



House of Commons
CANADA

Standing Committee on Citizenship and Immigration

CIMM • NUMBER 015 • 2nd SESSION • 39th PARLIAMENT

EVIDENCE

Wednesday, March 5, 2008

Chair

Mr. Norman Doyle

Also available on the Parliament of Canada Web Site at the following address:

<http://www.parl.gc.ca>

Standing Committee on Citizenship and Immigration

Wednesday, March 5, 2008

• (1530)

[English]

The Chair (Mr. Norman Doyle (St. John's East, CPC)): We will call our meeting to order. We are public, of course, for the first part of our meeting.

There are two items on the agenda: first, a couple of motions by Mr. Karygiannis and Olivia Chow; and second, we have our budget for travel.

The first motion is by Mr. Karygiannis:

That, pursuant to Standing Orders 110(1) and 111(1), and the House of Commons' order of reference of February 14, 2008, the Committee call to appear the recently appointed members of the Immigration and Refugee Board, Berto Volpentesta and Dominique Setton-Lemar.

That's your motion, Mr. Karygiannis. Do you wish to comment on it?

Hon. Jim Karygiannis (Scarborough—Agincourt, Lib.): Mr. Chair, this is a common motion. People get appointed, and I would like them to appear in front of us to give us their credentials and to tell us what makes them special to be on the IRB.

The Chair: Thank you.

Is there any further discussion on Mr. Karygiannis's motion before we call it?

Mr. St-Cyr.

[Translation]

Mr. Thierry St-Cyr (Jeanne-Le Ber, BQ): I have a suggestion. I don't know whether this has to be the subject of an amendment or whether it's implicit, but I'd like to have the CVs of these persons before their testimony. I don't know them personally, and the CVs would tell us their main economic and political involvements.

[English]

The Chair: You probably didn't get them yet, but the profiles have already been circulated to your offices. I'm sure you will get them very shortly, if you don't have them already. I know that some members have already received them.

Are there any further comments on this motion?

Mr. Telegdi.

Hon. Andrew Telegdi (Kitchener—Waterloo, Lib.): Maybe at the same time, the parliamentary secretary can inform us or get for us how many vacancies we still have, and how many have been filled.

Give us the numbers.

The Chair: Do you have a comment on that, Mr. Komarnicki?

Hon. Jim Karygiannis: Mr. Chair, can we deal with the motion?

The Chair: Yes, but this is part of it.

Mr. Komarnicki.

Mr. Ed Komarnicki (Souris—Moose Mountain, CPC): Yes, I would like to comment on that.

I'm not sure why Mr. Karygiannis necessarily wishes to have these people here. I guess he doesn't necessarily need to say why, and under the Standing Orders he's probably entitled to have them.

Having said that, we will certainly take the request made by Mr. Telegdi and see if we can get that information. After the motion is voted on, I would suggest that we perhaps also call the director general of operations at the IRB, who could possibly answer some questions on that directly. It's something we can talk about after the motion, I guess, because it does not directly affect the motion.

• (1535)

The Chair: Yes.

Hon. Jim Karygiannis: Do you want to amend the motion to include the director of the IRB on the list?

Mr. Ed Komarnicki: Yes, I'll amend the motion to add the director general of operations.

The Chair: Okay, so the motion is amended.

Mr. Telegdi, on the amendment or the motion?

Hon. Andrew Telegdi: Just on that, I would like to get Mr. Ben Dolan to come forward as well. Mr. Ben Dolan used to be a researcher with our committee for many years. I happen to know that all the critics and the chair of the committee recommended his appointment. It would be good to see him back.

The Chair: Is that okay with you, Mr. Karygiannis?

Mr. Ed Komarnicki: I don't know anything about the individual, so I'm not sure I'd agree to that amendment.

An hon. member: Is he with the IRB?

The Chair: Is it fair to say that we have had our discussion on this?

An hon. member: Call the question.

The Chair: Are we ready for the question, the motion as amended?

Mr. Thierry St-Cyr: Could you read the amended motion?

The Chair: It would read:

That, pursuant to Standing Orders 110(1) and 111(1), and the House of Commons' order of reference of February 14, 2008, the Committee call to appear the recently appointed members of the Immigration and Refugee Board (IRB), Berto Volpentesta and Dominique Setton-Lemar; the Director General, Operations, of the Immigration and Refugee Board; and Mr. Ben Dolan.

(Motion as amended agreed to)

The Chair: The second motion is Ms. Chow's. She's not here, so we will just postpone it and move in camera for the travel budget.

The Clerk of the Committee (Mr. Andrew Chaplin): Could we suspend the committee until the paperwork gets here? It had to be approved by my....

The Chair: Okay, we'll suspend for a few minutes—and of course we will go in camera in a few minutes.

Mr. Ed Komarnicki: We could deal with Olivia Chow's motion and defeat it.

The Chair: I don't think that would be fair.

We're suspended.

• _____ (Pause) _____

•

• (1540)

The Chair: Ms. Chow, do you want to deal with your motion?

Ms. Olivia Chow (Trinity—Spadina, NDP): Sure. I can be fast.

The Chair: So we're back on motions again, and we have a motion before us from Ms. Chow:

That, pursuant to Standing Order 108(2), the Committee recommend the government immediately serve notice and then proceed to abrogate the Safe Third Country Agreement with the United States of America.

Ms. Chow.

Ms. Olivia Chow: Mr. Chair, thank you for giving me the opportunity to talk about this issue.

First, I want to amend the motion briefly by adding that it be reported to the House of Commons, if it passes—standard.

The safe third country agreement was signed by the former Liberal government. What it means is that if a refugee claimant goes to a visa office in the U.S. and says, for example, "I'm from Haiti, and I travel through the U.S., but I want to declare refugee status in order to get into Canada", they would not be given the right to have a hearing. They in fact are not able to apply in the U.S.

As a result, what is happening now is that many refugee claimants are flooding across the border, because in Canada we do not deport people to Haiti, for example, whereas in the U.S. they do.

The reason this is not a good agreement in the first place is that Canada has an independent foreign policy. We should not have a policy that is directed by the United States. We are a sovereign country. We really should have independent foreign policy. If we have an independent foreign policy, there is no reason to say to refugees, "You cannot apply—you travelled through the U.S., you are physically in the U.S., you therefore are not entitled to a hearing."

It's my belief—the same belief as the United Nations High Commissioner for Refugees—that every refugee claimant should

have the right to apply as a refugee no matter where that person has travelled through. There's no such thing as safe third country.

• (1545)

Hon. Jim Karygiannis: On a point of order, Mr. Chair, are we public?

The Chair: Yes, we are.

Hon. Jim Karygiannis: That's definite?

The Chair: Yes.

Continue, Ms. Chow.

Ms. Olivia Chow: All right.

So why is this really important? Because if you think back to the eighties, at that time there were refugee claimants coming via the U.S. to Canada from El Salvador, from Chile. At that time the U.S. said, "No, we do not believe there are any refugees who can possibly be generated from Chile or El Salvador or Guatemala or Honduras, because the governments there are fine. So what if there are death squads...?"

At that time, there was discussion on whether there should be a safe third country agreement. Canada decided not to sign such an agreement, and in fact decided not to deport anyone back to Chile, for example. Had we followed U.S. foreign policy, we would have been deporting people back to Chile. They sometimes travelled through the U.S., so we wouldn't have taken their applications as refugee claimants and many of them would have been sent back to the death squads. Many of them would have died.

This agreement was roundly condemned by the UNHCR. It was challenged in the courts. It was lost in the Federal Court. The federal government decided to appeal that decision. I have no doubt that it will be in front of the Supreme Court eventually. It will take a long time for the appeal to take place.

In the meantime, at the border, whether it's in Quebec or in Windsor, or in many other border countries, you have people coming in, flooding across the border—illegally, mind you, because they just have no opportunity to apply for refugee status outside Canada.

So my motion is in front of you. I hope committee members vote in favour of it.

The Chair: Thank you, Ms. Chow.

Mr. Komarnicki.

Mr. Ed Komarnicki: I would urge the members of this committee to not support this motion and in fact defeat it. I think the motion itself is premature, particularly given the fact that the matter is before the courts.

The Federal Court did indeed apply to appeal the decision, and the appeal posed some significant questions, including whether the agreement is charter-compliant, along with a number of other issues. More importantly, the Federal Court granted a stay of proceedings of the first court decision to allow the safe third country agreement to continue to be in effect until the matter is ultimately disposed of.

In light of that, to proceed with a motion that would be contrary to these questions happening at a judicial level would be inappropriate and premature. In fairness to the UNHCR, I would disagree with Olivia Chow's remark that they somehow take exception to the safe third country agreement, because the representative, Mr. Assadi, said—

The Chair: I need to interrupt you again for a moment.

Are we indeed public? How do we determine, for sure, that we're public?

An hon. member: We're not public.

The Chair: Some people are saying we're not public. You're saying we're public.

So you're absolutely sure we're public? Okay, let's continue.

Mr. Ed Komarnicki: I'll continue where I left off.

Mr. Assadi said, and I quote:

We consider the United States to be a safe country. Otherwise, we would not have agreed to do this monitoring, and we would have said so at the very outset.

They did agree to the monitoring, and they said that, in general, the agreement is being implemented in keeping with its own terms and with international refugee law.

What the agreement attempts to do is say that any refugee must make their claim in the first country they arrive in. If it's the United States, they must claim it there. If it's in Canada, they must claim it here. Both countries have internationally recognized fair refugee systems and processes, albeit somewhat different. The processes are different, but when you look in terms of the big picture overall, both countries protect refugees.

But the main point is this motion is premature, given the fact that this matter is before the court. The court will determine some very important things, like whether the United States was properly designated as a safe third country and whether it's charter-compliant. If they decide that all of those answers are yes, then this motion asking the government to abrogate would be totally inappropriate. It wouldn't make sense.

• (1550)

The Chair: Thank you.

Mr. Karygiannis is next.

Hon. Jim Karygiannis: Have you got me down here?

The Chair: Yes, I have Mr. Komarnicki, Mr. Karygiannis, Mr. Telegdi, and Madam Beaumier.

The chair is very sensitive about the lineup. He treats everyone with the utmost respect.

Hon. Jim Karygiannis: I'm sure we'll all get a chance to speak, Mr. Chair.

Although I have difficulty with the safe third country agreement, because this thing is in front of the courts and because we need to take a more careful look at it, I would say that we will probably want to put it aside and—as a friendly suggestion to the mover of the motion—allow it to stand.

In Europe, there is the European Union. They've got safe third country agreements and they're going through processes where one country certainly can look upon.... And they're looking at what we're doing. The fact that the United States has a little bit of a harder and harsher avenue than we do, maybe what we need to do is instruct the minister—as I had pointed out last year—to go back to the UN and try to iron out that we all have the same standards when they're applied. I think that should be our challenge and our work, versus a knee-jerk reaction saying the United States is bad and we're better. I don't think that's the avenue we want to take.

If the United States has a different approach, maybe what we'll need to do is come to an agreement with the United States where we equalize the way we do things. And if we find out that's not the case, then we abrogate. But we haven't taken that challenge. We have not taken that avenue to address that with our partners to the south.

The Chair: Okay, thank you, Mr. Karygiannis.

Mr. Telegdi, then Madam Beaumier.

Hon. Andrew Telegdi: Thank you, Mr. Chair.

I will be supporting the motion. I think the European Union is a good place to start. Mr. Karygiannis mentioned the European Union. They have a common standard throughout the European Union and they also have the Schengen Agreement. So you protect the perimeter, and any European Union country gains entry to a European Union country and they get to travel throughout Europe.

All you have to do, when you watch CNN, is look at the various U.S. policies. I don't know if any of you saw the show where they came on the news and had some Cubans trying to swim to shore in the United States. If the United States can get them before they touch shore, then they get rounded up and shipped off to Guantanamo and eventually repatriated to Cuba. If you happen to be a Haitian who would clearly get status if you were applying for refugee status in Canada, you get none of that; you get shipped back. Even if you're a Haitian and you managed to get to shore, it doesn't matter, you get shipped back.

If the safe third country agreement existed at the time of the Chileans, then those folks would have been sent back to Pinochet, a government dictatorship to which human rights abuses have been attributed. As a matter of fact, Pinochet was going to be tried for his crimes. Anyway, then the people would disappear because of the death squads. And it's the same with El Salvador and Nicaragua.

The other thing is, if somebody manages to go through the United States, it's almost like the underground railroad. If you get through the United States and then you get to Canada, you get into Canada illegally. If you try a hazardous way of getting into the country, in many cases when people come to a new land they can very easily get killed trying to gain entry into Canada because they can apply inland. Now it becomes the game: how do we get into Canada illegally from the United States?

We've seen situations where people tried to smuggle themselves into Canada by doing such things as getting into the wheel wells of jets. When the jet plane lands, you'll have bodies fall out because they will have frozen to death. We have had similar situations happening in containers, with people trying to gain entry into the country.

Particularly now we had the court case. We have a judgment from one court. It reminds me of the time that it took for the court case to proceed on security certificates, because it got up to the Supreme Court and took many years. In the meantime, we essentially were operating, it was ultimately judged, outside of the charter, and the courts judged security certificates to be unconstitutional.

So for all those reasons and all the previous representations I heard in front of this committee, from many groups, I will be supporting the motion.

• (1555)

The Chair: I have Madam Beaumier.

Ms. Colleen Beaumier (Brampton West, Lib.): Thank you.

I would really like to have this deferred until we're able to get more information. Ms. Chow has probably been exposed.... For 15 years, 98% of my work has been immigration, and certainly the safe third country agreement has been very, very problematic. However, I think it would be a better-informed decision if we could get some witnesses on this to help us decide whether we'll vote in favour or not. I certainly know what I hear from my constituents. I know the people I've gone to battle for, but I don't know the other side.

The Chair: I get the impression that you're going to make the point that witnesses, officials, can't come until the court case will be dealt with.

Mr. Wajid Khan (Mississauga—Streetsville, CPC): Yes, that's what I want.

Ms. Colleen Beaumier: I'm not sure we necessarily need just our officials. Let's have some immigration lawyers; let's have some people who are familiar with the—

The Chair: I have a couple more comments here.

Mr. Karygiannis, did you want to make a comment?

Hon. Jim Karygiannis: Very short, Chair.

Mr. Telegdi mentioned that the EU has a common goal that if somebody is found to be a refugee, they can move around. That's not the case. We have people waiting to get across to Britain, stuck at Calais in France, so that is not the case. We do have some working relationship, I understand, between Canada and the EU. People who were in the EU and have been found to be refugee claimants and then tried to come to Canada—I know some of my constituents have—we sort of take them back.

So until we get more clarification on this and where we go, I would strongly recommend that we move this to deferment until we can get more information.

The Chair: Thank you.

Mr. Komarnicki.

Mr. Ed Komarnicki: Just following along the lines of what Mr. Karygiannis indicates, there's no question with this matter being tested by a court. We should have that answer before we go further and either defeat this motion or defer it.

I would like to say one other thing, just for clarification purposes. Although you may have difficulty equalizing the United States and Canada in terms of having the same refugee processes, when you look at the big picture—they are better in some cases, worse in

others, and we are better in some, worse in others—overall we're relatively similar.

The Chair: I think Ms. Chow would like to have the motion voted on.

Ms. Colleen Beaumier: I move to defer.

The Chair: You would have to move that the debate be adjourned, but then there is a vote, is there?

• (1600)

Hon. Maurizio Bevilacqua (Vaughan, Lib.): She is saying she wants a motion to defer this whole issue. It's quite different from taking a vote on it.

The Chair: So we have an intervention here by Madam Beaumier, who has proposed a motion—I guess it's quite in order, Mr. Clerk—that the motion be deferred to a later date, until the court case has been dealt with. That is a valid motion.

Mr. Ed Komarnicki: It might be appealed.

The Chair: After the process is finished.

So could we vote on that motion?

An hon. member: Speaking on it?

The Chair: The motion is now open for discussion.

I saw Ms. Chow and Mr. St-Cyr.

Let's try to move this along, because in the final analysis, we are going to vote, so let's try to move it along. We have had a great deal of discussion on this.

Ms. Olivia Chow: I will.

I want to remind members that this motion had been deferred. This was introduced in the last term, in November, and at that time we said, "Well, why don't we think about it?" So I said, "Fine, think about it." It's now March, we've had several months to think about it, and then there was a suggestion, "Let's have some officials and examine it." Well, the officials said they can't come to answer any questions, so there's nothing really to examine. You either do it or you don't do it; you support it or you don't support it.

The motion in front of us said let's defer it until the court case is finished. I thought that especially the Conservative Party of Canada said that it is Parliament that makes the decision, not courts. Oh, now that's not the case any more; maybe we will allow the court to make a decision. My gosh, what's the matter? So actually that will probably take a few years. I don't know whether we'll be here in a few years. In the meantime, many lives will be destroyed.

The Chair: I'm going to hear Mr. St-Cyr.

[Translation]

Mr. Thierry St-Cyr: I didn't speak to the question. I must admit that I am somewhat familiar with it but that I haven't studied it in detail. Pardon me, Ms. Chow, but I wasn't yet a member of the committee when the motion was tabled.

I think we could wait for a few meetings and give ourselves some time to examine the question. I understand that representatives can't be or don't want to come, but that doesn't prevent the committee from consulting lawyers, refugee advocacy groups and so on. We can still listen to people.

I'd be prepared to defer the motion a little longer, a week or two, but not wait for the adjournment motion, which, if I understood correctly, will come after the courts have rendered a decision. That would be absolutely ridiculous because the purpose of the motion, of which I am more in favour in principle, is to enforce the court decision immediately, then look at the challenges later.

I want to be sure I understand clearly. If the motion is to adjourn debate until the matter is settled in the courts, that's frankly ridiculous. That can take two or three years. So we should take a position now.

[English]

The Chair: We can hear one more.

Mr. Telegdi, I saw your hand up. Could you be brief, please?

Hon. Andrew Telegdi: What I want to first of all clarify is the motion to defer. Is there a timeframe, maybe to defer for about a month and then call witnesses that are available?

The Chair: Do you want to consider that, Ms. Beaumier—to defer it for one month?

Ms. Colleen Beaumier: Yes, I hadn't.... We can defer it for a month, but in the meantime call witnesses.

Hon. Andrew Telegdi: We have to get witnesses called for it.

The Chair: Madam Beaumier's motion is to defer for one month, after which we'll bring it up again and call witnesses.

Hon. Andrew Telegdi: Well, we'll call witnesses in a month.

The Chair: Yes, okay.

We know what the motion is, to defer for a month.

(Motion agreed to) [See *Minutes of Proceedings*]

The Chair: Do we have our budget here yet?

A voice: No, sir, we don't.

Hon. Jim Karygiannis: Mr. Chair, before the budget comes in, can I bring up another item?

• (1605)

The Chair: Okay. We are in public session. Do you want to bring this up in public?

Hon. Jim Karygiannis: In public, Mr. Chair.

I would like to know whether you or the clerk can give us an update as to what's happening to the request to have the minister come in front of us to give us the main estimates. It is Wednesday. If the minister has any intention of coming, with a 24-hour notice it would be on Thursday, Friday, or Monday. On Friday a lot of the members won't be here, so it's either tomorrow.... And since we don't have a 24-hour notice, then I will presume it's Monday.

Do we have an indication?

The Chair: There is no indication from the minister yet. The clerk informs me there is no indication from the minister whether she will be appearing before the committee.

Is that correct?

The Clerk: I have nothing back from the department yet.

Hon. Andrew Telegdi: Did you report that motion to the House?

The Chair: What motion?

Hon. Andrew Telegdi: That we wanted the minister here.

The Chair: No, I wasn't instructed to report it to the House.

An hon. member: I thought you were.

Hon. Jim Karygiannis: Chair, can I ask you for a clarification?

What will happen if the minister doesn't come in front of us? Will the main estimates then move into the House by Monday at five o'clock? Where does that put the department and the responsibility of the department?

The Chair: Let's see what the clerk has to say on that.

The Clerk: I learned today that in fact the last allotted day is going to be Wednesday next, which means that three sitting days prior is Friday, the day after tomorrow. When the House adjourns on Friday, the supplementary estimates B will be deemed reported back to the House.

Hon. Jim Karygiannis: Is that this Friday?

The Chair: Are you saying this Friday?

The Clerk: Yes, the day after tomorrow.

Hon. Jim Karygiannis: Mr. Chair, I find this totally unacceptable. I would ask of you, sir.... I don't know what language to use or what strength of language to use, but I think we need to summon the minister in front of this committee to explain herself.

If my colleagues at the end of the table, especially Ms. Chow, have anything to add to this conversation, that's great. If not, I would ask her to please give me the courtesy.

If the minister does not come in front of this committee to discuss the main estimates, that is an insult to this committee. This is not the way it has been done. The spirit of this committee then is put into a precarious situation.

I'm wondering whether the minister gives a hoot or gives a damn about this committee. She certainly is circumventing us. She is going around us. If I'm hearing that we don't have a 24-hour notice for her to be here tomorrow, and then on Monday these things get reported, the minister certainly has failed to do her work, and not only failed to do her work but has not paid respect to this committee.

The Chair: Can anyone shed a little light on where the minister is or what the minister's schedule might be vis-a-vis supplementary estimates? Does anyone have any information?

I know the clerk contacted the minister's office and requested the appearance of the minister.

Is that fair to say, Mr. Clerk? Did you have any correspondence back from the minister's office on that?

Okay.

I think I saw Mr. St-Cyr first.

[Translation]

Mr. Thierry St-Cyr: Thank you, Mr. Chairman.

I have nothing to propose in the short term, but I must nevertheless say that I am very dissatisfied. There are two possibilities: either the government is in bad faith, or it lacks respect for this committee. Or else it's incompetent. This seems to be quite an amateur effort. Normally it's the task and role of government to pass its own appropriations. The least she could do would be to find and set aside a little time in her schedule to deign to come and present her estimates to the committee.

The only possibility I see is that we ask the minister to come and see us tomorrow evening, since most of us will have to stay and vote, and that we request unanimous consent to eliminate the 24-hour notice.

[English]

The Chair: We'll hear Mr. Telegdi and Madam Chow, and then we'll see where we go from here.

Hon. Andrew Telegdi: One of the ways we can maybe get the minister here is to take the estimates and take something out of them. That would get the minister scrambling here very quickly.

This is really the height of arrogance. It is the job of the minister to appear before the committee. This is the committee that's supposed to do due diligence, and quite frankly, for the minister not to come to this committee is in contempt of this committee and our duties. And it is also contemptuous of Parliament.

If the minister is not going to come here, we should just take the estimates and put a fix in there. We'll just take something out. Then watch how quickly the minister is going to come before the committee to defend those estimates.

• (1610)

The Chair: Okay, thank you.

Go ahead, Madam Chow.

Ms. Olivia Chow: Mr. Chair, I actually do have the estimates in front of me. But given that it's the last possible meeting, shouldn't we have the estimates in front of us anyway, with or without the minister? Also, my understanding of the rules is that if the minister refuses to come, the deputy minister has to be here.

I don't know why the estimates are not scheduled. I thought there would be another opportunity on Monday afternoon. That is no longer the case. What I thought the clerk said a few days ago was that Monday was the last day we could intervene, as it would be deemed reported on Monday by five o'clock. If that is not the case, then this meeting today is the last opportunity one could have to look at the estimates, move motions, and study them. Beyond today we will have missed it, so I don't know why it's not scheduled today, given what the clerk has just learned.

The Chair: It's customary, I'm told, that the minister would appear before the committee for supplementary estimates, but somebody asked if it's compulsory. No, it's not in the rules that the minister appear before the committee, but it's customary that the minister would.

Okay, I have a list here.

You can have a short one, Mr. Karygiannis, because you already spoke.

Hon. Jim Karygiannis: Mr. Chair, I've been a member of Parliament for twenty years, and I have yet to hear that a minister does not appear before the committee to move main estimates. This is the first such time I have heard of this.

I don't think the minister is playing in the spirit of this committee. She is certainly circumventing this committee.

Therefore, Mr. Chair, I move that we vote against the main estimates.

We don't have an opportunity to study them and look at the them. Telling me that we're going to look at them right now, at 4:15 on a Wednesday afternoon so they can go in on Friday, doesn't do justice to me or to any member of this committee or to the people of Canada.

The Chair: Okay, we'll go Mr. Bevilacqua, Mr. Khan, and Mr. Komarnicki.

Mr. Wajid Khan: I have a small suggestion. In the interest of going through these estimates, if the minister is not available, and you are really interested in getting the job done—I know, politically speaking, that some people, my colleagues, may disagree—then a request could be made for the deputy minister to appear. Would that be acceptable to the committee?

Hon. Jim Karygiannis: No, it should be the minister who runs the department, not the deputy minister.

Mr. Wajid Khan: Are we interested in the estimates or interested in the minister? The idea is to educate us.

Hon. Jim Karygiannis: If the deputy minister runs the department, then let us know. We'll put our request in to the deputy minister.

The Chair: Order.

Mr. Bevilacqua and Mr. Komarnicki.

Hon. Maurizio Bevilacqua: I don't think the members of this committee are asking a lot when they ask a minister to appear to state her case in reference to the estimates. I think every minister knows this happens.

They know they have to go to committee about the estimates. They should allocate one day out of their busy schedule when they're not in cabinet fighting for more money for immigration. We know there's not enough funding to provide Canadians with a proper immigration system.

I find it puzzling that the department, or the minister herself, if she is not available, does not offer up the capable parliamentary secretary. That's traditionally done.

This, though, is an abdication of responsibility on behalf of the minister, and one that we in this committee take quite seriously. If the minister's not willing to stand by the resources her government has provided for the department, then you have to question her sincerity when it comes to managing her department and standing up for immigration in this country.

So it's not an issue that this committee should take lightly. It's a very serious situation and an abdication of ministerial responsibility towards the committee.

Look, people on the opposite side can toe the party line on this, but they themselves know it's wrong for a minister to be absent and missing in action.

• (1615)

The Chair: Thank you, Mr. Bevilacqua.

Mr. Komarnicki.

Mr. Ed Komarnicki: Let's first of all get what the motion said. Can you read the motion? I think it talked about the minister coming here by Monday, with a 24-hour notice before she came. I don't think we have anything saying she won't come. The motion said we should give 24-hour notice before—was it Monday? Do you have the motion?

The Chair: What motion are you referring to?

Mr. Ed Komarnicki: I mean the request for the minister to appear. We made some kind of request with a 24-hour notice. What did it say?

The Chair: I have no motion before me.

Mr. Ed Komarnicki: It was some kind of request that was to go out. What was the request? Just hang on a second.

The Chair: We'll get the clerk to....

Mr. Ed Komarnicki: There wasn't a response saying no, as far as I gather. We may change the timeline, but let's find out what the request was.

Hon. Jim Karygiannis: Chair, do you have a motion on the floor for me? Can we deal with that?

The Chair: Yes, after I get the clerk's opinion on the request to the minister. Are you referring to the request to the minister? What was the request? It's a letter, really.

The request apparently was that the minister appear before the committee to defend her estimates. That was essentially what was contained in the letter, was it not, Mr. Clerk?

Mr. Ed Komarnicki: There was something about 24 hours before Monday.

Hon. Jim Karygiannis: It asked that she give the committee members 24 hours' notice that she was coming, to allow us to prepare ourselves.

Mr. Ed Komarnicki: Did we say when? I think we set Monday as the date, with 24 hours' notice.

Hon. Maurizio Bevilacqua: Mr. Komarnicki, I'm sure you know that we would not want her to appear after the estimates have been reported in Parliament.

Mr. Ed Komarnicki: Absolutely, but we're not there yet. Hang on to your hat.

The Chair: The estimates get reported on Wednesday, so we're saying that 24 hours' notice would be required for the minister to appear before the committee?

Mr. Ed Komarnicki: We're talking about her coming this Monday, I thought.

Hon. Jim Karygiannis: Mr. Chair, when are the estimates supposed to go into the House? This Friday?

The Clerk: That's what I'm told, Friday of this week.

The Chair: Friday of this week?

Mr. Ed Komarnicki: We had different information last week. It wasn't Friday; it was next week.

The Chair: Is it Friday of next week that the estimates get reported to the House? No? When is it?

Order, please.

Hon. Jim Karygiannis: Mr. Chair, on a point of clarification, I'm sure the minister has staff as well as a whole department that know fairly well when these things have to go in. Although we might have been under different observations that it might have to go on a Monday, the minister very well knows, as well as their department of thousands of people, that it had to be Friday. Therefore 24 hours' notice should have been given today for her coming tomorrow, which means the minister is in contempt of this committee.

The Chair: What direction, given the fact that the minister has got back to us and said she cannot appear before the committee...?

Is that right, Mr. Clerk?

The Clerk: When you put the motion to the committee the other day, I went over the evidence and I could not see that the bit about the 24 hours was agreed to, only Mr. Telegdi's basic motion that the minister appear before March 11. I passed that on to the department, but I also included in my report of the adoption of the motion to the department that I hoped they would bear in mind that some members wished 24 hours' notice of the minister's appearance.

• (1620)

The Chair: Okay. That being the case, did you get word back from the minister's office?

The Clerk: No, I did not. I never correspond directly with the minister's office, I only correspond with their parliamentary and cabinet affairs office, and they have not been able to get me a response.

The Chair: Okay. Given that, we have a motion on the floor. And the motion was from whom?

The Clerk: Mr. Karygiannis. He moved the motion that the supplementary estimates be negated.

The Chair: Was that your motion, Mr. Karygiannis?

Hon. Jim Karygiannis: As the minister is in contempt of this committee, then either we negative the motion or we ask Parliament to....

An hon. member: I think that all effort should be made.

Some hon. members: Negative.

An hon. member: You may get your chance.

The Chair: Okay.

Is there discussion on the motion?

Ms. Olivia Chow: Yes, I'll amend it to narrow it: that we will strike out, below vote 5, (S), which is the minister's motor car allowance.

The Clerk: The (S) indicates that it's statutory and cannot be negated.

Ms. Olivia Chow: Pardon? I know that as estimates.... I brought the estimates book here, and—

The Chair: The amendment is out of order.

Ms. Olivia Chow: I will move it separately, then, because—

The Chair: We'll deal with Mr. Karygiannis's motion first.

The Clerk: The problem is the choice of that particular one. If the (S) indicates it's statutory, and those are the ones over which the committee—

The Chair: Okay.

Is there further discussion on Mr. Karygiannis's motion?

An hon. member: Call the question.

The Chair: Mr. St-Cyr.

[Translation]

Mr. Thierry St-Cyr: Thank you, Mr. Chairman.

I'm pleased to see that, today, after all this time, the Liberals are finally prepared to bring down the government. That said, this is a strange and not very responsible way of doing it. Apart from bluffing, I don't believe we can pass appropriations without examining them, but I don't think it's very responsible to defeat those appropriations without having studied them.

I would like the parliamentary secretary to tell us whether the minister intends to come and see us and, if so, when. We'll adjust to that. If she wants to come tomorrow, Friday, Saturday or Sunday, we'll be here. We'll be here, but we have to know. It seems to me that would be a minimum level of professionalism.

[English]

The Chair: We are still on discussion of Mr. Karygiannis's motion.

Mr. Bevilacqua.

Hon. Maurizio Bevilacqua: First of all, I want to make sure that all avenues are exhausted before we move towards this vote, which means that I would ask the parliamentary secretary and also the clerk to get some better story on exactly what has transpired vis-à-vis our requisition.

I know for a fact that ministers know they have to appear in front of parliamentary committees for estimates. It's tradition. As well, we sometimes hear from parliamentary secretaries or secretaries of state. There are lots of opportunities to address estimates.

So I would like to ask the parliamentary secretary if in fact—

• (1625)

Hon. Jim Karygiannis: Can I amend my motion?

Hon. Maurizio Bevilacqua: —we can explore other avenues vis-à-vis the appearance of the minister.

The Chair: Okay, Mr. Karygiannis, why don't we ask you?

Hon. Jim Karygiannis: I would like to amend my motion, if I can, Chair, that unless the minister is in front of us within 24 hours, we'll negative the estimates.

The Chair: So you want to change your motion—

Hon. Jim Karygiannis: We'll give the minister an opportunity of 24 hours, starting the clock at 4:30 today, or at the start of the committee at 3:30.

The Chair: To give the minister a chance to come before the committee.

Mr. Karygiannis wishes to change his motion. He moved that the supplementary estimates be negated if the minister does not appear before the committee within 24 hours.

(Motion negated)

The Chair: Now can we get along to budgetary matters?

That wasn't on the agenda, by the way, and there's always a danger in adding things to the agenda that are not on there.

Mr. Telegdi.

Hon. Andrew Telegdi: Mr. Chair, I propose a motion that this committee express its grave concern to the House on the minister not coming before this committee to defend her estimates, bring it to.... Well, obviously it would be brought to the Speaker's attention. We would just say that this is not acceptable parliamentary procedure and a dereliction of duty on the part of the minister.

The Chair: Okay, you've heard the motion.

Ms. Olivia Chow: I have an amendment: "and further, that the motion be reported to the House of Commons".

The Chair: Mr. Telegdi already said that.

Ms. Olivia Chow: Okay, but also I want to add as a very friendly amendment that this committee never had the opportunity to study the estimates, which is true.

The Chair: I think that's pretty well contained in Mr. Telegdi's motion.

Is that the gist of your motion?

I don't know why we have to make things so complicated. Mr. Telegdi came up with a motion that seems pretty straightforward, and amending it to read the same thing is not of any great value to anyone.

So may I call Mr. Telegdi's motion, please?

Mr. Ed Komarnicki: Can we have it read?

The Chair: Okay, that's what I'm about to do, just to see how it reads.

Mr. Clerk, Mr. Telegdi moved....

The Clerk: The motion is that the committee express its grave concern to the House about the minister's non-appearance before the committee on the supplementary estimates (B)—

Hon. Andrew Telegdi: —and report it to the House.

The Chair: Yes, and report it to the House.

(Motion agreed to)

[Proceedings continue in camera]

The Chair: Now, can we go in camera for the budget?

Some hon. members: Agreed.

Published under the authority of the Speaker of the House of Commons

Publié en conformité de l'autorité du Président de la Chambre des communes

**Also available on the Parliament of Canada Web Site at the following address:
Aussi disponible sur le site Web du Parlement du Canada à l'adresse suivante :
<http://www.parl.gc.ca>**

The Speaker of the House hereby grants permission to reproduce this document, in whole or in part, for use in schools and for other purposes such as private study, research, criticism, review or newspaper summary. Any commercial or other use or reproduction of this publication requires the express prior written authorization of the Speaker of the House of Commons.

Le Président de la Chambre des communes accorde, par la présente, l'autorisation de reproduire la totalité ou une partie de ce document à des fins éducatives et à des fins d'étude privée, de recherche, de critique, de compte rendu ou en vue d'en préparer un résumé de journal. Toute reproduction de ce document à des fins commerciales ou autres nécessite l'obtention au préalable d'une autorisation écrite du Président.