



House of Commons  
CANADA

# Standing Committee on Citizenship and Immigration

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CIMM • NUMBER 022 • 2nd SESSION • 39th PARLIAMENT

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EVIDENCE

**Thursday, April 3, 2008**

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**Chair**

**Mr. Norman Doyle**

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Thursday, April 3, 2008

•(0905)

[English]

**The Chair (Mr. Norman Doyle (St. John's East, CPC)):** Good morning, and welcome to our meeting.

As you're aware, we're the Standing Committee on Citizenship and Immigration of the House of Commons. We've been mandated to hold hearings on three very important matters: temporary and undocumented workers, immigration consultants, and Iraqi refugees.

We're going to meet in just about all the provinces. We have 52 panels that will be appearing before us. Already we've met in Vancouver, Edmonton, and Moose Jaw, and here we are now in Winnipeg.

Our committee is made up of representatives from all parties in the House of Commons, and we have a couple of people who can't be here today because they had duties back in the House of Commons.

However, we will be hearing testimony from witnesses all across the country on these matters, and at the end of it all, we will compile a report and make recommendations to the minister and to the House of Commons based on what we're hearing.

I'd like to welcome our witnesses here this morning. We have, from the Manitoba Interfaith Immigration Council, Martin M. Dolin, who is the executive director; and from the Iraqi International Initiative, Hani Al-Ubeady.

The way we work it, of course, is that you have an opportunity to make an opening statement. So I'll leave it to you.

**Mr. Martin Dolin (Executive Director, Manitoba Interfaith Immigration Council (Welcome Place)):** Thank you very much.

I'd like to welcome all the committee members to Winnipeg. You brought some nice weather with you, and we appreciate it.

We want to talk about the situation in Iraq and why we feel that Canada is really not taking its responsibilities. We would hope the committee would look a little more carefully at what is going on in Iraq.

Three momentous events have taken place in the last few days. One is that it's the fifth anniversary of the war in Iraq; two, the American casualties have reached 4,000; three, the Iraqi civilian casualties that can be counted have reached 90,000. These numbers are probably one-tenth of the injuries and morbidity, rather than just deaths, happening in that country.

The interesting thing is, yesterday's *New York Times* reported that the number of civilian casualties in March had gone up 43% from

casualties in February. Basically, the idea that Iraq is becoming a safer place seems to be belied by the facts.

Recently, more than a million Iraqis have crossed the border into Syria, and more than a million have crossed the border into Jordan. The Syrians, it is my understanding, and the Jordanians have now closed the borders. The United Nations High Commissioner for Refugees is having a terrible time trying to screen the refugees in both these places.

Another thing they're finding, from my reports, from people I talk to in UNHCR, is that one in nine people who were being screened in Syria were found to have cancer and various kinds of leukemia, etc., which one could guess—and people in UNHCR are guessing—is attributable to depleted uranium bullets being used in Iraq.

The point I'm trying to make is that Iraq is not a safe place to return to. People in the Iraqi community here are very concerned about their relatives. One of the things that is happening is, because of the lawlessness in the country and the fact that there is no real government in control—the al-Maliki government is not in control, as a matter of fact—that Iraq has declined to a state worse than Yugoslavia was.

When Tito was in Yugoslavia, you had a unified nation, where Serbs, Bosnians, and Croats all lived together and somehow managed. Prior to the U.S. invasion, you had a secular dictatorship of Saddam Hussein, where Shias, Sunnis, Christians, and the few Jews who were left managed to remain in that country and stay together. Since the Saddam dictatorship was overthrown and Saddam was killed, the country has broken into sectarian divisions, where it seems the Sunnis are being supported by the Americans and the al-Maliki government, and the Shia majority is being supported by the Mahdi army and by various other religious fanatics. You have a country in a different—and worse, probably—situation from Yugoslavia's. With Yugoslavia, at least you had some definitive borders. What you have in Iraq is the same kind of sectarian situation, but without any defined borders and without any control.

The people who have gone to Syria and to Jordan are now in a position where the Syrian government, it's my understanding, is telling people they can stay for six months. Then they have to pay to renew; otherwise they go back. They have no place to go back to. You have, basically, the Kurdish north, which is reasonably safe. You then have situations in Baghdad that are an absolute disaster, not only militarily, but because of the criminal element, kidnappings, etc.

One of the things that has also happened, as happens in many of these cases, is that the intelligentsia—the college professors, the professionals—are the ones being targeted by both the sectarian militias and by the criminal elements, with kidnapping, etc., and they are the ones who very often have fled into Jordan and Syria. And the diaspora will continue.

● (0910)

To my understanding, the situation in Canada is that the government has said that Canada has a quota of 700. That is what Canada will take. The Iraqi community in Canada is appalled, and I think any Canadian who has any sense of morality should be appalled, by the minuscule number of 700. There are millions out there.

Canada has a role. Canada can take a role. I think the political decision...because the Americans are trying to convince the world—falsely—that the situation is turning around, that it's getting better, that it's going to be safe for people to return to Iraq. I think the facts belie that. The reality is that Canada should be doing more.

One thing Canada should be doing, very simply, is at least expediting the reuniting of families where there are Iraqi Canadians in this country. Throughout this country, people like Hani should be able to be reunited with their family members. We should expedite brothers and sisters, etc., being able to come to Canada rather than having them go through the private sponsorship program.

I would hope that the committee would recommend to the government the following: one, increase the quota; two, allow the Iraqi Canadian community in Canada to have some say and some input into who gets in; three, increase the resources in Damascus considerably to be able to expedite the movement of people who are now facing incredibly harsh situations in Syria and Jordan; and four, assist the United Nations High Commissioner for Refugees with funds, and possibly even the seconding of staff, to be able to allow them to process the people more quickly, to be able to feed the people who are coming across the border, and also now to be able to look at the internally displaced within Iraq who are being rejected at the borders of Syria and Jordan and are being forced to stay in Iraq, to make it a country where you can have protection from inland displacement.

I would strongly urge the committee to give serious consideration to the situation there. Canada can take a role, and we believe Canada should take a role. It would be the moral thing to do. It would be the right thing to do. Also, the Iraqi Canadians in this country would bless this government and this country if it took a more expeditious role in protecting their relatives.

Thank you very much for allowing me this time. I would be open to any questions.

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

I don't know if you have any statements you want to make, Mr. Al-Ubeady. If not, we'll go to questions. It's up to you. If you have any opening statements, please feel free to make them.

**Mr. Hani Al-Ubeady (Iraq International Initiative, As an Individual):** I would like to thank you for giving us the opportunity to be here and to share with you our frustrations.

As an Iraqi Canadian, I have a personal story to tell you. My cousin, a female lawyer, left Iraq under the threat of the militias and the civil war taking place in Iraq, as you may know. She went to Jordan hoping that she could come to Canada, but she failed. She could stay there just for two days. As you may know, there are no settlement programs as we have here. There was no guidance, no direction on where she could go and to whom she could speak. But that's just a personal story that I'm sharing with you.

We as Iraqis would like the Canadian government to exercise some political pressure on the Iraqi and American governments to take full responsibility for the displaced Iraqi people by allocating some of Iraq's oil revenue to the basic needs of the displaced persons—internally and outside, such as Syria and Jordan—as suggested by the Iraq International Initiative.

As well, we would like the Canadian government to help the host countries with funds and expedite the process of immigration, especially for the individuals who have families here, as Martin stated earlier.

Most of the things I was going to say have been mentioned by Martin. I would love to hear your questions, and hopefully I can answer them.

Thank you.

● (0915)

**The Chair:** Thank you, Mr. Al-Ubeady.

Mr. Telegdi, do you have any questions you want to direct to these gentlemen?

**Hon. Andrew Telegdi (Kitchener—Waterloo, Lib.):** Thank you very much. I really appreciate your being in front of this committee, and of course, welcome.

Mr. Dolin, we have enjoyed very much having your son in front of us as well, as always. I remember the first time we met back here quite a few years ago. There you were presenting and your son was sitting here as our very able researcher. It is always good to see you.

The Iraqi situation is a real disaster. I agree with you. It is worse than the former Yugoslavia, but the cleansing is the same.

I had a staff member for quite a few years, and he left me, as I couldn't pay enough. But when we were going through the crisis and they were hunting for Chemical Ali, they didn't get Chemical Ali, but they wiped out nine members of his family who were in a bunker; these were bunker-buster bombs.

I agree totally with your presentation, and I hope we can underline the urgency in the report we do.

The question I have is this. We have gone through a situation where this committee pushed hard and finally we're getting the leftover Vietnamese refugees, who are coming into the country from the Philippines. They were stuck there. What I am wondering about is to what extent can the Iraqi community be involved in sponsorship, or get other groups to be involved in sponsorship, to be able to increase the numbers to show there is support out there. When we did the Vietnamese boat people, a lot of folks across Canada came in as sponsors. I'm just wondering if you could address that.

**Mr. Hani Al-Ubeady:** We have a sponsorship group here from the Iraqi community. The only thing is that the period of time the process takes generates frustration for the people...and the numbers of people they can sponsor, of course. Yes, they are willing and they are hopeful that this process will take place and be expedited, and they are willing to do it any time the government will allow.

**Mr. Martin Dolin:** By the way, I'd just like to comment that my son enjoyed his five years with the committee too, so I think there is a mutual love relationship here. Even though he is now with the IRB, I think he misses the committee. There are interesting things going on here all the time.

The Manitoba Interfaith Immigration Council is the largest private sponsor in Canada, and we have about 50 constituent groups. We sponsor over 100 people a month. What Hani is saying is that one of the problems is that you need to expedite it. They will have to come through Damascus. It is now taking three to four years. People will not live that long to be able to go through that process. One of the problems has always been that government-sponsored refugees can only be considered if they are referred by the United Nations High Commissioner for Refugees. It has always bothered me that we, and our immigration people, insist on re-interviewing the people who have already been interviewed on the same criteria by the United Nations High Commissioner for Refugees. It slows up the process. It delays, and it strikes me that in most cases it is redundant.

What I would suspect, if the Iraqi community is willing to do this, is expediting it—have the UNHCR dossiers there, do a paper screening, and do the medical and the security check without the necessity for re-interviewing, unless there is something missing in the dossier so there is a need for re-interviewing. It strikes me that this is a very inefficient way of doing things.

There is the other possibility of having designated classes again, as we did with the eastern Europeans, but the key element, as Hani points out, is that the situation is urgent. The situation is dangerous for the people. The host governments in both Syria and Jordan are becoming less and less welcoming. The necessity is for speed, expeditiousness, and for the committee to recommend to the government, to the Minister of Citizenship and Immigration, some expedited way of dealing with the people, particularly those who have relatives here in Canada.

• (0920)

**Hon. Andrew Telegdi:** If I can just touch on that, what is really important is that we have the model if we want to do it, if we make the decision to do it, and if we want to move quickly, we can move very quickly. With the refugee class that I came with, the government moved very quickly. They moved 40,000 Hungarians into the country in less than a year. It was just amazing, and the bulk of them were moved in six months. So if the will is there, then there is a way.

The other thing we have to underline and be very cognizant of is that we really need to help stabilize that region. The refugee problem is really destabilizing the whole Middle East. Everyone has an interest in coming to grips with a peaceful Middle East.

We'll make a recommendation.

I want to thank you very much for appearing before us.

**The Chair:** Thank you.

Mr. St-Cyr.

[*Translation*]

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

The situation in Iraq is indeed a big concern. Some people will come before the committee or will come and see us, like me, the Citizenship and Immigration critic for the Bloc québécois, or other MPs, to plead for their country of origin. They will tell us that in Haiti, in Sri Lanka or in a number of other countries, the situation is extremely troubling.

You want us to fast-track the immigration process for refugees. We have been told that the processing times of applications are extremely frustrating, and I agree. However, this is a general problem. You know very well that Iraqi refugees are not the only ones facing these difficulties. Waiting times are absolutely insane because of the neglect and turpitude of the government.

During our hearings about to Iraqi refugees, some witnesses asked us if there is a special program or preferential treatment for members of the Iraqi community.

What will you answer to those who will tell you that there is absolutely no reason to give any preferential or faster treatment to Iraqi people since that would necessarily be at the expense of other refugees from other countries?

[*English*]

**Mr. Martin Dolin:** Very simply, what I would tell people is that the situation in Iraq is unique. There seems to be a government policy, which is re-articulated in Bill C-50, that the way to control the needs of refugees is to put caps on the numbers rather than increase the ability to deal with refugees, which to me is an outrage.

Canada won the Nansen Medal back in 1976. The Canadian people won the medal for their ability and their willingness to welcome refugees to Canada.

Putting lids on the number of refugees is going back to the “none is too many” scenario of the late 1930s to keep the Jews out, to keep them from coming to Canada to make refugee claims. Once again, it seems to be a “keep them out, and if they get here kick them out” scenario of the department that applies.

The situation in Iraq is somewhat unique. I don't think you can compare Iraq to Haiti or Sri Lanka. There is a war going on, an illegal war that was not sanctioned by Canada or the UN. There are millions of people who have been forced out of their country because of the breakdown of the state. Whatever it was before, there is nothing remaining, and there is a vacuum there.

The reality is that anybody who picks up a newspaper can understand the difference between what's going on in Iraq and what's going on in other places in the world. But also, to the question, “Why should we take these over any others?”, the answer I would give is, “We shouldn't.”

The fact is, when the department stops putting caps on it and the minister starts recognizing that you need to put the resources in there to process people quickly and expeditiously in all the posts around the world.... According to our policies, our laws, our humaneness, putting limits on refugees coming to Canada, putting lids on this, is not the response. The response is to put more resources into being able to do what we, as Canadians, want to do as peacekeepers and humanitarians.

• (0925)

[Translation]

**Mr. Thierry St-Cyr:** There is a very broad consensus that the waiting times are much too long and that the way this government and previous governments have managed the refugees issue has been pathetic. These long waiting times did not appear suddenly over the past two years.

I am playing devil's advocate here because I know very well that the situation in Iraq is extremely difficult. However, you must be aware that all over Canada there are many refugees who all think that their situation is a matter of life and death and is extremely difficult. I want you to know that we all agree that those cases should be dealt with in a much more expeditious manner.

I have another concern. You have referred to many displaced persons in Iraq, and their number is much higher than what Canada could ever accept as refugees. Those people cannot and do not all want to come to Canada.

Does Canada have a role to play in helping displaced people within a country or in neighboring countries? The cost might be the same and it might be much more effective to help the Iraqi people.

[English]

**Mr. Hani Al-Ubeady:** We have an initiative called the Iraqi International Initiative. This initiative is asking the world, and citizens of the world, including governments such as the Canadian government, to support it.

This initiative is to pressure the Iraqi government, the president of the Iraqi government, to allocate some of Iraq's oil revenue and employ it for the basic needs of the Iraqis in the region, in Syria, Jordan, Egypt, and other countries. That will give a reasonable, practical solution. We realize that Canada or other countries cannot take millions of Iraqis who are in the region.

By doing this, it will help the Iraqis to stay where they are, and it will deal with the phenomenon of this big migration or displacement. At the same time, the people will have something to meet their basic needs. Since Iraq is very rich with oil, a rich country—if there is anything left there, because it's being looted on a regular basis—we're hoping that governments like Canada's and others will pressure the Iraqi government and get it to recognize this problem as its problem, because these are its citizens.

• (0930)

**The Chair:** Was it two million you mentioned who have left Iraq?

**Mr. Martin Dolin:** There are over two million: one million have crossed into Syria and over one million have crossed into Jordan. Those numbers were increasing daily. But now that the Syrians and the Jordanians have closed the border and there are six-month

certificates that have to be renewed, they're pushing people back. There is an enormous state of flux. There are at least two million people who would be, by UN definition, considered refugees, which means persecuted, with reasonable fear of persecution, outside their country of origin.

There are probably another two million or two and a half million who've been displaced within Iraq, many of whom have gone to the more stable region in the north. People have gone to Egypt and places like that. The situation is serious and it's not getting better. It is getting worse, if anything.

**The Chair:** I know the UNHCR recommended at one point that we take 500 people. That was back about a year or so ago, was it? Have you tracked any of these people to find out where they are, if we did take them? What's the situation on them? I keep hearing the number 500, but I don't—

**Mr. Martin Dolin:** My understanding is that the target for this year is 700. That is for all of Canada. This is an abysmally low target, considering the needs and the urgency of the situation.

It is my feeling and my opinion that this is political. The fact is, the Americans and the Bush government keep saying the situation is getting better since the surge. By recognizing the fact that they're refugees and increasing the numbers, it would be an embarrassment to the government, because it would be Canada basically telling the Americans that it's really not working, which is the fact on the ground.

I think Canada should be taking an independent stance to say, “Look, we're concerned about the refugees, people who cannot return safely to their homes”, or whatever. Whether they're Shi'ites who come from a Sunni area or Sunnis who come from a Shia area, where they may have been safe before, they're not going to be safe now. The reality is that I think Canada has to step up to the plate and exercise its sovereignty and say, “We make our own decisions in this country, and we are here to help refugees who need help.” That number—500—is ridiculous. It is much too low.

**The Chair:** I would imagine it's difficult for you to put a number on what Canada should be taking—

**Mr. Martin Dolin:** Let me suggest that what Hani is saying is if Canada supported oil for support and supported increasing the amount it gives to UNHCR to provide people with stability, it would allow us to process people on a priority basis, particularly.... They could remain in Syria if they had three square meals a day and a roof over their heads and UN protection. If they had that, then Canada could increase its ability to process, it could prioritize, and it could also do what needs to be done to reunite families over there who have relatives here in Canada.

**The Chair:** That's a terrible situation.

Nina, you have a question. Then I'll go back to Mr. Carrier after you.

**Mrs. Nina Grewal (Fleetwood—Port Kells, CPC):** First, I would like to thank you both for coming here. Thank you for your time and your presentations.

It's a very sad situation wherever these refugees are, whether it's in Iraq or Africa or Vietnam. I know how hard it is for people in a war-torn country. My family and I lived in Africa, in a country called Liberia, so I know what it is all about.

I've got a couple of questions. Are any other countries accepting these Iraqi refugees?

**Mr. Martin Dolin:** My understanding is the British have taken 2,000 Iraqi refugees, as did the Americans, and it was only a bill through Congress that.... They were taking people who worked directly for them, as interpreters or bodyguards, etc.

This is not being prioritized on the need or the danger of refugees. The people who work for the occupying forces are now being considered the ones who have priority, because, to put it mildly, if they go back to the civilian situation in Iraq they're dead meat. They are seen as collaborators with the occupiers.

**Mrs. Nina Grewal:** How many Iraqi refugees have come here to date?

• (0935)

**Mr. Martin Dolin:** I wouldn't know. You could check with CIC on that. Very few. We get all the government-sponsored refugees who arrive here in Manitoba. I think we had about 631 arrive last year. They were mainly from Congo, from Northern Burma, etc. There were very few Iraqis.

In spite of the situation worsening in Iraq, we still don't see the flow. We would see it on the ground if the government were sponsoring. We hope after the committee makes its recommendations to the minister that we will see an increase in the flow from Iraq.

**Mrs. Nina Grewal:** And did all those who came here come on private sponsorships?

**Mr. Martin Dolin:** No. Very few have come here. That's what I'm saying.

**Mrs. Nina Grewal:** Private sponsors have indicated they will sponsor war refugees if they could. The backlog of applications....

**Mr. Martin Dolin:** Manitoba Interfaith is the largest private sponsor in Canada, aside from handling government-sponsored refugees. As Hani pointed out, the Iraqi community is one of our constituent groups. Yes, we would most certainly be able to handle many more.

**Mrs. Nina Grewal:** Thank you.

**The Chair:** Mr. Carrier.

[*Translation*]

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

Welcome before the committee. It is extremely interesting for us to receive this type of information directly from people on the ground.

As MPs and as citizens, we are all interested in what is happening in Iraq. I would like you to come back to the issue of fast-tracking the refugees application process. The United Nations High Commissioner for Refugees, UNHCR, is present on the ground.

Did you say that our department or some departments of other governments are involved in these matters afterwards? Is there a common selection process of refugees? How are they selected? We have been told that 20,000 applications were made in 2007 but that only 4,500 refugees have really been accepted out of this number. We have also heard information on how they are apportioned between various countries.

Does the UNHCR refer refugees to various countries which are then free to accept or refuse them? If a refugee is not accepted by a country, the whole process has to start all over again. It would be much simpler if each country were to set its own acceptance criteria in consultation with UNHCR in order to make sure that the selected country would accept those refugees referred by the United Nations High Commission.

[*English*]

**Mr. Martin Dolin:** It's hard for me to speak for the United Nations High Commissioner for Refugees, but let me explain my understanding of what they have told us about the way they choose. Basically the signatories to the covenant on refugee protection in the United Nations.... Canada is a signatory. There are few receiving countries. They are now getting more. As I mentioned earlier, a refugee, by definition—and there are various little subheadings to this—is a person who has been persecuted in their country of origin, who has reasonable reason to fear being persecuted if they are returned to their country of origin, and who is outside of their country of origin. That is the basic definition.

The UN makes referrals to the refugee-accepting countries based on that definition. The major countries are the United States, Australia, the Scandinavian countries, Canada, etc. Canada, per capita, takes more than its share. One of the things the UN has told me is that it's based on posts. For example, we have only four posts in Africa that deal with refugees. Now, considering the scenario that's going on in Africa compared to the number of posts we have in Europe, it strikes one that there is an anomaly there. Why are there only those four posts that deal with refugees, in Nairobi, Cairo, Accra, and Pretoria, leaving a huge hole in the centre? Nairobi, in particular, is overwhelmed.

The United Nations tells me they will refer to various countries based on what they feel the expeditiousness of doing it will be. So, for example, what I have been told particularly by a UNHCR officer from the Horn of Africa is that they will refer to Australia or Scandinavia first for the most urgent cases. The reason they give is that it takes Canada so long to process. If they need to move people quickly, they need them processed quickly, so they'll go to the Australians, and they'll go to the Americans before they will go to Canada.

This embarrasses me as a Canadian. It should embarrass all of us. There is something wrong with our system if we can't process as quickly as the other receiving countries.

So when you're asking me how the UN determines, I think they determine the urgency of need, and then if it's really urgent they won't go to Canada; they'll go someplace else because our system is not effective.

● (0940)

[Translation]

**Mr. Robert Carrier:** Once the United Nations High Commission for Refugees refers some people to Canada, that triggers a selection process, which you say is much too long. Has it ever happened that Canada has refused some refugees that had been referred by the High Commission and who were then sent back to the High Commission? How does this work?

[English]

**Mr. Martin Dolin:** Yes. UNHCR usually refers refugees who have already been screened by UNHCR. They determine the urgency of need and the need for protection. These are usually people who are in refugee camps being run by the UN. Yes, Canada does refuse them based on interviews, or for a number of reasons, but in most cases UNHCR referrals are accepted. That's my understanding. You could check with CIC to see whether that's the case, but most of them are accepted. As a matter of fact, I think our immigration officers go to the camps and work with UNHCR to determine who comes here as a government-sponsored refugee.

[Translation]

**Mr. Robert Carrier:** You have been very active about the issue of Iraqi refugees. Supposing that peace is eventually restored in Iraq, are the present refugees the cause of the military intervention that is still going on there? Do you believe that the situation will be resolved once the foreign Forces, such as the Americans, have left the country? Or will the problem remain, if one considers that it is an internal problem due to the situation in the country itself and not a problem caused by the military invasion?

[English]

**Mr. Martin Dolin:** The question is...first, you mention a peaceful solution in Iraq. That would be when pigs can fly.

The reality is that, yes, the cause of the problem is the American invasion and the dictatorial regime of Saddam Hussein. What you have now is sectarian warfare in what has basically become a failed state. Can it be blamed entirely on the Americans? I would say the Americans played a significant part in invading Iraq and not exercising control, not developing police, and not keeping the infrastructure intact, etc. But what we're concerned about is the future.

Are there people who are fleeing there who cannot go back and who are going to be stuck in limbo in Syria or Jordan, people who have families here? I think we have a role and an obligation to help protect these people—by stabilizing the situation in the countries they fled to by allowing them to eat properly and have roofs over their heads, in the remote possibility that the situation gets stabilized—and to bring those people who have families here to be reunited with their families. I think we have an obligation to do that.

Who's to blame? I think anybody can make that judgment. Certainly the Americans had a significant role in declaring an illegal war without UN sanction; Canada was smart enough to say that we did not want to be part of it. The coalition of the killing is going on, but that's not the issue. The issue is about the people who have been affected by this, who have fled, and whose lives are in danger. I think we as Canadians have some responsibility to help them.

**The Chair:** The one common complaint we've heard in the 12 or 15 panels that we've heard so far between Vancouver and here is that the system is so slow. It is so slow. I think as a committee we're going to have to really look into it. When we make our recommendations, we need to be able to make some good recommendations as to how we can expedite that whole process—not only make renewed commitments to bring more people in, but to find out what's causing all these delays and why we are so slow in trying to move some of these people in here.

● (0945)

**Mr. Martin Dolin:** I appreciate that the committee is going to do this. I think it's long overdue.

I've been in this business for 18 years, working with the department. In the 1990s, when Barbara McDougall was the minister, things moved more quickly. It was more efficient, and the numbers being processed were higher. The financial cutbacks in the mid-1990s and the number of staff have never been restored.

Another issue, from my perspective, is that I see glitches and inefficiencies in the system. I think you keep asking the people who are responsible for the system, which is the bureaucracy within CIC in Ottawa, to repair something they have created. This doesn't work very well.

I think the committee should be recommending some external audit of the system to get some efficiency experts in to take a look at some of the processes of the department to see whether it can be sped up at an affordable cost—without necessarily changing the system, particularly, but making it more efficient. To ask the people who have created the system to do this I think is spitting into the wind.

**The Chair:** Mr. Telegdi, did you have any additional comments?

**Hon. Andrew Telegdi:** Yes, I do.

On some of the questions you have been asking of the panel and the chair, I think we can do it if we want to. We have done it when we wanted to. We can really take a leadership role in this, and we will do immensely more in helping to stabilize the region than the Americans did in spending billions and billions and billions of dollars in creating the mess there. So we can definitely do it.

Whenever I deal with a conflict like this, it really haunts me. When I was in the former Yugoslavia, in Bosnia and Herzegovina, I saw unbelievable things. You fly in and see Mostar. When you're high up, it looks like a normal place; then you drop down and approach it, and you see that the roofs are gone in many cases. And when you go through the place, you find that the places where the minorities lived—the three groups, the Serbs, the Croatians, and the Muslims—have been ethnically cleansed.

I remember going to an elementary school where there was wood, or uncut lumber, up against the windows. I asked the guide why it was there, whether it was for firewood. He said, no, it was to stop grenades from being thrown in the windows. It really is awful. I can't overstate enough the tragedies that are happening to all of these people, and we can do a whole lot by providing some leadership.

Now, Mr. Dolin, you mentioned that the bureaucracy created the problem doesn't want to fix the problem. I really have concerns, because we will be dealing with Bill C-50, which would have us give more power to the bureaucracy to make the decisions. I know it says it will be done by the minister, but legal guarantees will be replaced by the pleasure of the minister, which really comes down to bureaucratic discretion, because they're the ones who are doing it. We'll be dealing with that bill, but what you said clearly points to a problem.

I said to the members of the committee, because I've been on this committee for 10 years—and I'm not just picking on the ministers of today or the Conservative ministers, as I have said this to all of the ministers—that we really haven't had ministers who have known what is going on. Their dependence on the bureaucracy means that the bureaucracy is actually running the show, and what we need is some political accountability.

So if we want action, we have to send a very strong message as to what the goals are. There has to be the political will and there has to be solidarity on the political side of it, so that we're not playing political games but are working to solve these problems.

• (0950)

**The Chair:** Do you have anything else to say, Nina?

**Mrs. Nina Grewal:** No.

**The Chair:** Thank you so much for coming here today. We really appreciate your submission. Hopefully, when we finish up sometime around the middle of April, or within a month, maybe we will make some good recommendations that will reflect what you're telling us here today.

I can't say it's all original. We've already heard many, many of the things that you've mentioned here today, but it's good to have them reinforced and reiterated. It shows the legitimacy of the complaints.

So stay tuned. Hopefully, we'll be able to make some good recommendations that reflect your concerns.

Thank you.

**Mr. Martin Dolin:** I think Hani and I would both like to thank the committee for coming here to Winnipeg. We appreciate your taking the time to hear us out, and we appreciate your comments and wish you good luck and *bonne chance*.

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

**Mr. Hani Al-Ubeady:** Thank you very much for listening to us.

**The Chair:** Thank you, Hani.

Thank you, Martin.

I don't know if our second group of witnesses is here. I think they are.

Does anyone want to take about five minutes and grab a coffee and give the Manitoba Federation of Labour a chance to come to the table?

Okay.

- \_\_\_\_\_ (Pause) \_\_\_\_\_
- 
- (0955)

**The Chair:** Maybe we can get going again.

I want to welcome our witness today from the Manitoba Federation of Labour, John Doyle—what a fine name.

Speaking as an individual is Kenneth Zaifman, lawyer, Zaifman Immigration Lawyers. Welcome.

From the Canadian Society of Immigration Consultants, we have John Ryan, acting chief executive officer, and Wenda Woodman, manager, complaints and discipline department. You have a hard department there, the complaints department.

From Maple Leaf Foods Inc., we have Rory McAlpine, vice-president, government and industry relations, and Nick Johnson, vice-president, human resources, commercial and business support, Maple Leaf consumer foods.

We also have some people added: Susan Yaeger, senior manager, international recruitment, Maple Leaf consumer foods, and Sandy Trudel, economic development officer, City of Brandon.

Welcome.

I know you have some opening remarks that you want to make.

Do I start with you, John?

**Mr. John Doyle (Researcher, Manitoba Federation of Labour):** Very well.

Good morning. The issue of temporary foreign workers is very high on organized labour's radar right now for a number of reasons, but time limitations being what they are, I'll touch on a few key points and recommendations from the material I've prepared for other purposes. I hope it doesn't sound too choppy in the editing process.

The temporary foreign workers program has been greatly expanded since 2006. Now Canadian employers are able to import workers from other countries when they claim there is a labour shortage in Canada and that they are unable to fill jobs. Which of these cases is based on reality and which are instances of employers creating a low-wage environment that Canadian workers refuse to participate in deserves further exploration.

The changes to the temporary foreign workers program made since 2006 are focused on making the process easier for employers and not necessarily to protect working people. These changes have created lists of occupations that qualify for fast-track permits to import migrant labour. They've created a step-by-step guide in employer-friendly language on how to hire a foreign worker. They've assigned government staff to assist employers seeking to hire foreign workers in cases where a labour market opinion is not required.

The 2007 federal budget provided for an additional \$50.5 million over two years to “reduce processing delays and more effectively respond to regional labour and skill shortages”. Employers are no longer required to advertise for six weeks to attract Canadian workers. Only a seven-day period is required before the employer is able to apply for a temporary foreign worker's import permit. There's a lack of effective compliance, monitoring, and enforcement mechanisms to ensure Canadian employers respect the rights of the guest workers they invite into the country, as well as the rights of any Canadian workers they may displace.

The Harper government is aware of these issues. They've heard repeatedly from human rights groups, the labour movement, immigrant settlement agencies, community-based migrant worker advocates, and faith groups, all of whom have been pointing out flaws in the program, such as: how guest workers are fleeced by unscrupulous labour brokers who charge exorbitant processing fees in exchange for work permits; how workers are misled with false promises about wages and working conditions; how they're exploited, intimidated, and threatened with deportation by some employers unless they accept terms akin to indentured servitude; how they're faced with social isolation and separation from their families and communities; and, additionally, how they're sometimes exposed to racism and discrimination in the communities in which they work.

It's our belief that many of the stories on the plight of foreign workers that have been carried by the nation's news media are just the tip of the iceberg. In many jurisdictions, action by government authorities is complaint-triggered with no third-party interventions allowed.

Many barriers are inherent in this process. We believe many temporary foreign workers are reluctant to complain about their problems for fear they will lose their Canadian employment and be returned to their country of origin. Many are unaware of their legal rights or don't know how to carry their complaint forward. In many cases, lack of proficiency in either of Canada's two official languages is a further barrier, and in far too many cases, their homeland experience discourages standing up for one's rights in the face of employer or government authority.

We urge this committee to recommend a number of steps in its report to the House of Commons to give the temporary foreign worker program a fresh and more effective start. It must be returned to its original pre-2002 purpose and process. The immigration system should be reformed to make permanent immigration more accessible and efficient.

Foreign workers coming to Canada should be afforded the rights of permanent immigrants. Canadian employers should turn to the training of existing Canadian workers, employment of under-represented groups in the labour market, and permanent immigration to solve their labour market problems.

Temporary foreign workers, who have worked the equivalent of two years of employment within a three-year period, should be entitled to apply for permanent immigration status. I believe a similar system is already in place for domestic live-in caregivers.

Temporary foreign worker work permits should not state the employer name. Permits should be issued for a particular occupation and province so temporary foreign workers are not tied to a specific employer, allowing them to switch employers without penalty, if required.

The federal government should explicitly prohibit the charging of fees to skilled temporary foreign workers by brokers or by employers. It should establish a team with the resources to investigate and enforce the prohibitions.

● (1000)

The federal government should set up internal worker advocate offices within both Human Resources Development Canada and Citizenship and Immigration Canada to handle complaints and to assist temporary foreign workers in trouble. This function should include assisting temporary foreign workers in finding jobs with employers with labour market opinions.

Advocate contact information should be provided to all temporary foreign workers when issued work permits. Advocates should be able to maintain confidentiality in the event that workers report that they are working illegally due to broker or employer arrangements.

A comprehensive education module must be developed to ensure that all stakeholders know the rules associated with the temporary foreign worker program, the rights that temporary foreign workers have, the remedies to problems, and how to get action.

Employers should be required to post a bond representing at least one month's wages and return airfare for all workers they hire. If the employer fails to provide a minimal level of employment, the bond would be released to the temporary foreign worker.

Employer obligations regarding housing should be clarified and strengthened. Accommodation standards should be explicit, and employers should be prohibited from earning excessive profits from accommodation of temporary foreign workers.

Employers importing workers into the certified trades should be required to provide proof of efforts to use and train domestic apprentices before being issued an LMO.

Employers seeking temporary foreign workers to fill certified trade occupations should be required as part of their LMO approval process to provide training, education support, and language assistance to temporary foreign workers, and to provide proof that such training is arranged before a worker is issued a work permit. Employers who fail to provide assistance should be barred from future LMOs.

Fines related to this program should be substantial. As well, violating those provisions should result in the violator being barred from future participation.

Of the themes contained in these recommendations, two are paramount: proactive enforcement by the federal and provincial governments, and education, both in the community and for the temporary foreign workers themselves. Having standards is one thing, but they're meaningless unless the workers, employers, and community are aware of them. Having built-in protections is another thing, but they're ineffective when they're complaint triggered and not actively enforced.

Thank you.

• (1005)

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

Mr. Zaifman.

**Mr. Kenneth Zaifman (Lawyer, Zaifman Immigration Lawyers, As an Individual):** Thank you.

I come from the world of immigration law. I started as an immigration lawyer when a poor, hapless client walked into my office 20 years ago needing help to stay in Canada. That led to experience that has now brought us to the point where immigration is on the forefront of many people's agendas.

The temporary foreign worker movement has been around for many years. It is now becoming more important to the economic viability of Canada, and I'll leave it to others to determine whether it is essential or not.

The process itself involves a number of different actors. In terms of the approval of a labour market opinion, we have Service Canada. In terms of the application for a work permit, we have Immigration Canada. In terms of the issuance of the work permit, we have the Canada Border Services Agency. In terms of renewing the work permit, we have the inland operation of Citizenship and Immigration Canada. In terms of compliance, where there is a breakdown in the working relationship or the job offer is not legal or there have been excessive fees, we have a variety of agencies. The Canada Border Services Agency is responsible for enforcement; the RCMP is responsible for criminality; and local provincial agencies are responsible for breaches of the employment standards legislation.

We have a lot of people in the foreign recruitment business, leaving aside lawyers, consultants, and others.

From my experience, if we want to make the temporary foreign worker movement work, we need a single window; we need one repository responsible. I find that if you don't have one person or one agency responsible, then you have in effect no responsibility that can be effectively administered.

At the end of the day, the issue of temporary foreign workers is a function of corporate responsibility. We can legislate all you want, but if there is no corporate responsibility in the foreign worker recruitment process, it will break down.

I notice you have Maple Leaf Foods here. There is a model of foreign recruitment that works in certain countries, where they actively went out, examined, recruited, tested, assisted applicants with their work permit applications, and dealt with integration into the workforce. There is a model that works.

The difficulty I find, and I think what's important for this committee to focus on, is not with those companies who take the responsibility to administer what I consider an effective and responsible temporary foreign worker movement; it's with those people who do not. The people who do not take responsibility really have to be regulated, charged, and taken out of the business entirely.

We have so many different parts to the process, as I said. You have a labour market opinion that sets out a prevailing wage. In some cases, workers are told that's not what they're going to be paid, even though that's what the paper said. We have some places where people apply for work permits and their qualifications are put together to meet the requirements of the labour market opinion. In other cases, once they come here, that job isn't available on the basis that was set out. For example, some people are laid off because of seasonal demand issues and are told they can't apply for unemployment insurance, because if they do, the company will not be eligible to sponsor other foreign workers or renew their work permit.

I think it's very important for us to come to grips with what the various players are. The temporary foreign worker movement does work: we are recruiting foreign workers; they are working. There are instances where there are breakdowns, and where there is a breakdown, that's where the system collapses, because the worker has no particular place to go to get assistance.

• (1010)

We routinely represent workers who are in situations where the employer is not fulfilling his or her responsibility, where the job is not as described, or where the worker isn't qualified to do the job. It's very important for this committee to come to grips with those particular issues.

If I can leave you with one thought on the temporary foreign worker movement, it's this. Temporary foreign workers have been around for many years. They will continue to be a part of the immigration process. In many cases, provincial programs have accepted temporary foreign workers as immigrants, so in some cases, the selection process for immigration to Canada is being offloaded to the provinces. We're bringing in temporary foreign workers. The provinces select them and they allow them to remain in Canada. Many people may argue that we should maybe give the entire skilled worker movement selection process over to the provinces.

The point I'm making is that without some governmental responsibility for who can assist workers when they come here, who is responsible for compliance issues and who can take an employer to task, not simply saying, "You can't recruit again", but to meet their responsibilities? Without that multi-department, multi-jurisdictional federal-provincial mechanism—it's got a little bit of everything—in place, the temporary foreign worker movement will not progress to the level where I think it can to provide the types of workers the Canadian economy needs.

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

Mr. Ryan.

**Mr. John Ryan (Acting Chief Executive Officer, Canadian Society of Immigration Consultants):** Thank you, Mr. Chair. I'd like to thank you and the committee for allowing us to appear before you today.

My name is John Ryan. I am the chair and also the acting CEO of the Canadian Society of Immigration Consultants, which is the national regulator of immigration consultants that has come as a result of recommendations this committee made in 2003 to the minister and as a result of a Supreme Court decision and a number of other things.

I want to limit my remarks today to what we are seeing as a regulator in the foreign worker unit in terms of the actual complaints and problems we're seeing at the regulator level.

I will begin talking today about an initiative taken by the Government of Manitoba in which we're seeing great promise. The Minister of Labour and Immigration has announced a new initiative through which they're going to be changing their act, the Employment Services Act, to better regulate temporary worker recruitment agencies within the province.

We think this model can be followed by other provincial jurisdictions, but we would like to call on the federal government to consider its role on a national level to ensure there is one standard, not a patchwork of standards, for controlling the activities of individuals who appear before the federal government's tribunals and in front of HRSDC and the various agencies involved with temporary workers.

The proposed provincial amendment will require all third-party recruiters to be licensed by the province and to be members in good standing of the law society of the province, or other law societies in Canada, and of the Canadian Society of Immigration Consultants.

We think this is a good thing, because essentially immigration consultants and immigration lawyers deal with foreign nationals who choose individuals to represent them before government for a fee.

We believe that the federal government, unfortunately, is hampered by a number of issues. First of all, the immigration refugee protection regulations stipulate in subsection 13.1(1) that if a person is going to represent someone for a fee—advise, represent, or consult for a fee—they must be a representative of one of three organizations: a provincial or territorial bar, the Canadian Society of Immigration Consultants, or the *Chambre des notaires du Québec*, and they can only advise and represent and consult on applications before the Minister of Citizenship and Immigration, which means there is a problem in that there is absolutely no control on employment agents, human recruiting agents, who are representing people on the LMO process. It's a loophole that needs to be closed.

I share my colleague Mr. Zaifman's concern that there needs to be a coagulation of efforts among government departments to deal with this.

Section 124 is the penalty provision under the IRPA, the general provisions, which is the only provision the Government of Canada can use to enforce unauthorized practice against unscrupulous agents. It's severely limited. It's handicapped. To date, to our knowledge, it has not been enforced. We're concerned about that.

Recommendation 31 of the minister's advisory committee on the regulation of immigration consultants—which is also in keeping with the recommendation of this committee to the minister in its last report on immigration consultants—recommended a specific provision to include a penalty provision within the Immigration and Refugee Protection Act to specifically deal with unauthorized practice.

What we're seeing at the regulator is a problem between CIC and CBSA in determining who is actually charged with the enforcement and what measures they can bring to bear to actually control criminally the acts of unauthorized representatives.

We are seeing increasing numbers of temporary workers being abused. They are vulnerable and unsophisticated. We need to have the government look at its HRSDC process and we need the minister to see what can be done in that regard.

I will turn it over to my colleague Wenda Woodman, our manager for complaints and discipline, who can give you more accurate statistics.

● (1015)

**The Chair:** Go ahead, Ms. Woodman. Then it will be Mr. McAlpine.

**Ms. Wenda Woodman (Manager, Complaints and Discipline Department, Canadian Society of Immigration Consultants):** Good morning.

I'll speak to the issue of temporary foreign workers within the framework of my experience as a manager of the complaints and discipline department. We have engaged with the issue on the basis of allegations against our members for breaches of the rules of professional conduct and also in the context of information that we received concerning individuals who are not society members and who are acting as unregulated labour agents.

I've provided a chart setting out the number of complaints about both members and unregulated labour agents that we've received between 2006 and the present that relate to the issue of the temporary foreign worker.

The society has a strict view on what constitutes employment activity. We are coordinating our efforts with provincial governments to receive and act on complaints from the provincial departments concerning the activities of any of our members who are acting inappropriately or outside their scope as authorized representatives. As a regulator, we act in the public interest, and as such, have implemented errors and omissions insurance and a hearings and discipline process, and we are in the process of establishing a compensation fund.

Our first hearing took place in March 2007 and related to a member who was found to have breached the rules of professional conduct when she failed in her professional obligation to inform 24 Korean truck drivers about the English language requirement related to the job offers that she had obtained. The company withdrew the job offers on the basis that the majority of the truck drivers' language skills were not up to the business standard. The full decision can be found on our website, if you'd like to look at it further, and we're just now going to return to argue penalty.

One of the problems we've identified in the administration of the disciplinary process relating to temporary workers is the potential for deportation of the complainant or witness prior to the conclusion of the matter. Consequently, we respectfully request that the minister enact a provision to allow for a delay in the deportation of temporary skilled workers in circumstances where disciplinary proceedings have commenced and they are required as primary witnesses.

I'm going to turn now to the issue of unregulated labour agents. A number of the complaints that we've received from temporary foreign worker applicants relate to individuals and organizations who are not our members. These rogue agents act contrary to provincial employment regulations and file applications before the minister by circumventing the regulations. The information that we have been provided concerns groups of unskilled workers being guaranteed employment in Canada at enticing wage rates and being guaranteed permanent resident status within a year or two. They're required to pay fees of up to \$20,000 and have also had to pay expenses for travel documents. In some situations, the applicants have had to pay for what have been termed "anti-terrorism documents" and for what were called "United Nations travel documents". The labour agents offer their services online and are located outside Canada.

A membership list is posted on our website. I've received telephone calls from Gambia, e-mails from the Philippines, Morocco, Nigeria, and Pakistan, from individuals trying to locate the person they hired to assist them in achieving this lifetime opportunity. The promises are inviting and appear so legitimate that it's not until they've experienced a problem that they contact the society for assistance. While we do not have jurisdiction to act against the rogue agents, we do ensure that matters are referred to the appropriate authorities for follow-up.

Therefore, we respectfully request that the committee recommend to the minister that the government regulate labour agents on a national basis. While protection is provided on applications before the minister, labour agents have been able to circumvent these provisions.

Thank you.

•(1020)

**The Chair:** Thank you.

I think Mr. McAlpine and Mr. Dell will be presenting on behalf of Maple Leaf Foods.

**Mr. Rory McAlpine (Vice-President, Government and Industry Relations, Maple Leaf Foods Inc.):** Thank you, Mr. Chairman, and thank you to the committee for inviting Maple Leaf Foods to participate this morning.

Maple Leaf Foods, as you may know, is a large—I believe the largest—food processor and exporter in Canada. We have 23,000 employees in the country and globally, and we have leading market shares in a range of products—in pork, poultry, bakery, packaged consumer foods. We were recently named one of Canada's ten most admired corporate cultures.

On the business front, we're facing intense competitive pressures, mostly due to the appreciation of the dollar and the rapid rise of input prices, but we're driving a new business model to improve our

competitiveness and drive out costs and move up the innovation scale for more consumer value creation.

[*Translation*]

Our operations in western Canada, especially in Manitoba, are essential to our future. The primary processing of pork as well as many of our secondary processing operations are based in Brandon. We will create 800 to 900 new jobs in Brandon by the end of 2009.

Like most employers in Western Canada, we are facing a major labor shortage. As a large employer, we also have sophisticated and finely tuned strategies to hire and train our employees.

[*English*]

We employ many aboriginal Canadians in western Canada but we want to do better. We have been actively working to establish a role for a first nations coordinator to improve our relations with the first nations community and to develop a more effective recruitment model.

But foreign workers are key. We need them in our plants across Manitoba, Saskatchewan, and Alberta. They're essential to our operations and to the future of the communities that depend on our plants.

We began using the temporary foreign worker program about three years ago. We now employ 1,373 skilled and unskilled workers in these operations.

On the skilled side, we have about 150 workers, particularly in our hog production operations. Across all these operations, we have workers from the U.K., Philippines, and Germany. We will add another 900 foreign workers before the end of 2008.

On the unskilled side, we have about 1,000 workers at our operation in Brandon. These foreign workers come from El Salvador, China, Ukraine, Colombia, and Mauritius. We will shortly receive a group from Honduras.

The recruitment and settlement of these workers present some enormous challenges. We work very closely in collaboration with three levels of government, particularly the City of Brandon. I'm very pleased that my colleague Sandy Trudel is here from the city. She can answer questions in relation to settlement of the workers in Brandon.

In Brandon virtually all of our foreign workers qualify for the provincial nominee program, thereby achieving permanent residency such that they can bring their family members to join them. We invest in these new Canadians with the hope that they will become our long-term employees and successful new residents of Brandon.

Now, our initial recruitment efforts did face some challenges and problems. We made some mistakes and we learned some things. We made some mistakes in China in terms of our dealings with third-party recruiters—exactly some of the issues that were mentioned here this morning. Some of these recruits were charged fees of which we were unaware. But we are now much better organized. We understand the program much better. We have strong working relationships with third parties, particularly the International Organization for Migration. We also understand the program and the requirements for a strong labour market opinion.

As well, we've become better organized ourselves. My colleague Susan Yaeger is here. She is our manager for international recruitment, and has a team of people to support her in all aspects of this process. We have established excellent relationships with HRSDC, Citizenship and Immigration Canada, Service Canada, Canadian embassies abroad, provincial ministries of labour and immigration, as well as many union leaders and community stakeholders.

Before going to questions, I want to outline what we see as the challenges and opportunities with respect to the program. We've certainly seen some important improvements, particularly allowing the temporary work permit to be extended to two years from one year. Under the program, there's also been a greater acceptance of unskilled workers, who are very much needed by our industry. But we still find an inconsistent approach to the treatment or the acceptability of unskilled workers when we deal with the provinces under their provincial nominee programs.

I will list some areas of improvement, which we can elaborate on later.

First, we would like the LMO requirements to be more clear and consistent across the provinces, across the Service Canada staff who are processing these LMOs. A standard template would help.

The definition of "occupations under pressure" and the availability of the recently announced fast-track, or electronic, LMO process are not consistent across the provinces. In particular, we face the fact that while in Alberta and B.C. there's now a fast-track LMO for most of the job categories we employ, this is still not the case in Saskatchewan or Manitoba. In Saskatchewan, for example, meat cutter is not deemed an occupation under pressure, and yet the labour issues we face there are no different from those in Alberta or Manitoba.

• (1025)

There ought to be pre-published wage rates for different occupations to avoid the judgments that are made rather arbitrarily with respect to adequacy of wages. While we do not employ foreign workers in Quebec, the Quebec government has decided the meat industry simply doesn't pay adequate wages and therefore has denied the meat industry in Quebec any opportunity to participate in the program, even though it pays wages that are among the highest levels in North America for the meat industry. We've had similar challenges with respect to this in Alberta.

An employer should have the ability to move workers between plants to accommodate different requirements in different plants, if the employee is willing to move. The program should not allow one employer with an approved LMO to poach foreign workers from another employer that has incurred all the effort and expense to recruit them. We're starting to see evidence of that.

At the provincial level there should be more consistency and transparency in the definition of minimum language, education, and work experience requirements—again, this varies across the provincial nominee programs. There should be a consistent national policy on third-party recruiters, exactly the point that's been raised here. We welcome the initiative in Manitoba—it's more tightly

regulated—but we're concerned about a patchwork of standards across the country on this that should be harmonized.

Finally, with respect to program administration, again we've seen improvements. We've seen the officials managing the program grow and learn and become more effective. At the same time, there are some significant problems—again, more consistency, transparency, and timeliness in the review and approval processes by Service Canada and HRSDC across the provinces. We need to see clear service standards and performance measures.

For a large, responsible employer like Maple Leaf Foods, we'd like to see an opportunity for concurrent processing of LMOs and work permits. This was announced by Minister Solberg in February 2007, and yet we subsequently learned it is not being applied to unskilled workers for fear there could be exploitation of workers who have to pay for a work visa only to find out their employer has been denied their LMO. We don't think this is at all appropriate in our case. We pay all these fees. There is never a chance that a potential recruit is going to be out of pocket.

After waiting for four months, yesterday we received a letter from HRSDC asking for clarification. The answer points the issue over to CIC. Again, the issue is that nobody's in charge of the file and everybody's denying accountability for an answer. Again, we'll wait to see CIC's answers.

We haven't observed improvement in communications between program managers and the embassies abroad, but this could still be improved. We find there's inconsistent understanding on the part of visa officers as to the parameters of program announcements. Again, there are no consistent service standards and processing.

Finally, we face a major problem in Alberta. The time delay we're facing on LMO approvals has become unacceptable and very difficult for us. We are facing significant plant shortages in labour. We're facing serious questions about the viability of plant operations, and yet the time it's taking to get any answers is far too long. Applications we submitted last November and December have yet to be responded to, and this problem continues to grow.

• (1030)

**The Chair:** Mr. McAlpine, maybe I can just stop you there, because it's quite a lengthy presentation.

**Mr. Rory McAlpine:** I'm finished. Thank you.

**The Chair:** I know your colleague has some comments to make as well, and we have some people itching to get in on this.

Ms. Trudel.

**Ms. Sandy Trudel (Economic Development Officer, City of Brandon, Maple Leaf Foods Inc.):** Thank you.

Good morning.

In my role as economic development officer for the City of Brandon, I've worked closely with Maple Leaf Foods for the past ten years. I am pleased to be able to speak to the collaborative relationship that has developed over time between Maple Leaf Foods, the municipal government, and the community as a whole and how this has benefited Brandon and area.

When Maple Leaf Foods confirmed Brandon would be home to a new state-of-the-art pork processing facility in late 1997, company and city officials promised to work closely to ensure maximum benefit and minimum impact of the new facility. Within two months of Maple Leaf Foods' selecting Brandon, a series of jointly hosted regional town hall meetings were organized and underway.

This early and continued commitment to community engagement has minimized negative impacts often associated with growth and cultural diversification. Community engagement has been achieved through a variety of methods.

Recognizing time limitations, I will only touch on a few ways in which we have maintained open dialogue and involvement with the community. It is critical, though, to understand that none of the items referenced hereafter would be possible without the open and collaborative relationship that exists between the City of Brandon, Maple Leaf, and community participation.

A socio-economic impact model was commissioned to help the community understand and prepare for the impact of Maple Leaf Foods. Regular updates have been completed over the years, and all reports are available online.

The need for labour from outside our region and likely from outside the country was identified very early in the process. A housing supply-and-demand analysis based on Maple Leaf projections is conducted annually and is available online.

The City of Brandon maintains a chronological accounting of the Maple Leaf project online, including important projections related to foreign worker recruitment. In 2006, the City of Brandon and Maple Leaf Foods met personally with well over 40 local organizations to gain an understanding of the impacts created by the arrival of foreign workers to date and to seek input on solutions to mitigate future impacts.

The information gleaned was used to proactively plan for the addition of the second shift and the arrival of additional foreign workers.

In 2007, a committee focused on the proactive planning and coordination of immigrant settlement services was established, of which I am the chairperson. The committee is fortunate to comprise diverse community members, including immigrants who have recently arrived and those who have been in the area for multiple years.

A database of organizations and individuals who wish to receive regular updates on the foreign workers destined for Brandon and the second shift expansion was established by the City of Brandon. This distribution list continues to grow. At a minimum, quarterly updates, including statistics, projections, and educational pieces, are distributed.

Maple Leaf established and dedicated staff to community liaison committees around the topics of transportation, child care, housing, education, health, language, and community settlement. This ensures community engagement at the service delivery level and assists with identifying trends and planning for and resolving situations before they become issues.

Maple Leaf has welcomed community participation and input into their foreign worker orientation sessions, and Maple Leaf has also been kind enough to share their orientation package, so that it can serve as a template for a community-wide orientation package.

The City of Brandon actively participates in service provider meetings throughout the community to ensure regular and timely sharing of information. In this capacity, city staff often act as a neutral communication bridge between Maple Leaf and the community.

Maple Leaf and the City of Brandon are actively participating in a Rural Development Institute research project around the topic of temporary foreign workers. The project is proving to be an extremely valuable stakeholder educational tool.

As Rory mentioned earlier, the settlement of foreign workers and their family members over the past three years has brought challenges and learnings to Maple Leaf, the municipal government, and the community. It has also brought great rewards; thus I would be remiss in not briefly touching on a few of the benefits.

Maple Leaf Pork has been ranked the most important economic development project for Brandon for the past three years in an annual business leader survey.

Maple Leaf has acted as the catalyst for population growth in Brandon. For the first time in years, and bucking the national trend, Brandon's school enrolment numbers increased in 2007.

● (1035)

In a recent statistically representative survey of local residents, 68% of Brandon's residents felt that the increase in immigrants arriving in Brandon in the past few years has made Brandon a more interesting and culturally enriched community, and 22% felt that there had been no impact. I believe this speaks clearly to the efforts that have gone into community engagement on the topic of foreign workers.

The increased number of immigrants arriving in Brandon have finally provided the critical mass to enable Brandon to be funded as a true immigrant settlement centre.

I thank you for the opportunity to share the Brandon perspective and strongly encourage you to develop policy that enables rather than hinders industry's ability to utilize foreign labour. The area has benefited greatly from the enriched cultural fabric, additions to the labour pool through the arrival of family members, increased school enrolment, and of course the resulting economic growth. Brandon and area would suffer irreparable harm should Maple Leaf Foods be unable to source the necessary labour pool, thus jeopardizing the continuation of their Brandon operations.

Thank you.

**The Chair:** Thank you, Ms. Trudel.

I thank all of you for your presentations.

We'll go to Mr. St-Cyr.

[Translation]

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

You will have to use the earphones to hear the interpreters.

[English]

**The Chair:** Right, you all have interpretation.

Go ahead.

[Translation]

**Mr. Thierry St-Cyr:** Thank you all.

While you were listening to the interpreters, and since this will be my last series of questions for this week, I want to take this opportunity to congratulate some people who will not be back with the committee next week.

I want to mention first of all our interpreters, Karine, Cécilia and David, who do tremendous work and who are the voices you hear when I speak. I also want to mention Lynne, Sharron and Nardia who work mostly behind the scenes. All the members of the committee are aware of their fantastic work, and we all know how important it is, but I want everyone to know that the Citizenship and Immigration Committee is much more than the few MPs you see before you. It is also those persons who work very hard and do a superb job for us.

I also want to thank Mr. MacAlpine for having said a few sentences in French. He is the first witness to have done so since the beginning of those hearings. I will probably remember that the next time I have to buy groceries.

Let us now deal with your statements about the situation in Québec because I think it would have been important to mention that there have been numerous layoffs in the meat industry. I must say that I find it very difficult to accept the claims that foreign workers are needed to fill labor shortages when in fact some plants are simply being shut down. The only possible explanation for employers wanting to bring foreign workers in this industry in Québec is that they want to put pressure on salaries, which is absolutely contrary to the spirit of the program. I wanted that to be very clear.

Let us now go to questions.

I have been listening closely to your statement, Mr. Ryan, and you probably know that it is very important for us to hear from an organization representing all the immigration consultants in Canada.

How did you validate the position you have expressed today before the committee to make sure that it really reflects what your members think of your organization in Canada?

• (1040)

[English]

**Mr. John Ryan:** First of all,

[Translation]

thank you very much for your question, Mr. St.-Cyr.

Thank you very much, Mr. Chairman.

[English]

To respond to your question, I think it's important that I explain the mandate of the society to the member.

First of all, the mandate of the Canadian Society of Immigration Consultants is protection of the public, protection of the consumer, first and foremost.

[Translation]

**Mr. Thierry St-Cyr:** I will have to stop you, Mr. Ryan, because my time is extremely limited and I have other questions to ask.

I know your mandate and I have no problem with it. However, when you take a position in public, how do you get that position validated by the members of your organization?

[English]

**Mr. John Ryan:** We have it validated on the basis of the members electing a board of directors, Mr. St-Cyr.

If I may finish, Mr. Chair, that position is endorsed and approved by the board of directors, who are elected. One-third of them are appointed as public interest directors in the public interest.

I hope that answers your question.

[Translation]

**Mr. Thierry St-Cyr:** That is what I wanted to know.

I have another question for you. I understand that you are based in Toronto but you are now testifying in Winnipeg. What brought you to Winnipeg? Do you have an office here?

[English]

**Mr. John Ryan:** Mr. Chair, I don't understand the question. We're a national regulator and we're here to speak on the issue of temporary foreign workers. We will be addressing the issue of immigration consultants in Toronto.

[Translation]

**Mr. Thierry St-Cyr:** So, it is because of the logistics of the committee that everything could not be done in Toronto. The committee will deal with that issue later on.

I would like to take advantage of the fact that we have representatives both of the workers and of the industry. The committee will have to make some recommendations on how to reconcile the protection of workers with the needs of employers. One of the major problems that we have heard about relates to the fact that the temporary visa given to the worker is associated to a specific employer.

Let us say that someone comes to work for Maple Leaf Foods or for another employer. If that employer is unscrupulous, he can have some incredible power on that worker and he can take advantage of him by telling him that, if he's unhappy, he just has to go back to his country. That is a problem.

Some people have suggested that we should allow workers to change employers, like any Canadian can, in order to avoid this type of abuse. On the other hand, some employers have told us that they have had to bear some costs to bring those workers in the country, related to hiring, to airfares, etc.

As a committee, we will have to find a position reconciling the two. For example, if we allowed the worker to move from an employer to another, in the same field of work, the expenses paid by the first employer could be transferred to the new one.

Do you think this could be a satisfactory solution for workers as well as for employers?

• (1045)

[English]

**The Chair:** Anyone who wishes to make a comment should please feel free to do so.

[Translation]

**Mr. Thierry St-Cyr:** Mr. MacAlpine.

[English]

**Mr. Rory McAlpine:** Certainly I think the issue I mentioned about poaching is a concern when we have incurred expenses. The suggestion you're making is something that perhaps would alleviate that. I think, though, it's important to say that the rights of the foreign worker are in all fundamental respects no different from the rights of a domestic worker. All the aspects of those protections beyond the wage apply. As I mentioned, they have the ability to move. They are not bound to one employer. They can switch to another employer who has an open LMO, and that's why we have a concern.

Realistically, how does that happen? That maybe is something that an individual worker may not be aware of, or their ability to move from one employer they're not comfortable with to another is an issue. I think it's important to know. To us it's about engagement with our union, engagement with the community, proper orientation, and education of the workers so they understand and they successfully integrate. That's the approach that we take.

**The Chair:** You would pay so much, would you not, to bring the worker in. So how would that stand with your company? You paid to bring them in and what have you, and now to have them moved to a new location, new job, would be unfair to you, would it not?

**Mr. Rory McAlpine:** Absolutely. That's our argument. If there's a proposal here that there be some mechanism where the costs—

**The Chair:** Some compensation.

**Mr. Rory McAlpine:** Yes, some compensation, well...

I don't know if my colleagues can mention any particular examples or issues here.

[Translation]

**Mr. Thierry St-Cyr:** I would like to hear Mr. Doyle about this.

[English]

**Mr. John Doyle:** It has been our fundamental position from the outset of the question that the program needs to be rethought; it needs to be restructured. The current system we don't believe is functional and indeed creates more issues than it addresses in the narrow context of a single employer. To meet those needs, the program has created much broader and more serious issues elsewhere.

Now, failing that, we also put forward other recommendations. A lot of the dialogue I have heard this morning points to the need for temporary foreign worker advocates to educate both the temporary

foreign workers and the communities they live in as to what their rights are, what the processes are, who they should go to when there is a problem, and how do they get action. That's the role we think an advocate could and should play in this context.

Last year the Alberta Federation of Labour took its own initiative and created a worker advocate office, and I believe it is still in operation. I saw a six-month report, ending in December 2007, with incredible contents. In that short period of time, more than 100 cases had to be taken on for immediate action, even though it was basically a one-person office with some part-time administrative support. To us, that says there's a tremendous need out there and that the reports we see in the news media, almost on a weekly basis, are just the tip of the iceberg.

There are many instances that are well covered and noted in the Canadian news media about how workers are being exploited, about how temporary foreign workers are being lied to by unscrupulous individuals. To us, that points out that the current structure is inadequate and that we need effective and very carefully thought out regulations to bring some order to this sector.

• (1050)

**The Chair:** I'm going to go to Mr. Telegdi.

**Hon. Andrew Telegdi:** Can you tell me your total number of employees in Brandon, and how many are not foreign workers?

**Ms. Susan Yaeger (As an Individual):** Our total employee count right now is 1,900 people.

**Hon. Andrew Telegdi:** You have 1,900, and I'll bet you have 1,150—

**Ms. Susan Yaeger:** No, we have approximately 1,000 who are foreign workers. Some of those have now become permanent residents.

**Hon. Andrew Telegdi:** There's a good side and a bad side to these things.

How many employees do you have in Kitchener?

**Mr. Nick Johnson (Vice-President, Human Resources, Commercial and Business Support, Maple Leaf Consumer Foods, Maple Leaf Foods Inc.):** The plant in Kitchener would currently have approximately 600 hourly workers. Including the corporate functions based there, the total head count working out of the Courtland Avenue facility would be in the neighbourhood of 850.

**Hon. Andrew Telegdi:** When you bought Schneiders at its height, how many workers did they have?

**Mr. Nick Johnson:** There's been no change to the head count of the operating population in that Kitchener facility in the time that Maple Leaf has owned it.

**Hon. Andrew Telegdi:** I know there used to be a lot more people. I know of quite a few people who ended up losing their jobs in the industry.

What is the wage paid in Brandon and what's the wage paid in Kitchener?

**Mr. Nick Johnson:** The average wage in Brandon would be about \$17 an hour. That would be inclusive.

**Hon. Andrew Telegdi:** Are you talking about the hourly workers, or are you talking about everybody?

**Mr. Nick Johnson:** Yes, it would be the hourly workers.

And Kitchener is a difficult situation, because they have a two-tiered wage structure based on the age of the plant. But their wages would be, I believe, within a dollar of that, give or take.

**Hon. Andrew Telegdi:** What is this two-stage wage structure? Do you want to tell me about that?

**Mr. Nick Johnson:** In 2002, prior to being owned by Maple Leaf, Schneiders negotiated a collective agreement with their employee association, and rather than reduce any wages of any of their current employees at that time, they introduced a second tier of wages for any new hires that would join the company after that date. So as retirements have increased and a younger population has come into the plant, it has come in at the lower wage rate.

**Hon. Andrew Telegdi:** Do you want to tell me what the two rates are?

**Mr. Nick Johnson:** I couldn't speak to that off the top of my head. I'm sorry; I don't know.

**Hon. Andrew Telegdi:** Maybe you can send it to the committee?

**Mr. Nick Johnson:** Certainly.

**Hon. Andrew Telegdi:** We would much appreciate it.

How many temporary foreign workers do you have in Schneiders back in Kitchener?

**Mr. Nick Johnson:** None.

**Hon. Andrew Telegdi:** None.

I guess one of the concerns I have and the discomfort I have with temporary foreign workers is that there used to be a time when you could come here as a landed immigrant because you wanted to work, and we let you in, and you worked. What I'm worried about is having foreign workers undercutting other operations in the country—we've certainly seen that in the meat industry, where the competition has increased tremendously—and, I guess, the nature of the control one has.

The question I have is, how would the panel feel if we allowed immigrants with skills that the economy actually needs to get into the country? It seems to me that would solve a lot of problems, because there would be no process of checking up to make sure that these people aren't exploited, and they wouldn't have the problem of indeture, or what have you.

Let's just say you had an immigration system that would allow the kind of worker you want into the country. Wouldn't that be preferable to having temporary foreign workers?

Can we start with Mr. Doyle and go right across?

•(1055)

**Mr. John Doyle:** In our view, the issue is a two-part issue. There are those isolated individual circumstances where you need skilled labour very quickly for a short period of time, and that's the kind of thing this program should be addressing. But in the context of training and skilling our population, this has to operate within a context that's much broader. We need to promote the use of skilled

trades, the apprenticeship and training process, amongst workers who already live here, amongst our young people.

**Hon. Andrew Telegdi:** Mr. Doyle, you're going to use up my time. How am I going to get everybody to answer?

My question is, if we can get an immigrant in to do lower-skilled labour, or with a kind of skill that immigration doesn't allow to come in under the present point system, would it be preferable to allow permanent immigration at that level, which we used to allow? We let in bricklayers, labourers, what have you—people who wanted to work in this country; we allowed them in. Would that be preferable, instead of going to temporaries?

I want a really quick yes or no, right across the board.

**Mr. Kenneth Zaifman:** For a lawyer, I can give you a maybe answer, in the sense that we have a selection system that recruits immigrants for which there are no jobs.

**Hon. Andrew Telegdi:** No, but—

**Mr. Kenneth Zaifman:** The simple answer, if we had a selection system that addressed the reality of the labour market that we find ourselves in, then the need for temporary foreign workers would diminish. If they could be processed in a timely way and meet the selection criteria, then it would be preferable for them to come as permanent residents, and they would filter through to the various industries as immigrants have always done.

**Hon. Andrew Telegdi:** Let me just cut you off there. I need a response

**Mr. Kenneth Zaifman:** I'm done.

**Hon. Andrew Telegdi:** Mr. Ryan?

**Mr. John Ryan:** It would be inappropriate for us, as the regulator, to comment on a question of policy.

**Hon. Andrew Telegdi:** Well, you get to do consulting too, but okay.

**Mr. Rory McAlpine:** I think you know our answer would be yes.

**Hon. Andrew Telegdi:** Yes, okay.

**Ms. Sandy Trudel:** My answer is yes, provided it was done in a timely fashion.

**Hon. Andrew Telegdi:** All right. Thank you very much. That's what I wanted to know.

Now, John, I go back to you. I take it you said yes as well?

**Mr. John Ryan:** I said maybe.

**Hon. Andrew Telegdi:** The point I want to make, and I have been making this point time and time again, is we have created an immigration act whereby the bureaucrats pulled a fast one on the minister and the committee members saw what was happening. If you care to go back into the debates, we said this was not going to work, but they put it through, because unfortunately the minister was about as knowledgeable about the issue as most ministers are in citizenship and immigration, which isn't very.

The bureaucrats run the department. Because they eliminated the ability of a lot of a people to get in that the economy needs, they created a whole underground undocumented workers class because that's the only way employers could hire them. If you got rid of the undocumented workers—I think there would be 200,000 to 500,000 in the country, those are the estimates—we probably would be in a much bigger mess than we are now and we'd probably quickly go into a recession in Ontario.

What I'm trying to get at is the response of the bureaucrats in regularizing the undocumented worker is that we can't allow people to get in here by cheating. The demand for workers drove the workers underground. It's the demand, and we have to confront that mindset.

Unfortunately, whenever you get ministers to the point where they start understanding things, as we did with the last one, Joe Volpe, we had legislation that was going to come forward that was going to regularize these people.... If you contribute and if you don't get into trouble and if you're of good character, we'll give you a permit for a number of years, at which point you can apply for permanent residence.

I want to thank you for that.

That's the problem. We have to have political oversight on what's happening in the department. It has a very bad mindset, not a very good record.

**The Chair:** Good, thank you, Andrew.

Nina, do you have anything you want to add or a question you want to ask? Okay, go ahead.

**Mrs. Nina Grewal:** First, I would like to thank all of you for coming here, for your time, and for your presentations.

All of us know there is a shortage of workers in almost every industry, whether it is construction, whether it's meat processing or trucking. I have a very simple and very short question for each one of you: what improvements would you recommend to the current temporary worker program? Could each of you answer that?

• (1100)

**Mr. John Doyle:** I think I've addressed it a few times.

**Mr. Kenneth Zaifman:** It's a very short question, and there's also a very long answer, but I'll give you the short answer. In essence, the temporary foreign worker movement is designed to select individuals who intend to come to Canada for a temporary purpose and who meet certain defined criteria that are set out by a separate department in a labour market opinion. The issue of how the process should go forward is whether one agency should be responsible for the labour market opinion approvals, for determining the prevailing wage, and for assessing the qualifications of the applicants when they're issued the work permit—and that might be an improvement.

We have diverse agencies involved. In some cases, we may even be prepared to off-load that responsibility in its entirety to responsible corporations, in the sense that if they're responsible for the selection, for the hiring, for the recruitment, for the process, it might then address the abuses on the fringe of the program. Because immigrants who come to Canada are no different from Canadians:

they will gravitate to responsible employers if they can meet the requirements, and many of them can.

**Mrs. Nina Grewal:** Would anyone else like to answer?

**Mr. John Ryan:** What we're observing is the laws are playing catch-up with what's happening in the marketplace. Certainly, from the foreign worker movement and the abuses we're seeing—and they're being reported to the society—many of the provincial governments are dealing with outdated legislation and they're having a hard time controlling some of the abuses to the workers.

Similarly, at the federal level—and I echo the concerns of Mr. Zaifman—there doesn't seem to be any coagulating force in terms of how you deal with unscrupulous agents, offshore agents who are taking advantage of unsophisticated individuals who are vulnerable to whatever they're dictating. I think the federal government at least needs to take the lead in this in terms of establishing a national policy on how they're going to regulate or how they're going to deal with unscrupulous agents in the human resource realm.

**The Chair:** I think it was you, John, who mentioned “rogue agents” who are filing as immigration consultants. How prevalent is the problem?

**Mr. John Ryan:** We referred to it as complaints from our members and basically non-jurisdictional complaints that we've received from the community.

Pick up any ethnic newspaper in Canada and you will see advertisements of people who are advertising their services for employment services right now. Let's face it, our immigration system now brings in temporary workers faster than any other type of immigration to Canada in the selective system. Therefore, rogue agents are taking advantage of this because money changes hands quickly.

**The Chair:** Does Saskatchewan regulate?

**Mr. John Ryan:** Most provinces have provincial legislation on employment agents. What is missing is a federal counterpart. There's nothing at the federal level to deal with this.

**The Chair:** So you're a self-regulating body, really.

**Mr. John Ryan:** Well, a self-regulating body of human resource agents.... I'm not sure what the government will decide on that, but there's definitely a need to regulate in this area.

**The Chair:** Yes, we heard a lot, as a matter of fact, as we went, about the immigration consultant end of it.

You don't have AGMs and that kind of thing. Is that true?

**Mr. John Ryan:** I'm sorry, are you talking about CSIC?

**The Chair:** Yes.

• (1105)

**Mr. John Ryan:** Absolutely, we've had AGMs. The most recent situation—

**The Chair:** Really? We heard in Moose Jaw and we heard—where else?—in Edmonton that there's never been an AGM, that there's never any communication with the members, and that in terms of training they send out a video and charge \$800.

**Mr. John Ryan:** The issues I want to speak to today are the agents. I'd be more than happy to entertain issues about immigration consultants and our governance model in our appearance in Toronto. I don't want to take away from the fellow panellists who have legitimate concerns.

**The Chair:** We'll talk about these issues in Toronto when we get CSIC there. I'm sure they'll set us straight on a few issues—I hope.

**Mrs. Nina Grewal:** Would you like to answer my question?

**Mr. Rory McAlpine:** Yes, quickly.

First, absolutely, the need to rationalize and sort out the mandates of multiples agencies is critical to the whole process. But for us, if there were a single thing.... Our submission lists several things we would recommend on program design and administration, but at this point, the single biggest issue and frustration we have is processing times in Alberta. There's a huge backlog. We have plants in Lethbridge and two in Edmonton.

I think what's important to understand is that it's not just a question of the workers or whether we have them or not; there's a whole series of spin-offs or of negative consequences that result from the labour shortage when you can't fill those jobs. Productivity in the plant suffers. The other workers suffer, because they're working extra overtime, they're stressed, they're trying to maintain a plant environment where they simply don't have the help they need. Product quality suffers. Animal welfare suffers—because we're dealing with live animals, you need the people to properly manage the system. Farmers suffer, because now the plant isn't operating to take their animals in a sequence that we would normally want. And the community suffers.

So it's more than just us as an individual employer.

**The Chair:** I'm going to have to cut it off there, unless someone wants to make a final comment, because we've gone overtime. I still have Mr. Zaifman, who is going to make a presentation—on the immigration consultants, is it?

**Ms. Sandy Trudel:** If I may just take a moment, I will leave this comment to Rory. He's certainly well versed. I want to share a perspective, going back to the first question that was asked. I missed on the response time coming in, with regard to allowing temporary foreign workers to move between businesses.

The one caution I want to leave you, when you're evaluating that potential, is from a community perspective. When you're looking at how to transfer the fees associated with a foreign worker coming in, be mindful of the significant investment that is put into a successful program like Maple Leaf's, which will not show up in fees. As a community, without that successful a program we suffer, and the workers coming in suffer.

All I do is caution, please do not look at it on a straight fee basis, because the investment in infrastructure that Maple Leaf has made in Brandon is significant, and that is why we are so successful.

**The Chair:** Thank you. That's a very good point.

I want to thank you for coming today. Stay tuned. We'll have some good recommendations that I'm sure you'll agree with. Thank you.

I guess, Mr. Zaifman, you'll be staying at the table, will you?

We'll just take a break for a couple of minutes.

- \_\_\_\_\_ (Pause) \_\_\_\_\_
- \_\_\_\_\_
- (1115)

**The Chair:** We are back again.

I want to welcome you again, Mr. Zaifman. For the record, you are an immigration lawyer. You have a brief to present to us today on immigration consultants.

**Mr. Kenneth Zaifman:** That's correct.

**The Chair:** You can proceed; we can give you until around 12 o'clock.

**Mr. Kenneth Zaifman:** I think that's more than enough time.

I've been an immigration lawyer for over twenty years, and it has never been as bad as it is today in the area of immigration consultants.

Let me define what I mean by immigration consultants. We have licensed immigration consultants who are licensed by the Canadian Society of Immigration Consultants, but they not the primary focus of my comments.

The primary focus of my comments are those consultants who are unlicensed and unregulated. They primarily operate in a variety of ethnic communities and are the ones committing the most serious and flagrant abuses.

It is epidemic. It is not getting better. I think that if anything comes out of these hearings, it is the recognition that it is a problem that must be addressed.

To understand how someone who is not licensed can become an immigration consultant, one merely has to look at any local ethnic newspaper. People are advertising services they are not qualified to provide, and that's in Canada. Outside of Canada the problem is even more endemic, because there is really no effective policing mechanism.

I want to say a few words about the Canadian Society of Immigration Consultants. I'll leave it to them in their hearings to explain to you what their role is, but clearly their role, as they've said in their earlier presentation, is not to deal with unlicensed consultants. That's not within their jurisdiction; they can't deal with this group of people.

Even with licensed consultants they do not have the authority—as, for example, a law society does—to come in and shut a member down. If a lawyer is committing breaches of the code of professional conduct or if complaints are made against that lawyer, the law societies—and this is, I think, in any jurisdiction—can step in and can immediately revoke that lawyer's licence. In fact, they've done it on several occasions in Manitoba, and at least on one occasion with an immigration lawyer.

As far as I understand it, CSIC does not have that power. They have a regulatory power and they have a complaint mechanism. Either they have to be given the tools to do it or that tool must reside someplace else.

**The Chair:** Excuse me. I don't mean to interrupt you, but how come you can't shut down these unscrupulous rogue agents?

**Mr. Kenneth Zaifman:** They're not regulated by CSIC, the regulatory body that is responsible. If they don't come within their jurisdiction, then you have to have the tools under the Immigration Act.

• (1120)

**The Chair:** You're saying that CSIC needs more teeth.

**Mr. Kenneth Zaifman:** Either CSIC needs more teeth or the immigration establishment—which includes Citizenship and Immigration Canada and the Canada Border Service Agency—needs more.

**The Chair:** Could we look at an actual set of regulations that CSIC operates under? Is there a set of regulations or a book that I can pick up to see the regulations that CSIC operates under? If there is, shouldn't that be enough to shut down these rogues?

**Mr. Kenneth Zaifman:** I don't want to speak for CSIC, but when the minister's advisory committee recommended the establishment of a regulatory body outside of Citizenship and Immigration Canada, a number of recommendations were made. The minister of the day did not accept all those recommendations. My understanding is that there were enhanced enforcement provisions in the report, but they were not given to CSIC; they were retained by the then Citizenship and Immigration.

Being a realist, I realize that sometimes getting through regulations, changing acts of Parliament, or enhancing powers takes time. In my world, I think, the tools are there; it is a question of how those tools are enforced.

CBSA enforces the provisions related to the immigration act. There is language in the immigration act and in the regulations that gives them tools to go in and take certain enforcement remedies. The RCMP has tools under the immigration act, and others. The Canada Revenue Agency has tools.

We have a lot of tools. We have a lot of different departments that have a piece of this pie, but we don't have a joint—

• (1125)

**The Chair:** I interrupted you. You go on with your—

**Mr. Kenneth Zaifman:** But it's a very good point. It's a point that I think is worth making. I appreciate the interruption, because at the end of the day, this committee will make a recommendation. You will hear a litany of horror stories about consultants and probably a few lawyers. But the purpose is not to be anecdotal about how bad it is; the purpose of my presentation is to ask what the solution is—

**The Chair:** That's what we're looking for.

**Mr. Kenneth Zaifman:** —within the framework we have today.

I see this as a real issue of political will. There's a recognition that a problem exists. If I had my way, I would form a joint task force of CBSA, CIC, RCMP, Service Canada, and CRA on the federal side. Look at all the tools they have. They have the powers to investigate, but they're all doing it separately.

In most cases, rogue immigration consultants don't hand out receipts for money they get from their clients; they don't want a record. But there is a mechanism in place to find out how money is

being transferred from within Canada outside of Canada. CBSA has the enforcement tools, the RCMP has powers that are open to it under the Criminal Code, or local enforcement agencies....

When you look at what we call rogue agents or unlicensed consultants, more times than not they are probably violating one or more acts of Parliament and a few others that we probably haven't heard of.

**The Chair:** The rogue agents are really giving everyone a bad name: the John Ryans of the world and all the rest of them who—

**Mr. Kenneth Zaifman:** When CSIC started licensing consultants, those consultants who couldn't get licensed became foreign recruiters. They migrated from a regulated area to an unregulated area. Now some of the provincial governments are trying to deal with that.

I'm not here to address everything, but I'd like to tell you a brief story that perhaps makes the point. Maybe it's a typical story.

We were retained by a client who came to Canada on a work permit. He was promised a job for a certain period of time, was promised a certain salary, was promised that his family could join him. Of course, none of that happened.

What made it worse is that when the consultant tried to take him to the border to correct the problem that he had created, the immigration authorities detained him and threatened to deport him from Canada. It is only with the cooperation of CBSA, CIC, Service Canada, and the provincial nominee program that the individual is now a permanent resident and was able to have his family join him.

The tragedy of this particular case is that while this was going on, his wife, in their home country, contracted cancer and was literally dying. He could not leave the country. Finally, we were able to get, with the cooperation of the immigration authorities, the necessary authorization for him to go back and at least spend a month with his wife and then bring his children to Canada. This was a real, visceral injustice.

What could we do against this rogue agent? The only thing we could do was sue him in court for the fees he charged. We were successful, but now he has appealed that.

So this self-help remedy is very arbitrary, because it just doesn't work. How do you correct that?

These people are known. It's not as though they're hiding; they're known. Immigration authorities know who they are, provincial regulators know who they are, Service Canada knows who they are. It's a question of putting some....

• (1130)

**The Chair:** So there's no mechanism, really, to shut them down.

**Mr. Kenneth Zaifman:** The way you shut them down is you take clear, directed action. In my view, at the end of the day you don't have to worry about whether you're going to get a conviction; the question is, what steps and tools do we have in place now?

I think if those tools were used, coordinated, integrated, and made a priority.... We've made human trafficking a priority. This is just another form of human trafficking. It is perhaps less egregious compared to some of the situations you have heard about in which women are put at risk, but it's still a form of human trafficking, and we have to expand our mindset to address those issues.

I think the tools are there. Are they the best tools? Maybe not, but used in a coordinated way and targeted at individuals, they're tools that would send a message. The message should be clear and unambiguous. If that message is sent, I think it will be delivered and will filter through the various ethnic communities. There the situation is the most problematic.

**The Chair:** How big is the membership?

**Mr. Kenneth Zaifman:** If I had to guess, I would say there are more rogue consultants practising in this area than there are licensed consultants and immigration lawyers combined.

**The Chair:** Really? That's a big problem.

**Mr. Kenneth Zaifman:** You're talking about the world, right? You're talking about the world.

I don't want John Ryan to tell me I'm exaggerating, but it's just the nature of the traffic you see, of the inquiries and complaints you get. You probably get them in your own constituency offices. It's not as if members of Parliament work in isolation; they have clients. They hear these stories on a day-to-day basis, and I think the time to act is now.

I am firmly convinced that with the correct message.... I don't want to venture into the world of politics, but this is an issue common to all political parties. Every minister of immigration, whether Conservative or Liberal, has always recognized that this is an issue. They haven't always been able to give it the attention it deserves, but look at the committee reports over the years; the committee, regardless of its membership, has been fairly attuned to this issue, and it goes back many years. It's not as if we operate in isolation; we operate in the real world, and in the real world, people have these issues come up.

I think it's very important that the licensed participants, whether lawyers or consultants, be held to a perhaps higher standard, and that the regulatory tools be expanded to allow them to do what they need to do. CSIC has a daunting task. It's a national regulator. We can't even get the securities commissions to agree on a national regulator, but they're a national regulator. They have to have the ability to deal with members across the country. Law societies can't do that.

**The Chair:** How many licensed consultants are out there?

**Mr. Kenneth Zaifman:** You know what? I can't recall. For some reason the number of 700 to 800 comes to mind. I know when they started, there were more—

**The Chair:** John says yes, there are more.

**Mr. Kenneth Zaifman:** There could be more. I'm not so concerned about the regulated consultants, because I think the committee will certainly hear more about that and about how well they're regulated. My issue is that the tools to deal with those regulated consultants are perhaps offside on criminality issues and other issues, and those who are not regulated operate in isolation of any regulation.

As I say, my point in making this presentation is that the self-help remedy for applicants to go after these consultants is not an effective mechanism, so there has to be another mechanism, sponsored and funded by government, to deal with this. I think it's very important for this committee to focus on that issue, because it has recurred repeatedly over the years.

• (1135)

**The Chair:** I know. I want to give you a bit of information that we have here. Currently the CSIC website shows 1,200 registered consultants, 69 of whom are based abroad; 683 have had their membership revoked in the past, many for not meeting membership criteria. The number of people acting as immigration consultants in Canada before 2004 was estimated to be 6,000, and that number does not include people working abroad and on the Internet. Accordingly, it seems fair to assume that a large number of people working as immigration consultants, both in Canada and abroad, are not registered with CSIC.

Andrew, do you have an intervention you wanted to make here?

**Hon. Andrew Telegdi:** Yes.

With consultants overseas, there are outright shysters who we have absolutely no control over who never set foot in Canada. I've looked at advertisements in Florida: "We can get you into Canada". There's no bloody way, but they collect the money, and it's a scam.

But it seems to me the more complicated we make the rules, the more we're making an opportunity for consultants or fraudsters or whoever to victimize some people.

Bill C-50 is going to create an interesting kind of situation, because we're going to give more power to the bureaucracy, if you will, and it has its own problems, as we have found out over the years. Never mind consultants who might be ripping off the system or the people; it's going to be people working as locally engaged staff, who sometimes are civil servants, who will be a problem.

It seems to me the more complicated the rules and the harder it is to get into the country, the more people will be taken advantage of. So the more we can simplify it, I think, the better off we are.

**Mr. Kenneth Zaifman:** Far be it from me as an immigration lawyer to say that the rules should be simpler. But I think the answer is not necessarily how complicated it is; it's how applications are processed and the transparency associated with those applications. This new system, which came in under IRPA, was designed to take out the discretion in the system. It was essentially a fill-in-the-blanks system in which you put in the number, and at the end of the day, if you passed—if you got more than this number of points—you were in, and with less you were not. That clearly has not worked.

**Hon. Andrew Telegdi:** Well, it didn't work because we couldn't get a bricklayer in when a bricklayer was needed; we couldn't get our labourers in when what the economy needed was some labourers. I come from the high-tech capital, I will say, of Canada, the home of Research in Motion. Every time you get somebody in there who's making a six-figure income plus, you make a lot of demands on the economy for service, for housing. We need those folks in the economy as well.

What we essentially have done is shut those people out, and we have created a real problem.

**Mr. Kenneth Zaifman:** We have a very diverse set of goals that the immigration act is attempting to achieve, and it may not be possible to achieve everything that it wants to achieve.

I agree that at some point someone's going to have to step back and see if we are meeting the objectives of the immigration policy that are in the preamble to the immigration act. If you read the preamble, it's intended to maintain Canada's multicultural makeup and to meet the demands of Canadian society.

I agree that we could simplify it; if we simplify it, would that solve the problem? I work with many ethnic groups, primarily in Manitoba, and I've always taken the position that there's a responsibility on the communities themselves. The communities and community leaders know who are operating properly in their community and who are not. In other words, there has to be a mechanism for them to come to the table. Government can only do so much. Regulators can only do so much. The responsibility to deal with this issue has to be shared, and those communities that are mature and have access and availability to help for recent immigrants or people like temporary foreign workers can solve some of these problems.

But I think your point is well taken. If we change the immigration act and make the requirements a little more transparent, would that eliminate consultants? Well, I don't know whether it would. My hunch is that it wouldn't, but at least if the system were less complicated and processed in a faster way, it might eliminate some of those operators who...You have to remember that an unscrupulous immigration consultant likes delay, because he takes his money today and he knows there won't be an answer for two to three years. Delay benefits him, because he's not worried about what happens at the end; he's worried about the short term.

• (1140)

**Hon. Andrew Telegdi:** The other thing we could possibly do is assign more points for what is needed in particular, such as bricklayers in the construction industry, and tie in the employer. That could be done, I think, fairly quickly. If they want to hire and fast-track this person, they're going to have responsibility in case there's any cost associated with that. Eventually we can land that person.

**Mr. Kenneth Zaifman:** I believe in corporate responsibility, just as I believe in community responsibility. There's a model, for example, in Manitoba under the provincial nominee program. Several communities had agreements under which they were responsible for selection. They brought in the immigrants, they were responsible to help them find employment, and they were responsible for providing schooling. It seemed to work; they've integrated.

There are a lot of these models out there. It's essentially the willingness to put all these different pieces into one place where we can assess their effectiveness.

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

**The Chair:** Nina, do you have anything?

**Mrs. Nina Grewal:** Does the organization keep statistics on reported abuses by immigration consultants?

**Mr. Kenneth Zaifman:** As a lawyer, we don't keep statistics. Clients and people from the community come to us and tell us that some people have come in, and they're having problems. Their applications are being refused. Anecdotally, we know; it's the same people, perhaps a small group, who commit the same mistakes, because they never say no. They say yes to everybody, and our immigration system, unfortunately, doesn't allow everyone to come. Basically it's anecdotal.

There is no mechanism right now to deal with those people, unless the Canada Border Services Agency takes on the initiative. They need to have the staff and the mechanism to go after these individuals.

**Mrs. Nina Grewal:** What new or further consequences could or should be imposed on unscrupulous immigration consultants?

**Mr. Kenneth Zaifman:** Most people who operate in this area do it mainly for economic reasons. In other words, they're doing it because that's how they make their money. And that's why I think the coordinator approach has to involve Canadian Revenue Agency. The best way to deal with individuals who are operating in this area is to bring in the various government agencies that are responsible.

As I say, in my experience, most of them don't give you receipts, say, for immigration services; they mostly deal in cash; they mostly don't report their income. How would you deal with it? How do you shut them down? An audit from CRA, a visit from the CBSA subpoenaing their computers and their files goes a long way to sending a message to them that there is a new focus. That's how you deal...

There's a presumption of innocence; I'm not saying they're all doing things improperly. But until you actually go after them and investigate them, you'll never know.

• (1145)

**Mrs. Nina Grewal:** What steps, if any, should be taken to encourage the victims to report these offences?

**Mr. Kenneth Zaifman:** The victims first have to be assured that the consequence of their coming to the federal agency is not going to be their imminent removal from Canada. That's a very important and effective tool that unscrupulous agents use, saying "If you complain, you will be removed."

And I have to say that in my experience with the local authorities, at least in Manitoba they have been very good. They assess the problem and in many cases have been part of the solution of the problem.

**The Chair:** Surely CSIC must be aware and have some kind of inventory of these people who are the unscrupulous types. If I went to a website, shouldn't I be able to come up with a group of these people whom CSIC have placed on a website to say that these are the unscrupulous ones who are operating out there? Is it fair to say that they should be doing that, trying to force these people out of business that way?

**Mr. Kenneth Zaifman:** Is it fair for them to have a list of individuals who are not licensed members and who are providing immigration services, without commenting on whether they're unscrupulous or not? I don't see—

**The Chair:** Yes, it's more in the realm of what immigration or CBSA should be doing, that kind of—

**Mr. Kenneth Zaifman:** Well, I think everyone has to do their part. I think lawyers have an obligation, when we find these kinds of agents, to do what we need to do to report them to the regulators. If CSIC has that obligation, then I think they should do it.

You have to shed the light of day on the operations of these people, because the sun, when it shines on their activities, will in effect put them out of business.

**The Chair:** Yes.

**Mr. Kenneth Zaifman:** You have to shine that light and you have to point it.

**The Chair:** That's right, yes. We shouldn't be looking to you to do it, or anything, but there should be—

**Mr. Kenneth Zaifman:** Well, everyone has to do their part, but you have the tools. You have the resources and the legal power. What we have is the power of persuasion, the power of dealing with anecdotal evidence, and dealing with various ethnic groups. But at some point in time, the government and members of Parliament have to use the tools they have been given.

**The Chair:** Yes.

I'm glad we put it on the agenda. I didn't expect to get so much activity on it. I figured that temporary foreign workers would be the big subject—which it is—but we're getting a fair amount of activity on this one, even over in Moose Jaw and Edmonton and in Vancouver. We've heard it as we go.

I think we have a lot of fodder to make some good recommendations on it.

**Mr. Kenneth Zaifman:** As I say, I haven't had a chance to read this report.

**The Chair:** I gave you a research paper that we've been doing.

**Mr. Kenneth Zaifman:** I understand. My experience is that these are very good, and I usually learn something new from them every time I read them.

**The Chair:** Yes.

**Mr. Kenneth Zaifman:** But I think, really, all the reports in the world are not going to replace the political will to do it.

**The Chair:** Yes, you're right.

**Mr. Kenneth Zaifman:** That is really what it boils down to, in my view.

**The Chair:** Do you have anything else, Nina? You don't have anything, okay.

Thank you, Kenneth. We appreciate it.

**Mr. Kenneth Zaifman:** I appreciate the opportunity, and I thank you for inviting me.

**The Chair:** We're going to have further discussions on it. And actually over in Toronto it's going to raise its head again, I'm sure.

**Mr. Kenneth Zaifman:** I'm sure you'll have a lineup in Toronto.

**The Chair:** We'll hear the two sides.

Thank you. I appreciate it very much.

**Mr. Kenneth Zaifman:** Thank you again for inviting me. It's good to see you again.

**The Chair:** Thank you.

With that, this meeting is adjourned.

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

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