job to define this role, but I agree, with regard to the process for hearing refugee claimants, that things should proceed expeditiously.

Over the years, I have noted that the length of the waiting period fluctuated. At present, it has been significantly reduced. Sometimes, more refugee claimants arrive in Canada due to the international situation. At other times, things are calmer, and there are fewer arrivals. In light of these variations, the waiting period can be shorter or longer. I think that everybody would agree that refugee claims should be processed as quickly as possible.

Each month, we are responsible for hearing a specific number of claims, and we do the best we can. Every day, we listen to what refugee claimants tell us. In each case, we apply the different sections of the legislation and the relevant case law.

• (1135)

[English]

The Chair: You've gone about 15 minutes, but an awful lot of time was taken out of there, so I'm going to allow another question.

I know, Mr. Siksay, you had your hand up, but an awful lot of Mr. Alghabra's time has been taken by points of order and what have you. I think it's only fair that we give him another question.

Mr. Omar Alghabra: I appreciate it, Mr. Chair.

I know a lot of the questions we ask will entail you offering your opinions. But if we really don't benefit from your opinions that are shaped by your experience, I don't know who else we should ask.

I want to follow up with Mr. Jobin on his comment about the length of time it takes.

In your experience, what do you think is the main reason for that length of time, from the time the applicant files a claim until his or her case is heard before you?

[Translation]

Mr. Michel Jobin: The delays occur for various reasons. Some individuals file their asylum claim when they arrive at the point of entry, either at an airport or a border crossing. Sometimes people file it several weeks or months later. In these cases, the individuals have already been here for some time when they file their claim.

Claimants must obtain certain documentation, namely pieces of identification or documents related to the evidence they intend to file. If they have to obtain this evidence from their country of origin, it may take a few weeks or even months before they receive it.

When the file is ready to be heard, the registrar puts it on the schedule. The applicant must, of course, find a lawyer. In some cases, legal aid certificates are required.

Several months may have elapsed between the time that the file is begun and the time that the individual is heard by a commissioner, in Montreal, Toronto, Calgary, Vancouver or in any other city where the hearings are held.

[English]

The Chair: Thank you, Mr. Alghabra.

Madam Faille, please.

[Translation]

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

I would like to welcome you. You are from the Montreal office, a place that I visit quite frequently. Often, when I have a coffee just outside this office, I witness the crying and the many dramas that occur, but happy moments as well. I am pleased to welcome both of you.

Ms. Corriveau, you appear to be very comfortable answering our questions, and that is to your credit. Before we invited you, I listened to some cassettes containing your decisions as well as those of Mr. Jobin. Your good grasp of the field is, I believe, related to your experience, to the fact that you have worked at the college level and have sat on tribunals. In addition, you are called upon to meet people whose situation is not the best. When you hear refugees, you really have to show empathy and intercultural understanding.

This is the time to give you some kudos. Please accept them. The fact that you are happy doing your job probably explains why you are so very comfortable talking to us about it. In addition, you have been doing this work for several years, since 1996, according to my information.

Of course, I'm very interested in the refugee file. When the new Immigration Act came into effect and the implementation of the Appeal Division was delayed, your decisions did not change. The fact that the system was working differently did not turn you into a poor decision maker. Once again, this is to your credit.

My questions are more for Mr. Jobin. I am really finding it very interesting to examine these two appointments. Indeed, your skill sets are very different and yet you have both become members of the commission. In my opinion, we need to improve and look for certain skills in order to make the transition and subsequent integration easier. The people accepted by Ms. Corriveau have integrated into the community. I listened to some wonderful testimonies. However, the reaction with respect to Mr. Jobin was different and I am sorry about that.

I tried to understand why. It would appear that the IRB has been operating on a geographical region basis for several years. At the outset, you told us that you were responsible for North Africa and

the Middle East. We know that things are not easy in this part of the world. It must be difficult to make decisions on these cases.

As for the skills required of the candidates, I compared the situation of a member of the commission to that of a PRRA officer. For the member of a commission, the candidate must have some prior expertise in administrative tribunals. Your CV does not show such experience, but perhaps you could tell us whether or not you have already sat on another tribunal.

• (1140)

Mr. Michel Jobin: The answer is no. As I told you, I am a lawyer by training. I worked at the Department of Justice and the Department of Education. Before I was appointed to the Immigration and Refugee Board, I was working in the area of administrative law.

I also worked at a hospital in Quebec City, in the human resources sector. I have experience in the application of collective agreements. In my CV, which you have, you can see that before working in the human resources field, I had worked at the same hospital centre, but as a student.

Ms. Meili Faille: As an aside, I would be tempted to say that we need you in human resources in order to recruit staff in the hospital centres. Moreover, you have been a member of the commission for several years, since 1997. You rendered your first decision in 1997.

In your opinion, why should we renew the mandate of members of the commission who have been doing this work for several years?

Mr. Michel Jobin: I would like to make the following correction: I was appointed in September of 1998.

Ms. Meili Faille: All right.

Mr. Michel Jobin: There is the initial training. The first hearings took place a little later on. Over the years, our line supervisors observe us, read our decisions, listen to us, make recommendations and suggest how we could improve certain skills.

I believe that you have the competency standards for a member. There are nine competency standards that we need to acquire and improve over the years, namely, communication, conceptual thinking, decision-making, information seeking, judgment and analytical thinking, organizational skills, results orientation, self-control and cultural competence. After spending a few months or years within the board, we are then assessed based on these competency standards.

At the time, our supervisors assessed each of the members. I am therefore not the only one who has been assessed; nor is my colleague. All of the members are assessed by the regional coordinators, and it is this assessment that is used to determine whether or not our mandate should be renewed.

In order to be reappointed, you have to have good scores for each of the nine competency standards.

• (1145)

Ms. Meili Faille: Okay.

Mr. Michel Jobin: I was appointed for a three-year period the first time; I then obtained a five-year term and, recently, a two-year term. In total, that is 10 years.

Ms. Meili Faille: All right.

May I ask another question?

[English]

The Chair: You have only a couple of seconds left, but I'll allow one more question.

[Translation]

Ms. Meili Faille: You are expected, as members, to be able to draw reasonable conclusions. You are, I would imagine, a specialist in the Middle East and North Africa.

Could you summarize the type of activities that you engage in or the type of efforts you have made over the past few years to better understand the traditions of the community, as well as the impact of the events of the year 2000?

I consulted, as I said earlier, your decisions. However, ever since there has been only one member, the acceptance rate has fallen dramatically. We are therefore trying to understand why this rate has dropped off so much, whereas in the case of Ms. Corriveau, the acceptance rate has been maintained.

Mr. Michel Jobin: Mr. Chairman, in order to answer this question, which is quite direct, I must say that we regularly receive training on the documentary evidence of each of these countries. In a few weeks, we will be beginning training on Mexico, for example.

Over the years, over the months, I have read extensively on the Middle East, and more specifically on Algeria, because this was the country that I heard talked about the most. I must tell you that when I enter a hearing room in the morning, after having spent a great deal of time preparing my file, each case is treated individually. What I may have heard or what I may have decided in the past is set aside and I start from zero every morning, every afternoon, with a new file.

I am not aware of the recent statistics that the member has just cited. As far as I'm concerned, if you're telling me that there have been more negative findings since the legislation was changed, I would have nothing to say on the matter. All that I can tell you is that every morning, every day when I prepare a file, it is examined as broadly as possible. I take notes. I ask the asylum seeker or his family questions. This is how I tackle each of the files. I would not want the member to think that, for a certain time, I have been viewing the situation in a more negative or positive fashion. As far as I'm concerned, when the file has been completed, it's over. I then look at the second file, and that is how I always tackle my work, with open-mindedness.

[English]

The Chair: Thank you, Mr. Jobin.

I will now go to Mr. Siksay.

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

I want to thank both Monsieur Jobin and Madame Silvestri Corriveau for being here this morning. I'm sure you have very busy schedules, and taking a day to be in Ottawa probably complicates your life.

I also want to thank you for taking on this very difficult job on behalf of Canadians. All of us who work in the area of immigration and refugee issues know how difficult the cases that you hear are,

and frankly just how emotionally difficult it is to do your job. I want to thank you for the work that you do on behalf of all of us, because I realize it's not the easiest task to be assigned in our society.

Monsieur Jobin, I'm glad you raised the issue of the performance appraisal program because that is what I wanted to ask both of you about. You mentioned that you had gone through this process, I gather more than once, as an appointee and a reappointee.

Madam Corriveau, have you gone through the performance appraisal process as well?

• (1150)

[Translation]

Ms. Anna Maria Silvestri Corriveau: Yes, of course. I was appointed at the same time as my colleague Michel Jobin. We were appointed at the same time. At this time, every year, we are assessed. At the end of our term, there is a post-term evaluation. That is the way it has always worked and it continues to do so. Once our mandate has been renewed, there has always been a post-term assessment.

Was that your question, namely, whether or not we were evaluated?

Yes, every year, we are evaluated, we have to go through an assessment.

[English]

Mr. Bill Siksay: Right.

Monsieur Jobin, you mentioned that specific issues are raised, that you're judged on all of these various categories, and that if there is a particular problem.... I'm not asking what the problem is or what specific issues may have been raised with either of you over the years. But just on the process, if something is identified, about which it is believed you require more work or improvement, can you tell me what the process is for dealing with this with the members of the board?

[Translation]

Mr. Michel Jobin: From time to time training is provided to members who wish to improve one aspect of their work, such as information seeking. We are taught how to use research tools such as the Internet. We have received training on research using computer systems, on how to find information on the Internet research sites, on the way to use the various tools at our research centre in Montreal. We are told about certain documents. We are told when a document is about to be released on a given country. So we are strongly encouraged to keep up-to-date on the overall economic, political and social situation of the countries, something that we do on a regular basis as much as we can.

For each of the countries that we need to know, there is a relatively large information binder which is available to the claimants, the members and the officers working with them. So we have to be aware of all of this evidence and kept abreast of all the information that the various groups publish regularly throughout the world.

[English]

Mr. Bill Siksay: Coming out of the evaluation process, might a member of the board be assigned a particular course of improvement? Might there be a requirement to do some specific work that arises out of the evaluation process, rather than something you might self-select, or training that arises in the ongoing process of doing the job?

[Translation]

Mr. Michel Jobin: As far as I'm concerned, I have never been asked to improve any aspect of my competencies. I cannot answer for my colleagues, but I personally have never been asked specifically to improve such and such an aspect of my competency standards.

Mr. François Guilbault (Senior Legal Advisor, Immigration and Refugee Board of Canada): Mr. Chairman, in answer to your question, we can, for instance, identify competencies that need improvement. We do have a customized training program. In addition to the thematic or ongoing training that we provide to all members on a given basis, there may be certain aspects that we wish to improve, and this is determined further to the member evaluations prepared by the managers. Legal services may be called upon to provide additional training. Professional development services may be asked to provide customized training when we have identified a need for improvement further to a particular evaluation.

•(1155)

[English]

Mr. Bill Siksay: Is there re-evaluation at the end of that training process?

[Translation]

Mr. François Guilbault: The people in charge of the individualized training will follow up: they will tell the manager-members which program was offered, what improvement was noted, and whether they feel there was good follow-up. So there is an ongoing follow-up procedure, both by the professional training section and by the manager-members.

[English]

Mr. Bill Siksay: Madam Silvestri Corriveau, you mentioned that one of your areas of specialization was francophone Africa. When was the last time there was a formal training session for IRB members around francophone Africa issues in which you were involved?

[Translation]

Ms. Anna Maria Silvestri Corriveau: If you are talking about personal training, I never took part in any such program. We have legal briefings, at which we are given training. We can become specialized ourselves by reading various documents, and newspapers from Africa.

Personally, I have been working in the area of francophone African countries for seven years and I know my work. As soon as I open up a newspaper, I automatically go to the articles about the situation in these countries. I have developed a type of reflex regarding news about these countries in all the media. The Board also has a research centre, and of course there is the Internet and the legal centre.

In addition, if we want clarification on an important point, we ask that some research be done, for example on battered women, female genital mutilation in some countries or the force-feeding of young women. We do not have a great deal of information about these problems. We therefore ask that some research be done so that we are right up to date in our information on the various countries and the situations that exist there.

[English]

The Chair: Thank you.

You can have one quick one. You've gone well over.

Mr. Bill Siksay: In the same way that Monsieur Jobin mentioned Algeria, the research then is mainly your personal research, and there aren't specific training sessions on particular countries or particular regions. Is that correct?

[Translation]

Ms. Anna Maria Silvestri Corriveau: No, there is personal training available if we ask for it. Personally, I have never really needed it.

[English]

The Chair: Thank you very much.

[Translation]

Mr. François Guilbault: Just to add to the answer, Mr. Chairman, there are also some training programs on specific themes such as legal matters or a particular country. For example, at the moment, there are a number of asylum claims coming from Mexico. The board has established a third session with a view to promoting the quality of decisions regarding Mexico specifically. All board members are invited to attend, especially those who rule on claims sent in by Mexicans. The session is not mandatory, but that has never been a problem, because all board members are very pleased to attend.

[English]

The Chair: Thank you, Mr. Guilbault.

Thank you, Mr. Siksay.

Mr. Komarnicki.

Mr. Ed Komarnicki: Thank you, Mr. Chair.

I certainly welcome the appointees before this committee and appreciate your sharing your thoughts with us. Both of you have some legal background. It seems that is an asset in determination and your basic training. Regarding the questions that you were asked in the qualification or screening process, did you find that your abilities and qualifications were appropriately brought out? Were the questions appropriate to the issue of your qualifications and ability to do the job?

Either Michel Jobin or Anna Maria, go ahead, please.

• (1200)

[Translation]

Mr. Michel Jobin: In my interview in 1998, there were some simulation exercises. There was an oral interview and a written examination. I assume the members of the panel used a grid to analyze our answers and decided that we were acceptable candidates, because we got the position. That is the only conclusion I can draw.

Ms. Anna Maria Silvestri Corriveau: I went through the same process. I was invited to take an examination. After that, I met with the individual. We discussed the case. I suppose that this individual was satisfied with what I said and the way in which I analyzed the case I was given.

[English]

Mr. Ed Komarnicki: Mr. Jobin, you indicated that you were concerned, or at least you raised the issue of delays, and you gave a variety of reasons why that might be. Information was one of them, and so on. The issues of the humanitarian and compassionate ground applications and pre-removal risk assessments are issues that arise from time to time. Has that caused any delay in terms of how it is handled when it comes before you at all, or not?

[Translation]

Mr. Michel Jobin: Mr. Chairman, to answer the very specific question that has been asked, I must say that we—

[English]

The Chair: The witnesses may or may not answer that question, because we're trying to be as flexible as we can. I realize Mr. Komarnicki is wandering a little bit outside of the strict interpretation of the Standing Order, but still the chair is struggling to remain flexible. Again, I'll point out to members that if witnesses feel they don't want to answer that question, that's fine with the chair, and we'll go on to the next question so you'll feel absolutely comfortable in that regard.

Mr. Guilbault.

[Translation]

Mr. François Guilbault: Humanitarian and compassionate consideration and the pre-removal risk evaluation are not responsibilities of the IRB. They are the exclusive responsibility of the CIC. These factors do not have any impact on delays.

There are two types of delays: the one between the time that the asylum seeker arrives and the time when the claim is filed, and the delay between the time when the claim is filed and when it is heard by the IRB.

Humanitarian and compassionate consideration and pre-removal risk assessment have no impact on the delays, because these matters are raised after the IRB has reviewed the claims.

[English]

The Chair: Thank you very much.

Does that answer your question, Mr. Komarnicki?

Mr. Ed Komarnicki: Mr. Chair, I'll take your points in order, and I'll pass my time over to Nina Grewal.

The Chair: You have three and a half or four minutes left, Ms. Grewal.

Mrs. Nina Grewal (Fleetwood—Port Kells, CPC): Thank you, Mr. Chair, and thank you to all for being here, for your time and your presentations.

My question goes to Ms. Corriveau. First of all, I would like to say, being a woman, I'm extremely proud that you have been reappointed to your position on the Immigration and Refugee Board. Could you tell us something about your experience as being a woman, hearing applications for asylum? Do you feel your gender provides any advantages or disadvantages to the performance of your job?

I see from your résumé that you were initially appointed to the IRB in September 1988. You have about eight years of experience. You must have a good idea of what competencies this job requires. What ability should a decision-maker bring to the refugee protection division? And what professional training have you received since your initial appointment?

• (1205)

[Translation]

Ms. Anna Maria Silvestri Corriveau: We've received a great deal of training. We get training once a month, on Thursday at noon. There are also fairly systematic training programs on various countries, particularly when the situation in these countries changes, so that we stay up to date on these countries.

We should emphasize that the training we get at the board is really top-notch. The lawyers who provide the training do an excellent job. So there is follow-up, and training is ongoing. If we need additional training, we need only request it.

To respond to your question about gender, I do not think that we as women can make decisions different from our male colleagues. The only difference may lie in our past experiences and our approach. We are required to administer natural justice, and to do that, we must be objective and impartial. I would say that our approach is influenced by our own personal experience. I see no difference between a decision made by a woman and a decision made by a man. The only thing that may differ sometimes is the approach.

[English]

The Chair: Okay, we're at 7:35. Thank you, Ms. Grewal. That completes our seven-minute round.

We'll now go to our five-minute rounds and begin with Mr. Telegdi.

Mr. Telegdi, go ahead, please.

Hon. Andrew Telegdi: Thank you.

Mr. Jobin, you mentioned a delay between the time the case is filed and the time it comes to the board member. We have had a variance in the timeframe. I believe it went down. At one point it was quite short. As the vacancies increase, of course, it takes longer. Would that be your experience?

[*Translation*]

Mr. Michel Jobin: When I spoke about delays, Mr. Chairman, I was referring to the delay between the time when a person arrives in the country and submits his or her claim and the delay until the claim is ready to be heard. Of course, the number of members of the board vary. Some leave, and others arrive. Personally, I have no comment to make about appointments. That has nothing at all to do with me. Even if there were a full complement of members present, there would always be delays because files must be documented, people have to submit exhibits, we have to send out notices of hearings, and so on. Otherwise, I have no comment to add about the delays as regards the number of board members present or missing.

[*English*]

Hon. Andrew Telegdi: Thank you.

You specialize in Middle East hearings, and you have quite a high rejection rate. What I would like to know is how your rejection rate compares with that of other centres: Vancouver, Toronto, or wherever.

The Chair: Could you repeat that question, Mr. Telegdi? I'm sorry, I was preoccupied.

Hon. Andrew Telegdi: It's very simple. Mr. Jobin has been a member for a period of time. Over that time, he certainly has established a record. He has a fairly high rejection rate for people applying from the Middle East region. What I'm trying to understand is how that compares with that of other centres, such as Toronto, Vancouver, and what have you.

• (1210)

The Chair: Do you wish to answer that question, Mr. Jobin.?

[*Translation*]

Mr. Michel Jobin: In answer to the member's question, Mr. Chairman, I would like to add that I have worked on Middle East cases for quite some time, more specifically those from North Africa. In Montreal, we assigned cases from North Africa and the Middle East to the same team. At the time, I was hearing mostly claims from Algeria and Tunisia.

Each case is different. When I hear a claim from Algeria, I take into account the evidence presented to me. My colleagues in Vancouver could hear a claim from Algeria and take into account the evidence presented to them. I make a decision one way or the other at the end of the hearing. Personally, I look at the evidence presented to me. I comply with the various sections of the act and the decisions made by superior courts. I have no other comments to make about the acceptance or rejection rates on files I hear.

[*English*]

Hon. Andrew Telegdi: Mr. Chair, if I were a member, I would certainly be interested in knowing how similar cases turn out in other regions. It's quite well known that in some places there is quite a variance.

I wonder, since Mr. Guilbault is here, if he could provide the committee with that information on the acceptance and rejection rates in various centres, in terms of the country, for the same groupings. I think that would be useful information for the committee to have. I would request that the information be made available.

Mr. Chair, we have sentencing across the country. That's the criminal justice system. We expect similar kinds of outcomes for cases. I think that's one level of challenge the board has, particularly when you don't have an appeals system, as we have in the court system. Obviously, criminal trials have appeals, which helps to set a standard. In this case, we're lacking that. So I think the committee would benefit very much from that information.

Mr. Guilbault, perhaps you could make it available to the committee.

Thank you very much. Those are all the questions I have.

The Chair: Thank you, Mr. Telegdi.

Go ahead, Mr. Guilbault.

[*Translation*]

Mr. François Guilbault: I would like to make another comment about the acceptance rates. The question comes up often. We would be pleased to provide the committee with the acceptance rates for each country and the variations for various regions, because we do have those figures. I would like to draw the committee's attention to the fact that this may be one of the least reliable measurement tools. Actually, I would stress that the best guarantee of a good decision are the reasons in support of the decision, not a figure taken randomly for a particular region. And as Mr. Jobin said, each case is different, and a good decision has nothing to do with the region or the country of origin of the claimant. We are dealing with people, not with countries. We have to listen to what every individual has to say, and disregard what the country represents to us.

I have had an opportunity to make some comparisons, because the acceptance rate was varying depending on the region. I noticed that an important factor in the variation had to do with the fact that the history of the various regions was completely different. For example, in Montreal refugee claimants from Kazakhstan were rejected, while they were accepted in Toronto. When we analyzed this on a case-by-case basis, we realized that the history was completely different in each region.

So you have to be extremely careful when you talk about acceptance rates. They are a very poor reflection of what happens in the hearing room.

Ms. Anna Maria Silvestri Corriveau: I would like to add something, Mr. Chairman.

We have to be very cautious here. Recently, for example, I have had to deal with a number of cases from Algeria. We are not talking about the Algeria of seven or eight years ago, we are talking about the Algeria of today. So we have to be very careful. Were these decisions made five, six, seven or eight years ago, or were they made six months ago? The situation in Algeria has changed a great deal. So that is what I mean when I say we have to be cautious.

The rate varies depending on the situation in the country as well. When the situation in the country changes, the rate changes too.

• (1215)

[*English*]

The Chair: I will allow Mr. Telegdi a very brief point of clarification that I think he's interested in here.

Hon. Andrew Telegdi: Mr. Chair, the committee can decide whether it's relevant. We've got cases...we're hearing about Algeria today in Toronto and Montreal and Vancouver, so we can make those comparisons, and I think the comparison would be useful, because as I said before, we have absolutely no appeal. We've got no standardization of decision-making and no accountability, quite frankly, outside of the few cases that get to the Federal Court of Appeal, so I think it would be useful for the committee to have.

Thank you.

The Chair: Thank you, Mr. Telegdi.

In our five-minute rounds we generally go back and forth between this side and that side. Are there any questions from that side?

Ms. Grewal, please go ahead.

Mrs. Nina Grewal: Thank you, Mr. Chair.

I would like to congratulate Mr. Jobin on the renewal of your term.

We hear stories about the large number of asylum applications that come from the Refugee Protection Division, but how many applications would you hear in the course of a year, and how many claimants have asked the Federal Court to review your decisions? Also, could you please describe your public service and community involvement, and how they relate to your functions as a board member?

[Translation]

Mr. Michel Jobin: I will answer the member's first question. Our workload in Montreal is 16 cases a month. That is the number of cases we must hear each month. There may be postponements or sometimes some cases are more complicated. Then it becomes difficult to give an exact figure, but, generally speaking, the workload is 16 cases. However, if a claim is more complex, we will spend a day or even two hearing it. We must always look at this figure with some caution, but generally speaking, 16 cases are assigned to each board member.

With respect to the member's second question, I must say that as a decision maker on an administrative tribunal, it is my duty not to get involved in any association, because this could be harmful to me, mislead me or influence me in some way or another. I must remain as impartial as possible in all the decisions I make. I am not involved in any charitable organization nor in any other organization in my community.

I hope that answers your questions, Ms. Grewal.

[English]

The Chair: Thank you.

We now go to Madam Faille.

[Translation]

Ms. Meili Faille: I would like to actually share my time with my colleague.

[English]

The Chair: Mr. Gravel.

[Translation]

Mr. Raymond Gravel: I would like to back up a little.

Ms. Corriveau said there was no difference between the decisions made by men and those made by women. I am not in complete agreement on that. I think that even two men would not make the same decision. People are never 100% objective and impartial. We interpret the act, in my opinion. The act is there to be interpreted. So the decision always depends on the individual making it.

Mr. Jobin said that when a case was closed, it was closed. How can we say that? We are not talking about a hospital; we are not talking about numbers. A board member may make a mistake. And yet his or her decision is final.

New rules have been in place for a while now. Formerly, there were two board members, and the benefit of the doubt was played a role in the decisions that were handed down. Now you hear the cases alone: you have a huge responsibility.

Are you getting more comprehensive, longer training programs? How can you say that there are no errors? We are talking about human beings, not animals. I feel a little uncomfortable about all this.

• (1220)

Mr. Michel Jobin: To follow up on your statements, sir, let me say that the file is finalized, which means that I have made a decision. After that, the individual is free to request a judicial review of my decision by the Federal Court. In addition, there are humanitarian factors like the pre-removal risk assessment that the honourable member mentioned earlier. There are other stages in the procedure that follow a member's decision.

The legislation was amended a few years ago. In fact, there used to be two board members on the bench. The current legislation provides for only one member on the bench and three in exceptional cases.

After the new legislation was adopted, we received training. The legislator had decided that from now on, asylum claims would be heard by a single board member. Please do not think that after a positive or negative decision, the process is over. There are further stages following a commissioner's decision, including the two elements mentioned by the honourable member: the pre-removal risk assessment and the humanitarian considerations. Moreover, one can appeal to the Federal Court if there is an obviously unreasonable issue in fact or in law.

Mr. Raymond Gravel: All right. May I add something?

Ms. Meili Faille: Yes.

Mr. Raymond Gravel: When the act was amended and the number of members was reduced to one, a right to appeal should have been provided. This right to appeal is not yet in force. We have to go to Federal Court. This would be a useful mechanism to implement, because decisions can be arbitrary or mistaken. I am entitled to appeal court decisions. Why do asylum seekers not have this right? They are human beings, after all.

Ms. Anna Maria Silvestri Corriveau: Of course, asylum seekers are human beings. It is not easy for them to leave their home country. Even if the person is not a refugee, he has left his homeland. Therefore, claimants must be respected. The tribunal, as such, might not be humanitarian, but we are also human beings and we must hear the person's case. We are perfectly impartial and we give the person every opportunity to make his or her case. We make our decisions after hearing the evidence.

Let me speak for myself. If a case is difficult and requires some research, we set the file aside until we get the answer. We do not make decisions lightly. In obvious cases, we can hand down a negative decision from the bench, but if a case requires further thought or research, we take all the time we need to make an impartial decision.

Mr. Raymond Gravel: I have no doubt about that, madam.

Ms. Anna Maria Silvestri Corriveau: Now, you simply want to

Mr. Raymond Gravel: With two members, the benefit of the doubt came into play. Currently, this is no longer the case.

Ms. Anna Maria Silvestri Corriveau: No.

Mr. Raymond Gravel: So, how does the benefit of the doubt come into play?

Ms. Anna Maria Silvestri Corriveau: If there is an unreasonable error, the claimant can apply to Federal Court. As my colleague Mr. Jobin said, there are other stages. This is our job.

Mr. Michel Jobin: Mr. Chairman, let me say that the benefit of the doubt still exists, even if there is only one member sitting. If we do not have enough elements to make a clear, positive or negative decision and if we have some doubts about the claimant, one member or two members can grant him the benefit of the doubt.

Let me add that even without the Refugee Appeal Division, claimants can still apply to Federal Court for a judicial review. If a member makes an obvious mistake, the claimant can still ask Federal Court to strike down or to oppose the member's original decision.

Let me take this opportunity to invite you to attend a hearing. I think that the claimant would appreciate the presence of a member of Parliament. If you want to attend, as Ms. Faillie seems to have done, you are welcome to come to a hearing. You could then see that hearings can take hours and not just 15 or 20 minutes. The claimant is questioned for several hours, and given all the time he needs to explain his past to the board member.

• (1225)

[English]

The Chair: Thank you.

I'm sorry, I have to cut it off there. It was a five-minute round and you're pretty close to seven minutes.

Mr. Siksay, please, then Mr. Wilson.

That is all the questioners we have. We'll go to consideration of the motions at that point.

Mr. Bill Siksay: Thank you, Chair, but I'll pass on this round.

The Chair: Thank you.

Did you say you had some questions, Mr. Karygiannis?

Fine, we have plenty of time.

Mr. Wilson.

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

Thank you to the witnesses for coming here today to discuss this issue.

The relevance of today's meeting is quite important. We're dealing with the competency of refugee board judges.

As we talked about earlier, you're the last line before someone is allowed into or expelled from the country, and the power the two of you have is enormous in people's lives. We can't forget that.

The process here is to deal with a number of issues. Two of the important issues are, one, to highlight the drastic shortage we have in citizenship and refugee board judges, a shortage that is causing a major backlog in refugees and new Canadians coming to Canada.

I'm trying to understand through the process of this committee whether the shortage is a direct result of the refusal of the current government to take action to hire or reappoint people such as you, or if this lack of action—

The Chair: You can't go there, Mr. Wilson.

Mr. Blair Wilson: I am having a preamble before my question, Mr. Chair.

The Chair: Okay, I'll allow the preamble. Go ahead.

Mr. Blair Wilson: I haven't asked a question yet.

I would like to think that the lack of action is not due to incompetence. I think the lack of action is due to a precise Conservative agenda to increase the backlog, and the reason they are dragging their feet in appointing members such as you is that they want this backlog to continue.

The process that we're going through right now is to ensure that judges and members such as you are adequately screened. Based on this process today and your eight years of experience, I believe the two of you here at the table have been adequately screened and appropriately determined to have the confidence and the qualifications you have.

At the last sitting of the committee it was determined that four candidates failed to go through the screening process, which you previously discussed. In fact, one was a failed Conservative candidate who circumvented the process and was appointed by the Conservatives to the position, without going through the screening process you have.

I have a couple of questions, Mr. Chair. Thank you.

Could you please highlight to the committee what activities you have done with respect to community outreach and the community leaders you have spoken with to determine some of the needs and issues of the various ethnic communities that we have here in Canada?

[Translation]

Ms. Anna Maria Silvestri Corriveau: Formerly, I was very involved in community activities.

I do not understand exactly what you mean by "community activities". In my opinion, it means my social involvement in various organizations, like those that help underprivileged people, such as persons injured while at work or persons on welfare.

I have done a great deal of volunteer work with various organizations that help Italian and Greek immigrants. I have often given legal counselling to these people. I have done a great deal of court accompaniment. I have represented many injured workers. I have sat on various boards that deal with elderly persons and women. There are various organizations that help women of Italian origin, and young drop-outs to find out why they are leaving school: is it because of their cultural background or because of family pressure?

I was very active in these organizations. Now, I have reduced my activities because I have other family responsibilities that leave me very little time. However, I am still available whenever I have an opportunity to help. Nevertheless, I have greatly reduced my social involvement.

•(1230)

[English]

The Chair: Eight seconds.... I don't imagine you want to go there, Mr. Wilson, do you?

Mr. Karygiannis.

Hon. Jim Karygiannis: Good morning, and thank you for coming.

I want to pick up where my colleague Mr. Wilson left off. I think what he was saying is community outreach...this is to the communities that you are serving or your file is in, be it the Algerian community.... Have you done any community outreach to those particular communities that your work specifically is detailed to?

[Translation]

Mr. Michel Jobin: No, Mr. Chairman. I did not get in touch with people from the Algerian community in Montreal. My information was essentially gathered from reading about Algeria, in various texts and magazines, like *Jeune Afrique*, where the Algerian issue is regularly discussed. However, you understand that I would be making a mistake if tomorrow morning I approached an individual to ask him for his opinion on the political situation in his country, because he might not be neutral vis-à-vis the situation in his country.

Therefore, in general, we have—

[English]

Hon. Jim Karygiannis: I'm not trying to badger you, sir, and certainly in order to save time.... We can ramble on all you want.

If you're making decisions on a particular country, be it Algiers, be it Greece, be it Italy, I think community outreach to community associations, to community leaders, should be done to get first-hand information. What you read in the press sometimes is distorted. I'm not sure if Somalia is part and parcel of your file, but if it is, have you done any community outreach to the Somalis in regard to Somalilanders? Is Somalia in your file?

[Translation]

Mr. Michel Jobin: No.

Mr. Chairman, the office functions without any direct contact with members of the communities that we deal with. I think that we must stay away from heated debates about any given country. It is preferable to get our information from academic sources or—

[English]

Hon. Jim Karygiannis: Mr. Jobin, I didn't say debate. I said specifically community outreach to community elders, and I'm sure the translation is not lacking here.

Is Somalia part of your file?

[Translation]

Mr. Michel Jobin: No. Somalia is not among the countries for which I have been responsible for the past eight years.

[English]

Hon. Jim Karygiannis: Is Egypt part of your file?

[Translation]

Mr. Michel Jobin: In fact, in the past, I have had a few files from Egypt.

[English]

Hon. Jim Karygiannis: Have you done any community outreach to the Coptic community? Are you familiar with the Coptic situation in Egypt, besides what you read?

[Translation]

Mr. François Guilbault: Mr. Chairman, to clarify the issue, I think that the member's code of ethics would not allow a member to approach members of Coptic or Egyptian communities. Just like all the other board members, Mr. Jobin must make each decision on the basis of the evidence in the file. He must not directly contact members of the community or participate in the activities of any given community to make an informed decision. The law requires that decisions be based solely on the evidence present in the file.

As a legal counsellor to a member, I would strongly advise against his participating in the community activities of any community from any country that might be a source of claims on which he would have to make judicial or quasi-judicial decisions.

•(1235)

[English]

Hon. Jim Karygiannis: So what you're stating is, "Here is the book, read it, blindly follow it, and never mind about what is out there."

[Translation]

Mr. François Guilbault: A member must give an impartial hearing to the entirety of the evidence tabled before him and base his informed decision on the evidence in each case. The most important thing, especially with regard to human rights and the rights of refugees, is to listen to the persons appearing before you.

[English]

Hon. Jim Karygiannis: Then let me ask another specific question, Mr. Guilbault, to Mr. Jobin.

You have heard cases about Egypt. Can you tell me when the last riots were, against the Coptics?

[Translation]

Mr. Michel Jobin: Yes, and I can give you some examples of the kind of reading we do, like the texts from Human Rights Watch.

[English]

Hon. Jim Karygiannis: Sir, I asked you specifically when the last riots were, against the Coptics, and I'm sure that translation is not lacking.

The Chair: Why don't we give Mr. Jobin and his counsel a chance to answer the questions before going on to the next question? You have fifteen seconds here.

Hon. Jim Karygiannis: Specifically, when were the last riots in Egypt against the Coptics? You're an expert. You make decisions. Somebody comes in front of you and says, "I was involved in the riots." So my question is specifically, when were the last riots, in what month or what year? How long ago were the riots against the Coptics in Egypt?

If I were to come in front of you and say, "I'm a Coptic and I was involved in this", how would you be able to verify it?

You don't know, do you?

The Chair: In any event, we have to move on. We are out of time.

Hon. Jim Karygiannis: Do you know when the last riots were, against the Coptics, yes or no? You don't.

The Chair: Order, please.

I'm going to move on now, because we're at six minutes.

Hon. Jim Karygiannis: I think the witness wants to answer the question, Mr. Chair.

The Chair: I don't think the witness does. He has indicated his answer on a couple of different occasions, but if he has a follow-up —

Hon. Jim Karygiannis: He wants to answer the question.

The Chair: Order, please. Order.

Mr. Jobin, do you have a comment to make?

[Translation]

Mr. Michel Jobin: Mr. Chairman, I have a brief comment.

If I have a very specific question from a claimant from a given country or about a given subject, I will make sure that I have the information before making a final decision on any file.

If you tell me that there was a demonstration in a city in a given a country, and if the claimant alleges that he participated in a demonstration in a given country, but if I do not have this information in the documentary evidence, I will ask our research office to investigate the matter. Before making a decision, I will also ask the claimant to file the evidence—it could be a newspaper clipping—that there was a coptic demonstration in such and such a city in Egypt. I want to see the entire picture before making a decision regarding the claimant who is before me.

[English]

The Chair: Thank you, Mr. Jobin.

Our last questioner would be Madame Faille. I think you have some questions.

[Translation]

Ms. Meili Faille: At the documentation centre, how often do you update information from the Middle East and North Africa, for instance, where the situation is constantly getting worse?

Earlier, I heard Ms. Corriveau's description of the different kinds of decisions. This almost amounts to saying that the human rights situation has improved in those countries, whereas last year, organizations mandated by Parliament drew our attention to problems that needed solving. Among others, there was the Rights and Democracy organization.

I do not know if you are aware of this organization that was created and funded by Parliament. This organization deals with human rights and it is currently present in Afghanistan. Perhaps there is not a civil conflict with people killing each other in the streets, but with regard to its functioning as a state, Afghanistan is far from being a democracy. It is a democracy on paper, but on the ground, the situation is totally different.

There are human rights organizations that work on an international level. Therefore, it is important for me to read the reports that I regularly receive and that I religiously read every month to get this kind of information. I also make trips to Europe. Amnesty International also covers certain situations and let us not forget the work done by UNESCO. The situation has not improved in those countries.

This was a comment. I will not ask any questions.

However, if we have succeeded in raising your awareness today regarding events in the Middle East, perhaps we have made some progress. In my preamble, I said that I did not want to be harsh with you, but the situation on the ground is entirely different.

You hear 16 cases every month. We hear 16 cases every week in our offices. We have full-time employees. We review the decisions and we find mistakes. People can appeal to Federal Court and challenge unreasonable decisions. I do not know if you are aware of the number of applications that the Federal Court turns down. We must get leave from Federal Court, and hearings are rarely granted. They only allow 1 case out of 10. In criminal court, there is a right to appeal, but not for refugees. We can challenge a parking ticket, but we cannot appeal a decision made by the IRB.

I know that this does not concern the IRB, but are you aware of the current state of pre-removal risk assessments? I do not know whether you are aware of the fact that humanitarian considerations are a legislative free-for-all. Almost anything goes. Some decisions have severe consequences. Some can even be tragic.

I do not understand how grandparents can be returned to Palestinian refugee camps; I do not understand how three children, three girls who are Canadian citizens born in Canada can be sent to Bangladesh while we are aware of the situation in that country; I do not understand how a person recognized under the human rights rubric can be sent back to Tunisia.

When I traveled to Tunisia with a United Nations observation mission, the fact that I was there, that I showed up at the airport, prevented a person from being arrested by the Department of the Interior. I do not know if you have already experienced this feeling, as you sit behind your desks and read documents, but we, as members of Parliament, have responsibilities. Citizens and other people come to us. We are not more sensitive than you are, but currently, we are simply caught off guard.

In your preamble, you said that the legislation had been democratically adopted by the House and that the provision had not been implemented by successive governments. This is not your fault and it is not necessarily the fault of the MPs. The responsibility rests with government and political factors.

• (1240)

I want you to understand, as you sit on your bench and make decisions, that the file does not end at the time of your decision, life goes on; we are dealing with human beings.

This is the message that I want to get across.

[English]

The Chair: Thank you.

That's the last questioner we have.

I want to thank you, Mr. Jobin, Ms. Silvestri Corriveau, and Mr. Guilbault, for your attendance today and for the information you've given the committee. I'm sure we'll be able to use a lot of this information in our coming meetings.

We'll wait for a moment until the table is cleared and then we will have to deal with motions again.

Thank you again for coming.

We will now move on to a couple of items we have here. The first one, of course, is Mr. Siksay's motion.

I'll go to Mr. Siksay.

• (1245)

Mr. Bill Siksay: Thank you, Chair. I think folks have a copy of the motion in front of them.

Chair, at the beginning I'd like to ask if we can have a friendly amendment to update the number of days that the hunger strike has gone on. The numbers were accurate the day the motion was tabled, but they should read, for Mr. Mahjoub, 75 instead of 69.

The Chair: What part of it is that?

Mr. Bill Siksay: It's in the third "Whereas". It should be 75 instead of 69 and 64 instead of 58. That would be accurate for today.

The Chair: That looks okay.

Move on.

Mr. Bill Siksay: Thank you, Chair.

I'm very concerned about Mohammad Mahjoub, Mahmoud Jaballah, and Hassan Almrei, the detainees at the Kingston immigration holding centre. I think their hunger strike has reached a very crucial point.

This was driven home to me by an article in the *British Medical Journal* by Dr. Michael Peel that appeared in October 1997, where he was looking at the effects of hunger strikes on individuals engaged in them. He stated in that article that daily monitoring should take place after day 10. It has also been noted that serious health consequences are possible after day 49, including heart and renal failures, severe hypertension and hypotension, and heart arrhythmia.

The minister has stated a number of times that the nurse visits the Kingston immigration holding centre every day at 10 a.m., and I think we all know that's the case. But we also know that the nurse doesn't attend the men in the living unit, and we know from our own experience and from our visit and from follow-up since then that they won't go to the administration unit for a visit with the nurse. So in fact they aren't being monitored daily with a direct contact with a medical professional.

They've also asked for a doctor. I spoke to Mr. Mahjoub and the other men yesterday, but particularly Mr. Mahjoub, who said yesterday that he'd requested to be seen by Dr. Adam Newman of Kingston—I believe I have the name correct. Dr. Newman is someone who often attends at the federal penitentiaries in the Kingston area, but this request was denied, as was a similar request he made to see Dr. Newman on January 22.

I'm also struck by information that hunger strikers in the early 1980s—I think we are all aware of the hunger strikes that happened as a result of the conflict in Northern Ireland—at the Maze prison in Belfast died after hunger strikes of 45 to 61 days. So I think if you look at those parameters you understand what we're up against in the situation of the men in Kingston. I think we're in a very serious stage.

I've struggled with how we move past this situation and how we resolve it. The minister said he can't comment on the specific details of the individual situations due to the case before the Supreme Court. He has also said that he's not able to meet the detainees personally to discuss their grievances. I think we probably could debate that, but I don't want to debate that today. I'll accept that statement for now. But I want to stress that I think the motion before us gives the minister and the government a good alternative and a way past the impasse at this point to suggest that the correctional investigator have the opportunity to investigate and make recommendations on the situation.

The correctional investigator, Howard Sapers, is essentially the federal prison ombudsperson. He has a mandate under part III of the Corrections and Conditional Release Act to act as an ombudsperson for federal offenders.

I'll just read from his actual mandate statement:

The primary function of the Office is to investigate and bring resolution to individual offender complaints. The Office, as well, has a responsibility to review and make recommendations on the Correctional Service's policies and procedures associated with the areas of individual complaints to ensure that systemic areas of concern are identified and appropriately addressed.

The correctional investigator has also asked the government for responsibility in this area. He did that in his last annual report covering the period 2005-06.

I just want to read one paragraph of the four or five in his annual report that dealt with the situation at Kingston. He said:

The transfer of detainees from Ontario facilities to the Kingston holding centre means that the detainees will lose the benefit of a rigorous ombudsman's legislative framework to file complaints about their care and humane treatment while in custody. The Office of the Correctional Investigator is concerned that the detainees will no longer have the benefits and legal protections afforded by ombudsman legislation. Pursuant to the Optional Protocol to the Convention against Torture, a non-profit organization with no legislative framework, such as the Red Cross, is unlikely to meet the protocol's requirement for domestic oversight.

So, Chair, we have heard, and I think we heard when we were there, that the Red Cross has been contracted to do oversight, but we also know that any recommendations they make are not made public, so we have no idea what they've said or what action was taken on it.

• (1250)

Chair, just in conclusion, I believe the lives of the men detained at the Kingston Immigration Holding Centre under security certificates are now in danger. I believe that very fundamentally. I also believe that serious health consequences are imminent, whether they lead to death or whether they can be ongoing. I spoke to all three of the men yesterday, and I'm particularly concerned for Mr. Mahjoub, who indicates that he's been very unwell for the last five or six days.

Finally, Chair, I believe this is a helpful motion. I think it gets us beyond the impasse; I think it offers a non-partisan and independent solution to the urgent problem before us all. I hope that committee members will be able to support it.

Thank you, Chair.

The Chair: Thank you, Mr. Siksay.

Is there any further debate on this particular motion?

Mr. Karygiannis, then Mr. Komarnicki.

Hon. Jim Karygiannis: Mr. Chair, I had the opportunity on Sunday to visit with the three men for over two hours. I also spoke to the administration of the facility. The men have lost anywhere between 25% to 35% of their weight. They're in bad shape. The men are only drinking water and orange juice. I was very distraught when I heard the minister say they had chocolates. There are about 10 chocolate bars that are not in the fridge, they're in the cupboard, and these are for the children of the families when they visit. The men had four bottles of water—and let's put this on the record—and two canisters of orange juice. This is the only thing they're adhering to. It

comes from the administration. This is something that is supplied through their canteen.

Although Mr. Siksay's motion goes to addressing the fundamental issues that we need to do, I think we need to make sure that their concerns are answered immediately. We all know how bureaucracy works, and when you put a motion in or a motion is struck...the correctional investigator goes and investigates, goes and looks. There's a certain protocol; there's a memorandum of understanding between the holding centre and the facility. He has to go beyond that and there have to be certain protocols set out.

In order to make sure that their needs are addressed immediately, I'd like to, if I can at this point, make two—

The Chair: I realize you have an amendment coming, but we also have hands up to talk about the motion first. Then your amendment comes afterwards. It's the procedure, so your amendment—

Hon. Jim Karygiannis: I think we need to move into this amendment very quickly. The men are in very dire need and their issues have not been addressed.

The Chair: Okay. After we deal with the motion, then you can move your amendment, if you wish, and then we'll go directly to the amendment, first of all.

Hon. Jim Karygiannis: It will be a subamendment to this.

The Chair: Mr. Komarnicki.

Mr. Ed Komarnicki: I think nobody doubts the fact or the seriousness of the situation and where the men might be. It's certainly a course of action they have taken. I would like to draw the committee's attention to the fact that there is a formal redress process that presently exists, and it's a three-step grievance process that the members do have, and it can take place. What this member is suggesting is changing the Kingston immigration holding facility correction officers' mandate, which is something that can certainly be done by legislative means or by a change in policy, or a change in program considerations. The fact of the matter is there is a process in place that they're meant to follow, and they also have to choose certain courses of action.

They have taken, for instance, an action in the court by way of an application to have the conditions they are facing in the centre addressed, and specifically with reference to all of the issues they raise now, by way of their hunger strike. That court has not yet made a decision on that. They have a number of options as to where they can go, and I would suggest that the appropriate option would be through the system as it now is, or through the court process, which they have initiated. And the decision to stay on a hunger strike is one that they make in the midst of other processes. At least while that application is in process, I think the minister is quite correct in saying that this application will be determined in due course, and he ought not comment specifically on that, excepting to allow it to go through.

Secondly, the appropriate place that this may have been raised is in the committee before the Minister of Public Safety. The member has also raised this issue in the House by way of a question period question that has been responded to by the minister, and has also raised it as a point of emergency debate in the House, and the Speaker ruled that it's not in that circumstance and the application was denied.

I think the issue of whether they remain or not in their current situation is one they determine, and I think it's appropriate that the process that has been commenced is at least allowed to go to a conclusion.

Thank you, Mr. Chairman.

●(1255)

The Chair: Thank you.

Mr. Telegdi.

Hon. Andrew Telegdi: Thank you very much.

I strongly support the motion. I'm afraid that if we wait for the process to go to a conclusion, we could have some fatalities on our hands. I think it's important that we be aware that these men are not there because they've been convicted of anything. They're there under a security certificate, which we'll be apologizing for at some point in time, as we get down 50 years into our history.

We seem to be really good at apologizing for things that happened in the past, instead of acting on some of the stuff that's happening right now. We know that this whole security certificate is before the Supreme Court and we're waiting for a ruling on it.

Prisons are places where you have high rates of suicide. In these cases, it could be much higher. If anything, we should have learned from similar situations, particularly in Ireland, that we really don't want people dying in our prisons. We certainly have a very questionable reason for holding them.

I think this makes eminent sense. I'm looking for input from Mr. Karygiannis to see what his amendment is, but I certainly am very much in support of this motion. I don't think the status quo is good enough, and not letting them have access to something that all the other prisoners who have been convicted have access to just doesn't make any kind of sense to me.

The Chair: Do you want to move your amendment at this point, Mr. Karygiannis? Unless I see any other debate on the main motion....

Hon. Jim Karygiannis: I would like to make some friendly amendments, if I can. They're in writing, and I'll ask the chair whether we have given them out.

The Clerk of the Committee: It hasn't been distributed because they're not in both official languages.

Hon. Jim Karygiannis: I'm sorry. Last week Mr. Komarnicki's amendment was not in both official languages.

The Clerk: It was not distributed to members; it was read into the record, sir.

●(1300)

Hon. Jim Karygiannis: Then I will say that this is on the paragraph marked "b". Where it says "investigate current and ongoing complaints of those currently on hunger strike", I would add:

specifically urgently addressing issues such as:

- (i) medical attention in the living unit by a medical licensed practitioner, namely doctors;
- (ii) detainees be released before dawn from their cells in order for them to be able to observe religious prayers, as called for by their religion;
- (iii) they be allowed conjugal visits, as is afforded to other inmates;
- (iv) they be allowed to access canteen facilities adhering to their religious beliefs;
- (v) daily head counts should be done away with immediately;
- (vi) when transferred from the living unit to the administration building, they be also accompanied by a supervisor from Correctional Services Canada.

The other amendment I would like to make is before the last paragraph. I'd like to make a further amendment that says:

And it further be resolved that protocols be put in place on a permanent basis in order to deal with these detainees and any future such cases.

The Chair: The chair has to rule that the amendments are inadmissible because they relate to management directives, which don't fall within the mandate of our committee. Also, the committee does not have the powers to direct government or its agencies on how to run their activities. These amendments would not be in order, I'm informed.

Hon. Jim Karygiannis: I would like to challenge that ruling and would ask that you put it to a vote.

The Chair: The question is, shall the ruling of the chair be sustained?

[Ruling of the chair negatived]

The Chair: The chair is overruled on the amendments.

Shall we vote on the main motion?

All in favour of—

Mr. Bill Siksay: We haven't voted on the amendments.

The Chair: That's what we just did, did we not?

A voice: No, we voted on the chair's ruling.

Hon. Jim Karygiannis: You were ruled out of order. Sorry, Chair.

The Chair: Oh, okay. Thank you for that intervention.

All in favour of the amendments a. and b., please signify.

(Amendment agreed to [see *Minutes of Proceedings*])

The Chair: All in favour of the main motion?

Mr. Bill Siksay: Could we have a recorded vote on that, Mr. Chair?

(Motion as amended agreed to: yeas 7; nays 4)

The Chair: Seeing no further business, we are adjourned.

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