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Mr. Norman Doyle

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• (1530)

[English]

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

We are here today to consider order in council appointments of Berto Volpentesta, Benjamin Dolin, and Dominique Setton-LeMar. Welcome here today. We also have Krista Daley, director general of operations.

We will examine the appointments between 3:30 and 5 o'clock, if that's okay with committee members. I'm allowing a half hour at the end here because we have a couple of things we want to do, and we also will consider the report of the chair on our planned committee travel. I went to the subcommittee on budgets yesterday, so I think we should have a chat about that.

For the benefit of the appointees and the committee members, I will read from Marleau and Montpetit, pages 875, 876, and 877. It says:

The scope of a committee's examination of Order-in-Council appointees or nominees is strictly limited to the qualifications and competence to perform the duties of the post. Questioning by members of the committee may be interrupted by the Chair, if it attempts to deal with matters considered irrelevant to the committee's inquiry. Among the areas usually considered to be outside the scope of the committee's study are the political affiliation of the appointee or nominee, contributions to political parties and the nature of the nomination process itself. Any question may be permitted if it can be shown that it relates directly to the appointee's or nominee's ability to do the job.

A committee has no power to revoke an appointment or nomination and may only report that they have examined the appointee or nominee and give their judgment as to whether the candidate has the qualifications and competence to perform the duties of the post to which he or she has been appointed or nominated.

I will now go to the nominees. Is there a general statement by the nominees, first of all? Okay, I'll pass it over to you.

Ms. Dominique Setton-Lemar (Member, Immigration and Refugee Board of Canada): I can go first.

Good afternoon, Mr. Chairman and committee members. My name is Dominique Setton-LeMar.

I'll give you a little bit of a brief background. When I was an infant, I immigrated to Montreal with my parents in the early 1950s. I was raised in Montreal and attended elementary, high school, and CEGEP at Sir George Williams before the CEGEPs were even built, and then attended McGill, where I obtained a Bachelor of Arts in English. I then attended the Faculté de droit de l'Université de Montréal, because I knew I needed to improve my French, so I decided to do the law degree in French. I graduated in 1978.

While I was there I got married and I became a mom. So I decided to write my bar exams a little bit later. Then I had twins, and "later" occurred 17 years later, in 1994. In the interim, I went into financial services, where I learned about business and financial services, etc. I returned to law in 1994, when the twins were 12 or 13 years old. I wrote my *Barreau* exams and did upgrades in the Faculté de droit. They called it *des cours de rafraîchissement*. I articulated in Montreal and was finally sworn to the Barreau du Québec in 1997.

I returned to Ottawa, where I was living at the time, and started a solo practice in Hull. At the time it was called Hull; I think it's now called Gatineau. I practised in family law and immigration, and that is how it started. I love the immigration part of my practice. I love the people, the issues; I was instantly drawn to it. However, I found it hard to be solely in private practice, so I looked for contracts or other projects to make a little bit of extra money. I wound up working in many areas, either on contract or however it worked out, in maritime law, trademarks, and aboriginal law. Finally I found myself in Hamilton as a compliance manager for TransUnion Canada, which is a credit bureau. Two years ago I was hired as an investigator for CSIC in Toronto. Since then I have worked in administrative law in the complaints and discipline department, investigating members of the Canadian Society of Immigration Consultants, in the context of immigration.

At the CSIC conference last spring, a speaker mentioned that there were 40-plus openings at the Immigration and Refugee Board. I made a note of it, and later on that weekend I went on the website and I decided to apply.

So here I am.

• (1535)

The Chair: Thank you.

Mr. Volpentesta.

Mr. Berto Volpentesta (Member, Immigration and Refugee Board of Canada): My name is Berto Volpentesta. I'm a first-generation Canadian. My parents emigrated from Italy in the early 1950s with their two infant daughters. My father was a skilled craftsman and was self-employed as a construction renovations repair worker of homes. My mother managed the household and raised the children, as well as working in a factory to make ends meet.

I was born and raised in one of the more ethnically diverse areas of Toronto. I have in fact been living the multicultural experience all my life. I attended high school along with adults and youth, and I think there were about 140 countries represented at the high school I attended. I made mention of that in my valedictory speech, where I pointed out that diversity might in fact be the strength we could draw upon as we moved forward in our lives.

When I was 16, my father suffered a serious illness, so I had to work while finishing high school and my two university degrees. I graduated from York University in 1988 with a specialized degree in public policy and administration. I focused on international relations, national policy, and defence. When I graduated there were few opportunities to enter that particular field, so I tried to gain some work experience. I worked for the Canadian Cancer Society as a fundraiser and a coordinator.

Around the same time, I was volunteering my time coaching a youth hockey team, and in that particular year we went to the finals. I could see the excitement on the kids' faces and I sensed their sense of accomplishment. This was in part what drew me towards teaching. I took employment as a curriculum coordinator with a youth newspaper. I became a mentor for the adult literacy program in a library close to where I lived. I also took volunteer positions as a teaching assistant in some of the schools around where I lived.

When I applied to teachers' college, I was selected as one of the 10,000 applicants who had applied during that year. I graduated in 1991 with a Bachelor of Education degree from the University of Toronto. I was on the dean's list, and I was certified to teach politics and social sciences, and later I picked up law and English as a second language as my other teachable subjects.

As I graduated from teachers' college, a friend from university days, who was working for a social service agency helping immigrants and newcomers to settle in Canada, mentioned something about a backlog and the plight of some of the people in that backlog. He said it would fit the background I had in public policy and that I could help a lot of people; he thought it would be a good thing for me to do. It sounded very interesting, and that's how I started in the immigration business. Seventeen years later, I'm still practising immigration, and during that time I have found ways to combine my education with my business.

I became involved with the professional organizations that were around at that time, including the Organization of Professional Immigration Consultants, then later the Association of Immigration Counsel of Canada and, finally, when they merged, the Canadian Association of Professional Immigration Consultants. I participated on a voluntary basis in those organizations as a committee member for education, as a chair of the education committee, and as second vice-president responsible for national education. I became the first ever secretary of the merged association, and I became the first ever paid executive director of the new Canadian Association of Professional Immigration Consultants. I also served in the industry, volunteering with the Canadian Society of Immigration Consultants, the regulator of the consulting industry, as a member of the exam review committee. I was also served on the disciplinary council of the society.

In March 2001, I was blessed with the birth of my daughter. By early 2002 my business partner was saying that he didn't want to do immigration anymore. It was a good time for me to re-evaluate where I wanted to go. I thought that being an IRB member would be a good thing to do, considering my experience and my goals, and all of those things.

So I reviewed the IRB website and then applied in August 2002. I went through the whole process at that time and made it to the list of those waiting to be appointed. But the term expired, and I reapplied in December 2006. I followed the application again on the IRB website, and by July 2007 I had received a notice that I had to be re-examined under a new process. I complied with all of that.

● (1540)

In late January or early February 2008, I received a phone call asking me if I wanted a position on the IRB. Of course I said yes, and I started turning my attention to how long I would need to wrap up my affairs. So I start my appointment on May 1, 2008.

Thank you.

The Chair: Thank you.

Mr. Dolin.

[Translation]

Mr. Benjamin Dolin (Member, Immigration and Refugee Board of Canada): Thank you very much, Mr. Chairman.

Thank you, members, for this opportunity to appear before your committee.

As you perhaps know, I held the position of analyst at the Library of Parliament from 2001 to 2006, and I worked with this committee during that time.

[English]

Before coming to work on the Hill, I was a lawyer in private practice in Victoria, British Columbia, where I was called to the bar. I did a fair amount of litigation, but about a third of my files involved immigration and refugee matters. I did everything from refugee claims and deportation appeals to bringing in temporary workers for local high tech employers. In my time in British Columbia I appeared before all three divisions of the IRB's Vancouver office.

I came to Ottawa in early 2000 as a result of my wife's employment and soon found contract work with the Canadian Human Rights Commission, where I prepared staff training materials on the principles of administrative law. I was hired by the Library of Parliament in May 2001.

I joined this committee just in time for the clause-by-clause consideration of the Immigration and Refugee Protection Act, and I was the analyst responsible for assisting the committee in its subsequent study of the immigration and refugee protection regulations. I've also assisted the committee in studies on border security, overseas immigration processing, the Safe Third Country Agreement, the provincial nominee program, settlement and integration, a proposed national identity card, and Canada's citizenship laws, among other topics. So I'm excited to be back here today on the other side of the table, as it were.

In my time with the Library of Parliament I also worked for other committees, but my main assignment, apart from this committee, was as a senior analyst for the Senate Special Committee on the Anti-terrorism Act. I was with that committee for its initial study of the bill in the fall of 2001, and then again when the committee was reconstituted for the review of the legislation, beginning in 2004.

In 2006 I was successful in a competition at the Department of Justice and joined them in May of that year as legal counsel with the security, terrorism, and governance team in the criminal law policy section here in Ottawa. I was at Justice until January 7 of this year, when I began my duties as a member of the immigration appeal division of the Immigration and Refugee Board in Toronto.

I have a BA in political science from McGill, a Bachelor of Laws from the University of Manitoba, and a Master's degree in international law from the University of Ottawa. For my LL.M. program my major research paper was entitled "The Harmonization of Asylum Policy in the European Union: Lessons for North America". Incidentally, that was turned into a Library of Parliament publication that, although perhaps a bit dated now, should still be available.

I've also written or co-written other Library of Parliament publications, including background papers on Canada's immigration system and the refugee determination process. I also have some volunteer experience related to my long-standing interest in immigration issues. I was a board member of the Victoria Immigrant and Refugee Centre Society for over three years. VIRCS is a non-profit centre that provides ESL, job training, and other settlement services to newcomers.

After moving to Ottawa I also took part in the Catholic Immigration Centre's host program, where Canadians are matched with new immigrants to help with the acclimatization process. It's an excellent program and one that I highly recommend.

As I mentioned, I've now been with the immigration appeal division for just over two months. My time on the board began with three weeks of full-time training. After that I began sitting on three-member panels with a more senior member presiding. I was soon given the opportunity to preside over three-member panels myself. After a couple of times doing that, I began to sit and hear appeals on my own. I've been doing that for just over a month now.

As you may know, the bulk of the IAD's caseload involves sponsorship appeals, removal order appeals—for the most part criminal removals, and appeals by permanent residents who have been found not to meet their residency obligations. There are also ministers' appeals of immigration division admissibility decisions, but those are apparently quite rare. I haven't seen one yet.

I'd be happy to respond to any questions you may have about my experience as it relates to my appointment or about the process by which I came to be on the IRB.

Thank you.

• (1545)

The Chair: Thank you to all three of you. Very impressive.

We have a list of people who want to do some questioning, so I'll go first to Mr. Karygiannis for seven minutes. It's a seven-minute round.

Hon. Jim Karygiannis (Scarborough—Agincourt, Lib.): Thank you all for coming.

I know leaving one's practice and going to join the IRB is certainly something that has to be considered very quickly. At some point in time when you move from one practice where you make x amount of dollars and there's an opportunity to make \$112,000, I believe it is, certainly one jumps into it.

Mr. Volpentesta, sir, are you still a member of CSIC?

Mr. Berto Volpentesta: I'm currently in communication with CSIC on how to either resign my membership or to put it on leave, as it were, depending on the circumstances.

Hon. Jim Karygiannis: If I were to go to the website of CSIC, would I find you listed, sir, as a member?

Mr. Berto Volpentesta: I would think at this time probably yes, because I haven't resigned. There's a process to go through. It includes making sure your files are given to an authorized representative; it includes settling your client accounts.

Hon. Jim Karygiannis: How long does that process take, sir?

Mr. Berto Volpentesta: It depends on your practice. It could take a matter of weeks, but they want you to do it, I think, within a month or so.

Hon. Jim Karygiannis: So you got this appointment, what, a week ago, two weeks ago, three weeks ago, five weeks ago?

Mr. Berto Volpentesta: I received a phone call in late January, I believe it was, early February.

Hon. Jim Karygiannis: So, it's about a month and a half, six or seven weeks. If I were to go on the website, sir, and I were to look at consultant ID M041214, would I be able to send you an e-mail?

• (1550)

Mr. Berto Volpentesta: I believe CSIC has a system for doing that, yes.

Hon. Jim Karygiannis: If I were to send you an e-mail, sir, would it get to you?

Mr. Berto Volpentesta: I think so, yes.

Hon. Jim Karygiannis: Okay. If it were to get to you, have you made any representations to CSIC to say, "Look, it's been six weeks. I want you to do something about it. Take my name off the list"? It's not very hard to do. Just go on the website, go down, strike your name off.

Mr. Berto Volpentesta: Well, certainly, there are a number of things I have to turn my mind to, and that's certainly one of them. The first thing I had to look at was in the interest of the clients and consumer protection, as my regulator has these procedures to follow to make sure the clients were taken care of first. To do that effectively, I needed to find alternative authorized representatives, and that took some time. All these things are going to be taken care of, for sure.

Hon. Jim Karygiannis: Have you not found new authorized representatives?

Mr. Berto Volpentesta: I have now, yes.

Hon. Jim Karygiannis: Okay.

I understand that you said your partner wanted to go out of immigration.

Mr. Berto Volpentesta: Yes, in 2002, that's right.

Hon. Jim Karygiannis: Is your partner still in immigration?

Mr. Berto Volpentesta: No, that partner left immigration.

Hon. Jim Karygiannis: He was Mr. Sidhu?

Mr. Berto Volpentesta: That's correct.

Hon. Jim Karygiannis: Sir, he's not any longer...?

Mr. Berto Volpentesta: No.

Hon. Jim Karygiannis: Sir, again, what steps have you taken to ensure that CSIC knows you're appointed to the board, as well as to take down your status? I'm talking about your status here, because I went on the website today. Your status is still as an approved representative, and I find that questionable.

Mr. Berto Volpentesta: I can tell you—

Hon. Jim Karygiannis: You were vice-president of that organization. It's an organization you were part of.

Mr. Berto Volpentesta: Let me clarify that first, then, because I don't want there to be any confusion. I'm not in any way associated with CSIC other than being a member. I was on the disciplinary council as well as the exam review committee.

The professional association I belong to is called CAPIC, the Canadian Association of Professional Immigration Consultants, and that's—

Hon. Jim Karygiannis: You were on which council, again, sir? You were on the disciplinary council of CSIC?

Mr. Berto Volpentesta: Yes, the disciplinary council of CSIC.

Hon. Jim Karygiannis: What discipline would you consider if somebody's appointed and still on the list? What kind of discipline would you dish out to them?

Mr. Berto Volpentesta: I'm not sure that's...

Hon. Jim Karygiannis: Mr. Chair, I'd like, for the record, to give you two pieces of paper I was referring to.

Sir, on Cannex, are you still listed as one of the shareholders?

Mr. Berto Volpentesta: No.

Hon. Jim Karygiannis: Sir, I'd like, for your information... Cannex is something you control, right? This is your website.

Mr. Berto Volpentesta: I have more control over that, yes.

Hon. Jim Karygiannis: You have more control over that. Okay, as of today, sir, I checked your website, and it says, "All immigration work performed by Cannex immigration specialists is handled by Berto Volpentesta".

Mr. Berto Volpentesta: That must be incorrect.

Hon. Jim Karygiannis: Well, sir, it's on your website. You have more control over that.

Mr. Berto Volpentesta: I've seen the website, I've asked for the changes to be made. I've seen it since the changes were made. I had

my name removed from everything. There are even notices on there—

Hon. Jim Karygiannis: I'd like to give that to the clerk too. Disciplinary action—

Mr. Wajid Khan (Mississauga—Streetsville, CPC): I have a point of order, Mr. Chair. I think that until they begin at the IRB, appointees are under no obligation to cease their other work. The gentleman has said that he is doing his work, and I believe my honourable member there asking the questions—

Hon. Jim Karygiannis: Mr. Chair, that's not a point of order, and I request that be stricken from the record.

Mr. Wajid Khan: It's not a matter of debate; it's a rule.

The Chair: The questions to the members are to be relevant, as I said at the beginning, to their qualifications and competence to perform the duties of the post.

Maybe it's on the edges, but I'll permit it here.

Hon. Jim Karygiannis: It's not on the edge, Mr. Chair.

The Chair: Okay, continue. You have one minute and 15 seconds.

Hon. Jim Karygiannis: Cannex issued a notice on March 7, 2008, stating that you were leaving and you had two new individuals, Ms. Brodyansky and Mr. Damitz. It's great for Cannex to put that on their website, but there's also that conflict there about your still being listed as an immigration specialist. There has to be a time over, and you said four weeks. We're past that four weeks.

You were part of a disciplinary action of CSIC. Somewhere there you must start questioning yourself: Did I overstep the bounds? Was that information on my website supposed to come down? Why has CSIC not done this?

All the immigration work before Cannex is supposed to be handled by you, and you have two new people who supposedly are taking over.

•(1555)

Mr. Berto Volpentesta: I'd like to see the page that you're referring to on the website right now, because it shouldn't be that way. If it is, that should be corrected. It was a week or more ago that we did that.

Nonetheless, as I said, I'm addressing all the issues of disconnecting myself from the business. I've had calls in to the Ethics Commissioner and people at the IRB. As well, I've taken some counsel on what steps to be going through, and I'm proceeding on those.

The Chair: Order. Time is up on that.

Hon. Jim Karygiannis: Could I have one last question, Mr. Chair?

The Chair: No, I'm going to move on.

But I do have a question. Have you assumed responsibility yet?

Mr. Berto Volpentesta: No, my appointment starts on May 1.

The Chair: Your appointment doesn't start until May 1.

I'm going to move on to Mr. St-Cyr.

[Translation]

Mr. Thierry St-Cyr (Jeanne-Le Ber, BQ): Thank you very much, Mr. Chairman.

I carefully read your CVs. I had asked that they be submitted to us before you appeared before us. I recently went to visit an organization in my riding that helps people who are applying for jobs. There was a brief guide to preparing a CV, in which it was explained that you should try to do it as succinctly as possible, while highlighting each of the elements that could help you get a job. I was staggered by a sentence that I found in Ms. Setton-Lemar's CV.

Roughly halfway down your career profile, you write: "In spite of the highly politically charged atmosphere created by the Quebec Referendum of 1994, I returned to write my Quebec Bar exams in September of that year."

I frankly don't see the connection between the two parts of that sentence, and I'd like you to explain to committee members how your political analysis of the situation at the time of the 1994 referendum qualifies you more for this position.

Ms. Dominique Setton-Lemar: First, I'm going to summarize your question. If I understand correctly, you're asking me why or how my analysis of the political situation in 1994 has an effect on my position now. Is that correct?

Mr. Thierry St-Cyr: Why did you write that in your CV?

Ms. Dominique Setton-Lemar: Oh, all right. Why did I put it in my CV? That was in response to a part on independent thinking or the ability to think for oneself. Another part said you had to work with persons of other nationalities.

Mr. Thierry St-Cyr: The Chairman took care to emphasize at the outset that all these positions are eminently non-partisan. I find it hard to understand why you insisted on stating your political opinion on the national question in your CV. It's as though, in applying for a job as a public servant, I emphasized that the Conservative government had caused economic problems.

[English]

The Chair: I'm going to interrupt, because I think we're getting into an area to do with political allegiance that we shouldn't get into.

[Translation]

Mr. Thierry St-Cyr: Yes, of course.

[English]

The Chair: I think I've made it very clear from Marleau and Montpetit that we can't get into those areas. Among the areas usually considered to be outside the scope of the committee's study are political questions, political affiliations of the appointee or nominee.

[Translation]

Mr. Thierry St-Cyr: Absolutely, Mr. Chairman, and that was essentially my point. I wanted to know why, in view of an appointment in which there should not be any political considerations, such considerations appear in a CV. That was the sole purpose of my question.

Perhaps Mrs. Daley can tell me how a candidate's mention of a political allegiance is treated at the time of hiring or in the selection process. Is that an advantage or a disadvantage? Is it disregarded?

● (1600)

[English]

Mrs. Krista Daley (Director General, Operations, Immigration and Refugee Board of Canada): No. This is some technical information with respect to how the selection advisory board works. We have nine competencies, and they are the ones you would imagine for a decision-maker: ability to communicate, good judgment, analyze, make decisions, a results orientation, ability to organize yourself, information skills.

One of the other competencies we look for is called "cultural competencies", which is the idea of working and being involved in a diverse situation. Diversity is very broadly scoped and defined, so it could be working in a diverse situation where you're dealing with other cultures, races, genders, etc.

When people file their applications—and I would argue whether it's to this job or to any job—you look at the competencies listed and then you reflect the competencies the people are looking for as you do your resumé. As I understood, and maybe Madam Setton-LeMar could clarify if I've interpreted correctly, this aspect of her career profile was an element of showing that she was in a diverse situation at that time, and this is how she expressed it.

[Translation]

Mr. Thierry St-Cyr: None of the seven million Quebecers who worked in 1994 will characterize the atmosphere at that time as "highly politically charged" or as an adverse situation.

I'll stop there, because it seems to me quite clear that sentence was specifically designed to confirm a political allegiance. Personally, I don't think that has its place in a curriculum vitae prepared with a view to obtaining a non-partisan appointment.

I'd like to go back to—

[English]

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

The Chair: Order, order.

We're getting dangerously close, again, to violating the intent of Marleau and Montpetit. Again, I say to members, refer to Marleau and Montpetit, pages 875 to 877. I don't want to take up the committee's time and repeat these things over and over, but the area considered to be outside the scope of the committee's study is political affiliation of the appointee or nominee.

I will continue to eat into members' time if they continue to get on the fringes of violating that particular section of Marleau and Montpetit.

[Translation]

Mr. Thierry St-Cyr: Mr. Chairman, there are two elements.

First, I am only referring to the curriculum vitae, which, by definition, is a summary of an individual's professional skills. If an individual includes certain elements in his curriculum vitae, it's because he feels that refers to a professional aspect. It isn't a political curriculum vitae.

Second, I would like to emphasize—

[English]

The Chair: Okay. But the honourable member is also referring to political affiliations—

[Translation]

Mr. Thierry St-Cyr: I want to stop because you emphasized that my remarks were not proper.

Second, I'm saying, precisely, that this is out of place. This kind of political consideration should not be part of the debate. If it hadn't been in a curriculum vitae, it wouldn't be before this committee. That's what I'm criticizing.

You're telling me that, according to Marleau and Montpetit, we shouldn't be discussing politics, whereas I'm saying the same thing. This kind of political statement is out of place. I'm saying the same thing as Marleau and Montpetit, Mr. Chairman.

[English]

The Chair: Order.

The committee has no power to deny a person the right to put whatever they want in their resumé. What we're required to do here today is examine the appointment of these individuals. As for what a person chooses to put in their resumé, I guess that's up to them.

In any event, your time has now expired, Mr. St-Cyr.

Ms. Chow.

Ms. Olivia Chow (Trinity—Spadina, NDP): Ms. Daley, do you believe the Immigration and Refugee Board should have a refugee appeal division?

• (1605)

Ms. Olivia Chow: Mr. Chair, on a point of order, I hope that when there's a point of order, the timing stops on that person's seven minutes. I have a stopwatch, and I want to make sure that's the case.

The Chair: I don't think there's any rule to that effect, but the committee is—

Ms. Olivia Chow: If not, I could make a point of order that would be at least seven minutes long and actually eat up everybody's time.

The Chair: Well, I would ask all members to respect the fact that when you bring up a point of order, you are eating into a member's time.

Ms. Olivia Chow: Really?

The Chair: Yes. According to the clerk, we have no rule that would do that. I mean, if members are going to bring up points of order, then it should be noted that they are eating into the time. All members would have the same—

Hon. Andrew Telegdi (Kitchener—Waterloo, Lib.): Mr. Chair, I have a point of order.

Mr. Ed Komarnicki: Hold it, we have to deal with my point of order first.

The Chair: Order, please.

I'm not hearing your point of order, Mr. Telegdi, until I hear the point of order that was made originally. Then I'll go to you.

Mr. Komarnicki.

Mr. Ed Komarnicki: I don't make a point of order to eat up another member's time, that's for sure. I make a point of order—

The Chair: And the chair will manage the time effectively.

Mr. Ed Komarnicki: —when I think there's a reasonable point to it.

With regard to the question of whether one has an opinion on whether or not there should be an appeal board, that is a matter of policy, the kind of thing that governments might want to do. It's not for this witness to give her opinion. She's not here for that purpose. She's here to be examined in terms of qualifications for the job she's been appointed to do. Questions in that realm are appropriate, but this is outside that scope—like the attempt made by the previous speaker to try to get into an area that's not appropriate.

So that is the point of order, and I think there's a basis for it. The chair can rule however he wishes, but I think it's a matter of policy that has nothing to do with the competence for the duties required to be filled on the board.

Ms. Olivia Chow: That's fine. I'll just move on.

The Chair: No, I have to rule on the point of order, Ms. Chow.

The point of order is a valid one, I'm told by the clerk. Members are not in a position to answer questions of policy. Those would go to officials, I suppose, or to the political minister—

Ms. Olivia Chow: Chair, I already accepted that. Can I just move on? It's now four minutes.

The Chair: I'm going to allow you some extra time, Ms. Chow. It's up to the chair to manage the time as well, and that's clear in the rules also.

Hon. Andrew Telegdi: Mr. Chair, I had a point of order also.

The Chair: Oh, I'm sorry, Mr. Telegdi. Go ahead, sir.

Hon. Andrew Telegdi: I think this is important, because we have this happening all the time. The parliamentary secretary tends to overreact and raises a lot of points of order.

While you are considering a point of order, Mr. Chair, the proper way to deal with the time allocation is that you stop the clock from ticking at that point in time. Then you continue after you deal with the point of order to indeed ensure that the member speaking gets their proper time allotment.

The Chair: The chair appreciates your intervention, but the chair is governed by the rules of the House.

Hon. Jim Karygiannis: On a point of order, Mr. Chair—

The Chair: I'll get around to your point of order as well, Mr. Karygiannis.

The chair is—

Hon. Andrew Telegdi: No, no, this is not involved with the rules—

The Chair: Well, I await someone's reference to that in the Standing Orders. The chair is very happy to abide by the orders as laid down in the Standing Orders for the committee.

So when you're making these points of order, that the chair must stop the clock, will you please give me the reference for that as well? Because I'd be pleased to do that.

Hon. Andrew Telegdi: Mr. Chair, it's very practical—

The Chair: I'm going to Mr. Karygiannis for a point of order.

Hon. Jim Karygiannis: Mr. Chair, it's customary in the House, and it's practised by the Speaker, that when a member speaks and somebody else gets up on a point of order or a point of privilege, the clock stops.

The Chair: Is it really?

A voice: Yes.

The Chair: Oh, is it?

Hon. Jim Karygiannis: Now, I sit very close to the Speaker and I watch this. I can see the clock and I've seen this time and time again. If you want a ruling, we can certainly ask the Speaker, and then we can move on.

The Chair: I've already indicated to Ms. Chow that we'll manage the time as effectively as we can, and she won't lose too much time on this.

Ms. Olivia Chow: Do I start over again? Why don't I start all over again?

Oh my gosh, are there more points of order? I knew it.

• (1610)

The Chair: I can only listen to what our adviser, the clerk, tells me. Points of order eat into a member's speaking time. I'm not an expert on parliamentary procedure, on Marleau and Montpetit. I can only listen to the clerk on this matter.

Really, we're getting off the subject here. We're eating into the time we need to examine the witnesses, so maybe we could deal with these issues after the committee.

It will be more appropriate to allow members to pursue their questions. If the chair finds it necessary to intervene, the chair will intervene.

Ms. Chow.

Ms. Olivia Chow: May I start over again, please?

The Chair: We'll give you six minutes.

Ms. Olivia Chow: Mr. Volpentesta, regarding the company that you have, Cannex Immigration Specialists, you've been working there since 2004. I don't see it on your CV. Is there a reason for that? I don't see it on your resumé. I think you've been working there since 2004, as a senior partner or a senior consultant.

Mr. Berto Volpentesta: Right. When my business partner left in 2002 or 2003, the company was called Sadhu & Volpentesta. In around 2004, it changed to Cannex Immigration Specialists.

It should be on my resumé. It's a little line....

Ms. Olivia Chow: I thought Cannex started many years ago. Cannex claimed they started in the 1990s. It didn't start in 2004; it started in the 1990s.

But anyway, do you still have offices in the Philippines and India?

Mr. Berto Volpentesta: Let's see, Cannex has an office in the Philippines, yes.

Ms. Olivia Chow: And also in India?

Mr. Berto Volpentesta: Not in India, no.

Ms. Olivia Chow: Not in India anymore? It claims that it had. Has it ever had an office in India?

Mr. Berto Volpentesta: In its incarnation, Sidhu & Volpentesta had offices in India, yes. Then when my business partner left, we started closing those offices.

Ms. Olivia Chow: So Sidhu & Volpentesta is actually Cannex. It's the same company.

Mr. Berto Volpentesta: It's the same company.

Ms. Olivia Chow: Okay, that's how I got confused. It's the same name.

Mr. Berto Volpentesta: Same company.

Ms. Olivia Chow: Okay.

Is it often the case that people in the Canadian Society of Immigration Consultants also have companies themselves, like the Canadian Association of Professional Immigration Consultants? Are there no conflicts in that? Then you have both, right, and then....

Mr. Berto Volpentesta: I'm a member of the Canadian Society of Immigration Consultants, which is the regulator for immigration consultants. To be able to offer immigration services for a fee, you need to be a certified immigration consultant and member of CSIC, a lawyer, or a *notaire* in Quebec. CSIC is the regulator.

I'm not sure I understand your question, really.

Ms. Olivia Chow: Do you see a conflict? I thought there might be.

By May 1, you plan to wind down your share in Cannex.

Mr. Berto Volpentesta: That's correct.

Ms. Olivia Chow: And you plan to sever your connections with the two new consultants, Julia Brodyansky and Gerd Damitz. When would that occur? Would it be before May 1?

Mr. Berto Volpentesta: The message I'm sending out to my clients is that on April 1 I'll stop representing them and the new representatives will start working on their cases.

Ms. Olivia Chow: This would be the same for the clients overseas in the Philippines, for example? So it would be all your clients.

Perhaps I can ask Ms. Daley. I'm sure this is not the first time someone has an immigration or a consulting practice or is a lawyer who then gets appointed to the board. Is it the normal practice that they would give notice to their former clients to say they're selling the shares of their company or they're no longer working for that company? How does it work?

●(1615)

Mrs. Krista Daley: Obviously at the board, and particularly if you look at the statute, the statute says...and I'm going to speak more from the legal community. I'm also a lawyer, so I'm a little bit more familiar with the law society rules, but I've also looked at CSIC regulations.

For example, the Immigration and Refugee Protection Act itself says that a certain percentage of our decision-makers must be lawyers. Clearly, over the years, some of them have come from the immigration and refugee business. That has been their practice.

The law societies as well as CSIC, because they're the regulating body, have the duty that you just can't abandon your clients. You have your professional obligations, so you can't get appointed on day one and walk out the door and turn the key and leave. There's a professional duty to the clients, and in that context, therefore, there is a period of time in which there has to be a mechanism whereby those professional obligations are met. Finding other counsel to take over the practice, dealing with the accounting, dealing with blind trusts, etc.—this process is a fairly common one.

As I understand it from talking to the new member, this is the process he's now going through with CSIC. Because his appointment is not currently in place, he's not currently a decision-maker and will not be until May 1.

Ms. Olivia Chow: But how long would it normally take, from your experience?

Mrs. Krista Daley: I really couldn't tell you that.

Ms. Olivia Chow: Does it take a few months? Sometimes in some of these cases...I know immigration lawyers who have huge numbers of cases that could be going to the Federal Court a year from now. So what happens in those cases?

Mrs. Krista Daley: I really can't give you an idea of how long it takes, but I do know most of the lawyers who have immigration practices and are dealing with the question of when a good start would be for their appointment are cognizant of that period of time. It really depends on their own knowledge of the situation. So I can imagine that if you're a lawyer in Toronto you would get a flavour for whether or not you had some colleagues who would be willing to move into your practice and move quickly, but maybe if you work in a more isolated community it would take you longer.

The Chair: That is seven minutes.

Order.

That's seven minutes of uninterrupted time, and I want to do the same thing as I did for Mr. Karygiannis and other members. We're going to cut it off at seven minutes.

There will be another round in which everyone will—

An hon. member: You still owe me a minute, Mr. Chair.

The Chair: Okay.

I'm going now to Mr. Komarnicki.

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

For the record, I think when there's an appropriate point of order it needs to be made, although from my perspective I think we should

err on the side of giving the person speaking the time they would have to speak; otherwise, through a series of points of order, you could cut a person off from speaking at all.

Keep that in mind, and I would certainly encourage ample time to be given notwithstanding the point of order.

Having said that—

The Chair: Just to clarify—

Mr. Ed Komarnicki: And don't take it away from my time.

The Chair: —this is what we agreed to in the beginning, and I can only tell you the rules we laid down: that the witnesses from an organization be given ten minutes to make their opening statements and that, at the discretion of the chair during the questioning of witnesses, seven minutes be allocated. If at some point we want to make that rule more specific, that would mention points of order not be taken out, we can do that. After all, we are masters of the committee and we can do it at that time, certainly at the discretion of the chair.

Please proceed, Mr. Komarnicki.

Mr. Ed Komarnicki: Having said that, I certainly appreciate all members appearing before this committee.

I have looked at Mr. Volpentesta's resumé and I see you were an executive director with the Canadian Association of Professional Immigration Consultants, and I can see that the board's gain will be their loss.

Also, I see in the resumé with respect to Ms. Setton-LeMar that she was also a bilingual investigator with the Canadian Society of Immigration Consultants. Once again, the board's gain will be their loss. I have looked at your resumé, and certainly you have been involved in many matters relating to the immigration field. And in your case, Ms. LeMar, you have had legal experience, and I see you have worked on matters relating to alternate dispute resolution and so on.

In your case, Mr. Volpentesta, you've had experience on the disciplinary hearing side, the education standards review side, and certainly both those parts of the society's structure are important to ensure the consultants' area is enhanced.

So certainly if there's any argument, from what I can see, it's that you might be overqualified for your positions, but there are not any issues in terms of qualifications. From what I see here, I think you'll do an admirable job and you'll use your vast experience and background to advantage. We look forward to hearing the decisions you make as you go forward.

I realize there's been some question about whether or not you are involved in practice, your cases that are ongoing. But as lawyers or others would, you do have a practice that gives you the very experience that's necessary and therefore you'll wind down in some particular fashion—and it needs to be in a reasonable and constructive way—prior to the commencement of your term, which I understand is May 1, isn't it, in your case?

●(1620)

Mr. Berto Volpentesta: That's correct.

Mr. Ed Komarnicki: I understand the Ethics Commissioner has spoken to each of you with respect to any issues that might relate to compliance or ensuring that you're okay from a conflicts point of view before you enter the job.

Is that so, and could you tell us? Either one of you can.

Mr. Dominique Setton-Lemar: Yes, sure.

I received a call from a person who worked at the Ethics Commissioner's office, Ms. Plouffe. I had a conversation with her, and what she wanted to know in my particular case was whether or not I was aware that for a year after the end of the appointment I wouldn't be able to make representations to the board as a lawyer or to work in front of the board, and if that would present a problem. In my particular case it didn't present a problem, because I think I'm going in a different direction. I don't plan to be doing litigation again. So for me it's not a problem.

Then I got the package from the commissioner, which I'm filling out.

Mr. Ed Komarnicki: So the point I want to make is that obviously there are certain steps you need to take, and there is a transition period for you to be in position to take the role. Both of you, as I see it, are proceeding as you ought to proceed to get yourselves in position to take on the responsibilities given to you.

Another aspect I want to review—and perhaps Krista Daley could elaborate on that—is that the two of you had to go through a process that maybe others hadn't. I know a public appointments commission secretariat in January 2007 made a number of recommendations to the minister. As I recall, one of those recommendations was that the applicants go through a series of events, interviews, and so on, but also they'd have to take a competence test and they would have to pass the test, which is something that didn't necessarily exist under the previous government. Is that so, and could you elaborate on that?

Mrs. Krista Daley: Yes, I think that's probably most appropriate for me to cover.

There are three steps to the whole process, the first being a regular application form, which is screened to see if people have the minimal requirements. Then there is a written exam that covers four competencies. Each of those competencies must be passed to pass the written exam, and that is a change in the process that came into place after the Harrison report in July 2007. If the person then passes all four of those competencies on that written exam, they go to the interview, at which point the rest of the competencies are examined, and finally reference checks are performed.

So that is the new system.

• (1625)

Mr. Ed Komarnicki: On a general basis, I'd like to say that I'm well satisfied not only by looking at the background and experience that you're taking with you, but at the fact that on an objective basis you participated in a program that required you to be tested, and you actually passed the test in order to qualify for your position. I certainly congratulate you on going through that process and undertaking a change in your careers that will have influence across the nation as we're dealing with some rather interesting transitioning in the immigration area. I know the work will be demanding, but it will be also, at the same time, very rewarding.

So I want to encourage you to use your skills and your background experience to advantage as you're faced with situations and tested from time to time as you make decisions—and may they be just ones.

Thank you, Mr. Chair.

The Chair: If we don't have a comment on that, that completes our seven-minute round.

We'll go to Mr. Telegdi, for five minutes.

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

We on the committee have had a discomfort ever since Jean-Guy Fleury was shovelled out the door and forced to resign because they made a non-partisan appointment process partisan, which is really too bad, because it was one of the great accomplishments of previous parliaments to depoliticize the appointment process to the board. So while that process is in place, there will be people rightfully concerned about the impartiality.

Mr. Dolin, you were here at the time we passed the Immigration and Refugee Protection Act and you were here when we put the immigration appeal division in there. You were here during all the years that the members of this committee fought to have that happen, including the Conservative members—until they got into government.

I remember when we were discussing it with the previous minister, Minister Volpe. He said that once he got the backlog down he would make that happen. Unfortunately, under this Conservative administration, the backlog has gone up, which really is a problem. Instead of fixing the system, they have created a crisis in the system.

Notwithstanding all that, Mr. Dolin, you are somebody we know, or that committee members at the time knew. I dare say you're probably the only member on the board who had a recommendation from the chair of the committee as well as all the critics and the members who worked with you to put you in that position. So it's the ideal situation of a totally non-partisan appointment, which is very gratifying.

My question to you is this. What is the backlog right now at the appeal division?

Mr. Benjamin Dolin: You'd have to talk to Krista for actual numbers; I don't have the figures. In my current position, I basically get my case files for the next two weeks and I deal with the individual cases that are assigned to me. I have no involvement in managing the case files or the administration aspects of that.

The Chair: Ms. Daley.

Mrs. Krista Daley: I brought my statistics, and as Mr. Dolin mentioned, an individual member is rarely involved in the national... and the scope of it all.

Hon. Andrew Telegdi: Good. What is the backlog?

• (1630)

Mrs. Krista Daley: What we are anticipating on the immigration appeal division...and that's what you're speaking about, not the refugee protection division?

Hon. Andrew Telegdi: Yes.

Mrs. Krista Daley: The anticipated pending caseload by the end of this fiscal year—so that's two weeks from now—is 10,000 appeals.

Hon. Andrew Telegdi: You anticipate 10,000 appeals. Thank you.

If the government wants to legitimately get rid of someone with a criminal record who's a permanent resident, who's a danger to the community, but that criminal has the right to a hearing before the immigration appeal division, what's the timeframe before that case will be heard?

Mrs. Krista Daley: On the first comment, so that everyone is aware of this, not all persons with criminal convictions who are permanent residents have a right of appeal to the IAD. There is certain serious criminality that doesn't, and that was dealt with as an amendment at the time of the Immigration and Refugee Protection Act.

The average processing time for a removal order appeal is currently 15 months.

Hon. Andrew Telegdi: We could have somebody we're trying to get rid of for 15 months. Under this Conservative government's mismanagement, we're going to have to wait 15 months before we can get that person out.

Correct me if I'm wrong, but every permanent resident you're going to expel from the country has the right to be heard by the immigration appeal division.

Mrs. Krista Daley: No, not everyone. There are serious criminality provisions under the Immigration and Refugee Protection Act, and those persons do not have a right of appeal to the IAD, even though they are permanent residents. That was an amendment to that point. In the old immigration act, every permanent resident had that right of appeal.

I'm now just scrambling through my act here a little bit. Yes, it's subsection 64(1), where it says that in cases of serious criminality a person has no right to appeal to the immigration appeal division. Those are persons who have committed a crime that is punishable in Canada by a term of imprisonment of at least two years.

The Chair: Thank you.

I'm sorry, Mr. Telegdi, your time is up. Your time has come and gone. As a matter of fact, for the record, you had close to five and a half minutes.

We'll go to Mr. Carrier.

[Translation]

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

Good afternoon, ladies and gentlemen. I would like to take advantage of this meeting to learn a little more about your role, since I only recently became a member of this committee.

My question is for Mrs. Daley.

If I understand correctly, we're hearing from three new board members. How many members are there in your organization? How many of them are bilingual? Are they required to be bilingual?

[English]

Mrs. Krista Daley: I'm sorry, but once again, I just want to make sure I have the correct statistics.

The IRB is resourced for a complement of 164 Governor in Council appointees. In the whole of 2007, we had an average complement of 105 members. We were resourced for 164, and we had a complement of 105.

With respect to bilingual capacity, there is not a fixed figure for how many appointments need to be bilingual, but the IRB must be able to provide hearings in the language of the proceedings. So in each of the regions, there is the capacity to deal with hearings in both languages. And of course, in Montreal and here in Ottawa there are more.

[Translation]

Mr. Robert Carrier: To your knowledge, how many bilingual members are there? How many of them can speak French?

[English]

Mrs. Krista Daley: I don't actually have that figure here. I have some of the officials here. I wonder if I could turn to them to see if anyone has that specific statistic. Otherwise, we can get that for you.

[Translation]

Mr. Robert Carrier: French is one of the country's two official languages. But you don't know at all how many there are. That doesn't seem important. I would appreciate you answering me in a little while, if possible. My colleague and I come from the Montreal area. That's in Quebec, which is part of Canada. So this is an important factor for us. There are a lot of people in our ridings who tell us about their immigration problems and have to call upon your services.

Going back to the CV of Ms. Setton-Lemar, she is from the Montreal region, and that's why we are dwelling on this a little. Since Mr. Volpentesta is from Toronto, other committee members are interested in him.

I would like to know what Ms. Setton-Lemar meant when she wrote the following sentence: "[...] I felt it was necessary to move to Ottawa, Ontario, from Montreal, Quebec, in order to raise and educate my children." What does that mean for a citizen of Montreal or for whoever might consider settling there? Is it preferable to move to Ottawa to educate one's children? Is that what this means?

If that's the case, that troubles me. The problem, when you put a lot of sentences in a CV is that it makes people think. I don't know whether management received this CV, but, personally, I would be asking myself some questions before hiring a person who will have to deal with people who must settle in a city of their choice and who says that she moved to Ottawa to raise and educate her children, as though Montreal were in the countryside.

I'd like to know what she meant in writing that.

•(1635)

[English]

The Chair: I have to say that the chair has the right to rule this question out of order—although if the individual wishes to answer it, she may—because the question doesn't relate directly to the appointee's or the nominee's ability to do the job.

But if the individual wishes to answer the question, or if the member wishes to tell me how it relates to—

[Translation]

Mr. Robert Carrier: That's not political; I simply wanted her to explain what she wrote in her CV. That's not a political question.

[English]

The Chair: I agree, it's not a political question, but the rules simply say that any question may be permitted if it can be shown that it relates directly to the appointee's or the nominee's ability to do the job.

[Translation]

Mr. Robert Carrier: Mr. Chairman, do you want to inform the witness that she is not required to answer? Is that what you want to tell her?

[English]

The Chair: No, I didn't say that. What I said was that the witness may, if she wishes, answer the question, but I would question the admissibility of the question because it doesn't relate directly to the appointee's or the nominee's ability to do the job. I'm trying to be as wide-ranging as I possibly can but still protect the integrity of what we're trying to do here.

Does the witness wish to answer that question? It's your choice.

Ms. Dominique Setton-Lemar: I just don't feel that it's relevant. I don't feel that it relates to my qualifications.

The Chair: Well, that really makes two of us.

I know I'm going to invoke quite a flurry of points of order here.

Mr. St-Cyr, on a point of order.

[Translation]

Mr. Thierry St-Cyr: Mr. Chairman, I don't have Marleau and Montpetit with me, but you say it has to be shown that the question is related to the job. People who want to immigrate here and settle in Montreal, for example, will have to appear before a board member and will have access to this information. These CVs are public. I think it's appropriate to know why a board member wishes to state that she felt it was necessary to move to Ottawa from Montreal in order to raise and educate her children. People will appear before these members, and the latter will decide on their fate and their lives. I think they're entitled to know why a member saw fit to state in her curriculum vitae that it was necessary to move to Ottawa from Montreal in order to raise and educate her children. That is entirely related to the job, and I would like to hear Ms. Setton-Lemar's answer.

[English]

The Chair: Mr. Komarnicki, on that point of order.

Mr. Ed Komarnicki: To respond to that, quite quickly and quite frankly, I'm a lawyer, and my competence to be one has nothing to do with my personal preferences of where I may want to move or where I might want to send my children to school. It's totally irrelevant to my abilities and qualifications to perform the job.

Are you trying to make something out of an issue that is not an issue in terms of competence? If it is a matter of competence, you can ask the question, but that is not. Personal preferences and what I might do or not do in terms of raising my family or where I choose to live is totally out of bounds and should not be asked, and I would ask the chair to maintain his ruling.

•(1640)

The Chair: Mr. Carrier.

[Translation]

Mr. Robert Carrier: I have a point of order. I don't agree with Mr. Komarnicki's interpretation, since we're talking about people who will have to judge whether it is appropriate for an immigrant to settle in Montreal, Ottawa, Toronto or in another Canadian city. This sentence is important in this context. I agree with him that any citizen may live wherever he or she wishes. Some people come from Moose Jaw, Vancouver and so on, but a person who wants to judge foreign citizens wishing to immigrate to our country doesn't have to tell them that she preferred to move to Ottawa in order to educate her children. That's the sense of my question, and I simply want to give her the opportunity to explain what she meant. What's written is confusing. She has a chance to explain what she meant. It may not be a problem. We should at least give her the chance to speak; that's why we're here.

[English]

The Chair: I still can't make the connection here to a point of relevance as to the appointee's or the nominee's ability to do the job based on where she lives or where she feels she should raise her children or educate her children. So that's my ruling on that.

Again, the witness may answer the question, but she has indicated that she doesn't feel it's relevant. So I have to maintain my ruling on that.

Mr. Telegdi.

Hon. Andrew Telegdi: On a point of order, Mr. Chair, I think what comes into question and what the members should address—

The Chair: It's a grey area, I guess.

Hon. Andrew Telegdi: No, but there is relevance. You are applying for a position to be on the IRB. You might have a situation where you have somebody in front of you who is sympathetic to the Bloc or the PQ, and it's a question if it would not prejudice the person in front of you because of that. It's what those comments lend themselves to. It would be relevant, too, in terms of the decision they would have to make.

If you were to say no, that it would not prejudice you in making a decision, no matter what—

Ms. Dominique Setton-Lemar: It doesn't prejudice me. I moved in 1983. I don't think it's relevant to today.

The Chair: Thank you.

Your time was up, by the way, when I brought up this point of order. If you feel that—

Mr. Robert Carrier: We have an answer, anyway.

The Chair: Okay, we still have some time, so who are we on now?

Ms. Grewal, five minutes, please.

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

Ms. Daley, could you please tell the committee what experience and what qualifications are considered during the selection process for appointees to the Immigration and Refugee Board? Could you please explain?

Mrs. Krista Daley: Yes. I think I alluded to this before. There are actually nine competencies that are viewed to be very important, and it is what is called a competency-based process as opposed to a knowledge-based process. I will simply read them out for your information. They are conceptual thinking, judgment and analytical thinking, decision-making, written communication, oral communication, information seeking, self control, organizational skills, results orientation, and finally, cultural competence.

Those competencies were developed by actual board members in consultation with some human resource experts, so we know they are the ones that lead you then, in all likelihood, to be a very good member. As indicated, these members have gone through that process.

Mrs. Nina Grewal: I see.

Ms. Setton-LeMar, you were an investigator for the Canadian Society of Immigration Consultants. Mr. Volpentesta, you are the executive director of the Canadian Association of Professional Immigration Consultants. Could both of you please comment on how these roles have prepared you to work on the Immigration and Refugee Board?

Mr. Berto Volpentesta: In my capacity as executive director, I think—in fact I know—I used a number of the examples that I took from my duties: setting up educational events, communicating with members. All of the competencies were displayed in my duties as executive director. I think they were very relevant.

There's an interview process, which is called a targeted behavioural event interview. They actually have you go through picking an example that would describe the particular competency. I think all of them were used from my experience as the executive director.

If I can try to quickly recall, I can go over them again. One major thing, for example, is setting up educational or professional development seminars, and that means a lot of coordination, a lot of organization, making sure things are done at a certain time, making sure everyone knows the process. So it involves all the skills.

• (1645)

Mr. Dominique Setton-Lemar: In my particular case, I was an investigator, who was in discipline. I was investigating the members in relation to complaints from the consumer of the immigration service, if I can use the term generally

How it led me to this position is that I was doing administrative law. It was the whole area of administrative law: the preparation of the file, the investigation of the different parties and finding the facts, analyzing the rules in relation to fairness or whatever the issue was, writing the report for the manager of complaints and discipline, finding out how it was going to work itself out, and then trying to find solutions or mediations or some way to deal with the issue. Sometimes it was very interesting, because it would wind up in the policy area, or we were able to make recommendations.

I had a very broad view of the practice and what was happening, from the consumer point of view, the practice point of view, and also the application of the rules.

I think it prepared me very, very well.

Mrs. Nina Grewal: Are you required to do anything to meet your obligations under the Conflict of Interest Act? If so, have you met these obligations?

Mr. Dominique Setton-Lemar: They have this 18-page booklet. I'm going through it and filling it out.

There isn't much for me. I'm a lawyer and I report to my bar association as to what I'm doing. I'm no longer employed by CSIC, so there really isn't anything for me to do, other than comply with the requirements. Whatever they ask me to do, I'll do it.

The Chair: Thank you. The five minutes are up.

Now we will go to the next five-minute-round speaker, Mr. Karygiannis.

Hon. Jim Karygiannis: Thank you, Mr. Chair.

The Chair: I am aware, Mr. Karygiannis, that I owe you an extra minute, given the fact that I cut you off in the—

Hon. Jim Karygiannis: Plus 30 seconds for now.

Mr. Volpentesta, I looked over your resumé. When somebody makes a resumé they certainly list all their accomplishments, the boards they belong to, and if somebody owns a company or is part of a company, they certainly put that down.

Are you still part of Cannex, sir? Do you have interest in Cannex right now?

Mr. Berto Volpentesta: Right now I'm wrapping up my files in Cannex.

Hon. Jim Karygiannis: Were you sole proprietor of Cannex—50%, 30% owner?

Mr. Berto Volpentesta: I'm not a sole proprietor, I'm a senior—

Hon. Jim Karygiannis: What percentage did you have in the past?

Mr. Berto Volpentesta: Zero percent.

Hon. Jim Karygiannis: Now, or...?

Mr. Berto Volpentesta: At all times.

Hon. Jim Karygiannis: Who was the president of the company?

Mr. Berto Volpentesta: The president...well, the sole proprietorship is to Arlene Martirez.

Hon. Jim Karygiannis: So Arlene was your boss. You were working for her; you were not part of the board.

Mr. Berto Volpentesta: Well, yes, that's correct.

• (1650)

Hon. Jim Karygiannis: You hesitated there.

Mr. Berto Volpentesta: There is no board; it's a sole proprietorship.

Hon. Jim Karygiannis: Is it a limited company?

Mr. Berto Volpentesta: It's a registered sole proprietorship. It's not a corporation at all.

Hon. Jim Karygiannis: So you're an employee.

Hon. Jim Karygiannis: Yes.

Hon. Jim Karygiannis: The Cannex website, which was still up at three o'clock today, says, "All immigration performed at Cannex Immigration Specialists is handled by Mr. Berto Volpentesta". So she owns the company and you did the work?

Mr. Berto Volpentesta: I do the immigration work, yes.

Hon. Jim Karygiannis: What other work do they do?

Mr. Berto Volpentesta: She is responsible for liaison with clients, marketing services, advertising, things like this.

Hon. Jim Karygiannis: Do you have any personal relation to the...?

Mr. Berto Volpentesta: Yes, she's my wife.

Hon. Jim Karygiannis: I see, so it's still at home.

Mr. Berto Volpentesta: Absolutely.

Hon. Jim Karygiannis: So she's still the managing director; she's still the owner.

Mr. Berto Volpentesta: Yes.

Hon. Jim Karygiannis: So the clients who go to your wife's company could end up in front of you.

Mr. Berto Volpentesta: No, I would have to remove myself from those cases, obviously.

Hon. Jim Karygiannis: Are you going to recuse yourself from them?

Mr. Berto Volpentesta: Absolutely.

Hon. Jim Karygiannis: How would you know which clients or cases to recuse yourself from?

Mr. Berto Volpentesta: I'll certainly know of the old cases, because I can have a list of the ones that I—

Hon. Jim Karygiannis: What about the new ones?

Mr. Berto Volpentesta: When I represent people before the board, there is a sheet that says which company is representing the person, so I would see from that.

Hon. Jim Karygiannis: Sir, was it an oversight on your part not to list Cannex on your resumé?

Mr. Berto Volpentesta: It's there. I don't know which resumé you're—

Hon. Jim Karygiannis: The only thing, sir, that I can see is berto@canneximmigration.com. I don't see it anywhere else. It says "2005-Present, Cannex Immigration Specialists, Toronto...Senior Consultant", but it doesn't state anything else. Under "Sidhu & Volpentesta Inc." you have half a page.

From 2005 to the present is almost three years. Is there a particular reason that you left that out?

Mr. Berto Volpentesta: I don't have it in front of me, but if I recall, I think I said that I had the same duties as at Sidhu & Volpentesta, or something like that.

Hon. Jim Karygiannis: My question is for Ms. Krista Daley. Are you the lawyer for the board?

Mrs. Krista Daley: My official title at the board is senior general counsel, but at the moment, and I think this is clear for the record, I am currently the acting director general of operations, but I know a lot of stuff about—

Hon. Jim Karygiannis: All right, if a member of Parliament were elected and we were to go in front of the Ethics Commissioner, both of us would lay out what we have and what connections our spouses have. Is it the same for you folks?

Mrs. Krista Daley: I really don't know exactly what this booklet is from the Ethics Commissioner. The way it works is that a member goes directly to the Ethics Commissioner; they don't go through us.

But on your other point, though, I do think this is not necessarily an abnormal situation where—

Hon. Jim Karygiannis: So you find absolutely nothing wrong that the wife of an individual who sits on the board has a 100% interest in an immigration consulting company? Does it not strike you? Do you not have lights popping up?

Mrs. Krista Daley: What I was just about to say is that this situation where you have spouses or people together in law firms is not uncommon in our organization, because people are hired—

Hon. Jim Karygiannis: But law firms are controlled by one thing; CSIC is not.

We certainly have something that is questionable here, so my question to you, Ms. Daley, is would you come back to this committee and satisfy us that there is going to be no conflict of interest, because from what I hear right now, we are prone to have a big one.

Mrs. Krista Daley: Well, what will happen when Mr. Volpentesta becomes a board member—on day one when he's a board member—is that he will sit down with his manager and they will be talking about this very issue. Now, that is after he's dealt with the Ethics Commissioner and dealt with CSIC, etc.

And the big question there—

• (1655)

Hon. Jim Karygiannis: It's like putting the fox in the chicken coop.

Mrs. Krista Daley: The big question will be the one that you posed: how do we in fact ensure that his wife and that business are not actually appearing before him as a decision-maker? He's already indicated, of course, that he would recuse himself on a case-by-case basis

But I think your question, if I don't misinterpret it, is how do we know this globally? What we have done in other circumstances—I'm not saying we're going to do this in this circumstance, because we're not there yet—is that we actually got undertakings from one spouse to the other that.... For example, the spouse outside the IRB would write a formal letter to their own spouse saying, I undertake not to ask you any questions about the board's business. I will not ask you to interfere or to look through data bases, etc.

Hon. Jim Karygiannis: So no pillow talk, right? No pillow talk.

Mrs. Krista Daley: And the board member does the same in a response.

The members swear an oath of office. They sign a code of conduct to maintain impartiality, and once they are qualified—

Hon. Jim Karygiannis: I have one very short follow-up question.

The Chair: I owed you a minute.

Hon. Jim Karygiannis: Just 30 seconds, just 30 seconds.

The Chair: Okay, a couple of seconds, because I owed them to you from before.

Hon. Jim Karygiannis: Would you consider a request to examine the circumstances of Mr. Volpentesta before he is appointed or actually takes office, and examine all of the questions we raised here today and send a letter back to this committee to satisfy us that indeed there will be no conflict of interest?

Mrs. Krista Daley: No, I don't believe it would be appropriate for me to commit to that today.

I think the steps are being processed right now, today, as they are supposed to be processed. Mr. Volpentesta is dealing with his regulatory body and meeting those professional obligations. He will be dealing with the Ethics Commissioner at that point.

What I can assure you and the committee is that the board takes very seriously the impartiality of its decision-makers, both from the individual's perspective and that of maintaining the integrity of the institution; and I am absolutely satisfied that on the first day when Mr. Volpentesta walks into our organization to hear cases, these matters will have been resolved, because it is very important to us that we maintain the integrity of our—

An hon. member: No disclosure is made that is going to Cannex

The Chair: Time is up.

Mr. Khan.

Mr. Wajid Khan: Thank you.

Ms. Daley, Ms. Setton-LeMar, Mr. Volpentesta, and Mr. Dolin, it is reassuring to see you here, to hear your presentations. I'm sure everybody here realizes, as you realize, that you've been grilled pretty thoroughly, despite your exceptional resumé and your experience. I have no doubt that you will carry out your duties with due diligence. It is a crucial and important responsibility that you have. You'll be determining who stays and who doesn't and how this country is being built. These are such important decisions.

Ms. Daley, how many appointments have been made? Are there any reappointments to make? What is left to be done? In 2006, when

this government took office, about how many of them were ready to expire? Do we have adequate board membership, enough people to take care of the backlog as it develops?

Mrs. Krista Daley: At the moment we have a shortfall in our members. We have a funded complement of 164, and we have approximately 105. So right now we have a shortfall. But since last July, 25 candidates have successfully gone through the new selection advisory process. Those are appointments that have been made. We are continuing to increase the complement to be able to carry out our mandate.

Mr. Wajid Khan: If a candidate writes an exam and fails, can he still be appointed to the IRB?

Mrs. Krista Daley: No, he cannot. At that point they do not get an interview, which would be the next stage. Reference checks aren't done. In essence, that are out of the process once they fail.

Mr. Wajid Khan: That's encouraging and reassuring. I understand that in the previous government about 25% of the people who failed the exam still got appointed. That was shameful, and I hope it does not get repeated.

Mr. Volpentesta, my colleague asked a question and Madam Setton-LeMar answered it. You were going to answer as well, but time ran out. Would you like to comment on how your experience contributed to your current appointment?

Mr. Berto Volpentesta: I think I'm having trouble—

Mr. Wajid Khan: Your past experience, how will that help you on the IRB?

Mr. Berto Volpentesta: I will draw on my experience in the immigration consulting business and in my capacity as executive director of CAPIC. During one of my interviews, I said I was trying to bring order to what was chaos. If you can do that, then you can look at the facts and judge things for what they are. I think this ideology, if you will, satisfies me that if I can follow it I'll have an easier time doing this job.

● (1700)

Mr. Wajid Khan: Do you get any help with refugees from a certain part of the world? How do you get familiarity with that part of the world and the issues with a particular continent or country?

Perhaps Ms. Daley could answer.

Mrs. Krista Daley: As you can imagine, we're trying to deal with people from different cultures and different parts of the world. The IRB has many mechanisms. First, we have an extensive new member training program, which provides for the assessment of evidence. It's not easy to do this type of evidence assessment. We have an extensive, internationally renowned research directorate, which provides objective and impartial evidence on conditions in the countries we deal with. The members have an ongoing professional development program, in which members and research officers who are dealing with cases from a particular country get together to make sure they are fully informed.

One of the challenges we've met very well is the issue of rapidly changing conditions in a country. We all read the paper and see how things happen. We try to make sure our members are fully supported and always up to date on the situations in these countries. It's a challenge, but it's one we have successfully met, one that I expect us to meet in the future. It's the core of what we do.

The Chair: Thank you.

I wanted to thank all members for appearing before our committee today. I hope you found it to be a very enjoyable experience—

Hon. Andrew Telegdi: Mr. Chairman, could I have some clarifications, since we have the people here and they can answer us? I'm going to ask it of Mr. Dolin.

Mr. Dolin, section 64, which was referred to, talks about inadmissibility to Canada and serious criminality.

The Chair: I want this to be very brief.

Hon. Andrew Telegdi: But it is very brief, Mr. Chair.

The Chair: Well, it's not very brief if you keep going, Mr. Telegdi.

Hon. Andrew Telegdi: I could have finished by now, Mr. Chair.

The Chair: We agreed we were cutting this off at five o'clock because we have important business to get around to before voting time, so very briefly, please.

Hon. Andrew Telegdi: That's right. This is an important clarification.

If a permanent resident commits serious criminal offences in Canada—not before they got into Canada, so it's not a question of inadmissibility—before that person can be deported he or she has a right to a hearing in front of you.

Mrs. Krista Daley: I actually wonder. This really is the interpretation of the law, and of course we have a board member...

Now, with all due respect, the statute itself uses the word “inadmissibility”, and once again, the drafting of the Immigration and Refugee Protection Act merged the two words “removal” and “inadmissibility”. So if you look at subsection 64(1), it says, “No appeal may be made to the IAD by a foreign national...permanent resident if [they] have been found inadmissible...”.

“Inadmissible” is the phrase that is used to mean both trying to enter Canada and also being removed from Canada. That's part of what happened at the drafting of IRPA: a merging of those two words into one: inadmissibility on grounds of security, violating human rights, serious criminality, or organized criminality. Serious criminality is defined as being punished in Canada by a term of imprisonment of two years.

The Chair: Mr. Carrier.

[Translation]

Mr. Robert Carrier: Mr. Chairman, earlier I asked Mrs. Daley a question, and she didn't have the answer. I'd like to have it now or to have her provide it to the committee later on. I asked her for the approximate number of bilingual positions among board members.

[English]

Mrs. Krista Daley: My officials here were able to get some information. I'm still not sure it is profound enough to answer your question.

Thirty-one members out of 103 have indicated that their preferred language is French, but that doesn't mean that if a person has preferred English they're also not bilingual. Okay?

So I do have to follow up. There was some information we—

The Chair: Maybe you could follow up, Mr. Carrier, on that.

● (1705)

[Translation]

Mr. Robert Carrier: You could provide the additional information to—

Mrs. Krista Daley: Absolutely.

Mr. Robert Carrier: Thank you.

[English]

The Chair: Thank you.

Thank you for appearing before the committee. As I said, I hope you found it to be an enjoyable experience as much as we enjoyed questioning you. Thank you again.

We're going to go in camera to discuss a couple of things we have to do on the agenda, so we'll just give a moment to people to dismiss themselves.

Pardon me? Okay, you want to do that publicly?

Hon. Jim Karygiannis: Sure.

The Chair: Okay. So we won't go in camera for a moment. We'll go in camera to discuss our motion.

You want to deal with that now?

Hon. Jim Karygiannis: Sure.

The Chair: Mr. Karygiannis, you want to welcome a delegation we have here today.

Hon. Jim Karygiannis: Mr. Chair, I'm seeking the committee's indulgence to address this for a couple of seconds.

There's a delegation that has come from Somaliland. Somaliland is part of the old Somalia. Somalia has gone through trials and tribulations. There was a civil war. The north part, which was a British protectorate, broke away and has been a country for which they've been trying to get international recognition for about 15 years. These folks have a lot of people who immigrated to Canada, and if the members at the end of this want to speak to them individually, they can, or if the committee wishes them to address us, by all means.

We have a member of parliament, Mr. Nasir Hagi Ali, from the Somaliland parliament, Mr. Ahmed Hussein Mohamed, who is the UCID party secretary of foreign affairs, Mr. Ibrahim Rashiid Axmed, Mr. Maxamed Ibrahim Aden, and Mr. Kayse Cali Geeddi. Should the committee want us to invite the individuals to give us a couple of minutes on what's happening in that country and the difficulties the folks face when immigrating from there, because we have absolutely no office there, by all means. If not, they can talk to them individually after this.

The Chair: We can probably give a couple of minutes to one individual from the delegation, if you wish, to say a word to our committee.

Would you like to do that? Maybe one individual from the delegation. This is going to be very informal, because we do have business to conduct.

We welcome you here today.

Hon. Jim Karygiannis: For the record, I'll get you the individuals' names and the spellings.

I do want to thank all members of the committee for allowing this to take place.

The Chair: Welcome.

Hon. Nasir Hagi Ali (Member, Somaliland Parliament, As an Individual): It's a great pleasure for me and my colleagues, the other members of my delegation, to thank you for giving us an opportunity to say a few words.

I would like to request that the chairman, Mr. Norman Doyle, let me ask a question to the honourable MPs who are here with you now.

The Chair: Feel free.

Hon. Nasir Hagi Ali: How many of you know Somaliland?

The Chair: How many of us know about Somalia?

Hon. Nasir Hagi Ali: Somaliland.

The Chair: Oh, Somaliland.

I know of Somalia.

Hon. Nasir Hagi Ali: Please raise your hand, if there is anybody.

• (1710)

The Chair: I'm not sure. I'm familiar with Somalia. I was almost there when I went to Africa a few years ago. I don't know about Somaliland.

Hon. Nasir Hagi Ali: What I would like to say is that unfortunately the honourable MPs, except for Jim, don't know anything about Somaliland. That would be a debate for another day, and I won't say more than that.

I would like to comment on one thing. There are Canadians who originally came from Somaliland. Whenever they go back to Somaliland, either for summer vacation or to visit their relatives, they have a problem in Somaliland. Of course, if anything happens to them, there's no other way, or any other...[Inaudible—Editor]... from Canada in Somaliland. Either they have to travel to Addis Ababa or Nairobi, which is very far. At the same time, whenever

there are Somalilanders who want to come to Canada, they meet with the same problem.

I would like to ask if there is a way for the Canadian government to organize an office in Somaliland, where there is peace and a functional government. That would facilitate Canadians or Somalilanders who need something from the Canadian government. That's my first comment.

My other comment is that when Somaliland officials—and I'm talking about those who are in Parliament, because we have an elected Parliament—or other government officials want to go outside for something that concerns the government, or when the Somaliland citizens need to go outside for trade or other agreements, they cannot go because our passport is not recognized.

The Chair: The passport is what?

Hon. Nasir Hagi Ali: It's not yet recognized.

I would like to ask if there is a way for the Canadian government to facilitate those officials to come to Canada and to give them visas.

The Chair: Do you mean to facilitate a visit for these people to Canada and to give them visas so that they might be able to talk about this particular issue to the Government of Canada?

Hon. Nasir Hagi Ali: Exactly, because our speaker, our chairman of the Somaliland Parliament was trying to come with us to Canada, but the delay in getting his visa did not give him the opportunity to come here.

The Chair: Yes, I see your problem. I wish we had a little bit more time to talk to you about it, but we do have votes at 5:30 p.m., and we have another issue on the agenda we have to deal with.

But your point is well taken. I'm sure the members of the committee would certainly like to consider that and maybe, as a committee, make some representation on your behalf to government.

We do have the Parliamentary Secretary to the Minister of Immigration here today. I'm sure he's taken note of your comments and will make the Minister of Immigration aware of them as well.

I want to thank you for coming, and I want to welcome you, on behalf of our committee, to Canada. I hope your stay here will be a very enjoyable one indeed. Thank you.

Hon. Nasir Hagi Ali: Thank you.

Hon. Jim Karygiannis: Mr. Chair, there's a lunch tomorrow at noon. Some of you have received notice in your office. Should you want to meet the delegation, by all means, it's at the parliamentary restaurant. You're more than welcome to join us.

The Chair: Thank you, Mr. Karygiannis.

Go ahead, Mr. Telegdi.

Hon. Andrew Telegdi: Mr. Chair, I certainly hope you know that we, on the opposition side, are going to make sure there's an adequate number of people on the IRB instead of the shortfall, because we recognize that there are many hearings to be had. Our ability to process the backlog depends on members.

The Chair: Thank you.

Can we go in camera?

Ms. Olivia Chow: Mr. Chair, do you normally entertain motions after the witnesses?

What I heard, that the wife has a company, was quite unbelievable. So I was thinking that perhaps we can ask the Ethics Commissioner to come back in May to see whether there's any problem—rather than just picking on one person—and whether the conflict of interest guidelines need to be tightened up a bit.

The Chair: I don't think we can do that now. We've already gone in camera. We're trying to deal with a motion here.

A voice: We're still public.

Ms. Olivia Chow: I think we're still public.

The Chair: But I don't think we should do that right now.

Ms. Olivia Chow: Okay, we'll do the travel, and we'll come back to that issue.

The Chair: We'll go in camera, please.

[Proceedings continue in camera]

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