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# Standing Committee on Citizenship and Immigration

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EVIDENCE

**Thursday, April 10, 2008**

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**Chair**

**Mr. Norman Doyle**

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• (1300)

[Translation]

**The Vice-Chair (Mr. Thierry St-Cyr (Jeanne-Le Ber, BQ)):** Welcome, everyone. As you no doubt know, you are appearing before the House of Commons Standing Committee on Citizenship and Immigration.

I must tell you immediately that, if you need interpretation, you may use the device provided for that purpose, channel 6 in French or channel 5 in English. Furthermore, since all your remarks are being interpreted in the other language, I would ask you not to speak too quickly during your presentations and answers to enable the interpreters to do their job properly.

Every organization has seven minutes to make its initial presentation. I warn you: seven minutes is very short, and you will realize that quickly. To help you, I'll raise a finger to indicate that you have one minute left, which will enable you to conclude, and then we'll go on to the period of questions and answers by members.

Among our guests this afternoon, we have, from Amnesty International, Mesdames Béatrice Vaugrante and Claudette Cardinal. You'll be free to determine how you want to divide your seven minutes. Appearing as an individual, we have Mr. Alain Vallières, lawyer. Lastly, we welcome, from the Ligue des droits et libertés, Ms. Louise Boivin, coordinator of the Committee on the Rights of Immigrants and Refugees of the Ligue des droits et libertés, and Nicole Filion, coordinator. You will decide how you want to share your time.

We may begin with Ms. Vaugrante or Ms. Cardinal. You have seven minutes.

**Ms. Béatrice Vaugrante (Director, Section canadienne francophone, Amnesty International):** Thank you to the committee for this opportunity to share what we have to say on this subject. I'm going to speak and present our file.

The rights of temporary migrant workers in a number of employment categories are not respected, whether those rights are related to employment or to their immigrant status. We are thinking in particular of family caregivers and seasonal agricultural workers taking part in temporary employment programs. Deficiencies exist and leave room for violations of economic and social rights, as well as abuses of workers' physical and mental integrity. But these violations are also related to the phenomenon of trafficking, particularly trafficking in women. Canada also has obligations in countering that.

I would like to talk briefly about trafficking in women in general and go back particularly to the problems facing live-in caregivers and agricultural workers, so that you can then understand what Amnesty International recommends.

The Palermo Protocol is in addition to the UN Convention Against Transnational Organized Crime, the aim of which is to punish trafficking. It very clearly defines trafficking, and Canada ratified it in 2002.

A person who is the object of trafficking remains under the control of a trafficker, who exploits that individual's work or services, whether or not that individual has crossed the border legally or illegally.

Consent is not a key factor in recognizing trafficking in women, since women suffer various levels of coercion and deceit and may initially consent to migrate, thinking they are improving their living conditions. The phenomenon is unfortunately very hard to quantify because clandestinity prevails. We don't have enough research on terms, which, in addition, are poorly defined.

One are the factors favouring trafficking? A lucrative market, silence and impunity, and more restrictive immigration policies, especially for unskilled workers, who are mainly women.

Amnesty International encourages Citizenship and Immigration Canada to pursue reforms that defend victims' rights. Among other things, since 2006, conditions have improved. However, policies to address protocol obligations remain to be improved, especially in order to react to the sexual and economic exploitation of women.

In federal programs, women victims of trafficking fall into a number of employment categories, including domestic work in particular. This category includes individuals, mostly women, who arrive in Canada on a tourist or diplomatic visa or under the permanent live-in caregiver program.

Some of these programs put temporary workers in such a vulnerable situation that it makes them easily exploitable: visas are renewed depending on the employer's good will, there is an obligation to live in the employer's home, and so on. This lack of protection merely encourages those who exploit them.

We conducted a campaign on live-in caregivers in 2006, in partnership with the Association des aides familiales du Québec. The special federal program for individuals wanting to migrate as live-in caregivers attracts many women here. It must be kept in mind that this program requires migrants to live in the home of the employer whose name appears on the work permit. After 24 months of work, the migrant woman is authorized to request permanent residence, if she meets all the requirements. The work permit granted naming the employer differs from the standard permit in that it does not grant the holder the same rights.

In practice, although the program enables migrant women to come to Canada to work legally, its provisions do not prevent abuses by unscrupulous employers who exploit these women.

In a 2003 publication by Status of Women Canada, researchers noted that the contractual relationship existing between a live-in caregiver and her employer is really unequal. They describe the invisibility and lack of recognition of domestic work. They also note that immigration law is a shared responsibility between the federal and provincial governments because working conditions are a provincial jurisdiction. Thus there are incongruities that lead to abuses. Workers must live in the homes of their employers, but the provincial legislation does not distinguish hours worked from hours of availability, during the night, for example. The federal government cannot intervene in cases of abuse because contractual obligations are a provincial jurisdiction.

As soon as they arrive, the women are vulnerable to being at the mercy of certain employers seeking labour that is cheap, docile and excluded from labour laws. Some keep domestic workers in a state of terror by threatening them with deportation and confiscate their identity papers. They are isolated, sometimes confined and work long hours. That was the case of Ms. Marie-Violette Vilsaint, who testified at our press conference in October 2006.

You should also know that it isn't easy for them to call institutions or police departments for help because, sometimes, where they come from, those are not always institutions they can trust.

• (1305)

The second program we would like to talk about concerns seasonal agricultural workers. We've very recently become interested in the issue of migrant workers. We haven't done any thorough research; we are beginning our work. We are asking questions and starting to gather information from networks in the field, but we haven't done any thorough research to date.

Agricultural and seasonal workers, whether they be Mexican or Guatemalteco, are recruited and selected by their respective governments. The employment contract is entered into between the worker and the employer, and the latter determines the working conditions.

Although the selection criteria state that foreign workers must be at least 18 years of age, in practice, it appears that those selected must be married or in a marital relationship with children. Upon arriving in Canada or Quebec, workers have the required documents in their possession, but sometimes they're stolen from them or are withheld, which is utterly illegal. They do not have the right to join a union, which is illegal and shows that the new labour laws and

current labour standards aren't all adapted to the new labour market situation.

Amnesty International recommends that Canada sign the International Convention on the Protection of the Rights of All Migrant Workers and their Families. We also want Canada to ask the Government of Quebec to ensure that the Commission des normes du travail accepts the complaints of women with illegal status, a situation that is beyond their control because their documents have been taken from them.

A number of program criteria reforms have been granted to migrant workers. The right to change employers and the right to choose their residence should be granted. Mechanisms for monitoring and overseeing recruitment agencies and the employers of live-in caregivers and agricultural workers should be better developed. Authorities representing workers should be allowed to take part in discussions on determining labour standards for these migrant workers. Pending the right to unionize, a structure should be created with which complaints can be filed, and, lastly, research should be done so that we know what we're talking about.

**The Vice-Chair (Mr. Thierry St-Cyr):** Thank you very much, Ms. Vaugrante.

Mr. Vallières.

**Mr. Alain Vallières (Lawyer, As an Individual):** Allow me to introduce myself briefly because, obviously, I believe I'm a little less well known than Amnesty International.

You already have the brief that I sent to the committee and that has been distributed to you. I am a lawyer working in the immigration and refugee field. It is in that capacity that I have come to tell you about my experience.

My presentation will concern the opposite aspect of individuals who have access to a temporary work permit, that is individuals who find themselves on our soil, who live with us, who regularly work with us and who, in my experience, are denied the opportunity to live here and to eventually obtain a temporary work permit. I'm talking about refugee status claimants.

More than 80% of my practice is in this field. Many people come to Canada seeking refuge, as their lives are in danger in their home countries. Many of these people are refused, rejected. However, that does not necessarily mean they are not in danger in their country. In many cases, that stems from the fact that they were unable to convince a decision-maker that their lives were in danger in their country, which may be completely different.

For example, one person may not have obtained the necessary evidence on paper to convince the decision-maker. Simply consider the death certificate, which is hard to obtain in many countries. So that person is refused. These people will live here for many years, exhausting all recourse available to them to have their situation verified.

As mentioned in the brief I sent to this committee, I have a client who has been in Canada since December 2002, nearly six years of residence. That individual is so well integrated that she is now working for Flextherm, a small global leader, a high-level business that exports heated flooring. This business has a serious personnel shortage and attends all the necessary fairs to overcome that shortage. I also represent the Winners company, which is facing the same problem in some of its stores.

This person has been trained in the more than two years she has been working with that business. Only two employees in the business have the same level of knowledge as my client and can perform all the duties. No other person can do that, except one other employee. Unfortunately, she must leave Canada shortly since she has not obtained refugee status. The employer, wanting to retain this employee at all cost, asked me whether it would be possible to get a residence permit for her.

The normal immigration process takes more than two years. The employer can't wait that long. So I proposed that we try to get a temporary work permit that would enable this person to stay in Canada, so that we can eventually regularize our situation while she works and go through the normal immigration procedure, with the full support of the business. She has her life, her family and her job here.

However, in this kind of case, when I submitted her file to Service Canada, I was told that refusal was virtually automatic. Not only do we find ourselves in a situation where the person has to leave, but the process that would be offered to other persons outside Canada is denied her. Why? Based on the information I was given, she's being denied the opportunity to request a temporary work permit because there are doubts that she would leave at the end of the process. So there isn't a temporary aspect that should normally lead to the permit being granted. Even if I explain why I'm proceeding in that way, I'm told no. Nevertheless, refusal is automatic with Quebec authorities.

We find ourselves in quite an extraordinary situation. A person whose qualifications and integration in Canada have been extensively demonstrated, since the contractor wants to keep her, will have no other choice but to eventually leave Quebec, Canada, where she has lived now for nearly six years, without any hope of being able to return and work.

• (1310)

We'll have to use the normal process. In the circumstances, to the extent that many provinces in Canada complain of personnel shortages, is it acceptable to exclude these individuals? These complaints come from the west and from Quebec now, since, as I said, Winners has told me about its fears.

This makes me think somewhat of a punishment or penalty process. They seem to be telling them that, since they claimed refugee status in Canada and were denied it, they are now being denied the opportunity to obtain a temporary work permit. Is that normal when people criticize the reality of labour shortages?

In that sense, it seems to me that, from an entirely economic point of view, without there being any ensuing costs for Canada or for anyone, we could, if only on compassionate grounds, enable these people to stay in Canada on this basis and eventually to complete the

procedure that would enable them to stay where they have built their lives for many years.

Thank you.

• (1315)

**The Vice-Chair (Mr. Thierry St-Cyr):** Thank you, Mr. Vallières.

Now it's the turn of Ms. Boivin and Ms. Filion.

Mesdames, you have the floor for seven minutes.

**Ms. Nicole Filion (Coordinator, Ligue des droits et libertés):** I, Nicole Filion, will be making the presentation for the Ligue des droits et libertés.

The Ligue des droits et libertés is an independent, non-partisan, non-profit organization whose aim is to make known, to defend and promote the universality, indivisibility and interdependence of the rights recognized in the International Bill of Human Rights. The league is also a member of the Fédération internationale des ligues des droits de l'homme.

In these hearings, we will speak more specifically on the question of undocumented workers and temporary foreign workers. We understand that the purpose of the study that the Standing Committee on Citizenship and Immigration intends to prepare following these hearings is to understand the factors involved and to suggest possible policy actions.

The league feels that, to get a clear understanding of the factors involved, we must first of all consider the present causes of migrations, which are often related to situations involving human rights violations. As the Global Commission on International Migration states:

[...] the impact of globalization has been uneven, and growing disparities are to be found in the standard of living and level of human security available to people in different parts of the world. An important result of these rising differentials has been an increase in the scale and scope of international migration.

When you consider the question of undocumented workers and temporary foreign workers, you must bear in mind that many of the world's migrants have fled their home countries as a result of the conflicts, misery and prosecution they suffered there. These unlivable situations are the result of the inequalities between north and south, of the support provided by western governments to regimes that do not respect human rights, the control of transnational corporations over governments and economies, and armed conflicts often supported, if not conducted, by the major powers.

Furthermore, when it comes to suggesting courses of action in the policy area, it is the principle of equality with dignity and rights that must form the foundation of the practices of governments in this area, which therefore compels respect for all the rights protected by the International Bill of Human Rights. This principle of equality requires that the states, including Canada, respect the economic, social, cultural, civil and political rights of all persons, whatever their status, including migrants, immigrants and refugees.

This principle was moreover recognized by the Parliamentary Assembly of the Council of Europe in 2006, which emphasized that migrants in irregular situations, to the extent they were often in situations of vulnerability, particularly need their rights to be protected, specifically their civil, political, economic and social rights. If there's one principle that, in our view, should be adopted by your committee as a recommendation to be made in your study, it is that one.

Let us first examine the issue of undocumented workers. According to various assessments, there are between 200,000 and 500,000 individuals in irregular situations in Canada. Canada's immigration policy is increasingly restrictive and has serious consequences for immigrants and refugees. It has resulted in a growing number of individuals living in irregular situations. These persons find themselves in situations where the lack of recognition of their rights and of access to recourse mechanisms is part of their everyday lives.

We would note some deficiencies in the immigration policy: the lack, to date, of a right of appeal for refugee claimants and the evaluation of claims by a single board member; the maintaining of a large number of individuals under moratorium in a legal void; and the narrowness of criteria for granting permanent residence on compassionate grounds.

These deficiencies, and many others, require a thorough reform of our Canadian immigration policy. For the moment, in view of the fact that many undocumented workers have fallen victim to the system's deficiencies and that it is impossible to review the selection processes that were conducted a long time ago, the Ligue requests a temporary moratorium on deportations and the introduction of a program for the regularization of undocumented individuals living in Canada at the time the program is put in place.

• (1320)

Regularization must grant permanent status to persons without status, and the regularization program must have no impact on regular acceptances.

Pending the regularization process, to ensure that the rights of the persons concerned are respected, the Ligue believes access must be provided, in particular, to health services, social services and education.

In view of the time allotted to us, we will now address the issue of temporary foreign workers.

We would mention, first of all, the negative impact of the temporary foreign worker program on the rights of those who are admitted in what are considered unskilled job categories.

Ms. Vaigrante spoke extensively about the conditions of individuals in two categories: domestic workers and agricultural workers.

And now to our recommendations in this area: that all persons selected in a "worker" category, regardless of their recognized qualifications, should obtain permanent residence upon arrival in Canada; that they not be compelled to live at the their employers' homes; that measures be put in place for the government inspection of housing conditions in employers' homes; that work permits not be

linked to a single employer, but rather to a specific sector of activity and that this restriction be limited in time; having regard to federal and provincial fields of jurisdiction, that a government mechanism be established to oversee respect for foreign workers' rights, both when they are recruited and when they are employed in Canada, and that that include a recourse mechanism.

As Ms. Vaigrante mentioned, we are asking that Canada join the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families.

**The Vice-Chair (Mr. Thierry St-Cyr):** Thank you very much. We'll now go to questions.

Ms. Folco, you have six minutes.

**Ms. Raymonde Folco (Laval—Les Îles, Lib.):** Thank you, Mr. Chairman.

Welcome, ladies and gentleman.

This morning, we met with individuals representing the Union des producteurs agricoles. I asked a question about employee unionization. I was told that the union itself did not take sides, either for or against it, but that it left it up to employers to decide with employees what they would do.

I don't have any experience with the union itself, but my experience with employers in this field in the past number of years has shown me that most employers—I won't give any figures—don't want their employees to unionize. In some cases, they have even sent employees back to their home countries, key employees who were going to unionize the group.

It was also explained to us that the union and the union group dealing with temporary agricultural workers did everything they could to inform employees of their rights and so on. When I asked whether disciplinary measures were taken to restore order or to penalize those employers, I didn't find the answer I received very satisfactory.

I would like Amnesty International or the Ligue des droits et libertés to give me a different answer from the one I received this morning.

• (1325)

**Ms. Béatrice Vaigrante:** Briefly, we met on a number of occasions with CATTÀ, an organization that tried, among other things, to contact seasonal agricultural workers. The CATTÀ people told us a lot of seemingly extraordinary stories about trying to meet workers who, for the most part, didn't speak French and needed a go-between who spoke Spanish. It's very hard to gain access to these workers to talk to them about their conditions and rights.

With regard to the right to form a union, we see that the Quebec Labour Code is not up to date. Section 21 states that, in order to have a right to form a union, there must be a minimum of three employees ordinarily and continually employed. During the year, of course, these individuals leave. There will never be a minimum of three on the premises during the year. Let's wake up: there are new conditions of work, temporary work and economic migratory flows. Let's adapt our legislation and make it so that, when voluntary requests don't work—indeed, we're not surprised—the law adjusts and sets obligations.

**Ms. Raymonde Folco:** Do I have any time left, Mr. Chairman?

**Ms. Louise Boivin (Coordinator, Committee on the Rights of Immigrants and Refugees, Ligue des droits et libertés):** That's why permanent residence is fundamentally important.

**The Vice-Chair (Mr. Thierry St-Cyr):** Do you want Mr. Vallières...?

**Ms. Raymonde Folco:** No, I'd like to ask a second question.

Pardon me, Mr. Vallières, but I'll have the opportunity to talk to you later. As you know, time is so...

With regard to domestic workers, I worked with the Association des aides familiales du Québec and the Organisation des femmes philippines du Québec a number of years ago. At the time, I thought working conditions for those individuals had been improved, because we had seen some absolutely incredible situations in homes that were not far from slavery.

The question I want to ask you—without going back to those conditions, because I'm very much aware of the time we have left—is this: in view of the fact that all this is under provincial jurisdiction, what can the federal government do to help these women? Indeed, they are virtually always women.

**Ms. Louise Boivin:** We recommend the adoption of the International Convention on the Protection of the Rights of All Migrant Workers, because that would immediately enable us to improve the human rights situation. In addition, the live-in caregiver program sets conditions, and it is the federal government that sets those conditions that place women in situations of vulnerability. There are permits naming a single employer, as a result of which the worker is virtually powerless in the relationship. The obligation to live in the employer's home is also a major problem which increases vulnerability and makes the power imbalance enormous, which violates the basis of labour law and human rights. There is also the fact that the person does not have access to permanent residence. That person lives in a power relationship, once again, that results in a power imbalance that leaves her vulnerable.

**The Vice-Chair (Mr. Thierry St-Cyr):** Thank you very much for your cooperation.

Mr. Carrier, you have six minutes.

**Mr. Robert Carrier (Alfred-Pellan, BQ):** Thank you. We are definitely always pressed for time.

We did a tour of the western provinces before coming here. The situation of temporary workers as it was described to us was quite dramatic, and, as I mentioned, it didn't seem to me to be as dramatic in Quebec. The explanation I was given was that the rate of union membership in Quebec was much higher than in the other provinces. That explained why there were generally fewer cases of abuse and exploitation. You're showing us that there can nevertheless be some. You're talking about an improvement that could be made to the Quebec Labour Code in order to promote unionization. I think that's a good idea.

Ms. Vaigrante and Ms. Filion, you recommended that Canada sign the International Convention on the Protection of the Rights of All Migrant Workers. In what way could that signing reassure you as to workers' rights? You know that Canada signed the Kyoto

Protocol, and we don't concern ourselves very much with that. Can that produce better results?

• (1330)

**Ms. Béatrice Vaigrante:** Briefly, it's unfortunately true that the international convention agreement doesn't automatically give individuals who are victims access to rights: there is a long way to go, but it's a first very important message. This convention has been signed by no so-called developed country. So this would give Canada the leadership to send a message about the extent of migratory flows and the importance of regulating them.

Second, it would give us authority and legal power to say that we can and must reform federal and provincial statutes following signing and ratification by Canada. For the moment, we can't avail ourselves of that convention. So we can't approach the UN or Canada to change the laws.

**Mr. Robert Carrier:** The comments I have heard thus far make me think that we should significantly amend our Immigration and Refugee Protection Act so that it corrects these problems. The government has a major job ahead of it.

I'm going to talk about the live-in caregiver program. You said that these people are vulnerable, since they are hired by a family and may find themselves at its mercy. You criticize the situation, but what would you recommend? Should we abolish this kind of program? Can we simply supervise or police people who have hired a live-in caregiver?

**Ms. Béatrice Vaigrante:** I'm going to let the Ligue answer because its recommendations were important as well. As far as we're concerned, the victim should be provided with support in the short term. Today, victims of abuse whose status is illegal because their documents have been withdrawn by the employer cannot complain to the Commission des normes du travail du Québec. They should be given the opportunity to do that.

The federal legislation has been amended, but no information has been distributed to lawyers and victims. Victims don't know their rights because no one has made the effort to inform them so that they can complain.

**Ms. Louise Boivin:** Apart from trafficking and the measures that must be taken in that regard, we agree that the program should be maintained, but workers should have permanent residency on arrival, so they can't wind up vulnerable. We understand that they have to work in the home care sector for a specific time, but they should have permanent residency to avoid an imbalance of power between employer and employee.

They also shouldn't be compelled to live at the employer's home. Inspection measures should be taken and there should be cooperation, while respecting the field of jurisdiction, in putting in place a government mechanism for monitoring respect for the rights of workers, live-in caregivers and other foreign workers, both during recruitment and monitoring the employment contract. Certain private agencies intervene in the recruitment process because it is privatized.

**Mr. Robert Carrier:** Your recommendation for permanent residency upon arriving in the country is a major decision for a government. You have to develop much more significant criteria when you grant permanent residence than when you accept a person who will be a temporary live-in caregiver. There's already a backlog in the processing of applications for permanent residence. That decision would therefore be one of a set of government decisions.

In addition, the number of persons eligible for that program would not necessarily be reduced, because we would then accept permanent residents. So we would have to establish much more developed criteria than those applying to temporary work permits.

You must be aware that it would be preferable at least to have people who have been the subject of an analysis and whom we consider could be good residents.

• (1335)

**Ms. Louise Boivin:** The Ligue des droits et libertés believes that the present trend toward expanding temporary work programs is a problem that must be countered because they result in vulnerability.

In the context of an aging population, home care does require a lot of workers. It's mainly women who work in these sectors. Historically, this is a sector that is under-valued and highly feminized. It is time to value and recognize these professions, as was done with Canadian women who were able to "professionalize", join unions and so on. We don't see why this sector couldn't be reformed. That requires notable changes so that women can acquire power equal to that of Canadian citizens in performing these important duties.

**Ms. Nicole Filion:** I'd like to mention something—

**The Vice-Chair (Mr. Thierry St-Cyr):** Thank you very much. Perhaps Ms. Chow will give you some of her time.

Ms. Chow, you have six minutes.

**Mr. Robert Carrier:** Can we hear Ms. Filion's answer?

**Ms. Nicole Filion:** I just wanted to add that authorities more readily grant permanent residence based on job qualifications, whereas it is not immediately granted for workers who occupy less skilled jobs. Discrimination based on social condition must absolutely be banished from these programs.

[English]

**Ms. Olivia Chow (Trinity—Spadina, NDP):** In June of last year, the House of Commons approved a motion that I moved in this committee, and this committee approved it. The three parties in the House of Commons came together and supported the motion that basically set a moratorium on the deportation of undocumented workers—people without status—until we fixed the entire system.

My belief has always been that if you're good enough to work here, you're good enough to stay here. We should be bringing in these workers as landed immigrants, but our point system is broken. We know that. There's no queue for them to line up in because they may not have the degrees.

I'm wondering whether, or I would assume that you would support, that unless they...or the best scenario is to come as landed immigrants. If not, temporary workers really should come; or the visa should be given to the profession, not employer, standard.

Also, there needs to be both federal and provincial enforcement to check the workplaces to ensure there are no violations of labour laws. We want to make sure that the consultants—the recruiters out in their countries—are not getting big bucks, that they're not unscrupulous. We want to make sure that there is an advocacy centre—funded perhaps by different levels of government and stakeholders like yourselves—to make sure that you can advocate on their behalf. We want to make sure that the HRSDC funding or CIC funding would be given to immigrant-serving agencies to help temporary foreign workers, etc.

There is a whole series of recommendations. But to get to my question, I think that some members of Parliament know what needs to be done. We've said it several times in different locations. We've heard it different times.

Perhaps to the league and to Amnesty, how do you think we can collectively get the points across so that matter which party, which government, whatever level—let's say the federal level—they cannot ignore the plight of these workers? The workers are being seen as really cheap labour, and when we're done with them, a lot of them have to leave.

For live-in caregivers, at least there's light at the end of the tunnel. The 24 hour, 36 months is a problem, but still there's a bit of hope. For a lot of the farm workers, for others who are low-skilled, there's no hope for them to ever become landed immigrants.

How do you think we can collectively work to impress upon different parliamentarians that there absolutely have to be fundamental changes? It's a slightly more political question.

[Translation]

**Ms. Béatrice Vaugrante:** The first thing that's necessary—and we raised this point in our presentation—is to conduct research on this phenomenon. The live-in caregiver program concerns trafficking in women. Of the women who enter the country, legally or illegally, 90% do not take part in the program. Ten per cent of them come through the live-in caregiver program, but 90% of domestic workers are in irregular or other situations. First, we should document that, conduct research and agree on definitions of the words "trafficking", "traffic", "live-in caregiver", "working conditions" and "jurisdiction". We should really document this and conduct in-depth research together.

In my opinion, the second thing to do is to invite the organizations, which are excluded most of the time, to come up with a definition of working conditions and a definition of contracts, whether it's for migrant, seasonal, seasonal agricultural or domestic workers. These organizations must take part in discussions so that we can hear what they have to say and hear about the rights violations that people suffer. We can create nothing, invent nothing, if they are not at the discussion table.

•(1340)

**Ms. Nicole Fillion:** I'd like to add something. It's true that we're currently in a general context in which human rights are trivialized. There is a rights recognition regression.

I believe it is essential to remind the public and members of Parliament that they have human rights obligations. We don't acknowledge human rights as a result of a person's status, but because that person is a human being. If there is one principle that must be recalled when we want to make the public aware of working conditions and the very existence of these persons, it is that one.

**The Vice-Chair (Mr. Thierry St-Cyr):** Ms. Boivin, you have about 15 seconds left.

**Ms. Louise Boivin:** When we talk about regularizing undocumented individuals, we're talking about regularizing human beings who are living in sub-human conditions, in illegal places, and who contribute to the Canadian economy. Employers benefit from that, and they should be required to give them the same rights and protections as are given to the entire Canadian labour force.

**The Vice-Chair (Mr. Thierry St-Cyr):** Thank you very much.

Ms. Grewal, you have six minutes.

[*English*]

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

First of all, I would like to thank all of you for coming here. I thank you for your time, and I thank you for your presentations.

It's now almost two weeks, and we've heard a lot on undocumented workers, temporary workers, Iraqi refugees, and immigration consultants. My time, as you know, is very limited. I won't take much of your time so that you have enough time to answer my question.

My question is this: what suggestions, improvements, or recommendations do you have with regard to the current temporary workers program and to the refugee system as well?

Could each of you please answer, just in a nutshell?

**Ms. Claudette Cardinal (Coordinator, Refugees, Canadian Francophone Section, Amnesty International):** Is that for the refugee system also?

**Mrs. Nina Grewal:** Yes.

**Ms. Claudette Cardinal:** In that case, do I have all day?

**Voices:** Oh, oh!

**Ms. Claudette Cardinal:** For the refugee system, I believe numerous groups have appeared before this committee and have made suggestions. This committee has made recommendations to government last May or June, in 2007, which the government declined to accept, saying the system was not broken. I believe the committee and the government are well aware of the various suggestions in terms of refugees.

In terms of the reason we are here today, the temporary workers—Ms. Chow was also asking what can be done—I believe a media blitz can be done. I can give an example and draw an analogy. Right now there is a bill before the Senate, Bill S-218, which codifies a

new approach to trafficked persons. I have been told by lawyers who are working with some of these women that in Quebec there have only been two women who have been able to benefit from this program. Other people who have gone and consulted lawyers are told, “Well, let's make a refugee claim”, because the lawyers don't seem to be aware that there is a program to protect trafficked persons, particularly women.

I believe a media blitz of some sort or a ministerial announcement would certainly be useful in that one particular issue. It would certainly be helpful.

As was mentioned, human rights don't seem to be very important any more, and yet Canada has a reputation for being a place where human rights have always been respected. It seems to not be as important now as other aspects of our life. That has to come to the forefront.

**Mrs. Nina Grewal:** Okay.

Let's give a chance to the other people.

•(1345)

[*Translation*]

**Mr. Alain Vallières:** As regards the refugee process, my advice would definitely be to instill in everyone the idea that not everything is necessarily working well and that we can have self-doubt. If we keep in mind that we can doubt ourselves, that everyone is human and that we make mistakes, that may subsequently enable us to find processes to correct those errors. However, everything currently operates as though everyone everywhere were perfect. The board members don't make any mistakes, the Federal Court judges are convinced that the board members don't make any mistakes, and our public servants are perfect and review their files perfectly, giving them the necessary time. We are living in the best of all worlds. There is no need to rectify or correct anything, at least judging from the way everything operates right now. If we start with that assumption, we will realize that many things, everywhere, need to be improved.

As regards temporary workers, in my opinion, one of the first things that could be done quickly, and at low cost, is education. One of my clients—I'm a practitioner, so I use practical examples—a farm owner, asked me whether a family could come and work on his farm as farmers. Indeed, a family is an interesting proposition since, he told me, even the children can work in the fields when it isn't too cold. When I say children, you understand, I'm talking about young children, and they can do things.

[*English*]

**Mrs. Nina Grewal:** Perhaps you could just go to the recommendations. If you go into examples, then the others won't have much time. Thank you.

**Mr. Alain Vallières:** My first recommendation would be to go for education first. It would be the first thing. It would cost less and it could be efficient in a short time.

[*Translation*]

**Ms. Nicole Fillion:** I'd like to go back to two essential aspects of our presentation that were not discussed with members.

First is the question of the moratorium on deportations and a regularization program. The presentation that we made was quite brief. The duration of that program is to be determined, but we believe an evaluation mechanism should be planned once the program has been put in place.

The other point I wanted to recall, if such a program is established, is that, in the event individuals would have to be excluded from the regularization program for reasons of national security, those individuals must absolutely be guaranteed all rights and legal guarantees provided for in the Charter.

Another essential point concerns those persons who wind up without documents, deprived of all recourse and all protection with regard to economic, social and cultural rights. I insist that these people be granted access to health services, education and social services.

**Ms. Louise Boivin:** This access is provided in a number of American states, and there is a program called Don't Ask, Don't Tell in Toronto, under which people can call the police if they are experiencing marital violence, among other things.

**The Vice-Chair (Mr. Thierry St-Cyr):** We'll start the second round. Ms. Grewal, you will then have the opportunity to complete your question.

Mr. Telegdi, you have three minutes.

[English]

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

One of the issues I want to touch on is that the whole issue of temporary foreign workers is about importing disposable labour. It's not all that different from what was done with the Chinese when we brought them in to build the railway. Now this is the new kind of way we're going at it; we don't call it slavery, but it comes close to it. We have indentured workers and we really have no respect for the folks with lower skills.

I just want to point to Frank Stronach, Magna International; Frank Hasenfratz, chair of Linamar Corporation; Mike Lazaridis, who makes the BlackBerry. None of them would get in under today's system. This just points to the silliness of the whole system.

In my mind, if you wanted to deal with some temporary foreign workers who have a lot of power because their skills are really in demand... They don't have a problem; the people who have the problem are the people at the bottom end.

In terms of regularization, the previous government was working on it and was very close to coming forward with legislation. The government fell and the bureaucrats went back to their stance under the previous government and gained control of the issue. The point I'm making here is that a lot of this stuff is driven by the bureaucracy. To the extent we've had seven ministers of immigration in the last 10 years, it points to it. In a lot of cases, we've been fighting the bureaucracy in trying to get something done.

I hope that when Bill C-50 comes along, you will all come out. It's going to be here soon, as it's surely the big elephant we're going to be dealing with next.

In terms of the refugee system, the problem is that we have now created a crisis. The backlog was down to 20,000, and we finally had the system fixed, and then Jean-Guy Fleury ended up quitting because of political interference. And now the backlog is up to over 42,000; it's going to hit 60,000 by the end of the year; and we have a shortage of something like 58 adjudicators. So the crisis was created when we already had the system fixed. By politicizing it, it really created a crisis.

I think the public has to be made aware of what is going on in immigration, because I don't think they are, and we must not let it be exploited for political purposes, such as getting votes.

I'd like your quick comment.

• (1350)

[Translation]

**The Vice-Chair (Mr. Thierry St-Cyr):** Now you'll really have to be very quick, Ms. Boivin, because there are only a few seconds left.

**Ms. Louise Boivin:** The previous government talked about a regularization program to grant temporary status in certain sectors, such as construction. We're saying that it is human rights logic that must prevail over the logic of corporate needs. In that respect, we're talking about permanent status under regularization. That status should not be linked to specific sectors, but must be considered in terms of access to universal rights for all persons.

**The Vice-Chair (Mr. Thierry St-Cyr):** Thank you.

Sir, your time is unfortunately up. Your comments were very lengthy and there was little time left for the answer. All members must manage the time available to them.

Mr. Carrier, it's your turn.

**Mr. Robert Carrier:** Thank you.

I would like to reassure Ms. Boivin. We haven't asked a lot of questions on your recommendations, that is to say the moratorium and the establish of a regularization process. We have previously taken note of that at other hearings, and we think you've made a very good recommendation there. This is precisely part of the problem of changes that must be made in the immigration field.

Let's talk about abuse cases. We have to talk about the present situation, which won't be resolved that quickly. I'm familiar with the legislative process, and I know that it takes a lot of time to prepare and pass a bill. In the short term, shouldn't the federal government have a file on all employers who are reported, who are mentioned, when abuse cases are in the spotlight? You are members of organizations that take note of that. Would you consider it a good idea if the government at least had a kind of file on these employers who are likely to mistreat or exploit temporary workers?

**Ms. Béatrice Vaugrante:** We belong to Réseau Migration et Justice, from which we can request information. We're trying to make recommendations. One of those is that there be a register containing not only the names of employers at fault, but also of all employers, those who hire workers, live-in caregivers and employees in the fields. At least that would make it possible to do controls, not to allow crimes or violations to go unpunished and to institute proceedings. In the short term, action could be taken so that the Commission des normes du travail du Québec could accept complaints from individuals whose working conditions are abnormal and who are currently unable to complain because they have illegal status. That isn't their fault.

**Ms. Nicole Fillion:** A blacklist would make it possible to react after the fact, whereas we want preventive actions to be taken, action before or at the time the violations occur. That is why we want there to be a monitoring mechanism and a recourse system for individuals.

**Ms. Claudette Cardinal:** As regards prevention, we've suggested that workers' representatives sit in more on these meetings between government and employers. Then everyone would be aware of the same things, which could help prevent abuses.

**Mr. Robert Carrier:** I have a little time left. In your opinion, who should do the monitoring or prevention? There is still the problem of the two jurisdictions. Once the federal government grants temporary employment, does the province undertake to implement a monitoring program?

• (1355)

**The Vice-Chair (Mr. Thierry St-Cyr):** Answer briefly, Ms. Filion.

**Ms. Nicole Fillion:** That requires collaboration and cooperation. I won't tell you the steps you can take, but I'm sure you will find them if you want to implement that kind of mechanism.

**Ms. Louise Boivin:** The employers are known to the federal government. For there to be monitoring, there must absolutely be cooperation, since standards are a provincial jurisdiction. That's inevitable.

**The Vice-Chair (Mr. Thierry St-Cyr):** In conclusion, Mr. Harvey, you have three minutes.

**Mr. Luc Harvey (Louis-Hébert, CPC):** I'll try to be very brief.

Once again, I'm really enjoying myself listening to my Liberal Party friends who found a way to bring exotic dancers into Canada and who today are taking offence at a lot of things.

I'll be very, very brief.

Mr. Vallières, you didn't talk a lot. Your client, about whom you talked earlier, came from where, from what country? Are you allowed to say?

**Mr. Alain Vallières:** Yes, that's not a problem; countries are public. She was from Congo Brazzaville.

**Mr. Luc Harvey:** If she came from Congo Brazzaville, I can understand the situation.

In your practice, have you previously encountered frivolous refugee claims? Are refugee claim cases all valid?

**Mr. Alain Vallières:** No, that's for sure. Some people who are already here and who don't want to be removed from the country

sometimes resort to this process and file that type of claim. In my experience, individuals of that type nevertheless constitute a minority. The problem is that a lot of people, knowing they're in danger in their country, will resort to the process without being refugees. For example, if you consider the current wave of people from Haiti, you see that these people aren't all refugees, but they don't want to return to Haiti.

**Mr. Luc Harvey:** That's fine; I understand.

We talked a lot about unionization. Is that the only solution to the problem? You must be very brief because I only have three minutes.

**Ms. Louise Boivin:** We've prepared a set of recommendations on the situation of undocumented temporary workers. The idea, among other things, was to establish conditions so that there wouldn't be an imbalance in the power relationship.

As regards the work permit naming the employer, that makes no sense. I won't repeat all that, since you'll have access to the proceedings of this committee. Whatever the case may be, we're talking about major changes here. We discussed other subjects than the right to form a union.

**Ms. Béatrice Vaugrante:** Workers' rights are improved through unionization. History shows us that. In that sense, it is important.

**Mr. Luc Harvey:** All right.

As for granting permanent residence to domestic workers, is that limited in time? Do you propose to grant them two years of permanent residence or to grant them that status forever?

**Ms. Louise Boivin:** Permanent residence, by definition, is permanent. So we're talking about unlimited duration. In the context of limited duration, individuals are required to work in the home care sector. They are selected in accordance with that program. For two years, they must therefore work in that field. However, if they are subject to abuse by the employer, but have permanent resident status, they will not feel intimidated by the idea of going to the authorities or reporting that employer.

**The Vice-Chair (Mr. Thierry St-Cyr):** Ms. Filion.

**Ms. Nicole Fillion:** I simply wanted to remind you that permanent residence is automatically granted in the case of highly qualified professionals. So there is a double standard, based on job qualifications. How can that be justified?

**The Vice-Chair (Mr. Thierry St-Cyr):** Thank you, everyone, for attending this meeting. It was very much appreciated.

We will now allow the new witnesses to get settled. I urge members not to go away. We'll resume very shortly.

• \_\_\_\_\_ (Pause) \_\_\_\_\_

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• (1400)

**The Vice-Chair (Mr. Thierry St-Cyr):** I would invite everyone to take their place immediately. If I correctly understood, there will be four groups. If we want to have time for discussion, we must begin now.

Good afternoon, everyone, and welcome. As you know, you've been invited to appear today before the House of Commons Standing Committee on Citizenship and Immigration. Every group or organization will have seven minutes to make a comment, a preliminary statement. I warn you: those seven minutes go very quickly. To help you, I will raise a finger when you have one minute left.

Over the next hour, our participants will be Ms. Farida Osmani and Ms. Samia Ouar, from the Association des aides familiales du Québec; Ms. Valérie Lavigne and Ms. Lisa Montgomery, from the Immigrant Worker Center; as well as Ms. Anna Purna Malla and Mr. Mostafa Henaway, from Solidarity Across Borders. It is up to you to decide how you want to allocate those seven minutes.

• (1405)

**Ms. Raymonde Folco:** I got the impression from the list before me that Mr. Mostafa Henaway was a community organizer working for the Immigration Worker Center. Am I mistaken?

**Ms. Valérie Lavigne (Immigrant Workers Center):** You're not mistaken. In fact, he represents both organizations.

**Ms. Raymonde Folco:** All right.

**The Vice-Chair (Mr. Thierry St-Cyr):** Thank you for that clarification. We'll now begin with the Association des aides familiales du Québec. Mesdames Osmani and Ouar, you have seven minutes.

**Ms. Farida Osmani (Coordinator, Undocumented and Temporary Foreign Workers, Association des aides familiales du Québec):** Thank you for welcoming us today. We've submitted a brief to the clerk. Unfortunately, it is not translated, but we suppose it will be. It consists of notes we're using to make our presentation.

The Association des aides familiales du Québec has been in existence for 32 years. Its vision is to advocate the rights of live-in caregivers through representation and cooperation activities in particular. Our objective today is to bring to your attention the problems of migrant live-in caregivers, that is temporary workers whose status is precarious. Some of them wind up without status and are abused by unregulated agencies, recruitment and placement agencies and unregistered employers who receive no penalties when they commit abuses.

There are three categories of live-in caregivers. Live-in caregivers who are not residents include citizens whose rights to date have been well protected. Migrant live-in caregivers without status are the most vulnerable. They are the ones we want to talk about today. These live-in caregivers are in Canada as part of the live-in caregiver program, the LCP.

That program, which was established in 2001 under the Immigration and Refugee Protection Act, has continually undergone changes. There have always been abuses since the end of World War II. Attempts were made to improve, to amend the program. In our opinion, it contravenes the conventions that Canada has signed, including the Convention on the Elimination of All Forms of Discrimination Against Women. Live-in caregivers, who are mostly women, come here and suffer abuse as a result of their legal status.

We have identified abuses upstream and downstream from the program. As regards the program's characteristics, we're talking

about a temporary permit. Live-in caregivers must work 24 months over a 36-month period. Consequently, if they are dismissed, they may face a waiting period that can jeopardize their status. They have a work permit that names an employer and is restrictive, that is to say they are assigned to an employer and cannot change employers without first undergoing administrative formalities. They have an obligation to remain with the employer, which involves abuses, in particular.

Upstream from the program, there are delays in processing applications from family caregivers. This results in abuses by consultants, lawyers and numerous intermediaries who claim to be able to expedite their applications. To date, these agencies are not regulated. Furthermore, when the live-in caregivers arrive here, it may occur that they have no employer, that there is a fictitious employer.

Downstream, their status proves to be somewhat catastrophic when they do not have an employer. According to Citizenship Canada, 10% of them wind up without employers on arrival. There are also delays in obtaining new permits. Sometimes they must justify their dismissal. Evidence is based on their good faith and that of their employer. The placement agencies act as intermediaries to find them another employer and take money from them.

There are protective measures, in particular under the Act respecting labour standards, the Commission des droits de la personne, and so on. There are also criminal and immigration statutes, but they remain insufficient in our view. These measures are related to immigration law, labour law, social protection and fundamental rights. We think there must be regulation and that some of these acts must be amended.

In our view, the Immigration and Refugee Protection Act must be amended first of all, so that it includes the occupation of live-in caregiver among the occupations in demand in Canada, and so that it takes into account the experience of these workers, which is not currently the case. This is all the more necessary since Canada will be dealing with an aging population in the coming years.

The integration of these live-in caregivers should be facilitated because, since they are attached to a single employer, they must deal with abuses when they do not find a new job.

• (1410)

We recommend the introduction of an open work permit, not attached to a single employer, but rather to a sector of activity for a limited period of time. We also recommend that these workers be granted permanent resident status, which would prevent situations in which they would become without status. Those who lose their work permits live in situations similar to slavery, in that, if they wind up with abusive employers, the latter confiscate their documents and abuse their vulnerability by not paying them. They are sometimes confined or shut themselves away because it is recommended that they not go out, or else they risk being deported. They can also suffer breakdowns in relationships with their families and live in social isolation.

With regard to labour rights and social protections, in spite of the labour standards in effect, that is to say a contract, compensation and leave, not all these elements are always present. We therefore recommend that live-in caregivers be entitled to occupational mobility and improved conditions. We therefore recommend that the obligation to reside at the employer's home be removed and that the government inspect—this is the fifth recommendation—housing conditions at the employer's home, where that is the case.

Based on our observations and findings in the field, we have seen that live-in caregivers are often afraid of losing their jobs, of filing complaints and so on. In spite of all the resources that may be put at their disposal, they are afraid. They also have no guarantees, where they file complaints, that their complaints will be heard.

**The Vice-Chair (Mr. Thierry St-Cyr):** If you could conclude very quickly.

**Ms. Farida Osmani:** In our seventh recommendation, we propose that services be increased for these live-in caregivers. We think it is imperative that the government legislate in this area to establish a clear code of ethics with immigration consultants, as well as regulations for live-in caregiver recruitment agencies, which are the cause of their condition. One final recommendation is that they be subject to the Act respecting industrial accidents and occupational diseases, like all other workers in Quebec.

Thank you.

**The Vice-Chair (Mr. Thierry St-Cyr):** Thank you very much.

Now, from the Centre des travailleurs et travailleuses immigrants, we have Mesdames Lavigne and Montgomery. You have seven minutes.

**Mrs. Valérie Lavigne:** Good afternoon, everyone.

I'll briefly introduce the Centre des travailleurs et travailleuses immigrants. Our centre is located in Côte-des-neiges, in Montreal, and mostly does business with an immigrant population. Much of our work is advocating the labour rights of that population. At the centre, we see a lot of immigrants who are victims of poor working conditions, abuse and exploitation. It is not unusual to see workers who do not have any breaks, no vacation, unfair wages and are dismissed without reason. Most clients who appear at the centre do so once they have been dismissed, when it is too late. The reason they appear when it is too late is that their situation is precarious and they are afraid of not finding another job. It's worse for temporary workers, whose situation is even more precarious in view of the fact that their status depends on their employer and they have a closed working visa.

The new program will not only include agricultural workers and domestic workers, but, from what I've understood, will also extend to a number of other classes of workers.

That causes a problem for us, first because it's already very hard to reach the clientele. These people are not necessarily aware of their rights, and it's hard for us to go after them. If, in addition, they are put in a number of labour categories and are isolated, if they have no one to talk to about their problems with working conditions, I think that's a problem.

I'm also going to talk briefly about the family problem. Workers who enter Canada through the Temporary Foreign Worker Program experience family separations. That ranges from six months to two years, and they can't come with their families. When they are reunited with their families, there are often problems. It's hard for the family and for the worker. That's also one of the reasons why they don't complain more about violations of their rights: they don't want to lose their jobs because their families are still in their country and they have to send them money. These are all conditions that make it very hard, specifically for temporary workers, to defend their labour rights.

●(1415)

[English]

**Ms. Lisa Montgomery (Community Organizer, Immigrant Workers Center):** I'd like each of you on the committee to picture the worst job you've ever had in your life. After that, I would like you to remember the kind of work you were doing and the boss you had.

Probably what you did was either quit the job or look for another job. I'd like you to picture me taking all those options away from you—because that's what we at the Immigrant Workers Center believe you're going to do when you have a program like the temporary foreign workers program.

The fundamental principle of functional labour is the ability and the mobility of someone to leave a job. So if you tie the status of someone to that job, you are not going to be able to have that mobility and to have the bargaining power for better working conditions, or better anything.

I would like to state that the people we see are exploited and discriminated against, and most of the time they're in fear of retribution from their employers. And these are the people who have permanent status; these aren't the people who are going to have no status in this program.

In conclusion, from our experiences on the front line, more temporary immigration into precarious jobs will not help the situation. It will open the doors to more exploitation, discrimination, and abuse for those people who we want, in our country, to work. It is our position that we need these workers. Therefore, we should be providing them with permanent residence. If they're good enough to work, they're good enough to stay, and this is a temporary solution to a permanent and ongoing labour shortage that we need to address.

Thank you.

[Translation]

**The Vice-Chair (Mr. Thierry St-Cyr):** Thank you very much.

Now we'll go to Ms. Purna Malla and Mr. Henaway, from Solidarity Across Borders. You have seven minutes.

[English]

**Ms. Anna Purna Malla (Representative, Solidarity Across Borders):** My name is Anna, and I'm going to speak on behalf of Solidarity Across Borders. We're a network of migrants and allies here in Montreal.

I want to speak a bit about Bill C-50, which I'm sure you've all heard of. On March 14 the Conservative government introduced a series of amendments to the Immigration and Refugee Protection Act, buried in this bill, a 136-page budget implementation bill. This fundamentally undemocratic move sneaks in critical changes to Canada's immigration policy without proposing any of those changes before Parliament.

Basically, by making it a matter of confidence, the government forces opposition parties to either accept them or call an election. As I'm sure you also know, this already passed its first reading yesterday.

This series of amendments, by putting more arbitrary power in the hands of the immigration minister, reproduces a history of explicitly racist and anti-poor immigration policy in Canada.

Under the existing section 11 of the IRPA, anyone who meets the already stringent criteria to enter Canada as a worker, student, or visitor, or to become a permanent resident, shall be granted that status. But under the proposed changes, despite meeting the already established criteria, the minister will have the discretion to arbitrarily reject an application.

Basically, Diane Finley can just make that decision based on her not wanting people from that country to come, based on whatever it is she decides. She has the power to do that.

This unprecedented modification of IRPA would risk putting in place covert equivalents of the explicitly racist immigration policies that characterized much of Canadian history, including the Chinese exclusion act of 1923; the order in council of 1911 prohibiting the landing of "any immigrant belonging to the Negro race"; and that of 1923 excluding "any immigrant of any Asiatic race".

These are not crazy links to make. These are very, very real links. I want you to all think really hard about that.

An additional power given to the minister under these proposed modifications is that of deciding the order in which new applicants are processed, regardless of when they are made. So if someone made an application three years ago but Diane Finley decides she likes someone who applied yesterday because they're a middle-class worker and they're going to fill the gap in the labour shortage we have, she can make that decision.

So the new sections would allow the minister to simply hold on to, return, or throw out a visa application and deny any opportunity to review that decision in court. That is really scary.

The Conservatives argue that these changes are necessary to "modernize" the immigration system and reduce the existing backlog. However, the true objective is clear from Finance Minister Jim Flaherty's comments that the government seeks a "competitive immigration system which will quickly process skilled immigrants who can make an immediate contribution to the economy".

It is clear that the priorities will be middle-class people applying under the skilled worker program, wealthy investor class applicants, as well as increasingly vulnerable temporary migrant workers.

• (1420)

[*Translation*]

**The Vice-Chair (Mr. Thierry St-Cyr):** I'm going to ask you to speak a little more slowly to let our interpreters translate.

[*English*]

**Ms. Anna Purna Malla:** Well, we don't have very much time, so....

Also, we know that prioritizing immigration applicants based on their ability to fulfill the needs of the Canadian job market is.... We have a quote here from Diane Finley about "whether it's people to wash dishes and make sandwiches, or whether it's the highly skilled engineers"; so we know where these priorities lie.

The Conservatives' attack on immigrants makes clear that poor people, working people, people of colour, and families of people from these groups need not apply to come to Canada as permanent residents. They should only come if they are willing to come temporarily as workers in exploitative and marginal jobs where complaining about work conditions can result in job loss, loss of status, and thus deportation.

This is particularly revolting in a context where the Canadian government and Canadian corporations actively participate in the creation and reinforcement of a system of global displacement of migrants and refugees fleeing poverty, persecution, war, and corporate exploitation of their lands.

We must oppose the anti-democratic and anti-immigrant changes. We must fight for a society that does not exclude and marginalize poor and working people, people of colour from the global south, and that does not deport, detain, and further exploit immigrants and refugees.

**Mr. Mostafa Henaway (Representative, Solidarity Across Borders):** I just want to briefly touch upon three points.

One is that I'm an organizer with the Immigrant Workers Center, and I'm speaking for Solidarity Across Borders.

I think originally this forum was meant to take place in Côte-des-Neiges. It's regretful that it isn't there, because I don't think many of the people we work with, whether they be the domestic workers themselves or whether they be Sri Lankan migrants in textile factories—the people whom this is actually going to affect—are actually able to be here to present. So it's really regretful that this hearing isn't taking place in Côte-des-Neiges, where it was originally meant to be held.

I want to speak about regularization. For Solidarity Across Borders, I think we see the temporary foreign worker program as well as what will start to take place—the low-skilled worker pilot project—as inherently flawed. Essentially you create a permanent two-tiered immigration system. Many people have already explained the situation of those who will be limited in terms of their rights, limited in where they can actually work, limited in their labour rights, and thus limited in actually being able to exercise the same full rights that people with permanent residency or citizenship actually are able to exercise.

I want to speak about the case of someone who flew all the way from Edmonton to Montreal because she couldn't find any help. She's here on the temporary foreign worker program working at a Super 8 motel in Edmonton with a group of other Filipino migrants. The abuse was so grave in their workplace that they left the workplace. She lost her status and had to apply for restoration and wasn't able to gain her restoration until she got another labour market opinion. If you're tying immigration to a labour market opinion, immigration is going to fall under the HRSDC, and this creates a permanent two-tiered system. Now she faces deportation back to the Philippines after she came here to seek a better life. When she came here, the only reason she was losing her status was because she no longer wanted to be abused in the workplace.

Full regularization is completely possible. We've seen it in Europe. We've recently seen it in Spain. I know a motion was tabled in Parliament last session to discuss full regularization. You are right now creating a system in which you have minimum 250,000 people without any rights who are non-status "illegal", and on top of that you have 200,000 more people under temporary foreign worker programs.

This situation is similar to apartheid in South Africa. To create a situation where half a million people have different legal status from the rest of society, so that they can bear the brunt of the Canadian economy—

•(1425)

[*Translation*]

**The Vice-Chair (Mr. Thierry St-Cyr):** All right.

I'm going to have to stop you, unfortunately, but you will probably have an opportunity to continue and provide more details during the questions and comments by members.

I wanted to reassure you as well about the location. All the members around this table are not really happy about being in Dorval. I can tell you that those responsible for the logistics made every effort to get us closer to the population, rather than in a field beside an airport. However, as the committee is travelling across Canada, this was the only option. We are all as saddened as you.

We'll now move on to questions and comments. We'll begin the first round of six minutes with Ms. Folco.

**Ms. Raymonde Folco:** Thank you, Mr. Chairman.

[*English*]

First of all, Mr. Henaway, I checked with the clerk, who tells me that this meeting was never going to be held in Côte-des-Neiges, so I think perhaps you have this committee confused with another

committee. However, as it stands, just as we are representing the people—I represent the people of Laval—Les Îles, and am an elected member—I consider that you, Mr. Henaway, represent a number of voices, just as everyone sitting around this table does. So although it would have been perhaps fantastic to be in the middle of an immigrant community of Côte-des-Neiges, this isn't what this committee is about. This committee is about hearing a few people who represent thousands and thousands of people. The fact that you're able to present your voice on behalf of hundreds of people of Côte-des-Neiges and elsewhere is to me very satisfying.

Secondly, I would like to speak to Madame Malla on Bill C-50. Needless to say, I'm a Liberal and I absolutely agree with you, and I know that my colleague Mr. Telegdi also does. We both have talked to our Liberal colleagues on Bill C-50. This bill cannot be allowed to pass. Without going into the detail here, because I know I'm not going to have the time for it, and I'm quite willing to do it at another place and another time with you, there are a number of strategies that we have started putting in place right now. The other parties are doing different things, but we're doing certain things to make sure that Canadians across Canada are aware of what Bill C-50 is about.

I can tell you that I held a meeting in Montreal a few days ago, and I know that other parties are having meetings across Canada as well. We are working against Bill C-50. There are different ways of doing it. Those things you mentioned about Bill C-50, such as the discretionary and discriminatory powers of the minister, I'm absolutely against. They give too much leeway to an individual, when we all know that what is important in Canada is not the individual but the rule of law. The individual translates the rule of law, but it is the rule of law that predominates.

The fast-track application also worries me a lot, because it means that somebody could always drop to the bottom of the line and wait forever before his application is received. In fact, we know, because I've talked to the civil servants on this bill, that if Bill C-50 passes, part 6, which has to do with immigration, would mean that Immigration Canada would no longer be obligated to receive the immigration request of a person who asks to immigrate to Canada, which now must be accepted by Immigration Canada in whatever embassy across the world. In other words, if I were to go to, I don't know, the office in New Delhi and say that I want to be an immigrant, right now they're obligated to at least take my request. Under Bill C-50, once that backlog is done, they are not even obligated to take it. They can say, "We're sorry, but there are too many people already. Forget it. We'll see you in a couple of years." This is really what it means.

So as far as Bill C-50 is concerned, I'm entirely with you, and I would strongly urge you to get other people who are like-minded—people like you and the other people around this table—to speak up against Bill C-50. We're doing it in our own way, which will not be the same as yours, obviously, but there's a meeting of minds.

• (1430)

[Translation]

I would now like to go back to Ms. Osmani, if I have any time left.

Ms. Osmani, you and I have known each other for a long time. Twenty years ago, I worked with the group of domestic workers from the Philippines. The problems you talked to us about are the same as those we tried to solve 20 years ago. I almost feel like I've gone back to that time.

Without going into the details, the problem that troubled us 20 years ago concerned the disposition of the provincial jurisdiction relative to the federal jurisdiction. In the short time remaining to you, Ms. Osmani or Ms. Ouar, can you talk to us about federal jurisdiction? What can we do to help you?

**Ms. Samia Ouar (Project Leader and Worker, Association des aides familiales du Québec):** The live-in caregiver issue is currently under federal jurisdiction from a number of standpoints. Gains have been made with regard to labour standards in the past 20 years. As a result, live-in caregivers are covered by the law. Technically, they are protected by Quebec's Act respecting labour standards, but the program, as it currently stands, absolutely has not helped them because they cannot exercise that right.

Let's take the case of a live-in caregiver who lives in the employer's home and who thus does not have a house. Let's imagine that she is dismissed by her employer or that she leaves her employment because the situation is unacceptable. In your opinion, would she go and file a complaint or look for a new employer?

The time is 24 to 36 months. You don't find an employer from one day to the next. You don't find an employer by knocking on just anyone's door. She'll go to a recruitment agency, which won't necessarily respect her rights. Could she receive employment insurance benefits? Not necessarily. Well, everything is explained in the document. I won't address the matter of the employment insurance technicalities, but that's under federal jurisdiction.

She has a work permit naming an employer. Would she be available to work? That's not clear. She doesn't have any money, no place to live; she is outside. She has to sleep somewhere and pay. Will she go to work? No, because it's illegal, with a work permit naming an employer. She therefore has to find an employer as soon as possible. A number of months go by before she obtains a work permit.

I ask you the question: does she have any rights? I doubt it.

**The Vice-Chair (Mr. Thierry St-Cyr):** Thank you very much, Ms. Ouar.

We'll move on to Mr. Carrier. You have six minutes.

**Mr. Robert Carrier:** Thank you, Mr. Chairman.

I wanted to reassure you: the Bloc Québécois will also ask that the part of the bill concerning immigration be reviewed by our

committee. We do take into account the entire immigration issue when we hear the complaints you've told us about today. You've summarized a good portion of all the problems, and they are not easy to solve. In any case, it's definitely not by letting a person from the department say that he or she will accept or not accept such and such an application. The problem is much more serious than that.

We are well aware of the problems that the citizens you represent are experiencing. We find it unfortunate that the government wanted to amend this part of the Immigration and Refugee Protection Act by means of an act concerning the budget. We will make every effort so that the Standing Committee on Citizenship and Immigration can study this bill and make the necessary amendments to it.

I wanted to take advantage of your presence here to obtain some clarification regarding the live-in caregiver program. Ms. Osmani, you mentioned that 10% of the employers are fictitious. I wanted to know the conditions of employment. Are the hours of work stated or specified in a kind of contract or agreement? Is the wage stated in it as well?

You also asked that workers not be required or compelled to live in the same place as the employer. What alternative are you proposing? Should the employer undertake to pay for a residence outside the family residence? I'd like to know the answers to those questions.

• (1435)

**Ms. Farida Osmani:** I'm going to answer the question concerning jobs; I'll let my colleague talk about the rest.

As regards the fictitious jobs, a study was conducted by Citizenship and Immigration Canada. It was done in Manila in 2005: the individuals who come here come mostly from the Philippines, but others come from other countries. The CIC people did follow-up for the employers. In 10% of cases, when they called the employers, the latter said they did not know the person and had never seen her. The Association des aides familiales du Québec is currently trying to draft a prevention guide and to document the fraudulent practices of the agencies, which sometimes demand as much as \$10,000 from live-in caregivers, for whom they do not find employers.

The live-in caregivers who come and see us, who turn to our association, say that they don't have an employer when they arrive. We try to determine how many there are and how many cases there are a year.

I'll let my colleague answer the other questions.

**Ms. Samia Ouar:** As regards labour standards, as I explained, they have a signed contract in accordance with Quebec's Act respecting labour standards. So they are supposed to work 40 hours a week, and overtime must be paid. The employers aren't necessarily in bad faith. We're not saying that all employers are mean and don't comply with the act. The employers themselves are very uncomfortable with the program. They tell us that the workers live at their homes. At what point do we decide that they stop working? At what point do we say that they are working? We tell them that they have to have a log book to record the number of hours.

The current provisions of the program make it very difficult to say how many hours they work. In the majority of cases surveyed by the association, more than 90% of the time, overtime is not paid. The live-in caregiver lives at the employer's home, at the employer's private residence. As a result, the employment relationship is very hard to monitor. I don't think the government could find other solutions than the one you've proposed, that is to say that they live outside in a residence paid for by the employer. Living at the employer's home makes the relationship by private agreement very hard to manage.

**Ms. Farida Osmani:** We've recommended that they be admitted as independent workers. In the same way as all other independent workers, it is the workers' responsibility to house themselves.

**Ms. Samia Ouar:** When they arrive as landed immigrants or, if that's not possible, with an open work permit, that is to say one in the live-in caregiver category, if the employer's name is not entered, it is easier for them to change jobs without necessarily being penalized with respect to the application of other acts.

**Mr. Robert Carrier:** You found that 10% of the employers were fictitious. When a live-in caregiver permit is granted to a couple or a family, do the employer's name, social insurance number and signature appear on it to signify that he undertakes to hire that couple or family?

**Ms. Samia Ouar:** I'll try to be very brief, even though it's very complex. An employer who wants to bring in a live-in caregiver from outside Canada must absolutely first do business with Human Resources Canada to have the employment offer validated. That's where the actions of the recruitment agencies are very difficult and bizarre.

The employer receives the authorization to bring in someone to Canada so as not to penalize the landed immigrants already here. CIC issues a work permit stating the name and address of that employer. Everything is recorded. If a live-in caregiver arrives in Canada as a result of a fictitious employer, that means that something was very poorly done at the outset by Human Resources Canada, the agency or a third person. Those three stakeholders are required to work together, in addition to Immigration Québec, of course.

**The Vice-Chair (Mr. Thierry St-Cyr):** Ms. Chow, you have the floor for six minutes.

[English]

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

You know that last June, in 2007, the motion that I moved and that this committee supported went before the House of Commons. Three parties, at least, supported it in the past in the House of Commons. We're still waiting for the Conservative Party to implement it, make it real, get it done.

In the past we have said, or at least the NDP have said, that we need to stop treating people as economic units and see them as human beings—they have families, they have lives—and need to stop expanding the temporary foreign workers program. At the bare minimum, we should bring the workers in with a visa for their jobs, not an employer-specific visa. Better still, we should have them in as landed immigrants so that they're not subjected to abuse and a complete imbalance of power.

That being said, you've talked about Bill C-50, and unfortunately—I didn't raise this the entire day, Mr. Chair—yesterday our Liberal friends did not support my motion. At 3:30 there will be a vote in the House of Commons, and it will get to second reading passage. It will pass today at second reading. After that—I assume the Liberals will support it again, unfortunately—it will then go to committee. It will go to the finance committee. We will push for hearings at the finance committee, so that the finance committee can hear what you have to say.

At this committee, I believe the parliamentary secretary has a motion to study it. The motion is going to be in front of us April 28. Hopefully the finance committee won't have finished with it. You wouldn't want to have it finished and have passed the House of Commons when we study it; that wouldn't be fair. Hopefully we will be able to have a real dialogue about the fundamental changes that are in Bill C-50. In many ways, it prioritizes classes of immigrants and separates them: some are more important than others. I thought human beings were all important, but some seem to be more important than others.

All of you have made very good recommendations. My question is that knowing all that we do, how can we move forward and work together to make sure that the Conservatives, and it was the Liberals before them, hear what the communities want? Perhaps after the consultation, the Liberals will also say, "Well, maybe we don't like the changes in Bill C-50, and we'll vote against it."

• (1440)

**Ms. Raymonde Folco:** I think the Liberals already have...  
[Inaudible—Editor]

**Ms. Olivia Chow:** They have? Well, we'll see when the vote comes.

I'm just looking at what you think this committee can do. How long do you think the study...to make sure that all of the recommendations on temporary foreign workers and the moratorium on deportation will actually become a reality?

It's a long question, sorry; and it's a bit loaded.

**Voices:** Oh, oh!

[Translation]

**The Vice-Chair (Mr. Thierry St-Cyr):** Are there any comments, questions or answers?

Mr. Henaway.

[English]

**Mr. Mostafa Henaway:** To answer some of those questions, one, there was a motion on the table, and why it wasn't supported.... Maybe people would call me too radical or whatever, but I think it's common sense. I don't get what there is to actually study in Bill C-50. It's bad. There's nothing qualitative that you have to weigh. It's bad.

So if people are saying it's bad, then it should be scrapped immediately. I think there is popular opinion, and I think the most shameful elements of Canadian history back why Bill C-50 should be scrapped. The worst moments in Canadian history back why Bill C-50 should be scrapped immediately.

If people want to move forward on the issue of the temporary foreign worker programs and regularization—I think they're tied—that has to be brought immediately into Parliament. There are so many people whose lives have virtually been put on hold because of it. I think there is no time to waste. To actually put an immediate moratorium on deportations, as a first step to a full regularization program, is completely possible, reasonable, and doable.

● (1445)

[*Translation*]

**The Vice-Chair (Mr. Thierry St-Cyr):** I'm going to interrupt you because I want Ms. Osmani to take a few seconds to answer you.

**Ms. Farida Osmani:** I wouldn't want us to get involved in partisan debates. The government has signed international human rights conventions. All these programs contravene conventions that Canada has previously ratified. Like our colleagues this morning, we also ask that Canada sign the International Convention on the Protection of the Rights and Welfare of Migrant Workers and Members of their Families.

Here's one of our biggest questions: how is it that Canada, for which human rights are so important and which presents such a good image to the world, has not yet ratified that convention?

Ms. Chow, you said that the workers also had families. However, the workers are used as cheap labour. In the case of the temporary workers program, they are completely isolated from their families.

**The Vice-Chair (Mr. Thierry St-Cyr):** For members who weren't here this morning or in the past few days, the chairman decided that we would not discuss Bill C-50 since it was not part of the mandate for our consultations.

I allowed the Liberal and New Democratic members to talk about it because I let Mr. Harvey talk about it this morning. Out of a concern for fairness, I had to allow everyone to talk about it. I urge you not to restart the debate because, if it starts on one side, I'll have to allow everyone to speak.

Mr. Harvey, you have six minutes.

**Mr. Luc Harvey:** Good afternoon, ladies and sir. Thank you for being here today.

Perhaps we're trying to pass Conservatives off as racists, but we don't speak for no purpose; we act.

Among my employees are a Japanese, a Paraguayan, a Bulgarian, a Cameroones and, more recently, a Senegalese. In addition, my wife is an immigrant. We are here to help you, to understand the problem and to move matters forward.

The delay in processing immigration applications is considerable. The number of persons waiting to be admitted to the country has risen from 50,000 to 800,000. We need to know how many immigrants a population of 30 million inhabitants can receive in one year. I'm not talking about balance, but we also have to allow people

to arrive, to integrate, to find a job and to settle. Housing, for example, is one of the important factors that must be taken into account.

Ms. Osmani, does the problem that live-in caregivers face when they arrive have something to do with the lack of information about their rights?

**Ms. Farida Osmani:** Structurally speaking, the program is discriminatory to the extent that it restricts their rights and freedoms. Under the Quebec and Canadian charters, everyone must respect their rights, such as the right to dignity. For example, a live-in caregiver may live at the home of an employer who does not close doors. She may live in a basement where there are no doors or she may sleep with a child. She therefore has no right to privacy. That is an injury to dignity, whereas we do not accept that for other Canadian or Quebec workers.

In terms of fundamental rights, we can also consider the example of the right to religious freedom. Some employers require their employees to work on Sundays, when they must go to church, for example. It is their right to practise their religion. So I'm talking first about fundamental rights. There are also all the other rights.

Based on what you said, you are concerned to see how the program is to absorb the newcomers. I would remind you that there are 200,000 undocumented persons in Canada. To date, Canada has not conducted any massive regularization campaign as there are in Europe and the United States. We also favour approaches that could take into account individuals who are already here and who are contributing to the economy.

Live-in caregivers are not only domestic workers. Their duties range from housekeeping to care for elderly persons who have been forgotten by their own families. They take care of persons with disabilities and even do children's homework. I note that the level required for live-in caregivers in Quebec is 12 years of education. They are also perfectly bilingual, because they have to know both languages. In Quebec, they must take courses in French in order to integrate in society. They must take those courses after their Saturday program, that is during their resting hours. You see the constraints that are placed on them.

It's a matter of semantics, but I remind you that, when you talk about Japanese Canadians or others, they are also Canadian citizens. We could recall the origins of those persons, but, to prove racism, or the absence of racism, perhaps we shouldn't talk about origins, but rather about access to rights. You can very well be a second-generation Canadian, born here, and suffer the existing problems of discrimination. For example, here in the black communities and among the visible minorities, the situation of an eighth generation of descendants of slaves is not always recognized. Moreover, there are no programs to correct the types of discrimination these people face.

● (1450)

**Mr. Luc Harvey:** You talked about fear of reprisals. What are those reprisals? Are they afraid of being sent back to their country if they complain? I'm putting the question to Lisa. You talked about reprisals. What kind of reprisals are they afraid of?

[English]

**Ms. Lisa Montgomery:** As to what types of reprisals people are having, well, they lose their jobs. They're facing racism in the workplace. They're having all kinds of problems with CSST or workmen's compensation. We have cases of women who have injured themselves in the domestic workers program who can't claim CSST, because to whom are they going to complain?

There's real difficulty for these people in accessing the system. It is our belief that if it continues...and with Bill C-50 there's going to be an absolute exacerbation of these problems.

[Translation]

**The Vice-Chair (Mr. Thierry St-Cyr):** Unfortunately, it's the turn of Mr. Telegdi, who has three minutes.

[English]

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

I would revise your numbers on undocumented foreign workers. I think there are probably closer to 500,000 than 250,000.

This is for Mr. Harvey, so he understands.

The problem with the temporary foreign workers, the nannies, and certainly with the undocumented workers is that they totally have no power and they can be abused because they have no power. They can be removed from the country at any particular time.

Unfortunately, we've been dealing with this thing now for.... I've been on this committee for 10 years. Actually, my party, at that time, tried to get me off it, but I wouldn't be moved. But the stories are so much the same. Fundamentally, we have to have immigration policy that lands people, and if they're not landed, it's because their choice is not to be landed.

You take somebody who is good in high-tech, or his or her skills are in real demand. That person has mobility. That person has his or her own power. But to all of a sudden have people who are disposable, it reminds me of what was done way back when the Chinese were brought in to build the railway. We cannot go down this road. I think that is what is so dangerous with this new policy, that we're depending more and more on temporary foreign workers.

Unless you cut me off because I happen to be a Liberal...check the record; I've been fighting for this kind of stuff for a long time, notwithstanding what the powers that be in the party might have to say.

That is the biggest issue we have, and it's so shortsighted. You've all heard of Frank Stronach, of Magna. He would not get into the country today under today's point system. Neither would Frank Hasenfratz, who is the chair of Linamar; and neither would Mike Lazaridis, who invented this BlackBerry.

We have to give our heads a shake and ask, do we want a kind of society where we have people in without their families, with all the stresses that causes, or do we want to build a country that is going to need people at the low end of the job scale as well, just as we need them at the high end? That's the biggest problem I have, when we use people, labour from other countries, and we look upon them as discardable goods. That builds a bad kind of society. There are

enough examples when you look around the world of what it does, and that's the kind of society you have.

I just throw that out for a comment.

● (1455)

[Translation]

**The Vice-Chair (Mr. Thierry St-Cyr):** Unfortunately, there is no time left to answer.

Mr. Carrier, you have three minutes.

**Mr. Robert Carrier:** Thank you.

I very much appreciated your speech, Ms. Osmani, after that of my colleague Mr. Harvey. We're talking here about people who are exploited by our country. There are approximately 500,000 undocumented workers, as Mr. Telegdi mentioned, and we are taking in an increasing number of temporary workers who have no rights. That's what you emphasized, and you mentioned that that's what we must really attack if we are a responsible government. That's what the clause at the end of Bill C-50 refers to. That's really what is critical. I'm going to work so that we can achieve a result.

Going back to the question of live-in caregivers. In other provinces, we were told more about that. Someone pointed out the problem, for families living in a province that does not have an adequate child care system, in having to depend on this kind of worker to provide partial child care.

From a statistical point of view, or based on what you know, is there less demand for live-in caregivers in Quebec, since there is a good child care system there?

**Ms. Samia Ouar:** No, not at all. Quebec innovated again by creating \$5 daycare centres, which is quite interesting and advantageous for families that cannot have access to live-in caregivers. We should not forget the shift to ambulatory care and the social economy market, which is rapidly expanding. The shift to ambulatory care is resulting in the de-institutionalization of sick and elderly patients, who wind up in homes. These individuals have to be taken care of, and the government is turning to the program for live-in caregivers, who earn a much lower wage than qualified workers from Quebec. It is false to say that demand is declining. On the contrary, it is increasing with the years.

**Ms. Farida Osmani:** To give you an order of magnitude, temporary immigrant workers earn minimum wage. Our association conducted a study, and they should be paid between \$13 and \$17 an hour for the duties they perform. We see that they are totally exploited. Even when it is stated in the contract that they must do a particular type of work, that is virtually not complied with because there is always additional work. Sometimes workers simply play on the live-in caregiver's feeling of belonging to the family in order to ask her to do a little more.

**The Vice-Chair (Mr. Thierry St-Cyr):** All right. Thank you very much.

We have one week left in our trip. Before moving on to the last address, I'd like to recognize the work of those persons who help us, as I do every week. I see Diane leaving the room. She works on logistics and won't be back next week. I want to recognize her work as well as that of Bryce and Mona, two of our interpreters who won't be back, if my list is correct. A committee is more than a dozen MPs. It's also a lot of people who work on logistics, translation and a number of other things. We need their work. I wanted to recognize it publicly.

So the last three minutes belong to Mr. Harvey.

• (1500)

**Mr. Luc Harvey:** Ms. Osmani, Ms. Ouar, we are taking note of your seven recommendations for live-in caregivers. They are all the more important since, as we know, the population is aging virtually across Canada. There's also the work that you do with students. You very often babysit children. That's very important, and we are taking note of the seven recommendations that you've made here today.

We're not promising you that we'll solve the problems, but I do promise that I won't be like Ms. Folco. In 10 years, I won't be telling you that we'd think we were still at the same point. I hope we'll be able to do justice to your work.

As for my other friends, I hope we'll be able to make them understand more clearly what Bill C-50 is. Ensuring that someone who works here no longer needs to leave the country to file an immigration application, reducing the cost of an immigration application by half, making the matter easier through all kinds of ways, these are major challenges. There are nearly 500,000 undocumented workers in Canada. These people have nothing, no references; they do not exist, but they are here. As you'll understand, we have to do some housekeeping. I'm obviously not talking about sending them back to their countries, but about regularizing the situation. That's an important challenge, and it's with you that we have to work. You are our partners in this matter. We've come to see you here today because we are aware of the problem. We have to work together to advance this. I take note of that and I want you to be aware of that.

Mr. Henaway, you made some comments. I understand them, but I would like to be able to sit down with you and to explain to you properly what is going on, what our aim is. If my Liberal colleagues and those from the other parties don't agree, they can vote against this bill and defeat it, since our government is a minority government. Everything we're telling you is thus conditional on

the bill's passage. I would appreciate that the truth be told everywhere, and that's the situation.

**The Vice-Chair (Mr. Thierry St-Cyr):** We have time to hear one brief comment.

Mr. Henaway.

[*English*]

**Mr. Mostafa Henaway:** I just want to respond quickly.

There's been a lot of discussion about the complexities of regularizing people. Somehow it seems to be very complicated, yet under the low-skilled pilot project and the temporary foreign worker program, it takes a week to bring somebody here. In five days, with an LMO in a federal job bank, you can bring someone here. But then somehow the issue becomes that it's too complicated to regularize them, or to actually deal with the backlog. Somehow, under the low-skilled pilot project it takes five days, yet we have a 600,000-person backlog.

The other question around that, the other point, is the issue of security checks and family reunification. Somehow, after you're accepted there is no time limit for the background check. So you have families.... I want to speak about the Sri Lankan community. The average is supposed to be eight to twelve months to deal with somewhere around 50% to 60% of the applicants. With the majority of people we see it takes three years and onwards to actually deal with the issue of family reunification and sponsorship.

The role that the security apparatus plays in terms of CSIS being involved in these supposed background checks gives them this unlimited time. It think it's a huge part of this backlog, and that's something that hopefully will be addressed through this committee as well. There are ways to deal with this.

• (1505)

[*Translation*]

**The Vice-Chair (Mr. Thierry St-Cyr):** The committee takes note of your comments. Unfortunately, we have gone well beyond the allotted time.

Thank you very much for taking the time to come and meet with us. This will definitely help us considerably in our discussions and in our report. Thank you very much.

The meeting is adjourned.







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