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EVIDENCE

**Wednesday, January 30, 2008**

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**Chair**

**Mr. Norman Doyle**

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## Standing Committee on Citizenship and Immigration

Wednesday, January 30, 2008

• (1530)

[English]

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

I want to welcome all of you here to our committee today as we begin consideration of Bill C-17, An Act to amend the Immigration and Refugee Protection Act.

I want to welcome a new member from the Bloc party, Mr. St.-Cyr, who is taking the place of Madame Faille. Welcome.

I think we should instruct our clerk to write a letter of thanks to Madame Faille for the great contribution she's made to the committee over the years. She has been an invaluable member of the committee, so I think we should do that.

**Some hon. members:** Hear, hear!

**The Chair:** So, Mr. St-Cyr, you have big shoes to fill.

I want to welcome two panels today.

Our first panel will be officials from the Department of Citizenship and Immigration, Mr. Les Linklater, director general of the immigration branch; Maia Welbourne, director of temporary resident policy and programs development, immigration branch; and Mr. Eric Stevens.

Welcome to all of you as we begin consideration of Bill C-17. Thank you for coming today.

We have a new analyst at the table as well; Laura Barnett is from the law and government division. Laura will be helping us with our consideration of Bill C-17.

We will begin immediately.

I will pass it over to you to make some opening statements if you so wish.

**Mr. Les Linklater (Director General, Immigration Branch, Department of Citizenship and Immigration):** Thank you, Mr. Chair.

[Translation]

My name is Les Linklater and I'm the Director General of the Immigration Branch of Citizenship and Immigration Canada. I would like to thank the committee for inviting me to speak to you today on Bill C-17, An Act to amend the Immigration and Refugee Protection Act, the IRPA.

When the Minister of Citizenship and Immigration appeared before the committee in November, you heard about the government's commitment to improve its immigration programming, including numerous improvements to the Temporary Foreign Worker Program.

But any improvements in efficiency must be accompanied by better controls and protection for vulnerable workers in order to encourage the legal movement of Temporary Foreign Workers into Canada.

• (1535)

[English]

The Immigration and Refugee Protection Act and its regulations allow officers to refuse work permits based on concerns such as prior criminal convictions or medical conditions. Bill C-17 would go further. It would allow officers to prevent prospective temporary foreign workers from entering Canada when doing so would subject them to the risk of exploitation and abuse.

It is well known that Canada has always extended the same protections to temporary foreign workers that Canadians are afforded. Unfortunately, as the committee knows, temporary foreign workers who have weak official language skills, an absence of friends or family in Canada, and little money, perhaps, given a fear of police and/or government, sometimes need more protection than Canadian workers need. Their lack of support networks in Canada leaves them vulnerable to unscrupulous employers or job brokers. Bill C-17 is one of a series of steps the government is taking to reduce this risk of exploitation.

Bill C-17 begins by seeking to change the objectives set out in paragraph 3(1)(h) of IRPA from protecting the health and safety of Canadians to protecting public health and safety of any person who is in Canada legally, including temporary entrants. The government's obligation to protect health and safety should embrace any person who is in Canada legally, whether they are a Canadian citizen, a permanent resident, or a temporary resident.

Bill C-17 then goes on to provide that, on instructions issued by the minister, immigration officers would be allowed to refuse work permits to foreign nationals who otherwise qualify but who officers believe would be at risk of humiliating or degrading treatment, including sexual exploitation, once they are admitted to Canada.

You will note the emphasis on “officers”, Mr. Chair, because under the legislation, applicants cannot be refused work permits based on ministerial instructions without the concurrence of two immigration officers. This provision reduces the likelihood of an instruction being applied inappropriately or incorrectly.

It is important to note that the legislation itself does not provide any instructions. It merely establishes the authority for the minister to issue instructions. Such instructions will only be issued where there is objective evidence that concerns for the safety of some temporary foreign worker applicants are serious and well-founded. This may cover exotic dancers as well as other potential victims of human trafficking or other abuse or exploitation, but the research and analysis to support any such instructions has not yet been completed.

Each decision involving any future instructions would be made by immigration officers on a case-by-case basis. Each application for a work permit would be assessed on its own merits.

[Translation]

Instructions must be published in the *Canada Gazette* to become effective. Being the federal government's publication of record, the *Canada Gazette* is regularly reviewed by the media, the immigration bar, and any other interested parties.

Furthermore, any instructions issued during each year must be reported in the Minister's Annual Report to Parliament. This degree of transparency is essential, given the discretionary nature of the authority.

[English]

Mr. Chair, the committee knows this discretionary authority is similar to powers found in the laws of Australia and the United Kingdom. It is also similar to a provision that currently exists within IRPA that allows the minister to exercise positive discretion, that is, to waive inadmissibility based on public policy considerations.

Bill C-17 is one of many steps CIC is taking along with our colleagues at Human Resources and Social Development Canada/Service Canada to make the temporary foreign worker program better for employers and better for foreign and Canadian workers.

Following a series of administrative measures announced since November 2006, including improved employer outreach and streamlined processes, Budget 2007 provided new funding for CIC and HRSDC to deal with increased volumes more efficiently, to fill gaps in current programming, and to establish a more effective monitoring and compliance framework for the temporary foreign worker program.

[Translation]

We are aware of the need to improve the program to ensure employers are meeting their commitments to workers, and that workers have the tools to raise awareness of their rights and responsibilities.

Provinces and territories, which are largely responsible for monitoring of employment standards and occupational health and safety, are also actively engaging on this file.

• (1540)

[English]

The recently signed Canada-Alberta and Canada-Nova Scotia agreements on immigration contain provisions to negotiate an annex on temporary foreign workers in the coming months, including recognition of the need to protect the interests of workers.

We are also working to help temporary foreign workers in Ontario by making workers aware of eligibility requirements for health insurance, benefits, pension plans, and other protections under the Occupational Health and Safety Act, the Employment Standards Act, and the Labour Relations Act. Along with Bill C-17, these and other measures will help to maintain the integrity of Canada's immigration program.

Citizenship and Immigration will continue to address the issue of protecting vulnerable workers temporarily in Canada in coordination with many other federal departments that aim to address these challenges.

Thank you, Mr. Chair.

I welcome your questions.

**The Chair:** Do any of you have any further opening statements you want to make, or are you ready for questioning?

**Mr. Les Linklater:** We're ready for questioning.

**The Chair:** Okay.

On our first round of questions, which will be seven minutes, Mr. Karygiannis.

**Hon. Jim Karygiannis (Scarborough—Agincourt, Lib.):** Mr. Linklater, thanks to you and your colleagues for coming in front of us.

This is a bill that is of quite an interest in the community. While it is of interest in the community because of a particular aspect that the minister certainly, from time to time, tries to portray, it has come to be known as “the strippers' bill”. But I'm sure you agree with me that this goes beyond just the strippers and the protection of the foreign workers who come over here to work in the strip bars.

Would that be correct, sir?

**Mr. Les Linklater:** Yes. In fact, the provisions of this bill would be applicable to any foreign worker who came to Canada and who may be in a situation of vulnerability. That could include a low-skilled labourer, it could include a live-in caregiver, it could include an exotic dancer.

**Hon. Jim Karygiannis:** How many work permits for exotic dancers did we use to give throughout the year, in past history? I know the last few years we stopped giving work permits for exotic dancers. How many exotic dancer temporary work visas did we give out? Five hundred? Six hundred a year? A thousand a year?

**Mr. Les Linklater:** The number in 2005 was 66. Last year it was 21.

**Hon. Jim Karygiannis:** In 2004?

**Mr. Les Linklater:** For 2004, I'd have to get back to you with that figure, sir.

**Hon. Jim Karygiannis:** Would it be double 2005, triple 2005?

**Mr. Les Linklater:** It would probably be above a hundred.

**Hon. Jim Karygiannis:** Above a hundred.

Okay. How many temporary foreign work permits do we give out per year? How many did we give out in 2004, 2005, 2006, and 2007?

**Mr. Les Linklater:** In 2006 we issued just under 113,000.

**Hon. Jim Karygiannis:** Under 113,000.

**Mr. Les Linklater:** In 2005, just under 100,000.

**Hon. Jim Karygiannis:** Okay. So would you agree with me, sir, if I were to do the quick math, that that would be 1% or 0.01%?

**Mr. Les Linklater:** The number of exotic dancers who receive permits?

**Hon. Jim Karygiannis:** Yes, I mean from the whole milieu.

**Mr. Les Linklater:** The number of exotic dancers who received work permits would be a considerably small proportion of the total amount.

**Hon. Jim Karygiannis:** Very minimal.

So then this particular bill that we have in front of us is a bill to address overall foreign workers coming to Canada, and it's not strictly for the striptease industry. Correct?

**Mr. Les Linklater:** These provisions would apply to any foreign worker who might be in a situation of vulnerability.

**Hon. Jim Karygiannis:** Vulnerability?

**Mr. Les Linklater:** At risk of exploitation or abuse.

**Hon. Jim Karygiannis:** Sorry, doesn't that cover everybody who's coming, the 116,000?

**Mr. Les Linklater:** These provisions would be available, but as the provisions of the bill lay out, officers would be required to interpret instructions that the minister would issue that would link specific circumstances—

**Hon. Jim Karygiannis:** But this Bill C-17 will in fact be an administrative bill that will look after the 113,000 temporary work permits that were issued last year. This bill would affect them, would be administrative.

**Mr. Les Linklater:** The bill could affect any temporary foreign worker who would apply.

**Hon. Jim Karygiannis:** Okay. Then when the minister is saying that we're putting this bill in order to protect the vulnerable, she's referring to the 66 or the 100 exotic dancers who came in; she's not referring to the 113,000 people who applied for work permits?

• (1545)

**Mr. Les Linklater:** I believe the minister is referring to those workers who are at risk of abuse or exploitation.

**Hon. Jim Karygiannis:** Okay. Mr. Linklater, sir, how many people of the 113,000 would you say are at risk of exploitation?

**Mr. Les Linklater:** It's hard to quantify that number. Each case is assessed on its own merits, and it varies from year to year and from situation—

**Hon. Jim Karygiannis:** Well, last year, sir, in 2006, how many did we have?

**Mr. Les Linklater:** How many work permits were issued?

**Hon. Jim Karygiannis:** No, no. How many of the work permits that were issued were to people who would be exposed to exploitation?

**Mr. Les Linklater:** I can't give you a quantification of that, sir. It's based on—

**Hon. Jim Karygiannis:** So we have no figures of how many people Bill C-17 would actually affect, besides the exotic dancers.

**Mr. Les Linklater:** We do know that there are approximately 20,000 agricultural workers who come in every year. We do know that there are about 6,000 live-in caregiver applicants who come in every year.

**Hon. Jim Karygiannis:** Are they exposed to exploitation?

**Mr. Les Linklater:** There might be a potential among those populations that there could be employers who would exploit or abuse the temporary foreign worker.

**Hon. Jim Karygiannis:** How would the officer make a determination as to how this farm worker would not be exploited? What information would the officer have in the post in, I don't know, Kingston, Jamaica, that this person might be exploited?

**Mr. Les Linklater:** The provisions of the act as proposed here would allow the officer—

**Hon. Jim Karygiannis:** How much time do I have?

**The Chair:** You have one minute and 30 seconds.

**Mr. Les Linklater:**—based on the individual circumstances of the individual in front of him or her, to understand whether or not, based on their work experience—

**Hon. Jim Karygiannis:** But again, Mr. Linklater, sir, I find it hard to believe that we're talking about exploitation of a farm worker when the officer will not have any information in front of him or her when they make the decision.

**Mr. Les Linklater:** As the bill lays out, sir, the minister would issue instructions where objective evidence is available that officers would need to take into consideration in making their assessments.

**Hon. Jim Karygiannis:** What exactly is the minister saying by that, or is the minister trying to cover the 100 exotic dancers that have probably gone astray in the years before and she's trying to stick it to the 113,000 people who are coming in?

I say this clearly to you, sir, that the minister is sugar-coating this in order to stick it to the people who are applying to come to Canada—workers—and she's really going to take a heavy-handed approach. That's what I think this bill is to do.

**Mr. Les Linklater:** These provisions, as I said earlier, will allow instructions to be generated based on objective evidence where we can tie...or there's a common understanding that there are situations where there is a risk of abuse, regardless of occupation. This is not targeting specific occupations.

**Hon. Jim Karygiannis:** Sir, would you be able to supply to this committee such samples of instructions so that this committee can consider them before we move on, in supporting this legislation?

**Mr. Les Linklater:** As I said during my earlier remarks, we've not yet moved to the process of developing instructions. We've been focusing on developing—

**Hon. Jim Karygiannis:** Last question, Mr. Chair.

Sir, then how can you ask us to support this when you don't know exactly what you will be doing?

**Mr. Les Linklater:** As I said, the instructions that will be developed will be based on objective evidence. We need to be very careful in doing our research to understand what evidence is available.

**Hon. Jim Karygiannis:** It's like a pig in a poke.

**The Chair:** So to be clear, it gives the minister the authority to allow an officer, if he has objective evidence that there is going to be abuse to an individual who might be entering the country, the opportunity to stop that individual from coming into the country. Right?

**Mr. Les Linklater:** The act would allow the minister to develop instructions that would be issued to officers where there is objective evidence that indicates that there may be a risk of exploitation or abuse. Officers would be obliged to take those instructions with that evidence into consideration as part of their decision-making process on a case-by-case basis.

**Hon. Jim Karygiannis:** Mr. Chair, I have a request to you.

Could you request from the minister a sample of such instructions? Can you request from the minister some written notes on how this is going to be handled?

We're asked to do a bill here, and we have the witnesses in front of us who are experts, who are certainly not providing for us a substantive amount of answers that will lead us, this government and this Parliament, to make decisions that are supportive.

• (1550)

**The Chair:** Okay. I'm sure that in the clause-by-clause consideration of the bill we'll probably get into that, but in the meantime, I think the clerk has taken note.

Mr. St-Cyr.

[Translation]

**Mr. Thierry St-Cyr (Jeanne-Le Ber, BQ):** Thank you very much, Mr. Chair, and thank you all for being here.

Because this is the first time I have spoken as the new Bloc Québécois critic, I would like to say that I am very happy to be working with you. I hope that our work will be productive and that the decisions we make will be good ones for the public.

Earlier, I heard a discussion of numbers, but I missed a few. In terms of the latest statistics from last year, did I understand that 116,000 were issued every year?

**M. Les Linklater:** We issued 113,000 last year.

**Mr. Thierry St-Cyr:** There were 113,000. I was close.

**Mr. Les Linklater:** I mean in 2006, sir.

**Mr. Thierry St-Cyr:** Of that number, how many were for exotic dancers?

**Mr. Les Linklater:** In 2006, 21 work permits were issued to exotic dancers.

**Mr. Thierry St-Cyr:** We agree that this is a fairly small subset. Of that number, has it been determined how many of them may have been exploited on the job and how many had no particular problems?

**Mr. Les Linklater:** Unless the federal or provincial authorities received complaints, we have no figures regarding the potential rate of abuse or exploitation.

**Mr. Thierry St-Cyr:** This bill does not relate exclusively to exotic dancers. You told us that there might be other situations in which people are exploited. Historically, however, this bill originated with the issue of exotic dancers.

Have you analyzed the present market situation, both in terms of people coming from abroad who dance in bars and clubs and in terms of the general population of Canada doing the same work?

**Mr. Les Linklater:** No, we have not done an assessment relating to dancers in Canada.

**Mr. Thierry St-Cyr:** It seems to me that the problem is much broader than these 21 people. I am trying to see why the government has introduced a bill that focuses on restricting people once they have entered in order to protect them from themselves, when there seems to be nothing in this bill that is going to protect the people who are already here.

Am I mistaken here? Are there measures in this bill for people, Canadian women workers, for example, who might be victims of exploitation?

**Mr. Les Linklater:** Not for Canadians, no. This bill deals only with foreigners who come to work in Canada. That is our mandate, and we do not want to authorize entry into Canada by people who might be exploited or whose Canadian employers might abuse them.

**Mr. Thierry St-Cyr:** The bill talks about people who are at risk of being subjected to humiliating or degrading treatment and who might be sexually exploited. Are those situations not already illegal?

**Mr. Les Linklater:** If a complaint is made by the victim, yes. This bill, however, will give us the power to protect a potential worker from abuse before he or she enters Canada.

**Mr. Thierry St-Cyr:** You are telling me that we want to protect someone who is at risk of exploitation, a situation that is already illegal in Canada. No one is entitled to exploit someone, to put a person in degrading or humiliating situations.

**Mr. Les Linklater:** It depends on the context, but in general, yes.

**Mr. Thierry St-Cyr:** Right. How is an immigration officer going to go about determining whether the person will be subject to exploitation at the place where he or she will be working?

• (1555)

**Mr. Les Linklater:** This bill gives the Minister the power to develop and issue instructions to immigration officers, with objective evidence that makes a connection with situations involving exploitation or abuse, so that they can use those instructions to determine whether the worker's application is genuine.

**Mr. Thierry St-Cyr:** I understood that part. What I am asking is how those officers will go about determining, based on those criteria, whether a person will be exploited at the place where he or she plans to work after applying for a work permit, since a work permit relates to a particular place. Do they know where it is?

**Mr. Les Linklater:** If I may, I can provide you with a few scenarios that will help you understand the steps.

**Mr. Thierry St-Cyr:** Go ahead.

**Mr. Les Linklater:** Take the example of an immigration officer who receives an application from a young American who wants to come to Canada to work as an unskilled worker in the construction industry. This is someone who speaks mainly English, possibly French, but someone who speaks one of Canada's two languages. It is someone who has worked in a fairly highly developed labour market, who knows about labour standards, who probably has sufficient resources to go back home without someone else's support and who could create a support network here in Canada. When this young American's application is assessed, even if there is information to suggest that there is a risk of the worker being exploited, for example in the construction industry, the officer may decide to issue the work permit anyway, given that the person's individual characteristics indicate that he has the resources he needs to make his way.

But we can imagine a different situation. Imagine the case of someone coming from a country where they don't speak English, who has little education, who has no support network in Canada, who does not have a lot of personal resources, who wants to work in an industry where he or she does not know either what the employers' responsibilities are or what the workers' rights are, and so could be fired by the employer. Admitting that person would probably be more risky than admitting the young American.

[English]

**The Chair:** We'll have to pursue that on the second round. We are at seven and a half minutes.

Ms. Chow.

**Ms. Olivia Chow (Trinity—Spadina, NDP):** Thank you.

The go-betweens, the recruiters, that's usually where things go wrong. Is it possible that you legislate and say that the recruiters cannot receive funds and actually ban the recruiters from taking a hefty profit? These are the overseas recruiters who bring in these foreign workers, some of whom are strippers. Have you considered that, or that maybe the recruiter has to be approved by the country of origin? If they are coming from Ukraine, for example, the recruiters have to be signed off by the recruitment country. Would that be one way to deal with unscrupulous people bringing in workers to get exploited?

**Mr. Les Linklater:** We're looking at unscrupulous recruiters. Certainly the western provinces, Alberta in particular, have legislation on the books that prohibits recruiters from charging fees to the workers they recruit. As part of our broader work on temporary foreign worker reform, as I mentioned in my opening remarks, we're looking at ways, with HRSDC, Service Canada, and the Canadian Border Services Agency, to work with the provinces to ensure that we're working with recruiters who are above board.

One of the issues we find with recruiters is that we learn about their presence only if the applicants themselves tell us or have a complaint to make about them, and if they're receiving a benefit it's unlikely they are going to come forward with any complaint about a recruiter.

We feel that with Bill C-17 as part of our tool kit we would be able to limit the exposure and, as part of the assessment of the overall

application, tell the individual that we think, given the evidence that we have linking the particular occupation or the situation the person is destined to, that with the person's individual characteristics, he or she might be at risk of abuse.

• (1600)

**Ms. Olivia Chow:** Could you not say in the public policy consideration that is issued by the minister, be very clear, that recruiters cannot accept any financial...? Your officers overseas can ask people applying to come into the country, is the person recruiting you for this job receiving funds? That would get rid of the people who are enslaving women, because, by and large, they receive hefty funds. So would it be possible to write that into this document?

**Mr. Les Linklater:** We would have to look at the evidence we might be able to gather linking that directly to abuse and exploitation. We haven't yet got to the point—

**Ms. Olivia Chow:** What kind of evidence would you need? I mean, if it is exploitation or sexual slavery, usually the person who brings these women into the country ends up getting a lot of money, and then sells these people to others in Canada, who make money too, but it's mostly, I would imagine, the people overseas who stand to gain a lot financially.

**Mr. Les Linklater:** I think part of the question you're asking relates to the issue of human trafficking. There are penalties in the Criminal Code for human trafficking as well.

**Ms. Olivia Chow:** I'm talking about immigration policy, which is what is in front of us. I'm not talking about the Criminal Code.

When your officer interviews a foreign worker, could you not ask that question of the foreign worker? Could you not ask, did someone recruit you and did they take money? If they say someone did, that should be one of the grounds for them not coming to Canada.

Would that make sense?

**Mr. Les Linklater:** That could be a question our officers could ask, but again, it would depend on the response from the person they're interviewing and who wants to come to Canada, and if they do not provide that information.... Even then, to be able to go after unscrupulous recruiters, unless we have the cooperation of local authorities, it is very difficult for us to shut those activities down.

**Ms. Olivia Chow:** Who actually would have the authority to deal with these unscrupulous recruiters? Is it the RCMP or is it CSIS? Who actually has the power to deal with them?

**Mr. Les Linklater:** If we receive evidence of wrongdoing, we can refer that to the Canada Border Services Agency for investigation, and they can work with the RCMP to move to criminal proceedings, if they're able to determine enough evidence.

**Ms. Olivia Chow:** Can you make it a job offer for the job itself, rather than for the employer, because right now, the way it's written, the job—the contract, the visa—is given to the employer? So if that worker leaves that job, that worker will have to be deported, or they'd have to change the visa.

**Mr. Les Linklater:** As part of the broader reforms we're looking at, where a worker finds themselves in a situation not of their own making, where they may have been threatened by an employer or fired, we are looking at mechanisms to be able to deal with them so that the worker is not penalized, but there are some sanctions placed against the employer.

**Ms. Olivia Chow:** So this bill deals with 17 people who came in 2007, or something of that nature.

• (1605)

**Mr. Les Linklater:** It was 21 in 2006.

**Ms. Olivia Chow:** There were 21 in 2006.

Why wouldn't we actually look at this bill and have a fulsome discussion about some of the issues I was raising and have this as part of that package, and have a bill that has all aspects of this, rather than just this one that impacts on 21 people?

**Mr. Les Linklater:** Yes, a lot of the authorities around monitoring and compliance can be done through regulation. One missing piece that Bill C-17 does move to fill is the whole issue of negative discretion based on the individual circumstances. So even though the employer may have a legitimate job to offer in Canada, if in fact there is evidence that the person in their individual circumstances could be abused, or is at risk of exploitation, we would be able to refuse the work permit for their protection.

**The Chair:** Thank you, Mr. Linklater, and thank you, Madam Chow.

Mr. Komarnicki.

**Mr. Ed Komarnicki (Souris—Moose Mountain, CPC):** Thank you for your presentation.

Certainly, I have a few questions. Our former Bloc immigration critic, Meili Faille, who we just talked about earlier, had said in reference to this bill:

On the basic objective of the bill, we share the same values. We find it completely unacceptable that, here in Canada, people can suffer degrading treatment, be denied their dignity and be subject to sexual exploitation. We agree that legislation is needed to implement measures to protect foreign nationals.

Quoting another individual who appeared on *The Verdict*, CTV Newsnet, Richard Kurland said, "The idea is to prevent any degrading, humiliating treatment, including sexual exploitation."

But if you were to sum up the objective, would it not be the fact of protecting vulnerable temporary foreign workers? If you were to protect one vulnerable worker from the objective of any humiliating or degrading treatment, would that not be the type of accomplishment this might achieve?

**Mr. Les Linklater:** Yes.

**Mr. Ed Komarnicki:** There was some comment made that another way of proceeding is through some other legislation that presently exists. Of course, you can think of things like the Criminal Code or perhaps the trafficking provisions of inter-border human trafficking under the Immigration and Refugee Protection Act, but those, I would suggest, presuppose the commission of an offence. Under the Criminal Code you would require not only the commission of the offence, but you'd have to go through a legal proceeding, a court proceeding, which is extensive and expensive.

There would be proof in that case beyond a reasonable doubt and so on, so it is quite a complex situation.

What we're talking about here is not so much applying existing laws but having a preventative measure to prevent the exploitation or degradation of others, which could include things like sexual exploitation.

**Mr. Les Linklater:** That's correct.

**Mr. Ed Komarnicki:** The other part that I gather from your presentation is that the issue of dealing with preventing humiliation or degradation or that type of treatment, including sexual exploitation, requires an effort on our part on various levels, at various places, by the federal government, the provincial government, departments and agencies, the police force, the RCMP, and others. It's like a tool box. You have many avenues by which to proceed. This is one part of the bigger picture.

Would you agree with me that this bill is a partial answer to a bigger problem that we're dealing with at various levels? Is that an approach you think is something we should proceed with?

**Mr. Les Linklater:** With the growth of the temporary foreign worker program over the last number of years, we really do need to look at a suite of measures to ensure that while the economy gets the skills it needs, we are putting in place the appropriate checks and balances to make sure that workers are not going to be abused or exploited by unscrupulous employers or recruiters or agents.

Bill C-17, as I said, is one of the pieces of that tool kit, if you will, that would allow us to provide that extra measure of protection when, all things being equal, the person might be able to do the job but because of their own circumstances—poor language skills, lack of supports, their own personal experiences—they would be at risk of abuse once here in Canada.

**Mr. Ed Komarnicki:** It seems to me, from what I heard you say earlier, that really the instruction is based on some objective criteria, that there must be some research, and there must some basis, and there must be some connection between the instruction and what you're hoping to achieve. It would seem to me that there would be certain types of employment more likely to have the potential for the type of treatment that foreign nationals might find themselves facing, so that's one aspect of it.

Another aspect that plays into this is that a foreign national comes into a country and perhaps doesn't have the language skills they might otherwise have. They might not yet be integrated into our mainstream economy or community. You might find that they don't have the support systems that are in place to ensure that they don't have to face that type of abuse. We're looking at a situation in which you take into account a combination of factors—the type of employment, the type of person you have coming in—and you might, in that circumstance, decide that you ought not to have that person come in because you know what the propensity might be. As I understand it, up until now the minister would not have had the discretion to deal with it if they otherwise qualified, while, the reverse of that—if they hadn't qualified—you could override. This sort of balances the scale.

Is that the bottom-line proposition of the essence of the instruction?

•(1610)

**Mr. Les Linklater:** Mr. Chair, I explained earlier the scenario of two workers from different countries and with varying backgrounds being offered the same job. If there was any evidence that would suggest there was risk in performing a certain job in a certain situation, given the individual circumstances, an officer might, even with instructions, decide to issue a permit to someone because the individual did have the language skills and the resources to be able to manage as opposed to refusing an applicant who might not have those personal attributes to allow them to avoid being placed in a situation of abuse.

**Mr. Ed Komarnicki:** Just to follow up from that, dealing with the tool box approach, this instruction is, as I said, one of many steps taken at various levels, but more recently I recall that the minister introduced a policy or instruction whereby temporary resident visas were allowed when people were thought to be either trafficked or exploited for various reasons, including sexual exploitation, to give them an opportunity to get on with rehabilitation, receiving counselling or in fact even dealing with the trafficker or to testify in that situation. Wouldn't this sort of round out that kind of aspect?

**Mr. Les Linklater:** Mr. Chair, Bill C-17 would build on some of the things that have already been done. In June, the minister announced an extension of the temporary resident permit for victims of trafficking from 120 to 180 days. This allows them to have access to services, including trauma counselling.

**The Chair:** Thank you.

That completes our seven-minute rounds. We'll now proceed to five-minute rounds.

Mr. Telegdi.

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

First, let me just put this in context. A lot of this is driven by the former minister, Judy Sgro, and what was referred to as Strippergate, if you will. The reality was that a person, who happened to be a stripper and who was no longer a stripper, married a Canadian national and asked the minister for a permit so she could remain in the country while her case was being handled. That's essentially what the case was about. It happened because the department refused to grant this permit. They passed regulations and they put it on the minister. So they set up the minister. The minister lost her job. Nobody in the department lost anything. That's one.

The other issue is that I think Mr. Karygiannis raised a very important issue. I want to see stats and I want to see how they apply.

**Mr. Jim Karygiannis:** That would be .0006.

**Mr. Andrew Telegdi:** I want to see a breakdown. In some ways, when we're talking about those skilled workers, which the government is going to ramp up in letting into the country, we want to make sure they are not exploited. I know there are problems with farm workers and what have you. But let's deal with the reality of the bill. Anyway, I want to see those statistics.

My problem is that the parliamentary secretary talks about a tool box approach. The reality is that officials overseas have virtually unlimited powers to turn people down on visas.

I will refer to a particular case in P.E.I., your part of the world, Mr. Chair, which I read about in the media. One of the fish plants applied for foreign workers; they were approved. They happened to be from Russia and the visa officer turned them down. I don't know what happened with the fish plant, if it closed or did not close.

**Mr. Jim Karygiannis:** What fish plant? There's no fishing.

**Mr. Andrew Telegdi:** I would like to get some answer to it.

The other thing, and what this committee knows is happening, is that there is a huge area of exploitation, and it pertains to undocumented workers. These folks are really open to huge abuse. The government's answer is to try to get these folks deported, while we have thousands of criminals whom we should be deporting but we cannot because they can get a hearing before the Immigration Appeal Division.

I want to put those things in perspective, and I really want to make sure we get the stats.

In terms of vulnerable workers, we have laws that should protect all vulnerable workers. Whether or not an immigration official is able to do this in an overseas post, I am not sure. I want to be very careful with this particular legislation. But we cannot deal with this separately from the undocumented worker question. If we want to talk about exploitation, the undocumented workers, who number in the hundreds of thousands in this country, are helping to build this economy. We've got a huge worker shortage in your part of the world. In northern Canada, Sudbury, if you want to do some construction, it takes you two years before anything is going to get done. It's the same thing on the west coast. So we have a huge problem. I just don't see how this in particular has a priority over that. Notwithstanding that, I would like to have statistics in front of us.

The other issue is that immigration officials have huge powers in denying people entry into this country. Trying to appeal those decisions is unbelievable. So to give more unfettered powers to front-line officers to say no causes me a great deal of concern. I see it in my office day after day after day when we can't get legitimate visa applications approved because an officer overseas turns them down. I do happen to believe that if you happen to be a Canadian citizen born elsewhere, a naturalized Canadian citizen, you should not be denied being able to see your relatives in your new country because of the discretion these officials have.

•(1615)

I really worry about giving more powers to the visa officers to be turning people down.

**The Chair:** Okay. Mr.—

**Hon. Andrew Telegdi:** Can you assure this committee that you are going to get us the statistics on all the foreign workers, showing what categories they are in, and give us some targets indicating by how many we are going to be increasing those?

**Hon. Jim Karygiannis:** That's for the last five years.

**Hon. Andrew Telegdi:** I want the last five years, but I also want the projection, because the government has been talking about increasing the low-skilled worker category.

**The Chair:** I'd like to be able to give....

Okay, Mr. Linklater, maybe you can give Mr. Telegdi a response. It was a six-minute question, but anyway....

Mr. Linklater.

**Hon. Jim Karygiannis:** Mr. Chair, we should make Mr. Telegdi our marathon runner for questions.

**The Chair:** Yes, I think we should.

Mr. Linklater, may we have a brief response, not five or six minutes?

**Mr. Les Linklater:** Mr. Chair, we would be happy to provide statistics on the temporary foreign worker program.

The difficulty we have with projections is that the program is completely demand driven as employers ramp up their need. We do not set targets for the number of temporary foreign workers.

On the issue of refusal of applications under the authority proposed in this legislation, Mr. Chair, I would reiterate that what we are proposing is a two-step refusal. Any refusal that a front-line officer may wish to make will have to be concurred in by a senior immigration officer.

**The Chair:** Thank you.

Mr. Carrier, you have five minutes, please.

[Translation]

**Mr. Robert Carrier (Alfred-Pellan, BQ):** Thank you, Mr. Chair.

Good afternoon, and welcome.

I am going to follow up on some questions that have already been asked.

In terms of statistics, you said that there had been 113,000 temporary workers in 2006 and that 21 of those workers were exotic dancers. We seem to be focusing on exotic dancers, but ultimately there are not a lot of other figures that might apply to other sectors of industry.

Can you give us some facts that would justify introducing a bill? There has to be potentially something more than 21 people.

• (1620)

**Mr. Les Linklater:** That is a very good question, Mr. Chair.

[English]

My response would be that we know that about one-half of all temporary foreign workers who come to Canada every year are what we would call low-skilled: people who are required to have high school education or less to perform the work that's being offered in Canada. Many of these people are coming from countries where English or French is not widely spoken. Bill C-17 would certainly provide additional opportunities for protections for that segment of the temporary foreign worker population.

As has also been mentioned, we've seen a growth in the number of temporary foreign workers over the last few years, particularly of the low-skilled, driven by economic developments. We feel that the authorities in Bill C-17 would be helpful to ensure broader protection.

[Translation]

**Mr. Robert Carrier:** On the question of denying an application, I am wondering, given that the Minister could issue negative instructions, under what criteria that decision might be made. Would only the employer involved in the temporary work application be considered, rather than people we are prepared to accept as refugees?

In any event, most of the time these are vulnerable people, whose situation we understand and who we know are going to be able to make their way in our society. There are laws and labour standards that apply here, in this country. So we should not be judging the person making the application, but rather our own employers. We are aware of the fact that when these people work for some of these employers they are inevitably going to be exploited. Given that we know about this situation, I don't understand why we are refusing entry to people and why we are not penalizing the employers who exploit them. I would like to hear your reaction to that.

**Mr. Les Linklater:** Mr. Chair, as I said earlier, Bill C-17 is one of the tools we wanted to add to our toolbox. For example, we work with our colleagues from Human Resources and Social Development Canada on developing a framework for overseeing employers in Canada, in cooperation with the provinces. Most of them have responsibility for managing labour standards and the labour market. Bill C-17 will contribute to that effort, which will make it possible to provide vulnerable workers with greater protection.

**Mr. Robert Carrier:** Given that when we talk about labour standards we are talking about laws enforced by the provinces, I imagine that a decision about a particular application would have to be based on a report issued by the province in question. That province, and not an immigration officer doing his or her own little investigation, would determine whether a particular employer presents a risk.

Do you agree?

**Mr. Les Linklater:** Mr. Chair, on the questions of the guidelines issued by the Minister, they would have to be based on objective research. For example, if we received a report from a province indicating that a particular industry or employer was causing problems, that might be one of the factors taken into consideration in developing guidelines. However, we would have to be careful and ensure that this did not keep happening.

[English]

**The Chair:** I have three people who have indicated they want to question. We only have about six minutes, so I'll go to Mr. Komarnicki for two, Ms. Grewal for two, and Madam Beaumier for two.

**Mr. Ed Komarnicki:** I will share my time.

**The Chair:** Okay, just take a couple of minutes each so I can complete my list here. I want to get everyone on who wants to.

We'll get you on, Madam Beaumier.

•(1625)

**Mr. Ed Komarnicki:** I know there's been a fixation on the exotic dancer category and the statistics. Those statistics may have some relevance, but the issue is not that particular category. Whatever the category—the name doesn't matter—the issue is the objective of the act. So those statistics won't necessarily prove anything. Am I correct on that?

**Mr. Les Linklater:** As I said, low-skilled workers encompass about half of the movement every year.

**Mr. Ed Komarnicki:** The other aspect is to ensure that some safeguards are in place. Not only do you require two officers or personnel from the department, but the instruction needs to be published in the *Gazette*, with any use of that reported annually to Parliament or to the House as a whole. Is that correct?

**Mr. Les Linklater:** Yes. What is foreseen here is that instructions would be published in the *Gazette* and come into force on the date of publication or on a date specified in the publication. Similarly for revocation, notice would be published. And for refusals, the decision to refuse needs to be concurred in by a second immigration officer.

**Mr. Ed Komarnicki:** Okay. Thank you.

**The Chair:** Mr. Batters.

**Mr. Dave Batters (Palliser, CPC):** Thank you, Mr. Chair.

I appreciate the officials being able to take the time to appear before our committee.

I have a quick question I want to lead you into, Mr. Linklater. I was hoping we'd touch on this, but we haven't yet.

I think we're all in agreement with the purpose of Bill C-17; there are just a lot of questions around the table as to the details, and the devil is in the details. I think we need to have a lot better explanation of how this is going to work with our visa officers abroad, in terms of how these decisions will be made.

For instance, Lady X from Hungary goes to a job in Canada with what many of us in this room and most Canadians would consider an unscrupulous employer—a massage parlour owner. She has a job contract that says she's going to be a cleaner, a waitress, or a registered massage therapist, but that's not the case. She knows exactly what type of work she's going to be doing; she's going to be in the sex trade and she's going to be doing things that are illegal in this country.

Isn't it true that Citizenship and Immigration Canada will ultimately be working with partners such as the RCMP or Human Resources and Skills Development Canada to actually follow up and target which employers are unscrupulous and keep a list of them that will help the visa officers abroad? From my understanding and reading of Bill C-17, unless our visa officers abroad have a list of places that are unscrupulous, they can be told all kinds of stories. How can they possibly make a determination of who is going to work as a legitimate worker and not be exploited, and who will be exploited in Canada?

**The Chair:** Good question.

A brief response, if you wish, Mr. Linklater.

**Mr. Les Linklater:** Bill C-17, Mr. Chair, would allow CIC officers to refuse a work permit to someone because of their own characteristics. Where they may face that abuse or exploitation right now, the act and regulations are very directive that subject to the criteria being met, a work permit shall be issued.

To allow the minister to have the same authority to refuse as she does to overcome inadmissibilities is the key here.

**Mr. Dave Batters:** This is a really quick follow-up question. Is the goal to create a list of unscrupulous employers that these visa officers can look at and say, okay, we have evidence in the past from the RCMP that in this place they're involved in the exploitation or trafficking of women, for example. Is that the goal?

**The Chair:** I think Mr. Linklater understands the question, sir.

**Mr. Les Linklater:** Mr. Chair, as part of our ongoing work with HRSDC, we are looking at how we can work to provide better surveillance of employers who use the program and to impose sanctions on those who would abuse it.

•(1630)

**The Chair:** Mr. Batters, did you get your...? We never get answers all the time when we want them.

Madam Beaumier.

**Ms. Colleen Beaumier (Brampton West, Lib.):** Mr. Chair, when I'm speaking to people from Immigration, it's very frustrating. I always feel like it's them and us, and it shouldn't feel that way. It's not my fault.

First of all, in order to do what you're proposing, you don't have the capacity to do it. We don't have the capacity to do security checks in foreign countries right now. We have long waiting lists. We do not have the manpower to do what you are suggesting.

When you talk about objective evidence, you're not talking about objective evidence, especially when it's from a third world country, you're talking about gossip. We see in Immigration that so many people are denied entrance into this country because some jealous neighbour or some jealous relative has called the embassy and everything is put on hold. That is not objective evidence.

I really do view this bill, overall, as something that merely gives the bureaucracy more power. You make the regulations. Regulations are not an act of Parliament; regulations are drawn up by the bureaucracy.

I'm sorry that I'm ranting. When you talk about two members, we have two members, oftentimes, in Immigration now refusing visitor's visas or...the one who signs no and the other one who rubber-stamps it.

We're in a position where we've not put enough money into Immigration. We are outsourcing so much of our work in third world countries. We know they don't exactly do business the same way we do. We know that a few rupees will get you a bigger place in line.

We already don't have the staff. It's like the doctor situation in Canada. We don't have the staff to handle all of these in a fair, impartial way.

It's not really you against us, even though I feel it is often. You don't have the resources to implement this. You just don't have the resources. What kinds of resources are being put or will be put in place to enact this new legislation? And we don't care about exploiting Canadians. Canadians are being exploited all the time.

**The Chair:** We've run out of time. We do have some other things to do.

Mr. Linklater.

**Mr. Les Linklater:** Budget 2007 did allocate funding of \$50 million for HRSDC and CIC to deal with growing volumes of temporary foreign worker applications. Those resources will be deployed to deal with those growing volumes.

With regard to the question around objective evidence and what would constitute objective evidence, we would be looking at published research that has been peer reviewed as a key source of any evidence that would be used in the development of instructions.

**The Chair:** I want to thank you on behalf of the committee for being here today. You've shed a considerable amount of light on the bill. Thank you. We appreciate it.

**Hon. Andrew Telegdi:** Mr. Chairman, there's just one thing I'd like you to make sure is clear. I want information on what happened to those P.E.I. workers who were supposed to work in the fish plant.

**The Chair:** I think the clerk has made note of it, and we'll follow up on that for you.

Thank you.

**Hon. Jim Karygiannis:** Mr. Chair, on a point of order, before the witnesses go, they did undertake to provide us some information. Through you, sir, I would like to ask directly to the witnesses what would be an acceptable time before we get those answers.

The parliamentary secretary will want us to move Bill C-17 along. I don't want to stall Bill C-17 while we still don't have an answer. Unless we get the answers, we can't move along, so I want to find out, through you, sir, what's an acceptable timetable.

**The Chair:** We will have the information in an expeditious manner.

**Mr. Les Linklater:** Absolutely, Mr. Chair.

**Hon. Jim Karygiannis:** What is expeditious?

**The Chair:** I don't want to impose any deadlines.

**Hon. Jim Karygiannis:** We'll stall Bill C-17 until we get the information, Mr. Chair. Is that what you're suggesting?

**The Chair:** I think officials are aware that we would like the information as quickly as possible.

I'm sure you'll do it for us.

• (1635)

**Hon. Jim Karygiannis:** Well, I guess we'll put Bill C-17 off until we get the information.

**The Chair:** No, no, we'll have that information. Thank you.

Before we call our next witnesses, we do have a meeting of our steering committee tomorrow. We need to get a representative from each of the parties on the steering committee. We need the authority

to put Mr. St-Cyr on the steering committee, to replace Madam Faillie.

Mr. Clerk.

[*Translation*]

**The Clerk of the Committee (Mr. Andrew Chaplin):** The position of vice-chair is currently vacant. I am prepared to hear motions on that subject.

Mr. Carrier.

**Mr. Robert Carrier:** I would like to nominate my colleague Thierry St-Cyr, who will be replacing Meilli. The position would be very appropriate in his case.

[*English*]

**The Clerk:** Mr. Carrier has moved that Monsieur St-Cyr be elected second vice-chair of the committee.

**Hon. Jim Karygiannis:** I'll second that.

**The Chair:** It's seconded by Mr. Karygiannis.

**The Clerk:** The committee has heard the terms of the motion.

Is it the pleasure of the committee to adopt the motion?

(Motion agreed to)

**The Chair:** Good. Thank you, Mr. St-Cyr.

You're aware, of course, that we have a meeting tomorrow morning at 10 o'clock.

Now I want to call to the table our second panel of witnesses.

By the way, I want to ask if everyone has had the opportunity to pick up a briefing book on the bill. They're up here at the table. There's some very good information in there. Of course, the work that was done by Ms. Barnett on this bill is available as well. I trust you have that.

I want to call to the table our second panel of witnesses. Leslie Ann Jeffrey is an associate professor in the department of history and politics, University of New Brunswick, Saint John. She has written extensively on the relationship between trafficking in persons and immigration.

From the Canadian Council of Refugees we have Francisco Rico-Martinez here today, former president of that group.

We have, from the Canadian Centre for Abuse Awareness, Mr. John Muise. We have Janet Dench here as well.

Welcome.

You know the drill, of course. You will give us an opening statement, and then we will go to our committee members, who will have questions.

Who has the statements? Do you have a statement to make to the committee? Please proceed in whatever order you might want to proceed.

We'll just go across the table then.

Ms. Jeffrey.

**Ms. Leslie Ann Jeffrey (Associate Professor, Department of History and Politics, University of New Brunswick, As an Individual):** Thank you for having me here today.

I'm a professor of international relations and politics, and I work on human rights, gender, and trafficking in women.

What I'd like to say today is that this bill will not address the problem of trafficking. It will in fact contribute to it. It's an example of the kind of anti-trafficking measures now being strongly criticized by a variety of groups around the world, including the Global Alliance Against Traffic in Women, the United Nations Commission on Human Rights office, and the Committee on the Elimination of Discrimination against Women. This bill limits women's rights, rather than enhancing them, and therefore creates the conditions for increased trafficking.

Because trafficking differs from smuggling in that traffickers maintain control over migrant workers in the new country in order to exploit their labour, trafficking thrives in conditions where there are, one, barriers to workers' migration, and two, poor working conditions. This bill both increases the barriers and fails to address exploitative work conditions and becomes part of the problem rather than part of the solution.

There are several possible impacts of this bill. One is discriminatory gender impacts. The great danger is that migrant women, particularly poor migrant women, are going to be directly targeted by this law, which will reduce their opportunities for safe and legal migration and circumscribe their right to migrate and seek work abroad. This is because of the general bias against women as independent migrants, the general assumptions about women's vulnerability, and the view of exotic dance as inherently exploitative. Therefore, immigration officers are very likely to target women through this law.

Second, there is an increased risk of trafficking. By targeting women "for their own good", the bill will drive poor female migrants seeking work in Canada, including work in exotic dance, to find other, more precarious and more dangerous ways to enter the country. This may include turning to migration agents who can then charge higher fees and take advantage of them in the workplace.

Third is the failure to address working conditions. It is very problematic that Canada would choose to address the issue of potential exploitation of migrant labourers by attempting to stop their legal migration rather than addressing the conditions of work. Trafficking most often occurs in precarious forms of labour that are unprotected by labour laws, government oversight, and union organization. In exotic dance, for example, exploitation that occurs is a product of the failure to enforce labour, health, and safety laws that we already have, the contract status of dancers, and the lack of knowledge among employers and dancers of the rights and responsibilities of the workplace. Migrant workers in particular have very little information about Canada's laws and practices around exotic dance, and this leaves them open to exploitation.

Fourth, this bill potentially ignores other forms of forced labour and trafficking. The bill's rationale, and therefore very likely the minister's instructions, reflect a problematic focus on the exotic dance industry alone while ignoring the very similar issues in other

industries that can and must be addressed. The United Nations special rapporteur on the human rights of migrants, Jorge Bustamante, has received many complaints on the treatment of migrant workers in Canada and has in fact asked, I believe, for an official visit to Canada. This bill ignores this wider context of migrant labour exploitation in Canada and does nothing to address it.

Finally, there are more effective responses to trafficking available that do not involve circumscribing the human rights of migrants and therefore meet our international legal requirements as laid out by the United Nations High Commissioner for Human Rights concerning anti-trafficking measures, that they must not adversely impact the rights and dignity of migrants, and the human rights committee that oversees the International Covenant on Civil and Political Rights, to which we are party, that says these measures must be proportionate and the least intrusive.

The measures the government could undertake are, first, to give temporary foreign workers the ability to change employers so they can leave exploitative employers without having to leave Canada.

Second, require employers to meet certain labour standards, not just demonstrate a need for workers, in order to be given the ability to hire migrant workers. These employers should then be monitored, again, as required by the High Commissioner for Human Rights, their contracts legally inspected, and labour laws enforced.

Third, ensure that there is support for worker organizations that can monitor workplaces for exploitation of migrant workers, inform migrant workers of their rights, and offer methods of redress to exploited workers. This includes, importantly, in the exotic dance industry, support for peer organizations, which is particularly important in highly stigmatized industries.

Fourth, ensure that migrant workers, including exotic dancers, have access to and information about laws, bylaws, legal and social services in their own language so they know how to proceed if their rights are violated or threatened.

● (1640)

Finally, make Canada a party to the United Nations International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, which lays out measures to protect migrant workers from exploitation within a human rights framework, as called for by the current United Nations High Commissioner for Human Rights, Louise Arbour.

Thank you.

**The Chair:** Thank you.

Mr. Muise, do you have a statement?

**Mr. John Muise (Director, Public Safety, Canadian Centre for Abuse Awareness):** Thank you, Mr. Doyle.

Thank you for the opportunity to testify before the immigration committee.

Just by way of introduction, I'm a retired 30-year veteran of the Toronto Police Service. I retired last year and have been the director of public safety at the Canadian Centre for Abuse Awareness on a more or less full-time basis for almost two years and as a volunteer for several years previous to that.

I've been to Ottawa on a number of occasions testifying on a number of criminal justice bills, but this is my first time before this committee, so thank you for the invitation and the opportunity.

Since 1993, the Canadian Centre for Abuse Awareness, an organization that survives solely through charitable donations, has raised awareness about the true cost of neglect through its support of victims of child abuse. Based in Newmarket, Ontario, north of Toronto, the CCAA is powered by a committed group of staff and volunteers who provide support to 70 partner agencies—we have a little warehouse, and we give stuff out to them, among a number of other things. Whether it's fulfilling a child's dream wish, assisting crime victims, developing abuse prevention programs and resources, or advocating publicly for legislative change—that's what I do—CCAA is committed to ending abuse.

In 2004, the CCAA went around the province of Ontario and spoke to 150 front-line criminal justice professionals, crime victims, survivors, and other interested parties, and from their voices we wrote a report called the *Martin's Hope* report, named in memory of Martin Kruze. Some of you will know that name. He was the survivor of the Maple Leaf Gardens child sexual abuse, who courageously disclosed publicly, and then subsequently, four days after his offender received two years less a day in prison—I guess it was the last straw for him—he jumped off the Danforth Viaduct.

The report lists 60 recommendations, 40 for legislative reform, directed at the federal government. We released the report in 2004, and we continue our work to try to get the recommendations instituted. Many of them relate to children in the sex trade, sex tourism, and similar ancillary matters.

With respect to the bill today, that human trafficking is an issue of significant worldwide concern there can be no doubt. Trafficking in women and children is a global issue that results in untold agony and suffering for hundreds of thousands of individuals and families. Source countries are most often third world and/or developing, where poverty is widespread, the rule of law is at best a fleeting mirage, and corruption is endemic. A number of government and NGO publications have and continue to detail this trade, and few, if any, commentators refute it.

Although Canada is not considered a source country, it is a destination and transit country for women and children trafficked into the commercial sex trade. Countries in Asia and eastern Europe are the principal sources, in addition to a number of other locations around the world. Asian victims often arrive in Vancouver and western Canada, and eastern European victims come to Toronto and other eastern Canadian urban centres.

That we are a destination should come as no surprise. With economic opportunity, the rule of law, little or no government corruption, and absence of civil strife and violence—quite frankly an embarrassment of riches—is it any wonder that we would have a flood of immigrants hoping for a new and wonderful life here in

Canada? Whatever the reason or intention of the person arriving, the expectation is of a life improved, not impoverished.

The commercial and illegal sex trade is alive, living, and well in this country, from strip clubs or exotic dance clubs to the street corner, massage parlours, Internet child abuse, escort agencies, bawdy houses, telephone and Internet dating, and so-called holistic centres to name but a few. Anyone who has browsed the back pages of any urban independent daily, like the Toronto-based *NOW* magazine, or *Eye Weekly*, will find it all up front and centre for anybody to see, and much of it focuses on ethnicity and age. I'm talking about the fact of age being young, not old.

It's not so secret, a commercial and illegal sex trade. Page after page of adult classifieds offering all varieties of sexual services for a fee are on display, and many of the classified ads focus on the ethnicity of the provider. The sex trade is out in the open and booming, and it's clear what's being offered.

● (1645)

We don't believe that individuals wake up one day and decide, “Yes, I think I'd like to give a career in the commercial sex trade a try.” Although personal choice is usually a precursor—unless false pretenses or force are used—it is almost always as a result of life circumstances, including poverty, abuse, and other negative social circumstances that they may be escaping here in this country or from abroad. Even if some make the choice of their own free will, the majority are later subjected to emotional and physical abuse, forced drug use and concurrent addiction, and theft of income. As a result, many end up as indentured sex slaves.

These are the circumstances that confront a Canadian who ends up in the sex trade. The vulnerability and risk for a foreign national on a temporary visa would be increased significantly.

The CCAA raises all of this not because we are here looking for this committee to eradicate the sex trade. That won't ever happen. There has always been a sex trade and that will never change. Our concern is for the vulnerable and at-risk, people who the CCAA sees—and, we believe, society increasingly sees—as crime victims. Make no mistake about it, the people plying their trade in the back pages of these urban dailies and many others like them are the victims of serious crimes. Some have been victimized through human trafficking.

Our focus is on how we as a society can best ameliorate the risk to those vulnerable at the hands of these sex entrepreneurs and predators. We see the response happening across a number of fronts, including prosecution, prevention, and education. Before I finish today, I will briefly touch on some of those.

I was also happy to see Ms. Chow, Mr. Komarnicki, Mr. Carrier, and Mr. Batters all speak to some of the things that need to be done concurrently or post this legislation.

As all of you know, the amendment in Bill C-17, previously Bill C-57, proposes to protect from exploitation and abuse the potentially vulnerable foreign nationals who come to work in Canada. Doing so would allow—with concurrence from a second and presumably supervisory officer—an immigration officer or visa officer to refuse entry by a foreign national to work in Canada, where a person is “at risk of being subjected to humiliating or degrading treatment, including sexual exploitation”. That’s what the legislation says. The guidelines or regulations governing this policy would require posting in the very public *Canada Gazette*.

We understand that current government policy decisions all but disallow entry to anyone who applies for work in the exotic dancer category. We salute the effort on that front to reduce sexual exploitation. We believe the proposed legislation takes these good policy intentions to the next level by providing statutory clarity. In other words, it would be carved in stone, and the policy underpinnings of the statutory requirement can be amended as necessary in real time for inclusion in the weekly *Canada Gazette* for all citizens to see. This approach, we would contend, is open and transparent, and we support it.

I know that some of you have wondered why this might be necessary when government policy already functionally does this in relation to those who attempt to enter as exotic dancers. In the same way the tap was recently turned off for exotic dancers, future governments could turn it back on. With this legislation, if an attempt is made to do that, presumably we’d find out as a result of the altered public policy published in the public *Canada Gazette*.

In addition, it should be noted that the language used in the enabling amendment in Bill C-17 would make it difficult to do this in any radical way. We believe there’s a good way to conduct government business and enhance public safety and the prevention of crime at the same time.

Though we support this proposed amendment, we would be remiss if we didn’t point out the necessity of responding to the issue of human trafficking on a number of fronts. Some of you participated in, or are certainly aware of, the work done by the Status of Women committee on human trafficking. Due to circumstances beyond our control, we were unable to attend and present, but we had made a number of recommendations for legislative and policy reform in relation to the sex trade. We’ve included them in our *Martin’s Hope* report. They can also be viewed on our home page, at [www.ccfaa.com](http://www.ccfaa.com). I’ll provide this to the clerk later.

In any event, as you continue this essential work, these priority areas require more attention, in addition to this proposed legislation, if we are to protect those most vulnerable. The three areas that we think need significant help include working with all provinces to encourage passage of provincial legislation that will allow intervention to rescue children lost in the sex trade, and also, as a component of that legislation, providing enhanced licensing mechanisms to allow unfettered entry, padlocking, asset forfeiture, and prosecution of sex entrepreneur predators. These are the premises where we will

find those who have been trafficked into the sex trade. Some of these premises are here in this magazine.

● (1650)

We should work with the provinces to provide the resources necessary to local and provincial law enforcement to create specialized units dedicated to the fight against human trafficking and other forms of sexual exploitation. We applaud the first step of creation of the national coordinating unit and the support provided to victims of human trafficking, including the extension of work visas and the protection of people who actually come forward.

The reality is that to track this problem in a substantive rather than accidental way, which is how most trafficking investigations are commenced now, we need boots on the ground locally and provincially. Organizations like the Ontario Provincial Police and the Toronto Police Service need to be able to do this.

The last one is to ensure appropriate training for immigration officers—I know Ms. Chow spoke to this in a certain fashion—to best recognize those at the highest risk for being trafficked into the sex trade and to ensure entry is denied where the risk is high. In addition, we should ensure appropriate government manpower is available to provide follow-up investigations in this country where certain temporary workers might have an increased possibility of risk for sexual exploitation. These are some of the things that Mr. Carrier, Mr. Batters, and Mr. Komarnicki spoke of.

This committee may want to consider a request to the interdepartmental working group to consider and develop these three recommendations.

Finally, we’d like to thank the committee for the opportunity to weigh in on this most important public safety matter. If there is anything that CCAA can do in relation to the human trafficking file or as it relates to the points immediately above, we stand ready to help.

Thank you very much.

● (1655)

**The Chair:** Thank you very much.

We have to leave at 5:30. We do want to get some questioning in, but I don’t want to cut you off. In the interests of time, if you have any further opening statements, maybe you could condense it a bit to give the committee some time to—

**Ms. Janet Dench (Executive Director, Canadian Council for Refugees):** To be fair, though, if three groups are invited, I think it would be fair to give each of the three groups an equal amount of time.

**The Chair:** Yes, we’ll try to do that.

Mr. Karygiannis.

**Hon. Jim Karygiannis:** On a point of order, I would like us to invite the other group back. There are questions we need to ask of the first and second presenters, especially the second presenter with respect to some of the statements he made. I think we will be doing the other presenters a disservice to not give them equal opportunity.

**The Chair:** I’m going to hear one more point and then I’m going back to—

**Hon. Andrew Telegdi:** What time are the bells, Mr. Chair?

**The Chair:** The bells are at 5:30 for a 5:45 vote.

**Hon. Andrew Telegdi:** So we can go for an extra five minutes.

**The Chair:** Yes, we can go a little bit extra.

Madam Dench.

[*Translation*]

**Ms. Janet Dench:** Thank you.

I am going to split the time I am allowed with my colleague Mr. Rico-Martinez.

The Canadian Council for Refugees is an umbrella organization with about 170 member organizations across Canada. This year, we are celebrating 30 years of work on behalf of refugees and immigrants. Our mandate is the protection of refugees in Canada and around the world, and the settlement of refugees and immigrants in Canada. We are active on a wide range of issues and we have had the privilege of appearing before this committee on a number of these issues in the past.

Our members have been concerned about the question of trafficking in persons for several years. With support from the federal government, we held a series of consultations locally and nationally in 2003, in order to promote awareness and develop recommendations. Through the consultations we identified two priorities: first, a need for increased awareness of the reality of trafficking in Canada, and second, the need for measures of protection for victims of trafficking.

Since then, we have continued our work on trafficking issues, coordinated through a subcommittee of the CCR which brings together representatives from various cities in Canada, in order to promote networking of anti-trafficking activists across the country.

[*English*]

With respect to our reaction to Bill C-17, when the earlier version of the bill was tabled as Bill C-57 we put out a press release giving our response. You should have a copy of that release before you.

We oppose Bill C-17. Not only does it fail to protect the rights of trafficked persons already here in Canada, but furthermore its approach is condescending and moralistic. It empowers visa officers to decide which women should be kept out of Canada for their own good.

We find Bill C-17 problematic in a number of ways. First, the bill fails to address the root problem with the existence in Canada of jobs that humiliate and degrade workers. Work permits can only be issued by visa officers after the employer's job offer has been validated by Human Resources and Social Development Canada. Why is such work available in Canada if it humiliates and degrades workers?

Second, only a handful of work permits have been issued to exotic dancers in recent years. Parliamentary time would be better used to address the broader problem of the exploitation of non-citizens in Canada.

Third, the bill proposes to address the problem of exploitation by excluding people, mostly women, from Canada. It is demeaning for

women to have a visa officer decide that they should be kept out of Canada for their own protection.

The bill also fails to address the situation of the most vulnerable of exploited non-citizens, those who have no valid work permit. In fact, closing the door on valid work permits may expose women to greater vulnerability, by forcing them underground.

The government's focus on strippers betrays a moralistic approach. Instead of passing moral judgment, the government should work on ensuring that non-citizens' rights are protected and that they have the freedom to make informed choices about their own lives.

We also note that where there is a suspicion of trafficking, it is wrong to simply refuse a work permit to a woman without referring her to the appropriate local institutions or authorities for her protection and for the prosecution of the criminals involved. This is a clear violation of our international obligation under the UN protocol.

● (1700)

**The Chair:** Thank you.

Mr. Rico-Martinez is next.

**Mr. Francisco Rico-Martinez (Former President, Canadian Council for Refugees):** Because we oppose the bill, we have a proposal to make and you have a copy of the proposal.

As mentioned earlier, one of our areas of priority is focusing on the need for protection for trafficked persons in Canada. We have been advocating for this for many, many years. In 2006, we welcomed Minister Solberg's introduction of guidelines for temporary resident permits as a step in the right direction. However, our monitoring of the experience with these guidelines has convinced us the guidelines are not sufficient to protect trafficked persons.

We decided it is necessary to amend the law to ensure there is a clear and permanent policy of offering protection to trafficked persons. Since measures to prosecute traffickers are in the law, it is appropriate that measures to protect victims are also in the law. Guidelines can only go so far. We know that. They do not have the force of law and may be changed as easily as they are adopted, and we know that as well.

We decided it would be helpful to develop a complete proposal outlining what we see as necessary. We present it to you, and we are going to read the key elements of the proposal.

The main objective of the anti-trafficking legislation must be to protect the human rights of trafficked persons. This bill doesn't.

Canada should follow the definition of trafficking found in the UN protocol. This bill doesn't.

Protection must be offered to trafficked persons without conditions. This bill doesn't.

Immediate temporary protection is to be offered if there are any reasons to suspect the person is a victim of trafficking. This bill doesn't.

There is a possibility of permanent status in certain cases after the trafficked person has had the time to make her own decisions. This bill doesn't.

We must remove from the regulations the provision that makes a risk of trafficking a factor in favour of detention, including of children. Trafficked persons should be treated as the victims of crime, not as criminals.

In conclusion, I have a few extra points. This bill needs a gender analysis. Traffickers exploit people's vulnerabilities and women and children tend, globally, to be more vulnerable than men in this particular area. Trafficking deprives those trafficked of control over their lives. It is therefore extremely important to approach the issue in a way that gives back to trafficked persons full control of their life. Bill C-17 takes exactly the opposite approach, closing off options, rather than giving greater power.

Consider the reports from Eastern Europe that a few years ago, in response to instances of trafficking in women, border officials trying to reduce trafficking refused admission to women trying to cross the border. Perhaps it made it more difficult to traffic women, but this also led to discrimination against women who were simply trying to cross the border to go about their own business.

About children, this bill thoroughly left out children. Children are among those who are trafficked. Bill C-17 fails to protect them because the bill only refers to temporary workers, which legally means persons over 18 years of age, and not children.

Non-status people in Canada are among those who are also exploited. Bill C-17 fails to protect them because they are already in Canada.

We encourage you to study our proposal and take action to have the principles turned into law. Thank you very much.

• (1705)

**The Chair:** We have seven people who want to speak, so I think it would be appropriate, given the time constraints, to go for five-minute rounds and see how we work it out there.

Ms. Beaumier, you're first.

**Ms. Colleen Beaumier:** I'm sorry we didn't have you first. We could have eliminated the others, because what you have brought up is so very interesting.

Mr. Muise was talking about exploitation of children for sexual purposes. I have no knowledge of what that has to do with immigration or how it possibly even relates to this bill.

Janet, I was extremely impressed with what you had to say. This bill does not address exploitation. All this bill addresses is making the playing field smaller and smaller at the discretion of the bureaucracy. We're talking about people who are being exploited in Canada, and what do we do? We reward them by deporting them or taking away their work permits.

We have a number of people in Canada right now who are being exploited because they're having to work underground. Not only are they being exploited, they're exploiting the system. They're not paying into the system, but they're not allowed the benefits that people in Canada are allowed. And I think it's unfortunate.

When you talk about the trafficking, I'm not sure what you mean by trafficking. People don't do trafficking through legal means, do they? They sneak people in. I don't know how you can go and get a working visa at the border.

And Mr. Muise, I don't understand what immigration has to do with sexual exploitation and trafficking of children. I just don't understand.

So I wish we had more time.

Maybe someone could answer some of these.

**Ms. Janet Dench:** Thank you, Ms. Beaumier.

Yes, I'd like to comment on your question about how people can be trafficked into Canada. From what we have seen, there is a variety of different means used, and that is one of the reasons we say this bill doesn't necessarily help, because it focuses on one means of entering Canada.

It's true that somebody could enter Canada on a temporary work permit and on that basis be kept or forced into a situation where they were under the control of the traffickers and exploited. But that is not the only way. They could enter without a visa at all.

We have children who enter Canada and who are kept as sort of domestic servants, not going to school. There is a wide range of different circumstances. In some ways, someone who has a temporary work permit is in a better situation than someone who has none at all, which is one of the reasons we don't see it as a very positive step to be closing off legal options.

**Mr. Francisco Rico-Martinez:** Just let me add that they use other means as well. For instance, we have at least two examples in my office of people who were trafficked into Canada; they were exploited. And they came with student visas. That decision was not their original intention. We have other people who come as visitors, and they are exploited after they enter Canada.

So the relationship between the legal means to enter Canada and trafficking is very close, and we know that at the practical level.

**Mr. John Muise:** I will add two things to that. For me, a child is somebody under the age of 18. Somebody else might think it's someone under the age of 15. So there is a potential, and I think Ms. Dench referred to it.

But ultimately, I mentioned one of the other three solutions, and I believe one of them—and that's why I talk about children—is licensing combined with rescuing of children legislation, which needs to be done in each province, because ultimately the rescuing of children is a provincial jurisdiction. So is licensing of the places where people are trafficked. And both children and trafficked people end up in these places. They say 18-plus because it keeps them out of the most important trouble to law enforcement currently.

So at the end of the day there's a significant connection. I'm not saying the only trafficking is about sexual exploitation, but there is absolutely no doubt that's a big part of what trafficking is around this world, Canada included.

• (1710)

**Ms. Colleen Beaumier:** But I don't know how you figure this legislation is going to help. All it does is give the bureaucracy more discretion as to who they're not going to allow in. Well, you can be absolutely sure that the bureaucracy today does have the power to deny entrance to people who they think they're going to be exploited.

**The Chair:** Let's try to pick that up in the next question.

Thank you, Madam Beaumier. I'm sorry, I have to be a little strict on time here.

We'll go to Mr. St-Cyr.

[Translation]

**Mr. Thierry St-Cyr:** Thank you all for being here. Your presentations were very interesting.

Comments have been made concerning the bill that is before us. Ms. Dench and Mr. Rico-Martinez told us that they were clearly opposed to this bill. You made some proposals for amendments or changes. You understand that because of parliamentary procedure, we can't initiate those new aspects, but it seems to me that you think that this bill, in its present form, results in more problems than solutions. I conclude that you are recommending that I vote against it.

Ms. Jeffrey's comments were also quite clear.

It seems to me that you have listed four other measures that should be given preference if we are to solve this problem. One of them escapes me. I noted down the right to change employers where there are problems, to check on the employer first to make sure that it genuinely respects its employees. The fourth thing I wrote down, I think, was information about these people's rights, that is, that employers be aware of what rights they have to respect.

Was there a third? Am I missing one, and if so, which one?

[English]

**Ms. Leslie Ann Jeffrey:** The final point was on the United Nations convention on the rights of migrant workers, which Canada is not a signatory or a party to. None of the major developed countries are. But many ascending countries are parties to it. What the convention does—it's one of the smartest conventions I've seen—is lay down a base level of rights that must be protected for all migrant workers everywhere, whether legal or illegal. And it encourages legal and orderly migration by giving a higher level of rights to those who regularize their status. So it's what's been laid out.

The Office of the High Commissioner has, on December 18, International Migrants Day, said that countries should be signing and ratifying this convention.

[Translation]

**Mr. Thierry St-Cyr:** I am going to go back to Mr. Muise because you also listed a whole series of recommendations about what we should do to reduce abuse. But in terms of this bill, as parliamentarians, we are going to have to assess whether it has more positive than negative effects. Personally, do you recommend that we vote for or against this bill?

[English]

**Mr. John Muise:** First I'd recommend that you vote for it.

If you don't do some of the things I've suggested, and quite frankly, some of the other things suggested here.... I don't know that the bill is going to do more harm than good, but it's not going to do much good. If you don't add to that particular.... It's a building block. I think Mr. Komarnicki might have referred to it as such. This is a building block. To me, it's overarching legislation. We're concerned about the rights of people who come here. If you don't do these other things, it's just going to kind of be there.

• (1715)

[Translation]

**Mr. Thierry St-Cyr:** I am going to stop you because I would like to ask one final question. I would like to know whether this is a subject of major concern for you. We ourselves are concerned about the significant latitude being given to the Minister of Immigration in terms of issuing guidelines to immigration officers, guidelines whose scope is ultimately not under the control of Parliament. Is this something that concerns you? I am thinking particularly of people who work with refugees, and perhaps also Ms. Jeffrey.

**Ms. Janet Dench:** Yes, in fact, this is something that concerns us because it is up to Parliament to establish the legal framework and then to be able to make sure that the officials are working within that framework. When you give enormous powers without any supervision, who knows what might happen under a future government, for example.

[English]

**Mr. Francisco Rico-Martinez:** Also, if you remember the example the employee from the ministry gave, it was very clear that if the person speaks very good English and the person has experience in a western country and if the person speaks French and whatever.... What that means is that there's a clear sense that we are discriminating against people who don't speak English and French in a particular way or have western experience, which is not the goal of the bill. The example is totally clear about what the bill is going to do.

[Translation]

**Mr. Thierry St-Cyr:** Ms. Jeffrey.

[English]

**Ms. Leslie Ann Jeffrey:** I can't overemphasize the problem in terms of what the bureaucracy was saying, that this would be based on evidence. It won't be. There is no evidence, hard evidence, of human trafficking worldwide. It's a huge problem. The Government Accountability Office of the United States has issued a slap on the hand to the CIA and to the State Department for their failure to provide statistically sound numbers. It's a huge step for the U.S. government itself to say their numbers are horribly out of whack. They have said they get 17,000 trafficking victims a year. They have found 150 a year. There is something very wrong. The Attorney General said to Congress in 2006 that the State Department's numbers may be far out of whack.

We use the State Department's numbers via their report on Canada to estimate Canada's problem. There is no hard evidence, and even in the peer-reviewed literature there is a great deal of debate about the methodologies used. There is no provision in this legislation for input from actual trafficked victims to find the evidence. There is no monitoring mechanism on the gendered effects or whether this is actually working and there is no appeal process if someone is denied.

All of these are problematic.

**The Chair:** Thank you very much.

Ms. Chow.

**Ms. Olivia Chow:** Mr. Chairman, can I just ask a question in terms of order?

Is it possible that we take this bill and add a huge number of amendments to it that address all the things that are being proposed? If so, then it makes sense for me to ask all these questions.

**The Chair:** Yes, it's possible we could very well send this bill back to the minister with proposals for amendments, but first we have to hear the various people who come before the committee. Then we will get together to see if any amendments would be made. Members will have that opportunity, of course.

**Ms. Olivia Chow:** Thank you for that.

I'm wondering if you work with overseas counterparts. The question I asked earlier was about these consultants, these go-betweens. These go-betweens are, in my mind, a huge problem.

My understanding is that the field operation manual, called IP 9, or something like that, has been in the works for two years. It still hasn't come out, which means that in the field operation the people who are out there interviewing these migrant workers—or whatever you call them, people who are being exploited when they come into the country—don't really have any power or instructions to go after them. Right now in Canada, under the CIC, the immigration department, the secretariat is supposed to go after these folks, but the secretariat is in immigration while it is actually CBSA that does the enforcement. It is as if the right hand and the left hand are not connected in any way, which means the people we really need to punish are the go-betweens, the consultants, the pimps, the ones who actually traffic these people.

Is there some way, through this bill or through whatever bill or manuals or what have you, to tighten it up that would get to the root of the problem to stop the consultants, whether they are bringing farm workers or live-in caregivers or exotic dancers or whatever into the country?

• (1720)

**Mr. John Muise:** What exactly consultants are doing is not my expertise.

The other thing is that human trafficking, from an enforcement perspective in this country, is a very new thing. I can tell you my counterparts in policing, with whom I communicate on a regular basis, all know about Bill C-49, from 2005, and they know about the amendment in terms of expanding the work visa. They recognize that they have a special victims unit, and these people are victims. They need to change the way they conduct business, and they have done it across a number of fronts.

You can pass this amendment—and I support it—but you're not going to get to where you want to go, Ms. Chow, without, for instance, that back-and-forth where you have, as one example, dedicated police units on the ground that are actively working with the visa officer or CBSA or the visa officers' counterparts here in this country and sharing the kind of information, for instance, where they can tell the overseas visa officer they now have evidence, as opposed to gossip, that a particular consultant or a particular employee on the ground here in Canada is doing bad things, they are trafficking and have indentured sex slaves, who are working at this place.

That's how it happens. Right now, I have to say, in terms of exploitation, much of the focus by the police services, law enforcement, that actually have specialized units has been on Internet child abuse. They need the resources.

**Ms. Olivia Chow:** How many people do you know, among the sex workers, who have been deported prior to being witnesses in court cases? I keep hearing that this is happening. It's supposed to stop.

**Ms. Leslie Ann Jeffrey:** Actually, there's only been one case in trafficking under the IRPA, and he was found not guilty. In fact, what we're finding among sex workers I speak to, and among those who talk to migrant sex workers, is that they know they're coming in to do this kind of work, and that immediately puts them under the Criminal Code of communicating or being found in a bawdy house. It doesn't fit the IRPA definition of "trafficking".

**The Chair:** Okay. Sorry, I wish I could give you longer, Madam Chow.

Mr. Komarnicki, please.

**Mr. Ed Komarnicki:** I'll be brief and share my time with Ms. Grewal.

I'd like to commend John Muise with respect to identifying the fact that what we're talking about is not just necessarily trafficking itself, but it's the difference between a foreign national and anyone else, and the fact that the foreign national may be more vulnerable because of a variety of circumstances that we've indicated. As I understood from him, this legislation, although it may not encompass a whole lot of other things, is a step in the right direction.

I also noted that the Stop The Traffik coalition had indicated that they support the announcement regarding changes to the Immigration and Refugee Protection Act to protect vulnerable workers. Also, The Future Group said that the immigration minister, and I quote, "... has taken an important step to protect women from sexual exploitation and end a program that made Canada complicit in human trafficking."

Now, it's a step in the right direction. Of course, the whole objective is to prevent persons from being subjected to humiliating and degrading treatment. I find it interesting, and I make this just as a comment, that the Canadian Council for Refugees would, as I understand it, sooner see no steps being taken unless they were of a comprehensive nature. I don't think anyone would argue that there are other steps that could be taken, but as I understand it, I find it interesting that they would oppose even a first-step piece of legislation.

I'll pass it on to Ms. Grewal.

**The Chair:** Ms. Grewal, go ahead. Then we'll have comments from Mr. Rico-Martinez.

**Mrs. Nina Grewal (Fleetwood—Port Kells, CPC):** Mr. Muise, on May 16, 2007, during your appearance on CTV Newsnet, you said of this legislation that the bill is part of the response that needs to occur in terms of protecting women and children in this country. Would you care to elaborate on your comment in support of this bill?

• (1725)

**Mr. John Muise:** Sure. At the risk of repeating myself, I think this bill is, in effect, overarching legislation. Quite frankly, along with the overarching section, people are saying the minister has an unfettered ability to do what they want. Well, the only difference now is it actually gets published in the *Canada Gazette* which we can all read. I suspect if what's published in the *Canada Gazette* is seen as inappropriate by any member of the House, they're going to be quick to bring it up in question period. I happen to think that's a really good thing.

To me, it's statement legislation, and if it was coupled with some of these other policy considerations where law enforcement in the community was actually able to get on top of some of these establishments and identify.... Ms. Beaumier is not here, and that's why I speak about children because there are children in these establishments too, along with trafficked women. If law enforcement could work in these establishments and set up the kinds of communications with overseas immigration officers and their counterparts here in this country and be communicating on all fronts, we could use the legislation—

**Hon. Jim Karygiannis:** Don't you think that's already happening?

**Mr. John Muise:** Minimally, Mr. Karygiannis. In terms of enforcement locally around the country, we are at baby steps. When there is actually enforcement, whether it's the Immigration and Refugee Protection Act or Bill C-49 or the Criminal Code, it's more often an accident because there's a unit looking at all of this. We are in the Dark Ages.

**The Chair:** Thank you, Mr. Muise.

**Mrs. Nina Grewal:** Do I have some more time left?

**The Chair:** You have about five to ten seconds. I wanted to get the last speaker in here before I go to another piece of business we have to look after.

Mr. Telegdi.

**Hon. Andrew Telegdi:** Thank you very much.

I think the Canadian Council for Refugees wanted to respond to what the parliamentary secretary had to say, Mr. Chair, and they never had their opportunity.

Dr. Jeffrey, I very much appreciated your input, and the same goes for the Canadian Council.

In the last couple of weeks there was a write-up in the paper—and maybe you can help. I was thinking to myself where it might be, because I'd love to follow up on that case. It was a case in which, in Toronto, some trafficked persons of Russian origin were being exploited, and they ended up going to the police and they ended up getting an operation busted.

Now, it seems to me that if you want to deal with breaking up those rings, you let the people know that if they come forward, they're going to have some kind of an amnesty.

I'm going to do something here. I'm going very quickly give you an example of an undocumented worker who was sexually assaulted. She phoned up and got the police involved. She looked really young, and the pedophile was taken off the street. Then Immigration turns around and wants to deport her for being an undocumented worker in Canada.

I'm going to say something nice about Mr. MacKay and Mr. Jason Kenney, because I got them involved, and we stopped the deportation of this woman in less than 24 hours. She has since been landed.

The big policy question, as I put it to them, was whether they wanted to send a message to all these undocumented workers that if they came forward and put somebody behind bars, we were going to deport them because they're undocumented. Those two folks managed to give a permit and let this woman stay, and this woman has stayed. I think those are the kinds of messages we should be sending out.

John, I think you'd agree with that as well. Those are the very realistic approaches we can take if we want to deal with the problem.

The problem with this piece of legislation—and it really bothers me—is that from the bureaucratic perspective, I'd say, hey, we have more powers to turn people down and we get more money to do it. From the political viewpoint, I'd say—and I can see it already going in the next election—we passed legislation to stop strippers coming into Canada.

These two, one as a political consideration and one as a bureaucratic consideration, are an unholy alliance that ends up producing bad legislation. There's no way we're going to deal with this. There's no way we're going to be passing any of this kind of legislation.

In the meantime, we have lost Canadians—second generation born abroad—who are losing their citizenship every day that we put off passing new legislation. The government said that this was a priority and nothing is happening on this. We're going on a wild goose chase on legislation that's going to go absolutely nowhere, except the government would love to posture and say, “Hey, we stopped this”. It ends up serving no one's interest.

John, because you said you kind of approve of this stuff, \$50 million going out, educating people, investigating trafficking—because Canadians get trafficked as well—don't you think that would be a better way of spending those resources to have a better impact?

I will ask all three of you to very quickly answer.

• (1730)

**The Chair:** Mr. Muise.

**Mr. John Muise:** I like the legislation. I'm a dreamer. I'm hoping it will lead to those kinds of additions.

**Ms. Leslie Ann Jeffrey:** I think the legislation must be stopped. It will have the absolute opposite effect of what you're trying to do.

**The Chair:** As I understand the order here, unless I have unanimous consent to keep going here for a few minutes, then we have to suspend.

**Mr. Dave Batters:** There are two responses. We didn't have a third.

**The Chair:** Is there unanimous consent to have another response?

**Some hon. members:** Agreed.

**Ms. Janet Dench:** I would just clarify that we are against this bill, not that we don't want to take any steps. We have a global proposal we are urging you to consider separately. In the meantime, we are urging you to reject this particular step, because we think it is going in the wrong direction. There are many other things we continue to urge the government to do, but we ask you to oppose this particular bill.

**The Chair:** Thank you for coming here today. I wish we had more time. Thank you very much. If we need you again, of course we'll call.

Could I ask members of the committee to stay behind for just a moment?

Do we have unanimous consent to deal with a point of order from Mr. Karygiannis?

**Some hon. members:** Agreed.

**The Chair:** On a point of order, I recognize Mr. Karygiannis.

**Hon. Jim Karygiannis:** Mr. Chair, on a point of order, last year, before this committee suspended in the summertime, we gave a list of witnesses for different things that we're studying. Why have we been asked to resubmit this list by the clerk?

I brought this to your attention earlier, and you said we shouldn't have to do that.

My question is, if we submit it—

**The Chair:** This is a list of witnesses for what?

**Hon. Jim Karygiannis:** It's for refugees, for undocumented workers—

**Mr. Dave Batters:** You mean topics of study.

**The Chair:** Topics of study; that's what you mean.

**Hon. Jim Karygiannis:** We had submitted a list. Why is that list again being looked upon? We asked—

**The Chair:** Maybe we can ask the clerk that.

Has a request gone out for an additional list of witnesses?

**The Clerk:** Yes.

**The Chair:** Is that because we didn't have a complete list?

**The Clerk:** No, it's because—

**The Chair:** Order, please.

**The Clerk:** —there have been changes to the membership of the committee. The agreement of that previous committee, in the previous session, doesn't bind this committee, and it is normal that the new members would get a chance give their input.

**The Chair:** Okay.

The explanation has been given. We can pursue this at another time, if you wish.

The meeting is adjourned.

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